

Please note that the audio of this public meeting will be recorded and published on Council's website where it will be available for three (3) months, in accordance with Council's decision.



AGENDA

FOR COUNCIL MEETING TO BE HELD ON

28 NOVEMBER 2022 AT 6.30 PM

IN THE COUNCIL CHAMBER, 34 CHURCH STREET, SALISBURY

MEMBERS

Mayor G Aldridge
Cr G Bawden
Cr B Brug
Cr L Brug
Cr C Buchanan
Cr S Burner
Cr J Chewparsad
Cr A Graham
Cr K Grenfell
Cr D Hood
Cr P Jensen
Cr M Mazzeo
Cr S McKell
Cr S Ouk
Cr S Reardon

REQUIRED STAFF

Chief Executive Officer, Mr J Harry
General Manager Business Excellence, Mr C Mansueto
General Manager City Infrastructure, Mr J Devine
General Manager Community Development, Mrs A Pokoney Cramey
General Manager City Development, Ms M English
Manager Governance, Mr R Deco
Team Leader Council Governance, Ms J O'Keefe-Craig
Governance Support Officer, Ms K Boyd

Council Meeting: 28 November 2022

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Deputations

There are no Deputations.

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Petitions

No Petitions have been received.

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There are no Committee Reports.

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Mayor's Diary Report

There is no Mayor's Diary Report.

Reports from Council Representatives

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Questions Without Notice

Motions on Notice

No Motions On Notice have been received.

Motions Without Notice

Other Business

Orders to Exclude the Public

There are no Orders to Exclude the Public.

Close



John Harry
CHIEF EXECUTIVE OFFICER

KAURNA ACKNOWLEDGEMENT

The City of Salisbury acknowledges that we are meeting on the traditional Country of the Kurna people of the Adelaide Plains and pays respect to Elders past and present. We recognise and respect their cultural heritage, beliefs and relationship with the land. We acknowledge that they are of continuing importance to the Kurna people living today.

PRAYER

Father in heaven

We thank you for the wondrous resources of our City, for its people, its environment and its sense of community.

We thank you for the opportunity to now deliberate over how best to help our community.

Please bless that we will respect one another and that we will all do our best to make decisions that will help our community to grow and prosper.

Bless our efforts this day in God's name.

Amen.

APOLOGIES

LEAVE OF ABSENCE

PUBLIC QUESTION TIME

DEPUTATIONS

No Deputations have been received.

PRESENTATION OF MINUTES

Presentation of the Minutes of the Council Meeting held on 24 October 2022.

PETITIONS

No Petitions have been received.

COMMITTEE REPORTS

There are no Committee Reports.

GENERAL BUSINESS REPORTS

GB1	Local Government Election Results 2022
AUTHOR	Joy O’Keefe-Craig, Team Leader Council Governance, CEO and Governance
CITY PLAN LINKS	4.5 We engage meaningfully and our community is aware of Council initiatives
SUMMARY	This report presents the results of the 2022 Local Government election for the City of Salisbury.

RECOMMENDATIONThat Council:

1. Notes the report.

ATTACHMENTS

This document should be read in conjunction with the following attachments:

1. 2022 Council Election Results

1. BACKGROUND

- 1.1 The *Local Government (Elections) Act 1999* provides that a Council must conduct a general election every 4 years. This is an important democratic process which provides the community the opportunity to determine which candidates they would like to represent their interests on Council.
- 1.2 To encourage participation at the 2022 Council Elections the Electoral Commission (SA) ECSA and the LGA ran a combined advertising campaign in an effort to increase participation. In addition, the City of Salisbury ran a comprehensive advertising campaign, including but not limited to, hardcopy flyers and targeted social media. The key message for the 2022 Local Government election was promoted in three phases: Enroll, Nominate and Vote and continually reinforce the “vote” message.

2. CONSULTATION / COMMUNICATION

- 2.1 External
 - 2.1.1 The community of Salisbury were engaged via active marketing and communication to participate in the election process.

3. REPORT

- 3.1 Telephone assisted voting was a new initiative that was implemented for the 2022 Local Government Elections. This initiative was available to blind and low vision electors as well as those electors who are interstate or overseas. The telephone voting service was available from Monday 17 October to Thursday 10 November 2022. This was the first time telephone voting has been used in state or local government elections in South Australia.
- 3.2 Postal voting packs were issued to 1,243,661 eligible electors across South Australia. Efforts to increase participation contributed to a rise in participation in the City of Salisbury with 32,361 voting packs returned (32.93% compared with 26,100 (27.8%) in 2018. The returns per Ward for 2022 are included in the table below.
- 3.3 The election results for the City of Salisbury are included as attachment 1 to this report.

Ward	Ballots Returned	Percentages
Central Ward	4,774	32.97
East Ward	4,131	28.89
South Ward	4,123	31.30
Hills Ward	3,923	29.84
Para Ward	5,588	37.97
North Ward	4,782	33.38
West Ward	5,040	34.50
Total	32,361	32.93

4. CONCLUSION / PROPOSAL

- 4.1 The Local Government Elections require coordination and collaboration between LGA, ECSA and councils to ensure a strong campaign. This supports and promotes the key objectives to build community awareness and participation in Local Government Elections. The rise in voter participation within the City of Salisbury demonstrates that this was successful.



17/11/2022

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Dear Mr Harry

Re: 2022 Council Election Results

In accordance with section 50 of the *Local Government (Elections) Act 1999* (the Act), I enclose the results for the November 2022 council elections.

The council elections were conducted by post and telephone assisted voting for blind and low vision electors, and electors who are interstate or overseas. Voting material comprising of ballot papers, candidate profiles, a postal voting guide, a ballot paper envelope containing the elector's declaration and return envelope was sent to electors, bodies corporate and groups whose names appeared on the certified voters roll.

Voting closed at 5pm on Thursday 10 November with the scrutiny and count commencing at 9am on Saturday 12 November 2022 at Council Chamber, 34 Church St, Salisbury 5108.

In accordance with section 50 of the Act, I, Mick Sherry, Returning Officer, confirm the provisional declarations and certify the results for the following elections, with the following candidates being elected:

Mayor
ALDRIDGE, Gillian

Vacancies 1
Elected 1

Councillor for Central Ward
BUCHANAN, Chad
BURNER, Severina

Vacancies 2
Elected 1
Elected 2

Councillor for East Ward
MAZZEO, Moni
CHEWPARSAD, Johnny

Vacancies 2
Elected 1
Elected 2

Councillor for South WardGRAHAM, Alan
BRUG, LaurenVacancies 2
Elected 1
Elected 2**Councillor for Hills Ward**JENSEN, Peter
REARDON, ShiraleeVacancies 2
Elected 1
Elected 2**Councillor for Para Ward**OUK, Sarah
GRENFELL, KylieVacancies 2
Elected 1
Elected 2**Councillor for North Ward**HOOD, David
BAWDEN, Grace KatherineVacancies 2
Elected 1
Elected 2**Councillor for West Ward**BRUG, Beau
McKELL, SharonVacancies 2
Elected 1
Elected 2

All candidates will be notified in writing of the results of the elections. Copies of the reports and copies of the full scrutiny and count details are available on the ECSA website.

Yours sincerely

Mick Sherry
RETURNING OFFICER

GB2**Appointment of Deputy Mayor****AUTHOR**

Rudi Deco, Manager Governance, CEO and Governance

CITY PLAN LINKS

4.2 We deliver quality outcomes that meet the needs of our community

4.1 Members of our community receive an exceptional experience when interacting with Council

SUMMARY

This report seeks the appointment of a Deputy Mayor, pursuant to section 51(3) of the *Local Government Act 1999*.

RECOMMENDATIONThat Council:

1. Appoints[insert name Elected Member] to the position of Deputy Mayor pursuant to section 51(3) of the *Local Government Act 1999*, for the Council term.

ATTACHMENTS

There are no attachments to this report.

1. BACKGROUND

1.1 Traditionally, the City of Salisbury appoints a Deputy Mayor.

1.2 In the absence of the Mayor, the Deputy Mayor may act in the office of Mayor.

2. CITY PLAN CRITICAL ACTION

2.1 Not applicable

3. CONSULTATION / COMMUNICATION

3.1 Not applicable

4. REPORT

4.1 Pursuant to section 51(3) of the *Local Government Act 1999*, Council may resolve to have a Deputy Mayor.

4.2 In accordance with Determination No 2 (2022) of the South Australian Remuneration Tribunal, the annual allowance for a Councillor who is a Deputy Mayor will be equal to one and a quarter (1.25) times the annual allowance for Councillors (\$25,838 x 1.25 = \$32,297.50).

For the purpose of this clause, the level of allowance is payable at a maximum of 1.25 times only and does not multiply for each of the qualifying criteria, in other words, you can only receive one increase in allocation irrespective of the number of additional positions.

- 4.3 In context of the remuneration, the nominated Elected Member for the position of Deputy Mayor will have to declare a material conflict of interest pursuant to section 75 of the *Local Government Act 1999* and vacate the room for the deliberation and the vote.

5. CONCLUSION / PROPOSAL

- 5.1 Consistent with historical practice at the City of Salisbury, Council is asked to consider the appointment of a Deputy Mayor, pursuant to section 51(3) of the *Local Government Act 1999*.

GB3**Council and Committee Governance Structure****AUTHOR**

Rudi Deco, Manager Governance, CEO and Governance

CITY PLAN LINKS

4.2 We deliver quality outcomes that meet the needs of our community

SUMMARY

The outgoing Council recommended at its 24 October 2022 meeting the adoption by the new incoming Council of the Council and Committee Governance Structure as included in Attachment 2. Council is asked to consider the new Governance Structure, the Meeting Schedule, the Terms of Reference for its new Committees and Sub Committees, and the appointment of membership, including Presiding Members and Deputy Presiding Members. It is suggested the recommendations be taken in parts from recommendation 7 up to 20, to allow for conflicts of interest to be considered.

RECOMMENDATIONThat Council:

1. Notes the Council and Committee Governance Structure recommendation from the outgoing Council as resolved at its meeting on 24 October 2022.
2. Adopts the Council and Committee Governance Structure as included in Attachment 2 (Council, 28 November 2022, Item No GB3), for the new Council term, and commencing January 2023, noting Council can during its term and by resolution amend this structure to suit any future needs, and

establishes the following Committees pursuant to section 41 of the *Local Government Act 1999 (the Act)* as follows:

Strategic & Policy

2.1 Policy and Planning Committee, full membership of Council, meeting monthly

2.1.1 Youth Council Sub Committee, up to 3 Elected Members plus Mayor ex officio, meeting every 2 months with additional external positions as per Youth Council Terms of Reference

2.1.2 Intercultural Strategy and Partnerships Sub Committee, 5 Elected Members plus Mayor ex officio, meeting every 2 months

2.2 Innovation and Business Development Committee, 7 Elected Members plus Mayor ex-officio, meeting every 2 months

2.2.1 Sustainability Sub Committee, 5 Elected Members plus Mayor ex-officio, meeting every 2 months

Governance & Corporate Support

2.3 Finance and Corporate Services Committee, full membership of Council, meeting monthly

2.4 Governance and Compliance Committee, 7 Elected Members plus Mayor ex officio, meeting every 2 months

Delivery

2.5 Community Wellbeing and Sport Committee, 7 Elected Members plus Mayor ex officio, meeting monthly

2.5.1 Salisbury Living Sub Committee, 5 Elected Members plus Mayor ex-officio, meeting monthly

2.6 Urban Services Committee, 7 Elected Members plus Mayor ex officio, meeting monthly

2.6.1 Tree Management Appeals Sub Committee, 4 Elected Members plus Mayor ex officio, meeting monthly

2.6.2 Asset Management Sub Committee, 6 Elected Members plus Mayor ex officio, meeting monthly

Statutory

2.7 CEO Review Committee, pursuant to s102A of the Act, 5 Elected Members including the Mayor and Deputy Mayor, meeting quarterly

2.8 Audit and Risk Committee pursuant to s126 of the Act, 2 Elected Members, meeting quarterly or as per adopted work plan

3. Approves for ordinary Council meetings to take place at the Salisbury Community Hub, 34 Church Street Salisbury at 6.30pm every 4th Monday of the month, or following day if a public holiday, except the December meeting which will take place the 3rd Monday of the month.
4. Approves Committee and Sub Committee meetings to take place at the Salisbury Community Hub, 34 Church Street Salisbury from 6.30pm onwards (except for Youth Council which will take place at 5.30pm), and subject to the Chief Executive Officer's determination to set or vary the scheduling of Committee and Sub Committee meetings as required and in context of business needs, in consultation with the respective Presiding Member.
5. Notes that pending Council's decisions on the Governance Structure, Administration will prepare optimal scheduling of the required meetings, and present a proposed meeting schedule at the next Council meeting.
6. Adopts the **Terms of Reference** for the Committees and Sub Committees incorporated in the Council and Committee Governance Structure as included in Attachments 3 up to 16.
7. Appoints all Elected Members to the **Policy and Planning Committee** and as the Presiding Member and as the Deputy Presiding Member for the Council term.
8. Appoints.....[insert 7 names of Elected Members] to the **Innovation and Business Development Committee** and as the Presiding Member and as the Deputy Presiding Member for the Council term.
9. Appoints all Elected Members to the **Finance and Corporate Services Committee** and as the Presiding Member and as the Deputy Presiding Member for the Council term.

10. Appoints.....[insert names of 7 Elected Members] to the **Governance and Compliance Committee** and as the Presiding Member and as the Deputy Presiding Member for the Council term.
11. Appoints.....[insert 7 names of Elected Members] to the **Community Wellbeing and Sport Committee** and as the Presiding Member and as the Deputy Presiding Member for the Council term.
12. Appoints.....[insert 7 names of Elected Members] to the **Urban Services Committee** and as the Presiding Member and as the Deputy Presiding Member for the Council term.
13. Appoints.....[insert 2 names of Elected Members] to the **Audit and Risk Committee** and[Elected Member or independent member] as the Presiding Member and[Elected Member or independent member] as the Deputy Presiding Member for the Council term.
14. Appoints the Mayor, the Deputy Mayor and[insert names of 3 additional Elected Members] to the **CEO Review Committee** and the Mayor as the Presiding Member and the Deputy Mayor as the Deputy Presiding Member for the Council term.
15. Appoints.....[insert up to 3 names of Elected Members] to the **Youth Council Sub Committee** and Sofina Le [current Youth Council external Member and Presiding Member] as the Presiding Member and Zamda Omba [current Youth Council Deputy Presiding Member] as the Deputy Presiding Member up to and including February 2024.
16. Appoints.....[insert 5 names of Elected Members] to the **Intercultural Strategy and Partnerships Sub Committee** and as the Presiding Member and as the Deputy Presiding Member for the Council term.
17. Appoints.....[insert 5 names of Elected Members] to the **Sustainability Sub Committee** and as the Presiding Member and as the Deputy Presiding Member for the Council term.
18. Appoints.....[insert 5 names of Elected Members] to the **Salisbury Living Sub Committee** and as the Presiding Member and as the Deputy Presiding Member for the Council term.
19. Appoints.....[insert 4 names of Elected Members] to the **Tree Management Appeals Sub Committee** and as the Presiding Member and as the Deputy Presiding Member for the Council term.
20. Appoints.....[insert 6 names of Elected Members] to the **Asset Management Sub Committee** and as the Presiding Member and as the Deputy Presiding Member for the Council term.

ATTACHMENTS

This document should be read in conjunction with the following attachments:

1. Current Governance Structure
2. Proposed Governance Structure
3. Terms of Reference - Policy and Planning Committee
4. Terms of Reference - Innovation and Business Development Committee

5. Terms of Reference - Finance and Corporate Services Committee
6. Terms of Reference - Governance and Compliance Committee
7. Terms of Reference - Community Wellbeing and Sport Committee
8. Terms of Reference - Urban Services Committee
9. Terms of Reference - CEO Review Committee
10. Terms of Reference - Audit and Risk Committee
11. Terms of Reference - Youth Council Sub Committee
12. Terms of Reference - Intercultural Strategy and Partnerships Sub Committee
13. Terms of Reference - Sustainability Sub Committee
14. Terms of Reference - Salisbury Living Sub Committee
15. Terms of Reference - Tree Management Appeals Sub Committee
16. Terms of Reference - Asset Management Sub Committee

1. BACKGROUND

- 1.1 Pursuant to section 81 of the *Local Government Act 1999*, (the Act), the Chief Executive Officer (CEO) must after the general election appoint the time and place at which the first ordinary meeting of Council will be held. From there, ordinary Council meetings will be held at times and places appointed by a resolution of Council (or in the absence of a resolution, continue to be appointed by the CEO).
- 1.2 The Act provides – as a minimum – that there must be at least one ordinary Council meeting in each month.
- 1.3 The Act also provides for the ability for Council to establish a Committee(s). There is no statutory requirement to establish a Committee(s) (except for the Audit and Risk Committee, which since Local Government Reform is a mandatory Committee, and the Council Assessment Panel which operates under the *Planning, Development and Infrastructure Act 2016*).
- 1.4 Pursuant to section 41 of the Act, a Committee may be established by Council:
 - a) To assist in the performance of Council’s functions: e.g. to carry out a project, oversee works, or administer property or activities on behalf of Council;
 - b) To inquire into and report to the Council on matters within the ambit of the Council’s responsibilities;
 - c) To provide advice to the Council; or
 - d) To exercise, perform or discharge delegated powers, functions or duties.
- 1.5 The Membership of a Committee is to be determined by the Council.
- 1.6 A Committee may establish a subcommittee to assist in a matter (s41(7) of the Act).
- 1.7 When establishing a Committee, Council must determine reporting and other accountability requirements applying to the Committee (s41(8) of the Act), which are typically included in the Terms of Reference.
- 1.8 The establishment of a Committee does not derogate from the power of the Council to act in a matter.

- 1.9 Section 90A of the Act provides for the ability to hold CEO Briefing sessions or workshops (not being a formal meeting of Council or Committee) for the purpose of providing information or a briefing to Elected Members. At such a session, matters can't be dealt with in such a way as to obtain, or effectively obtain, a decision on the matter outside a formal meeting of the Council or Council Committee.
- 1.10 A Governance Structure is the decision-making structure of Council (not to be confused with the organisational structure of Council's Administration, which is a statutory CEO responsibility).
- 1.11 Local government operates under various governance structures and from time to time councils change these throughout the term to better suit their specific operational and strategic needs. A good working Governance Structure is what works best to meet the specific needs of Elected Members and is most effective and efficient for each individual council in supporting its informed decision making.
- 1.12 Council can at any time amend its Governance Structure by resolution, to suit any future needs.
- 1.13 The most recent Governance Structure included Council, 8 Committees, 7 Sub Committees, and the statutory Council Assessment Panel (refer Attachment 1).
- 1.14 Consistent with historical practice, Council resolved at its 22 August 2022 Council meeting to establish a CEO Working Group, consisting of the Mayor, the Deputy Mayor, Cr G Reynolds, the CEO and the Manager Governance, to review and consider a proposed decision-making Governance Structure.
- 1.15 At its 24 October 2022 Council meeting, Council received the CEO Working Group's recommendations and resolved that it:
 - 1. Approves to recommend to the new incoming Council a new Council and Committee Governance Structure as reflected in Attachment 1 (Council, 24 October 2022, Item No. GB5) incorporating the following:*
 - a. Maintaining the current Council and Committee Governance Structure with the following amendments:*
 - i. the creation of a new Sustainability Sub Committee, supporting the Innovation and Business Development Committee;*
 - ii. Cessation of the Para Hills and Burton Community Hub as a formal section 41 Local Government Act 1999 Sub Committee and transition of these into a different governing model outside the formal section 41 structure;*
 - iii. Changing the reporting line of the current Strategic Property Development Sub Committee from the Innovation and Business Development Committee to the Community Wellbeing and Sport Committee, in context of a broader community focus, and renaming this Sub Committee to "Salisbury Living Sub Committee" to reflect its key focus.*
 - iv. Consideration for some of the Committees and Sub Committees to meet bi-monthly instead of monthly, in context of work load, as the new incoming Council sees fit.*

2. CITY PLAN CRITICAL ACTION

2.1 Not applicable

3. CONSULTATION / COMMUNICATION

3.1 Not applicable

4. REPORT

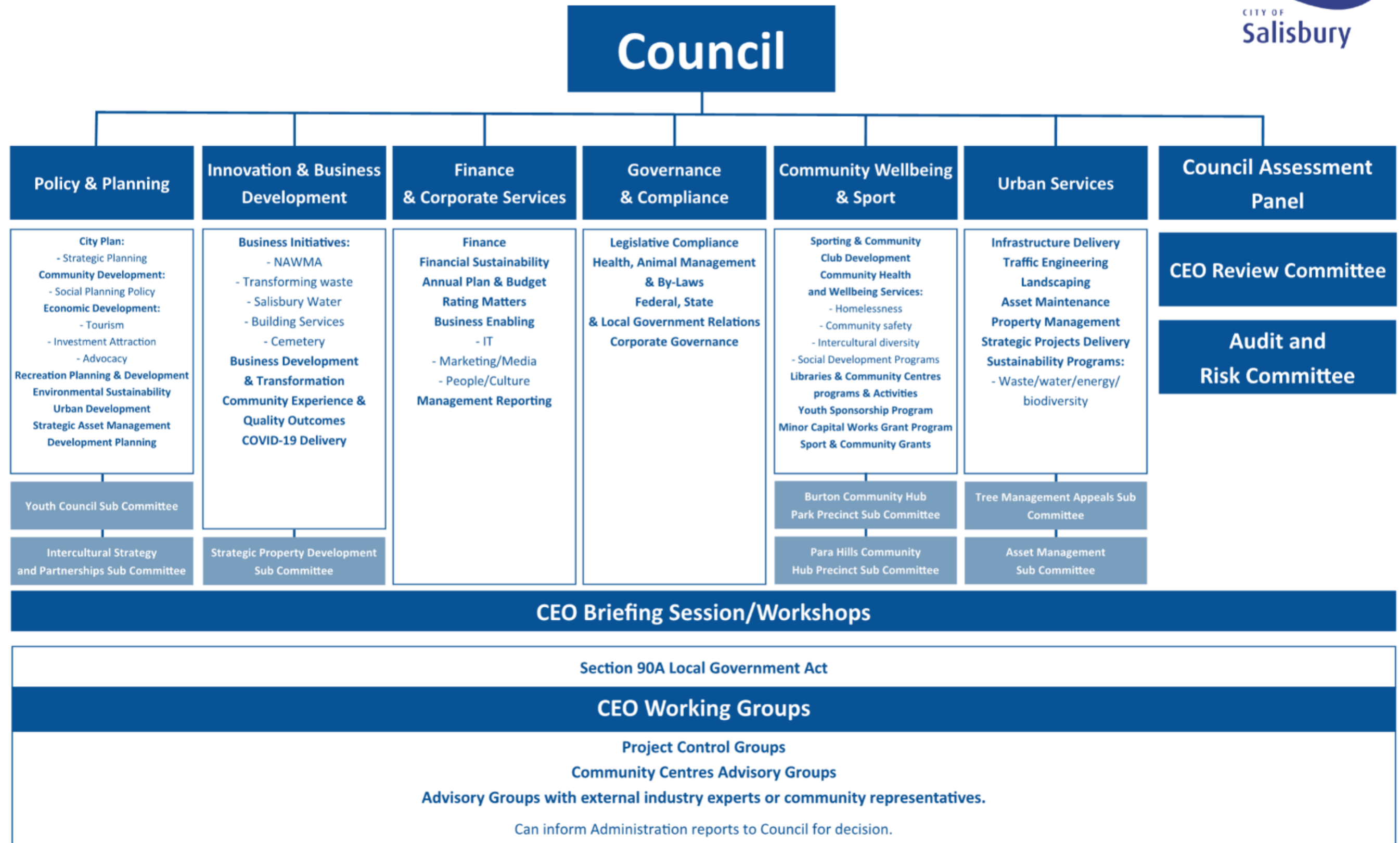
- 4.1 Whilst bench marking with other councils could inform some options, it is to be noted that each council has different needs. It is acknowledged that there is no best practice model; consideration is to be given to what's most effective and efficient for each individual Council and what meets the specific needs of Elected Members as a collective.
- 4.2 Consideration is also to be given to statutory changes as part of Local Government Reform, as well as the findings of a previous Independent Commission Against Corruption (ICAC) [review](#) on governance matters, which included specific focus on whether the work and average meeting duration of a Committee justifies the expenses associated with its establishment.
- 4.3 Under the most recent Council Governance Structure, a typical month would see a cycle of up to 8 weekday evening meeting commitments for Elected Members, Executive and relevant staff:
- Week 1: CEO Briefing Session/Workshop (Monday and/or Tuesday)
 - Week 2: Sub committees with limited or no delegation, recommending to the relevant Committee (Monday and Tuesday)
 - Week 3: Committees with limited or no delegation, recommending to the Council (Monday and Tuesday)
 - Week 4: Council meeting (statutory requirement to hold once a month; held on Monday) and statutory CAP meeting (Tuesday)
- 4.4 The Elected Members of the CEO Working Group agreed that the current Council and Committee Governance Structure is working relatively well.
- 4.5 It was acknowledged that some opportunities exist for further fine-tuning to align with current context and Council needs.
- 4.6 The CEO Working Group proposed to maintain the current structure (Attachment 1) with the following minor amendments for recommendation to the new incoming Council for decision:
- The creation of a new Sustainability Sub Committee, supporting the Innovation and Business Development Committee;
 - Cessation of Para Hills Community Hub Sub Committee and Burton Community Hub Sub Committee in its capacity as formal section 41 *Local Government Act 1999* Sub Committees and transition of these into a different governing model outside the formal section 41 structure.

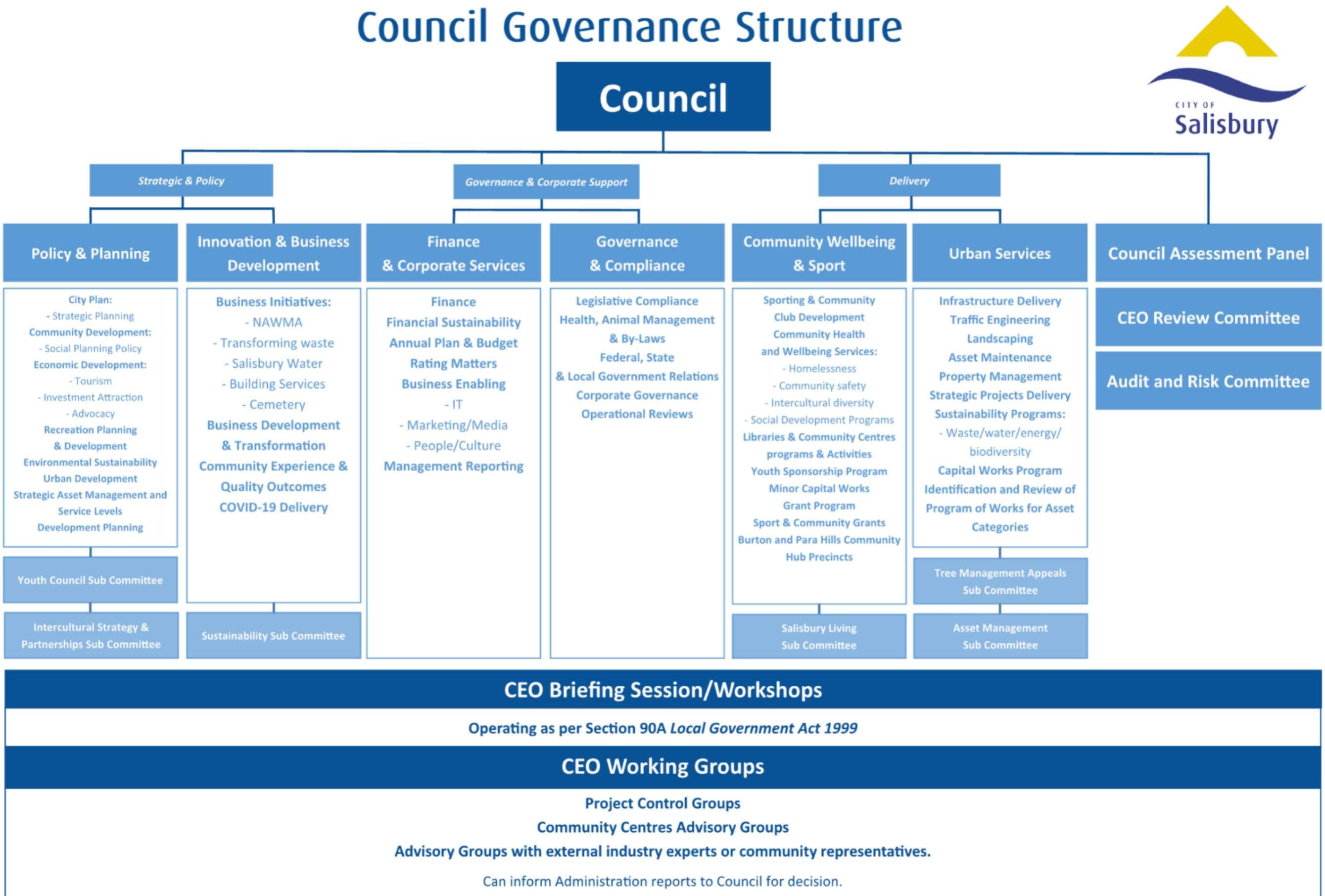
- Changing the reporting line of the current Strategic Property Development Sub Committee from the Innovation and Business Development Committee to the Community Wellbeing and Sport Committee, in context of a broader community focus, and renaming this Sub Committee to “Salisbury Living Sub Committee” to reflect its key focus.
 - Consideration for some of the Committees and Sub Committees to meet bi-monthly instead of monthly, in context of work load, as the new incoming Council sees fit.
- 4.7 Pursuant to section 41(4) of the Act, the Council must appoint a person as the Presiding Member of a (Sub) Committee.
- 4.8 Remuneration for Presiding Members and Deputy Presiding Members is set by the Remuneration Tribunal. The annual allowance for a Councillor who is a Deputy Mayor, or the Presiding Member of a prescribed committee or more than one prescribed committees established by a council, will be equal to one and a quarter (1.25) times the annual allowance for councillors of that council.
- The level of allowance is payable at a maximum of 1.25 times only and does not multiply for each of the qualifying criteria (i.e. you can only receive the additional allowance once, even if appointed to multiple positions).
- 4.9 As a result of the remuneration, the nominated Elected Member for the position of Presiding Member must declare a material conflict of interest pursuant to section 75 of the Act, and vacate the meeting room for the consideration and decision on their respective appointment.
- 4.10 Remuneration is now also applicable for the position of Deputy Presiding Member. A Deputy Presiding Member who undertakes the duties of a Presiding Member of a committee for a minimum period of one month can receive the Presiding Member allowance for the entirety of the time they undertake those expanded duties. Hence a general conflict of interest pursuant to section 74 of the Act is applicable for reason of being nominated for the Deputy Presiding Member position. The Member must deal with the general conflict of interest in a transparent and accountable way, noting that non-participation by vacating the room is not the only available option.
- 4.11 Previously the position of Deputy Presiding Member was appointed by the respective (sub-) Committee, under its terms of reference. However, in context of this position now being remunerated if undertaking the duties of a Presiding Member of a Committee for a minimum period of one month, it is appropriate for the appointment to be made by Council resolution.
- 4.12 When establishing a (Sub-) Committee, Council must determine reporting and other accountability requirements, which are typically included in the Terms of Reference. The Terms of Reference can be updated or amended by Council as it sees fit.

5. CONCLUSION / PROPOSAL

- 5.1 The outgoing Council recommended at its 24 October 2022 meeting the adoption by the new incoming Council of the Council and Committee Governance Structure as included in Attachment 2. Council is asked to consider the new Governance Structure, the Meeting Schedule, the Terms of Reference for its new Committees and Sub Committees, and the appointment of Members, Presiding Members and Deputy Presiding Members.
- 5.2 Pending Council's decisions on the Governance Structure, Administration will prepare optimal scheduling of the required meetings, and present a proposed meeting schedule at the next Council meeting.
- 5.3 It's suggested for the recommendations to be taken in parts from recommendation 7 up to 20, to allow for conflicts of interest to be considered.

Council Governance Structure







Policy and Planning Committee

Terms of Reference

Adopted by Council:	26 October 2020 (0715/2020) Amended 27 September 2021 (1098/2021)	Review Date:	November 2026
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1. Establishment

- 1.1 Pursuant to section 41 of the *Local Government Act 1999* (the Act) the Council establishes a committee to be known as the **Policy and Planning Committee** ("the Committee").
- 1.2 The Committee will exist for the term of the Council or unless resolved otherwise by the Council.
- 1.3 The Committee is established as a Standing Committee within the Council's governance framework.

2. Functions and Responsibilities

- 2.1 The Committee is established to assist the Council in the performance of the following functions:
- 2.2 The Committee oversees the development and facilitation of strategic partnerships, the development, review and amendments of Council policies, plans, strategies and the development and review of strategic policies and procedures affecting the future development of the City by advising Council on:
 - City Plan - Strategic Planning
 - Community Development- Social Planning Policy
 - Economic Development
 - Tourism
 - Investment Attraction
 - Advocacy
 - Recreation Planning and Development
 - Environmental Sustainability
 - Urban Development
 - Strategic Asset Management
 - Development Planning
- 2.3 The Committee will take into consideration both the risk and the opportunities of matters considered, so as to enable Council to act as an informed and responsible decision maker representing the interests of the community.

3. Authority

- 3.1 The Committee's powers are limited to advising the Council by making recommendations.
- 3.2 All decisions of the Committee will, therefore, constitute recommendations to the Council.



Policy and Planning Committee

Terms of Reference

Adopted by Council:	26 October 2020 (0715/2020) Amended 27 September 2021 (1098/2021)	Review Date:	November 2026
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4. Membership

- 4.1 The membership of the Committee comprises all Elected Members.
- 4.2 Membership continues for the term of the Committee unless a member resigns from the Committee or is removed earlier by resolution of Council.
- 4.3 All members must attend meetings of the Committee and, where unable to do so, must provide an apology prior to the meeting.
- 4.4 Proxy membership is not permitted.
- 4.5 The appointment of the Presiding Member and Deputy Presiding Member will be made by the Council for a term determined by the Council.

5. Meetings

- 5.1 Meetings of the Committee will be held in the Council Offices at 34 Church Street, Salisbury, in the Council/Committee Rooms. Meetings will occur monthly or as required.
- 5.2 In the event that a meeting falls on a public holiday, the meeting will convene on the next business day in that same week.
- 5.3 In accordance with section 87 of the *Local Government Act 1999* (the Act), a minimum of three clear days' notice of an ordinary meeting of the Committee will be provided to members of the Committee.
- 5.4 Public notice of meetings will be given through publication of the meeting schedule on the City of Salisbury website. A copy of the Notice of the Meeting will be displayed publicly at the Council's Community Hub.

6. Quorum

- 6.1 A quorum shall be determined by dividing the total number of Elected Members (excluding the Mayor as ex officio) of the Committee by two (ignoring any fractions) and adding one. For example, for a committee comprising of fifteen (15) members, the quorum is eight (8).
- 6.2 Elected Members who are suspended from office and those granted a leave of absence under Section 55A of the *Local Government Act 1999*, are not to be counted in the total number of Members of the Council when calculating the prescribed number of Elected Members that constitutes a quorum.



Policy and Planning Committee

Terms of Reference

Adopted by Council:	26 October 2020 (0715/2020) Amended 27 September 2021 (1098/2021)	Review Date:	November 2026
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7. Meeting Procedures

- 7.1 All meetings will be held in accordance with the Act and the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations) and the *City of Salisbury Code of Practice for Meeting Procedures*.
- 7.2 Where the Act, the Regulations or these Terms of Reference do not prescribe the procedure to be observed in relation to the Committee, the Committee may determine its own procedure.

8. Voting

- 8.1 All members of the Committee have equal voting rights and each member of the Committee present at a meeting will have one vote.
- 8.2 Each member must vote on a question arising for decision, except when a conflict of interest is declared.
- 8.3 The Presiding Member has a deliberative vote only and does not, in the event of an equality of votes, have a casting or second vote.
- 8.4 In the event of an equality of votes, the Committee has not made a decision on that item, which will then be referred to the Council for decision.

9. Minutes and Documents

- 9.1 Minutes and documents will be managed in accordance with Regulation 25 – *Local Government (Procedures at Meetings) Regulations 2013* and the *City of Salisbury Code of Practice for Access to Meetings and Documents*.
- 9.2 Minutes will be kept of the proceedings at each Committee meeting. Members of the Committee will be provided with a copy of all minutes of the proceedings of the Committee within (5) five days after a Committee meeting.
- 9.3 The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting.
- 9.4 Members of the public are entitled to access all documents received at a meeting of the Committee unless it is resolved to be confidential under the *Local Government Act 1999*.

10. Reporting

- 10.1 The Committee reports directly to the Council.
- 10.2 Decisions made by the Committee will be referred to the next Council meeting, presented as Committee recommendations to Council.



Innovation and Business Development Committee

Terms of Reference

Adopted by Council:	26 October 2020 (0715/2020) Amended 27 September 2021 (1098/2021)	Review Date:	November 2026
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1. Establishment

- 1.1 Pursuant to section 41 of the *Local Government Act 1999* (the Act) the Council establishes a committee to be known as the **Innovation and Business Development Committee** ("the Committee").
- 1.2 The Committee will exist for the term of the Council or unless resolved otherwise by the Council.
- 1.3 The Committee is established as a Standing Committee within the Council's governance framework.

2. Functions and Responsibilities

- 2.1 The Innovation and Business Development Committee is charged with providing advice to the Council in identifying economic development opportunities, improving the services provided to the community, and overseeing the following functions:
 - Business Initiatives
 - NAWMA
 - Transforming waste
 - Salisbury Water
 - Building Services
 - Cemetery
 - Business Development & Transformation
 - Community Experience & Quality Outcomes
- 2.2 The Innovation and Business Development Committee will take into consideration both the risk and the opportunities of matters considered, so as to enable Council to act as an informed and responsible decision maker representing the interests of the community.

3. Authority

- 3.1 The Committee's powers are limited to advising the Council by making recommendations.
- 3.2 All decisions of the Committee will, therefore, constitute recommendations to the Council.

4. Membership

- 4.1 The Committee comprises one (1) Ward Councillor from each Ward of the City of Salisbury, being seven (7) Elected Members plus the Mayor ex officio.
- 4.2 Membership continues for the term of the Committee unless a member resigns from the Committee or is removed earlier by resolution of Council.
- 4.3 All members must attend meetings of the Committee and, where unable to do so, must provide an apology prior to the meeting.



Innovation and Business Development Committee

Terms of Reference

Adopted by Council:	26 October 2020 (0715/2020) Amended 27 September 2021 (1098/2021)	Review Date:	November 2026
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- 4.4 The appointment of the Presiding Member and Deputy Presiding Member will be made by the Council for a term determined by the Council.

5. Meetings

- 5.1 Meetings of the Committee will be held in the Council Offices at 34 Church Street, Salisbury, in the Council/Committee Rooms.
- 5.2 In the event that a meeting falls on a public holiday, the meeting will convene on the next business day in that same week.
- 5.3 In accordance with section 87 of the *Local Government Act 1999 (the Act)*, a minimum of three clear days' notice of an ordinary meeting of the Committee will be provided to members to the Committee.
- 5.4 Public notice of meetings will be given through publication of the meeting schedule on the City of Salisbury website. A copy of the Notice of Meeting will be displayed publicly at the Council's Community Hub.

6. Quorum

- 6.1 A quorum shall be determined by dividing the total number of Elected Members (excluding the Mayor as an ex officio) of the committee by two (ignoring any fractions) and adding one. For a committee comprising seven (7) members, the quorum is four (4).
- When the Mayor, as an ex officio member, is in attendance at the Committee meeting, the quorum requirement is five (5).
- 6.2 Elected Members who are suspended from office and those granted a leave of absence under Section 55A of the *Local Government Act 1999*, are not to be counted in the total number of Members of the Council when calculating the prescribed number of Elected Members that constitutes a quorum.

7. Meeting Procedures

- 7.1 All meetings will be held in accordance with the Act and the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations) and the *City of Salisbury Code of Practice for Meeting Procedures*.
- 7.2 Where the Act, the Regulations or these Terms of Reference do not prescribe the procedure to be observed in relation to the conduct of the meeting of the Community Wellbeing and Sport Committee, the Committee may determine its own procedure.



Innovation and Business Development Committee

Terms of Reference

Adopted by Council:	26 October 2020 (0715/2020) Amended 27 September 2021 (1098/2021)	Review Date:	November 2026
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8. Voting

- 8.1 All members of the Committee have equal voting rights and each member of the Committee present at a meeting will have one vote.
- 8.2 Each Member must vote on a question arising for a decision, except when a conflict of interest is declared.

9. Minutes and Documents

- 9.1 Minutes and documents will be managed in accordance with Regulation 25 – Local Government (Procedures at Meetings) Regulations 2013 and the *City of Salisbury Code of Practice for Access to Meetings and Documents*.
- 9.2 Minutes will be kept of the proceedings at each Committee meeting. Members of the Council will be provided with a copy of all minutes of the proceedings of the Committee within (5) five days after a Committee meeting.
- 9.3 The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting.
- 9.4 Members of the public are entitled to access all documents received at a meeting of the Committee unless it is resolved to be confidential under the Local Government Act 1999.

10. Reporting

- 10.1 The Committee reports directly to the Council.
- 10.2 Decisions made by the Committee will be referred to the next Council meeting, presented as Committee recommendations to Council.



Finance and Corporate Services Committee

Terms of Reference

Adopted by Council:	26 October 2022 (0715/2020) Amended 27 September 2021 (1098/2021) Amended 28 November 2022	Review Date:	November 2026
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1. Establishment

- 1.1 Pursuant to section 41 of the *Local Government Act 1999* (the Act) the Council establishes a committee to be known as the **Finance and Corporate Services Committee** ("the Committee").
- 1.2 The Committee will exist for the term of the Council or unless resolved otherwise by the Council.
- 1.3 The Committee is established as a Standing Committee within the Council's governance framework.

2. Functions and Responsibilities

- 2.1 The Committee is established to assist the Council in the performance of the following functions:
 - Finance
 - Financial Sustainability
 - Annual Plan & Budget
 - Rating Matters
 - Business Enabling
 - IT
 - Marketing/Media
 - People/Culture
 - Management Reporting
- 2.2 The Committee will take into consideration both the risk and the opportunities of matters considered, so as to enable Council to act as an informed and responsible decision maker representing the interests of the community.

3 Authority

- 3.1 The Committee's powers are limited to advising the Council by making recommendations.
- 3.2 All decisions of the Committee will, therefore, constitute recommendations to the Council.



Finance and Corporate Services Committee

Terms of Reference

Adopted by Council:	26 October 2022 (0715/2020) Amended 27 September 2021 (1098/2021) Amended 28 November 2022	Review Date:	November 2026
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4 Membership

- 4.1 Membership of the Committee comprises all Elected Members.
- 4.2 Membership continues for the term of the Committee unless a member resigns from the Committee or is removed earlier by resolution of Council.
- 4.3 All members must attend meetings of the Committee and, where unable to do so, must provide an apology prior to the meeting.
- 4.4 Proxy membership is not permitted.
- 4.5 The appointment of the Presiding Member and Deputy Presiding Member will be made by the Council for a term determined by the Council.

5 Meetings

- 5.1 Meetings of the Committee will be held in the Council Offices at 34 Church Street, Salisbury, in the Council/Committee Rooms. Meetings will occur monthly or as required.
- 5.2 In the event that a meeting falls on a public holiday, the meeting will convene on the next business day in that same week.
- 5.3 In accordance with section 87 of the *Local Government Act 1999* (the Act), a minimum of three clear days' notice of an ordinary meeting of the Committee will be provided to members of the Committee.
- 5.4 Public notice of meetings will be given through publication of the meeting schedule on the City of Salisbury website. A copy of the Notice of the Meeting will be displayed publicly at the Council's Community Hub.

6. Quorum

- 6.1 A quorum shall be determined by dividing the total number of Elected Members (excluding the Mayor as ex officio) of the Committee by two (ignoring any fractions) and adding one. For example a committee comprising of fifteen (15) members, the quorum is eight (8).
- 6.2 Elected Members who are suspended from office and those granted a leave of absence under Section 55A of the *Local Government Act 1999*, are not to be counted in the total number of Members of the Council when calculating the prescribed number of Elected Members that constitutes a quorum.



Finance and Corporate Services Committee

Terms of Reference

Adopted by Council:	26 October 2022 (0715/2020) Amended 27 September 2021 (1098/2021) Amended 28 November 2022	Review Date:	November 2026
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7. Meeting Procedures

- 7.1 All meetings will be held in accordance with the Act and the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations) and the *City of Salisbury Code of Practice for Meeting Procedures*.
- 7.2 Where the Act, the Regulations or these Terms of Reference do not prescribe the procedure to be observed in relation to the Committee, the Committee may determine its own procedure.

8. Voting

- 8.1 All members of the Committee have equal voting rights and each member of the Committee present at a meeting will have one vote.
- 8.2 Each member must vote on a question arising for decision, except when a conflict of interest is declared.
- 8.3 The Presiding Member has a deliberative vote only and does not, in the event of an equality of votes, have a casting or second vote.
- 8.4 In the event of an equality of votes, the Committee has not made a decision on that item, which will then be referred to the Council for decision.

9. Minutes and Documents

- 9.1 Minutes and documents will be managed in accordance with Regulation 25 – *Local Government (Procedures at Meetings) Regulations 2013* and the *City of Salisbury Code of Practice for Access to Meetings and Documents*.
- 9.2 Minutes will be kept of the proceedings at each Committee meeting. Members of the Committee will be provided with a copy of all minutes of the proceedings of the Committee within (5) five days after a Committee meeting.
- 9.3 The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting.
- 9.4 Members of the public are entitled to access all documents received at a meeting of the Committee unless it is resolved to be confidential under the *Local Government Act 1999*.

10. Reporting

- 10.1 The Committee reports directly to the Council.
- 10.2 Decisions made by the Committee will be referred to the next Council meeting, presented as Committee recommendations to Council.



Governance and Compliance Committee

Terms of Reference

Adopted by Council:	26 October 2020 (0715/2020) Amended 27 September 2021 (1098/2021)	Review Date:	November 2026
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1. Establishment

- 1.1 Pursuant to section 41 of the *Local Government Act 1999* (the Act) the Council establishes a committee to be known as the **Governance and Compliance Committee** ("the Committee").
- 1.2 The Committee will exist for the term of the Council or unless resolved otherwise by the Council.
- 1.3 The Committee is established as a Standing Committee within the Council's governance framework.

2. Functions and Responsibilities

- 2.1 The Committee is established to assist the Council in the performance of its functions in the following functions:
 - Legislative Compliance
 - Health, Animal Management and By-Laws
 - Federal, State and Local Government Relations
 - Corporate Governance
 - Operational Reviews
- 2.2 The Committee takes into consideration both the risk and the opportunities of matters considered, so as to enable Council to act as an informed and responsible decision maker representing the interests of the community.

3. Authority

- 3.1 The Committee's powers are limited to advising the Council by making recommendations.
- 3.2 All decisions of the Committee will, therefore, constitute recommendations to the Council.

4. Membership

- 4.1 Membership of the Committee is determined by the Council and comprises one Ward Councillor from each Ward of the Council, being 7 Elected Members plus the Mayor ex officio.
- 4.2 Membership continues for the term of the Committee unless a member resigns from the Committee or is removed earlier by resolution of Council.
- 4.3 All members must attend meetings of the Committee and, where unable to do so, must provide an apology prior to the meeting.
- 4.4 Proxy membership is not permitted.
- 4.5 The appointment of the Presiding Member and Deputy Presiding Member will be made by the Council for a term determined by the Council.



Governance and Compliance Committee

Terms of Reference

Adopted by Council:	26 October 2020 (0715/2020) Amended 27 September 2021 (1098/2021)	Review Date:	November 2026
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5. Meetings

- 5.1 Meetings of the Committee will be held in the Council Offices at 34 Church Street, Salisbury, in the Council/Committee Rooms. Meetings will occur every two months or as required.
- 5.2 In the event that a meeting falls on a public holiday, the meeting will convene on the next business day in that same week.
- 5.3 In accordance with section 87 of the *Local Government Act 1999* (the Act), a minimum of three clear days' notice of an ordinary meeting of the Committee will be provided to members of the Committee.
- 5.4 Public notice of meetings will be given through publication of the meeting schedule on the City of Salisbury website. A copy of the Notice of the Meeting will be displayed publicly at the Council's Community Hub.

6. Quorum

- 6.1 A quorum shall be determined by dividing the total number of Elected Members (excluding the Mayor as ex officio) of the Committee by two (ignoring any fractions) and adding one. For example a committee comprising of seven (7) members, the quorum is four (4).

When the Mayor, as an ex officio member, is in attendance at the Committee meeting, the quorum requirement is five (5).
- 6.2 Elected Members who are suspended from office and those granted a leave of absence under Section 55A of the *Local Government Act 1999*, are not to be counted in the total number of Members of the Council when calculating the prescribed number of Elected Members that constitutes a quorum.

7. Meeting Procedures

- 7.1 All meetings will be held in accordance with the Act and the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations) and the *City of Salisbury Code of Practice for Meeting Procedures*.
- 7.2 Where the Act, the Regulations or these Terms of Reference do not prescribe the procedure to be observed in relation to the Committee, the Committee may determine its own procedure.



Governance and Compliance Committee

Terms of Reference

Adopted by Council:	26 October 2020 (0715/2020) Amended 27 September 2021 (1098/2021)	Review Date:	November 2026
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8. Voting

- 8.1 All members of the Committee have equal voting rights and each member of the Committee present at a meeting will have one vote.
- 8.2 Each member must vote on a question arising for decision, except when a conflict of interest is declared.
- 8.3 The Presiding Member has a deliberative vote only and does not, in the event of an equality of votes, have a casting or second vote.
- 8.4 In the event of an equality of votes, the Committee has not made a decision on that item, which will then be referred to the Council for decision.

9. Minutes and Documents

- 9.1 Minutes and documents will be managed in accordance with Regulation 25 – *Local Government (Procedures at Meetings) Regulations 2013* and the *City of Salisbury Code of Practice for Access to Meetings and Documents*.
- 9.2 Minutes will be kept of the proceedings at each Committee meeting. Members of the Committee will be provided with a copy of all minutes of the proceedings of the Committee within (5) five days after a Committee meeting.
- 9.3 The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting.
- 9.4 Members of the public are entitled to access all documents received at a meeting of the Committee unless it is resolved to be confidential under the *Local Government Act 1999*.

10. Reporting

- 10.1 The Committee reports directly to the Council.
- 10.2 Decisions made by the Committee will be referred to the next Council meeting, presented as Committee recommendations to Council.



Community Wellbeing and Sport Committee

Terms of Reference

Adopted by Council: 27 April 2021 (0914/2021)

Amended 27 September 2021 (1098/2021)

Review Date: November 2026

1. Establishment

- 1.1 Pursuant to section 41 of the *Local Government Act 1999* (the Act) the Council establishes a committee to be known as the **Community Wellbeing and Sport Committee** ("the Committee").
- 1.2 The Committee will exist for the term of the Council or unless resolved otherwise by the Council.
- 1.3 The Committee is established as a Standing Committee within the Council's governance framework.

2. Functions and Responsibilities

- 2.1 The Committee is established to assist the Council in the performance of the following functions:
 - Sporting & Community Club Development
 - Community Health and Wellbeing Services:
 - Homelessness
 - Aged and Disability services including CHSP, NDIS programs and Senior Centres
 - Community safety
 - Intercultural diversity
 - Social Development Programs
 - Library Services
 - Community Hubs (including Salisbury, Burton, Para Hills and Mawson) and Community Centres (including Salisbury East, Morella, Bagster Rd, Pooraka Farm)
 - Programs & Activities
 - Youth Sponsorship Program
 - Minor Capital Works Grant Program
 - Sport & Community Grants

3. Authority

- 3.1 The Committee recommends to Council however is able to exercise delegated authority on behalf of Council to make decisions on matters relation to:
 - allocation of funds available within the annual Minor Capital Works Program budget;
 - allocation of funds available within the annual Community Grants budget;
 - awarding Phoebe Wanganeen Indigenous Scholarships;
 - assessing and determining all applications submitted for Community Grants and the Community Events Sponsorship Program and allocating those funds to successful applicants; and

Youth Sponsorship Applications can be assessed by the Presiding Member and/or Deputy Presiding Member of the Committee and one other Committee



Community Wellbeing and Sport Committee

Terms of Reference

Adopted by Council: 27 April 2021 (0914/2021)
Amended 27 September 2021 (1098/2021)

Review Date: November 2026

Member.

- 3.2 The Committee takes into consideration both the risk and the opportunities of matters considered, so as to enable Council to act as an informed and responsible decision maker representing the interests of the community.

4. Membership

- 4.1 The Committee comprises one (1) Ward Councillor from each Ward of the City of Salisbury, being seven (7) Elected Members plus the Mayor ex officio.
- 4.2 Membership continues for the term of the Committee unless a member resigns from the Committee or is removed earlier by resolution of Council.
- 4.3 All members must attend meetings of the Committee and, where unable to do so, must provide an apology prior to the meeting.
- 4.4 The appointment of the Presiding Member and Deputy Presiding Member will be made by the Council for a term determined by the Council.

5. Meetings

- 5.1 Meetings of the Committee will be held in the Council Offices at 34 Church Street, Salisbury, in the Council/ Committee Rooms. Meetings will occur monthly or as required.
- 5.2 In the event that a meeting falls on a public holiday, the meeting will convene on the next business day in that same week.
- 5.3 In accordance with section 87 of the Local Government Act 1999 (the Act), a minimum of three clear days' notice of an ordinary meeting of the Committee will be provided to members to the Committee.
- 5.4 Public notice of meetings will be given through publication of the meeting schedule on the City of Salisbury website. A copy of the Notice of Meeting will be displayed publicly at the Council's Community Hub.

6. Quorum

- 6.1 A quorum shall be determined by dividing the total number of Elected Members (excluding the Mayor as an ex officio) of the committee by two (ignoring any fractions) and adding one. For a committee comprising seven (7) members, the quorum is four (4).
- 6.2 When the Mayor, as an ex officio member, is in attendance at the Committee meeting, the quorum requirement is five (5).
- 6.3 Elected Members who are suspended from office and those granted a leave of absence under Section 55A of the Local Government Act 1999, are not to be counted in the total number of Members of the Council when calculating the prescribed number of Elected Members that constitutes a quorum.



Community Wellbeing and Sport Committee

Terms of Reference

Adopted by Council: 27 April 2021 (0914/2021)
Amended 27 September 2021 (1098/2021)

Review Date: November 2026

7. Meeting Procedures

- 7.1 All meetings will be held in accordance with the Act and the Local Government (Procedures at Meetings) Regulations 2013 (the Regulations) and the City of Salisbury Code of Practice for Meeting Procedures.
- 7.2 Where the Act, the Regulations or these Terms of Reference do not prescribe the procedure to be observed in relation to the conduct of the meeting of the Community Wellbeing and Sport Committee, the Committee may determine its own procedure.

8. Voting

- 8.1 All members of the Committee have equal voting rights and each member of the Committee present at a meeting will have one vote.
- 8.2 Each Member must vote on a question arising for a decision, except when a conflict of interest is declared.
- 8.3 The Presiding Member has a deliberative vote only and does not, in the event of an equality of votes, have a casting or second vote.
- 8.4 In the event of an equality of votes, the Committee has not made a decision on that item, which will then be referred to the Council for decision.

9. Minutes and Documents

- 9.1 Minutes and documents will be managed in accordance with Regulation 25 - Local Government (Procedures at Meetings) Regulations 2013.
- 9.2 Minutes will be kept of the proceedings at each Committee meeting. Members of the Council will be provided with a copy of all minutes of the proceedings of the Committee within (5) five days after a Committee meeting.
- 9.3 The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting.
- 9.4 Members of the public are entitled to access all documents received at a meeting of the Committee unless it is resolved to be confidential under the Local Government Act 1999.

10. Reporting

- 10.1 The Committee reports directly to the Council.
- 10.2 Decisions made by the Committee will be referred to the next Council meeting, presented as Committee recommendations. Where the Committee has exercised its delegated authority, the Committee will report to Council on the outcomes of matters it has considered under its delegation.



Urban Services Committee

Terms of Reference

Adopted by Council:	26 October 2020 (0715/2020) Amended 27 September 2021 (1098/2021)	Review Date:	November 2026
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1. Establishment

- 1.1 Pursuant to section 41 of the *Local Government Act 1999* (the Act) the Council establishes a committee to be known as the **Urban Services Committee** ("the Committee").
- 1.2 The Committee will exist for the term of the Council or unless resolved otherwise by the Council.
- 1.3 The Committee is established as a Standing Committee within the Council's governance framework.

2. Functions and Responsibilities

- 2.1 The Committee is established to assist the Council in the performance of its functions in the following functions:
 - Infrastructure Delivery
 - Traffic Engineering
 - Landscaping
 - Asset Maintenance
 - Property Management
 - Strategic Projects Delivery
 - Sustainability Programs:
 - waste / water / energy / biodiversity
 - Delivery of Asset Management Plans
- 2.2 The Committee takes into consideration both the risk and the opportunities of matters considered, so as to enable Council to act as an informed and responsible decision maker representing the interests of the community.

3. Authority

- 3.1 The Committee's powers are limited to advising the Council by making recommendations.
- 3.2 All decisions of the Committee will, therefore, constitute recommendations to the Council.



Urban Services Committee

Terms of Reference

Adopted by Council:	26 October 2020 (0715/2020) Amended 27 September 2021 (1098/2021)	Review Date:	November 2026
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4. Membership

- 4.1 Membership of the Committee is determined by the Council and comprises one Ward Councillor from each Ward of the Council, being 7 Elected Members plus the Mayor ex officio.
- 4.2 Membership continues for the term of the Committee unless a member resigns from the Committee or is removed earlier by resolution of Council.
- 4.3 All members must attend meetings of the Committee and, where unable to do so, must provide an apology prior to the meeting.
- 4.4 Proxy membership is not permitted.
- 4.5 The appointment of the Presiding Member and Deputy Presiding Member will be made by the Council for a term determined by the Council.

5. Meetings

- 5.1 Meetings of the Committee will be held in the Council Offices at 34 Church Street, Salisbury, in the Council/Committee Rooms. Meetings will occur monthly or as required.
- 5.2 In the event that a meeting falls on a public holiday, the meeting will convene on the next business day in that same week.
- 5.3 In accordance with section 87 of the *Local Government Act 1999* (the Act), a minimum of three clear days' notice of an ordinary meeting of the Committee will be provided to members of the Committee.
- 5.4 Public notice of meetings will be given through publication of the meeting schedule on the City of Salisbury website. A copy of the Notice of the Meeting will be displayed publicly at the Council's Community Hub.

6. Quorum

- 6.1 A quorum shall be determined by dividing the total number of Elected Members (excluding the Mayor as ex officio) of the Committee by two (ignoring any fractions) and adding one. For example a committee comprising of seven (7) members, the quorum is four (4).

When the Mayor, as an ex officio member, is in attendance at the Committee meeting, the quorum requirement is five (5).
- 6.2 Elected Members who are suspended from office and those granted a leave of absence under Section 55A of the *Local Government Act 1999*, are not to be counted in the total number of Members of the Council when calculating the prescribed number of Elected Members that constitutes a quorum.



Urban Services Committee

Terms of Reference

Adopted by Council:	26 October 2020 (0715/2020) Amended 27 September 2021 (1098/2021)	Review Date:	November 2026
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7. Meeting Procedures

- 7.1 All meetings will be held in accordance with the Act and the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations) and the *City of Salisbury Code of Practice for Meeting Procedures*.
- 7.2 Where the Act, the Regulations or these Terms of Reference do not prescribe the procedure to be observed in relation to the Committee, the Committee may determine its own procedure.

8. Voting

- 8.1 All members of the Committee have equal voting rights and each member of the Committee present at a meeting will have one vote.
- 8.2 Each member must vote on a question arising for decision, except when a conflict of interest is declared.
- 8.3 The Presiding Member has a deliberative vote only and does not, in the event of an equality of votes, have a casting or second vote.
- 8.4 In the event of an equality of votes, the Committee has not made a decision on that item, which will then be referred to the Council for decision.

9. Minutes and Documents

- 9.1 Minutes and documents will be managed in accordance with Regulation 25 – *Local Government (Procedures at Meetings) Regulations 2013* and the *City of Salisbury Code of Practice for Access to Meetings and Documents*.
- 9.2 Minutes will be kept of the proceedings at each Committee meeting. Members of the Committee will be provided with a copy of all minutes of the proceedings of the Committee within (5) five days after a Committee meeting.
- 9.3 The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting.
- 9.4 Members of the public are entitled to access all documents received at a meeting of the Committee unless it is resolved to be confidential under the *Local Government Act 1999*.

10. Reporting

- 10.1 The Committee reports directly to the Council.
- 10.2 Decisions made by the Committee will be referred to the next Council meeting, presented as Committee recommendations to Council.



CEO Review Committee

Terms of Reference

Adopted by Council:	26 October 2020 (0715/2020) Amended 27 September 2021 (1098/2021)	Review Date:	November 2026
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1. Establishment

- 1.1 Pursuant to section 41 of the *Local Government Act 1999* (the Act) the Council establishes a committee to be known as the **CEO Review Committee** ("the Committee").
- 1.2 The Committee will exist for the term of the Council or unless resolved otherwise by the Council.
- 1.3 The Committee is established as a Standing Committee within the Council's governance framework.

2. Functions and Responsibilities

- 2.1 The Committee is established for the purpose of section 98 of the *Local Government Act 1999* to review and monitor the performance of Council's Chief Executive Officer to assist the Council in the performance of the following functions:
 - The Committee will seek assistance from a qualified independent person who will be determined by resolution of Council to assist in the CEO performance appraisal process as provided for within the CEO Contract of Employment;
 - Develop a Performance Plan for the CEO;
 - Monitor the Key Performance Measures of the CEO against his/her contract of employment, responsibilities and performance plan and provide regular feedback;
 - Facilitate the conduct of the CEO's annual performance and remuneration reviews (as per section 99A of the *Local Government Act 1999*);
 - Receive reports from the CEO regarding the performance of the organisation;
 - Determine, under delegated authority from Council, any amendments to the CEO's employment arrangements and incentive payments to the CEO as provided in the contract of employment.
- 2.2 The Committee will take into consideration both the risk and the opportunities of matters considered, so as to enable Council to act as an informed and responsible decision maker representing the interests of the community.



CEO Review Committee

Terms of Reference

Adopted by Council:	26 October 2020 (0715/2020) Amended 27 September 2021 (1098/2021)	Review Date:	November 2026
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3. Authority

- 3.1 The Committee recommends to Council, however is able to exercise delegated authority on behalf of Council to make decisions on matters relation to:
 - 3.1.1 by agreement with the CEO, appoint a qualified independent person (as defined under section 97(6) of the *Local Government Act 1999* to assist with the CEO performance appraisal process; and
 - 3.1.2 determine any amendments to the CEO's employment arrangements and incentive payments as provided for within the contract of employment.
- 3.2 Recommendations made by the CEO Review Committee will be referred to the next Council meeting, by way of a report to Council from the Committee, for final resolution.
- 3.3 Where the CEO Review Committee has exercised a delegated power, this will be reported to the next Council meeting for information.

4. Membership

- 4.1 The Committee comprises five (5) Elected Members including the Mayor and Deputy Mayor.
- 4.2 The Presiding Member of the Committee will be the Mayor.
- 4.3 The Deputy Presiding Member will be the Deputy Mayor.
- 4.4 Membership continues for the term of the Committee unless a member resigns from the Committee or is removed earlier by resolution of Council.
- 4.5 All members must attend meetings of the Committee and, where unable to do so, must provide an apology prior to the meeting.

5. Meetings

- 5.1 Meetings of the Committee will be held in the Council Offices at 34 Church Street, Salisbury, in the Council/ Committee Rooms. Meetings will occur quarterly or as required.
- 5.2 In the event that a meeting falls on a public holiday, the meeting will convene on the next business day in that same week.
- 5.3 In accordance with section 87 of the Local Government Act 1999 (the Act), a minimum of three clear days' notice of an ordinary meeting of the Committee will be provided to members to the Committee.
- 5.4 Public notice of meetings will be given through publication of the meeting schedule on the City of Salisbury website. A copy of the Notice of Meeting will be displayed publicly at the Council's Community Hub.



CEO Review Committee

Terms of Reference

Adopted by Council:	26 October 2020 (0715/2020) Amended 27 September 2021 (1098/2021)	Review Date:	November 2026
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6. Quorum

- 6.1 A quorum shall be determined by dividing the total number of Elected Members of the committee by two (ignoring any fractions) and adding one. For a committee comprising five (5) members, the quorum is three (3).
- 6.3 Elected Members who are suspended from office and those granted a leave of absence under Section 55A of the Local Government Act 1999, are not to be counted in the total number of Members of the Council when calculating the prescribed number of Elected Members that constitutes a quorum.

7. Meeting Procedures

- 7.1 All meetings will be held in accordance with the Act and the Local Government (Procedures at Meetings) Regulations 2013 (the Regulations) and the City of Salisbury Code of Practice for Meeting Procedures.
- 7.2 Where the Act, the Regulations or these Terms of Reference do not prescribe the procedure to be observed in relation to the conduct of the meeting, the Committee may determine its own procedure.

8. Voting

- 8.1 All members of the Committee have equal voting rights and each member of the Committee present at a meeting will have one vote.
- 8.2 Each Member must vote on a question arising for a decision, except when a conflict of interest is declared.
- 8.3 The Presiding Member has a deliberative vote only and does not, in the event of an equality of votes, have a casting or second vote.
- 8.4 In the event of an equality of votes, the Committee has not made a decision on that item, which will then be referred to the Council for decision.

9. Minutes and Documents

- 9.1 Minutes and documents will be managed in accordance with Regulation 25 - Local Government (Procedures at Meetings) Regulations 2013.
- 9.2 Minutes will be kept of the proceedings at each Committee meeting. Members of the Council will be provided with a copy of all minutes of the proceedings of the Committee within (5) five days after a Committee meeting.
- 9.3 The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting.
- 9.4 Members of the public are entitled to access all documents received at a meeting of the Committee unless it is resolved to be confidential under the Local Government Act 1999.

10. Reporting



CEO Review Committee

Terms of Reference

Adopted by Council:	26 October 2020 (0715/2020) Amended 27 September 2021 (1098/2021)	Review Date:	November 2026
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- 10.1 The Committee reports directly to the Council.
- 10.2 Decisions made by the Committee will be referred to the next Council meeting, presented as Committee recommendations. Where the Committee has exercised its delegated authority, the Committee will report to Council on the outcomes of matters it has considered under its delegation.



Audit and Risk Committee

Terms of Reference

Adopted by Council:	27 April 2021 (Resolution 0914/2021) Amended 23 August 2021 (Resolution 1077/2021) Amended 27 September 2021 (Resolution 1098/2021) Amended 22 November 2021 (Resolution 1154/2021) Amended 27 June 2022 (Resolution 1404/2022)	Review Date: November 2026
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1. Establishment

- 1.1 Pursuant to section 41 of the *Local Government Act 1999* (the Act) the Council establishes a committee to be known as the **Audit and Risk Committee** ("the Committee").
- 1.2 The Committee will exist for the term of the Council or unless resolved otherwise by the Council.
- 1.3 The Committee is established as a Standing Committee within the Council's governance framework.

2. Authority, Functions and Responsibilities

- 2.1 The Committee is mandated under section 126 of the Act and operates within the functions and responsibilities of the Act and associated Regulations.
- 2.2 The Committee does not enjoy the delegation of any powers or functions of the Council but acts in accordance with these Terms of Reference.
- 2.3 All decisions of the Committee will, therefore, constitute recommendations to the Council.

3. Membership

- 3.1 Council appoints members of the Committee and the Committee shall have a maximum of five (5) members.
- 3.2 The membership of the Committee comprises two Elected Members of the City of Salisbury, and three independent members who are appointed by Council for a term of office determined by Council.
- 3.3 Membership continues for the term of the Committee unless a member resigns from the Committee or is removed earlier by resolution of Council.
- 3.4 All members must attend meetings of the Committee and, where unable to do so, must provide an apology prior to the meeting.
- 3.5 The appointment of the Presiding Member and Deputy Presiding Member will be made by the Council for a term determined by the Council.
- 3.6 The Committee shall be provided with administrative support by the services of an employee of the Council appointed by the Chief Executive Officer or his/her delegate.



Audit and Risk Committee

Terms of Reference

Adopted by Council:	27 April 2021 (Resolution 0914/2021) Amended 23 August 2021 (Resolution 1077/2021) Amended 27 September 2021 (Resolution 1098/2021) Amended 22 November 2021 (Resolution 1154/2021) Amended 27 June 2022 (Resolution 1404/2022)	Review Date: November 2026
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4. Meetings

- 4.1 In accordance with the principles of open, transparent and informed decision making, Committee meetings must be conducted in a place open to the public.
- 4.2 Meetings of the Committee will be held in the Council Offices at 34 Church Street, Salisbury, in the Council/ Committee Rooms.
- 4.3 The Committee meets on at least a quarterly basis. Quorum for the Committee is 3 members, at least two of whom will be independent members.
- 4.4 Elected Members who are suspended from office and those granted a leave of absence under the new Section 55A of the Act, are not to be counted in the total number of Members of the Council when calculating the prescribed number of Elected Members that constitutes a quorum.
- 4.5 In accordance with section 87 of the Act, a minimum of three clear days' notice of an ordinary meeting of the Committee will be provided to members to the Committee.
- 4.6 Public notice of meetings will be given through publication of the annual meeting schedule on the City of Salisbury website. A copy of the Notice of Meeting and Committee Agenda will be displayed publicly on a monthly basis.
- 4.7 The Audit and Risk Committee has the opportunity to liaise with the external auditor in or around October each year in confidence, within the provisions of section 90(3) of the Act, to discuss the external audit process and relevant matters arising from the external audit in context of Division 4 of the Act. In this scenario:
 - the majority of the members of the Audit and Risk Committee are to be present
 - the Audit and Risk Committee can resolve that no employees of the Council are to be present.



Audit and Risk Committee

Terms of Reference

Adopted by Council:	27 April 2021 (Resolution 0914/2021) Amended 23 August 2021 (Resolution 1077/2021) Amended 27 September 2021 (Resolution 1098/2021) Amended 22 November 2021 (Resolution 1154/2021) Amended 27 June 2022 (Resolution 1404/2022)	Review Date: November 2026
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5. Meeting Procedures

- 5.1 All meetings will be held in accordance with the Act and observing the provisions of Part 1 – Preliminary, Part 3 – Meetings of Other Committees and Part 4 – Miscellaneous of the Local Government (Procedures at Meetings) Regulations 2013 (the Regulations) and the City of Salisbury Code of Practice for Meeting Procedures.
- 5.2 Where the Act and Regulations and these Terms of Reference do not prescribe the procedure to be observed in relation to the conduct of a meeting of the Committee, the Committee may determine its own procedure.
- 5.3 All members of the Committee have equal voting rights. A question arising for decision will be decided by a majority of votes cast by all members present.
- 5.4 Each member present must vote on a question arising for decision, except when a conflict of interest is declared.
- 5.5 The Presiding Member has a deliberative vote only and does not, in the event of an equality of votes, have a casting or second vote.
- 5.6 In the event of an equality of votes, the Committee has not made a decision on that item, which will then be referred to the Council for decision.

6. Minutes and Documents

- 6.1 Minutes and documents will be managed in accordance with Regulation 25 – Local Government (Procedures at Meetings) Regulations 2013 and the *City of Salisbury Code of Practice for Access to Meetings and Documents*.
- 6.2 When the Committee moves into confidence without staff present, the Committee Presiding Member will be responsible for the minute taking and will issue the minutes to the Manager Governance or delegate after the meeting for compliance with Regulation 25 of the *Local Government (Procedures at Meetings) Regulations 2013*.
- 6.3 Minutes will be kept of the proceedings at each Committee meeting. Minutes of Committee meetings will be provided within five (5) days after the meeting to all Members of the Committee and Members of the Council.
- 6.4 Members of the public are entitled to access to all documents received at a meeting of the Committee unless it is resolved to be confidential under the Act.

7. Reporting

- 7.1 The Committee reports directly to the Council.
- 7.2 Decisions made by the Committee will be referred to the next Council meeting, presented as Committee recommendations to Council.



Youth Council Sub Committee

Terms of Reference

Endorsed by Council:	26 October 2020 (0715/2020) Amended 27 September 2021 / 20 December 2021	Review Date: November 2026
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1. Establishment

- 1.1 The Youth Council is formed under section 41 of the Local Government Act 1999 as an advisory committee to the **Policy and Planning Committee** for the purpose of providing advice to Council.
- 1.2 The Youth Committee will exist for the term of the Council or unless resolved otherwise by the Council.
- 1.3 The Committee is established as a Standing Committee within the Council's governance framework.

2. Functions and Responsibilities

- 2.1 The Youth Council provides an opportunity for the voices of youth to be heard within Council. It offers a range of benefits to both young people in the City of Salisbury and Council.
- 2.2 The Youth Council enables Council to consult with, and benefit from the expertise of, young people on matters relating to policy development, service provision and issues relevant to young people. This enables young people to become involved in the planning, development and delivery of relevant services and projects for the City.
- 2.3 The aims of the Youth Council are to:
 - act as an advocate and provide expertise to Council on issues important to young people in the City of Salisbury;
 - make recommendations to Council on issues affecting young people in the City of Salisbury;
 - address issues of concern to young people;
 - monitor and evaluate Council's youth services and Youth Action Plan;
 - monitor and evaluate Council's policy and strategic directions in other areas of interest to young people;
 - raise community awareness of issues important to young people;
 - foster better working relationships between young people and local government;
 - undertake consultations with other young people to inform Council's policies and program development; and
 - provide advice to Council on the implementation of Council strategy by undertaking projects.
- 2.4 The Youth Council will adopt a risk management focus in its considerations, delivery and recommendations to Council. The advice to Council will reflect both the risk and opportunities of the issue to enable Council to act as an informed and responsible decision maker representing the interests of the community.



Youth Council Sub Committee

Terms of Reference

Endorsed by Council: 26 October 2020 (0715/2020) Amended 27 September 2021 / 20 December 2021	Review Date: November 2026
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3. Authority

- 3.1 The Committee's powers are limited to advising the Policy and Planning Committee by making recommendations.
- 3.2 All decisions of the Committee will, therefore, constitute recommendations to the Policy and Planning Committee.

4. Membership

- 4.1 The membership of the Youth Council comprises:

- 18 young people (aged 14-25 years)
- 6 mentors
- Up to 3 elected members and
- The Mayor (ex-officio)

- 4.2 Membership of Youth Council shall aim to include a broad range of young people from a range of ages and backgrounds.

- 4.3 Youth Council representatives must live, work, study or volunteer in the City of Salisbury.

- 4.4 Youth Members

Applicants for youth membership must demonstrate the following attributes:

- an interest in youth issues;
- an interest in community involvement;
- a commitment to being part of a project team; and an
- ability to attend all Youth Council meetings.

- 4.5 Youth Members Membership Term

- Membership for Youth Members of Youth Council shall apply for a two (2) year term.
- A minimum of 1 x 2 year term and maximum of 2 consecutive terms (a maximum of four (4) years) are available to each Youth Member).
- Youth members who wish to sit a second term on Youth Council must reapply using the member's application form.
- Applications for membership may be submitted when the applicant is 13 years of age, so long as they will have turned 14 by the time their position on Youth Council is to commence.
- Irrespective of the above, a Youth Member's term will end at the time of their 26th birthday.

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4.6 Elected Members

Council will appoint a maximum of three (3) elected members to Youth Council for the term of Council.

4.7 Mentors

Applicants for mentor membership will be available to community members aged 18 years or over.

Mentors may apply for individual or organisational membership of the Youth Council.

All mentors should either represent a youth organisation, school, community group, business or organisation in the City of Salisbury, or as individual members, be active in the support of youth/youth initiatives.

Applications for Mentor positions must provide evidence of skills/experience in working with young people, supporting youth initiatives and encouraging youth participation.

Exiting Youth Members who have completed two terms on Youth Council may apply for Mentor positions. Where an exiting Youth Member does not meet the minimum age requirement for a Mentor position, this requirement will be waived.

4.8 Mentor Membership Term

- Membership for Mentor Members of Youth Council shall apply for a two (2) year term.
- Mentors may reapply for membership at the conclusion of each term. There is no limitation on the number of terms a Mentor may be appointed for.
- Organisations that hold Mentor positions will nominate a primary representative to attend Youth Council activities. Organisations may nominate a proxy to attend activities when the primary representative is not available.



Youth Council Sub Committee

Terms of Reference

Endorsed by Council:	26 October 2020 (0715/2020) Amended 27 September 2021 / 20 December 2021	Review Date: November 2026
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4.9 Membership Selection

- Appointments will be held annually for vacant committee positions, or as required to fill a casual vacancy that arises during a term of appointment, for the balance of the remaining term.
- Membership will be determined via a selection process, which requires the completion and submission of the Youth Council membership application form.
- A selection committee will be convened and made up of two Youth Council members and an appropriate City of Salisbury staff member.
- Selection will be based upon assessment of the applications against the relevant criteria. Alternative opportunities for young people not selected will be available through the project teams and other youth programs.

4.10 Meeting Attendance

- All members must attend meetings of the Youth Council and, where unable to do so, must provide an apology prior to the meeting.
- Members who miss one (1) Youth Council meeting without lodging a formal apology will be contacted by the appropriate Council staff member to clarify their obligations to the Youth Council.
- Members who miss two (2) consecutive meetings without an apology will be contacted by the Council staff member at which time they will be advised that their membership status on Youth Council is under review.
- Members who are absent without an apology or without leave of the Council for three (3) consecutive Youth Council meetings, will have their membership automatically terminated.
- Members who provide two (2) formal apologies in a row will also have their position reviewed.
- A report will then be submitted to Youth Council to discuss the member's ongoing membership of the Youth Council. If the Youth Council determines the membership should be revoked, then a casual vacancy is created and a suitable candidate will be recruited to fill this casual vacancy. A letter will be forwarded to the Youth Council member, whose membership has been revoked, outlining the decision.



Youth Council Sub Committee

Terms of Reference


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5. Presiding Member and Deputy Presiding Member

- 5.1 The Youth Council will elect a Presiding Member for a one year term at the February meeting in each year. The Presiding Member must be a youth member and have at least one year experience on Youth Council.
- 5.2 The Presiding Member's role is to chair the Youth Council meetings and carry out their duties as outlined in the job description for that position. Training and support is provided to the Presiding Member.
- 5.3 The Youth Council will elect a Deputy Presiding Member for a one year term at the February meeting in each year. The Deputy Presiding Member must be a youth member. The Deputy Presiding Member role is to carry out their duties as outlined in the job description for that position. Training and support is provided to the Deputy Presiding Member.

6. Meetings

- 6.1 The Youth Council shall be structured to ensure maximum participation and inclusion of young people. The Youth Council will meet every two months.
- 6.2 Meetings of the Youth Council will be held in the Salisbury Community Hub in the second week of the month (except for the December meeting which will be held in the first week of the month).
- 6.3 In the event that a meeting falls on a public holiday, the meeting will convene on the next business day in that same week.
- 6.4 In accordance with Section 87 of the *Local Government Act 1999 (the Act)*, a minimum of three clear days' notice of an ordinary meeting will be provided to members of the Committee.
- 6.5 Public notice of meetings will be given through publication of the meeting schedule on the City of Salisbury website. A copy of the Notice of the meeting will be displayed publicly at the Council's Community Hub, 34 Church Street, Salisbury.

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7. Quorum


- 7.1 A quorum shall be determined by dividing the total number of youth members of the committee by three (3) and adding one. For a committee comprising 18 youth members, the quorum is seven (7).
- 7.2 Elected Members who are suspended from office and those granted a leave of absence under Section 55A of the *Local Government Act 1999*, are not to be counted in the total number of Members of the Council when calculating the prescribed number of Elected Members that constitutes a quorum.

8. Voting Rights

- 8.1 All members have equal voting rights. A question arising for a decision will be decided by a majority of votes cast by all members present, including the Presiding Member.
- 8.2 Each member present must vote on a question arising for a decision.
- 8.3 The Presiding Member has a deliberative vote, but does not, in the event of an equality of votes, have a casting vote.
- 8.4 In the event of an equality of votes, the matter must be referred to the parent committee, in this instance the Policy and Planning Committee, for decision.

9. Meeting Procedures

- 9.1 All meetings will be held in accordance with the Act and the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations) and the *City of Salisbury Code of Practice for Meeting Procedures*.
- 9.2 Where the Act, the Regulations or these Terms of Reference do not prescribe the procedure to be observed in relation to the Committee, the Committee may determine its own procedure.
- 9.3 If a member of the Committee attends via electronic means then the member must be seen and heard to be present at the meeting as per the *City of Salisbury Code of Practice for Meeting Procedures*.

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10. Minutes and Documents


- 10.1 Minutes and documents will be managed in accordance with Regulation 25 – *Local Government (Procedures at Meetings) Regulations 2013* and the *City of Salisbury Code of Practice for Access to Meetings and Documents*.
- 10.2 Minutes will be kept of the proceedings at each Committee meeting. Members of the Committee will be provided with a copy of all minutes of the proceedings of the Committee within (5) five days after a Committee meeting.
- 10.3 The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting.
- 10.4 Members of the public are entitled to access all documents received at a meeting of the Committee unless it is resolved to be confidential under the *Local Government Act 1999*.

11. Reporting

- 11.1 The Youth Council reports to the **Policy and Planning Committee**.
- 11.2 The Youth Council shall make whatever recommendations to the parent committee it deems appropriate on any area within its Terms of Reference where in its view action or improvement is needed.
- 11.3 Recommendations made by the Youth Council will be referred to the next meeting of the parent committee, for recommendation by the parent committee to Council.

12. Project Teams

- 12.1 Youth Council may establish at least one and up to three project teams each year to focus on a particular issue of importance to young people. Project teams will be established at the first Youth Council sitting for the year.
- 12.2 Project teams will report directly to the Youth Council.
- 12.3 Project teams will be comprised of at least six (6) youth members (14-25 years) and a minimum of one (1) mentor. Project teams are youth-led and comprise members of the Youth Council and other relevant young people. Mentors will offer support to the project teams and attend meetings.
- 12.4 Youth members must participate in at least one project team. There is no limit to the number of Project Teams a Youth Council member may join.
- 12.5 Commitment to a Project Team requires regular attendance at project team meetings. In the event that a Project Team member does not attend project team meetings on a regular basis (with or without submitting an apology) the member may be removed from the project team.

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- 12.6 The purpose of the Project Teams is to:
- develop and implement a project each year focused on a current youth issue or topic;
 - provide relevant update reports to Youth Council during the year;
 - submit a final report at the completion of the project;
 - invite other young people, community members, guest speakers and support people to attend meetings;
 - keep a record of the meetings; and
 - manage a project budget.
- 12.7 A project team leader will be appointed by the project team. They will:
- be a youth member;
 - have at least one year experience on Youth Council;
 - engage in regular communication with the project team;
 - ensure relevant reports are provided to Youth Council;
 - liaise with staff in relation to team progress; and
 - facilitate team meetings.
- 12.8 Elected Members have the opportunity to attend and participate in project teams if they choose.
- 12.9 Support of project teams will be provided by relevant members of staff. Project team meetings will occur at times and locations convenient to the young people involved.



Intercultural Strategy and Partnerships Sub Committee

Terms of Reference

Adopted by Council: 26 August 2019 (Resolution 0244/2019)
Amended 27 September 2021 (1098/2021)

Review Date: November 2026

1. Establishment

- 1.1 The **Intercultural Strategy and Partnerships Sub Committee (ISPSC)** is established under section 41 of the *Local Government Act 1999* as a sub committee reporting to the **Policy and Planning Committee (PPC)** for the purpose of providing advice to Council in regard to the areas listed in section 2 below.
- 1.2 The Sub Committee will exist for the term of the Council or unless resolved otherwise by the Council.
- 1.3 The Sub Committee is established as a Standing Committee within the Council's governance framework.

2. Functions and Responsibilities

To guide City of Salisbury in continuing its commitment as an Intercultural City.

The Sub Committee can assist in identifying and addressing the priorities of the intercultural community, understanding new and emerging planning in the interculturalism sector, reviewing the annual progress reporting of the Intercultural Strategic Plan and measuring the success of current initiatives.

The Sub Committee purpose is to:

Oversee the implementation of the Council's Intercultural Strategic Plan 2017-2027

Support the City of Salisbury's intercultural community through its cultural programs

Support Strategic Alliances and key intercultural events such as Harmony Week celebrations.

3. Authority

The Sub Committee does not enjoy the delegation of any powers or functions of the Council but acts in accordance with these Terms of Reference. Recommendations made by the ISPSC will be referred to the next scheduled meeting of the PPC, and through presentation of recommendations to Council for final resolution.

4. Membership

- 4.1 Membership of the ISPSC comprises five (5) Elected Members as determined by Council plus the Mayor as ex-officio.
- 4.2 Membership continues for the term of the Committee unless a member resigns from the Committee or is removed earlier by resolution of Council.
- 4.3 All members must attend meetings of the Committee and, where unable to do so, must provide an apology prior to the meeting.
- 4.4 Proxy membership is not permitted.
- 4.5 The appointment of the Presiding Member and Deputy Presiding Member will be made by the Council for a term determined by the Council.



Intercultural Strategy and Partnerships Sub Committee

Terms of Reference

Adopted by Council: 26 August 2019 (Resolution 0244/2019)
Amended 27 September 2021 (1098/2021)

Review Date: November 2026

5 Meetings

- 5.1 Meetings of the Sub Committee will be held in the Council Offices at 34 Church Street, Salisbury, in the Council/Committee Rooms. Meetings will occur every second month or as required.
- 5.2 In the event that a meeting falls on a public holiday, the meeting will convene on the next business day in that same week.
- 5.3 In accordance with section 87 of the *Local Government Act 1999* (the Act), a minimum of three clear days' notice of an ordinary meeting of the Committee will be provided to members of the Committee.
- 5.4 Public notice of meetings will be given through publication of the meeting schedule on the City of Salisbury website. A copy of the Notice of the Meeting will be displayed publicly at the Council's Community Hub.

6. Quorum

- 6.1 A quorum shall be determined by dividing the total number of Elected Members (excluding the Mayor as ex officio) of the Committee by two (ignoring any fractions) and adding one. For example a committee comprising of five (5) members, the quorum is three (3).

When the Mayor, as an ex officio member, is in attendance at the Committee meeting, the quorum requirements is four (4).
- 6.2 Elected Members who are suspended from office and those granted a leave of absence under Section 55A of the *Local Government Act 1999*, are not to be counted in the total number of Members of the Council when calculating the prescribed number of Elected Members that constitutes a quorum.

7. Meeting Procedures

- 7.1 All meetings will be held in accordance with the Act and the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations) and the *City of Salisbury Code of Practice for Meeting Procedures*.
- 7.2 Where the Act, the Regulations or these Terms of Reference do not prescribe the procedure to be observed in relation to the Committee, the Committee may determine its own procedure.



Intercultural Strategy and Partnerships Sub Committee

Terms of Reference

Adopted by Council: 26 August 2019 (Resolution 0244/2019)
Amended 27 September 2021 (1098/2021)

Review Date: November 2026

8. Voting

- 8.1 All members of the Sub Committee have equal voting rights and each member of the Committee present at a meeting will have one vote.
- 8.2 Each member must vote on a question arising for decision, except when a conflict of interest is declared.
- 8.3 The Presiding Member has a deliberative vote only and does not, in the event of an equality of votes, have a casting or second vote.
- 8.4 In the event of an equality of votes, the Committee has not made a decision on that item, which will then be referred to the Council for decision.

9. Minutes and Documents

- 9.1 Minutes and documents will be managed in accordance with Regulation 25 – *Local Government (Procedures at Meetings) Regulations 2013* and the *City of Salisbury Code of Practice for Access to Meetings and Documents*.
- 9.2 Minutes will be kept of the proceedings at each Committee meeting. Members of the Committee will be provided with a copy of all minutes of the proceedings of the Committee within (5) five days after a Committee meeting.
- 9.3 The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting.
- 9.4 Members of the public are entitled to access all documents received at a meeting of the Committee unless it is resolved to be confidential under the *Local Government Act 1999*.



Sustainability Sub Committee

Terms of Reference

Adopted by Council:

Review Date: November 2026

1. Establishment

- 1.1 The **Sustainability Sub Committee (SSC)** is established under section 41 of the *Local Government Act 1999* as a sub committee reporting to the **Innovation and Business Development Committee** for the purpose of making decision under delegated authority and providing advice to Council.
- 1.2 The Sub Committee will exist for the term of the Council or unless resolved otherwise by the Council.
- 1.3 The Sub Committee is established as a Committee within the Council's governance framework.

2. Functions and Responsibilities

- 2.1 To support the City of Salisbury in continuing its vision as a Sustainable City and oversee the implementation of Council's Environmental Sustainability Strategy particularly in regard to energy/water/biodiversity, vegetation and waste for current and future generations.
- 2.2 The Sub Committee will adopt a risk management focus in its considerations, delivery and recommendations.

3. Authority,

- 3.1 This SSC reports to the **Innovation and Business Development Committee (IBDC)**.
- 3.2 The SSC shall make whatever recommendations to the IBDC it deems appropriate on any area within its Terms of Reference where in its view action or improvement is needed.
- 3.3 Recommendations made by the SSC will be referred to the next scheduled meeting of the IBDC, and through presentation of recommendations to Council for final resolution.

4. Membership

- 4.1 The membership of the Sub Committee comprises:
 - Five (5) elected members as appointed by Council
 - The Mayor Ex Officio
- 4.2 All members must attend meetings and where unable to do so, must provide an apology prior to the meeting.
- 4.3 Proxy membership is not permitted.



Sustainability Sub Committee

Terms of Reference

Adopted by Council:

Review Date: November 2026

5. Meeting Details

- 5.1 The Sub Committee meetings will be held every 2 months or as required.
- 5.2 Meetings of the Sub Committee will be held at Council Offices, 34 Church Street, Salisbury.
- 5.3 In accordance with Section 87 of the *Local Government Act*, a minimum of three clear days' notice of an ordinary meeting will be provided to members of the Committee.
- 5.4 Public notice of meetings will be given through publication of the annual meeting schedule on the City of Salisbury website. A copy of the Notice of Meeting and Committee Agenda will also be displayed on a monthly basis at 34 Church Street, Salisbury.
- 5.5 Members of the public are able to attend all meetings of the Sub Committee, unless prohibited by resolution of the Committee under the confidentiality provisions of section 90 of the *Local Government Act*.

6. Presiding Member and Deputy Presiding Member

- 6.1 The appointment of a Presiding Member and Deputy Presiding Member will be made by Council for a term determined by Council.

7. Voting Rights

- 7.1 All Members have equal voting rights. A question arising for a decision will be decided by a majority of votes cast by all members present.
- 7.2 Each Member must vote on a question arising for a decision, except when a conflict of interest is declared.
- 7.3 The Presiding Member has a deliberative vote but does not, in the event of an equality of votes, have a casting vote.
- 7.4 In the event of an equality of votes, the matter must be referred to the parent committee for consideration.

8. Meeting Procedures, Minutes and Documents

- 8.1 All meetings will be held in accordance with the *Local Government Act 1999* and observing the provisions of the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations) and the City of Salisbury Code of Practice for Meeting Procedures. Insofar as the Act and Regulations and these Terms of Reference do not prescribe the procedure to be observed in relation to the conduct of a meeting of the Committee, the Committee may determine its own procedure.



Sustainability Sub Committee

Terms of Reference

Adopted by Council:

Review Date: November 2026

8.2 Minutes will be kept of the proceedings at each Sub Committee meeting. Members of Council will be provided with a copy of all minutes of the proceedings of this Sub Committee within five days after a meeting.

8.3 Members of the public have access to all documents relating to the Sub Committee unless prohibited by resolution of the Committee under the confidentiality provisions of section 91 of the *Local Government Act*.

9. Quorum

9.1 A quorum shall be determined by dividing the total number of Voting Members (excluding the Mayor as an ex officio) of the committee by two (ignoring any fractions) and adding one. For a committee comprising 5 members, the quorum is 3.

9.2 When the Mayor, as an ex officio member, is in attendance at the Sub Committee meeting, the quorum requirement is 4.

9.3 Elected Members who are suspended from office and those granted a leave of absence under Section 55A of the *Local Government Act 1999*, are not to be counted in the total number of Members of the Council when calculating the prescribed number of Elected Members that constitutes a quorum.

10. Reporting Requirements

10.1 This Sub Committee reports to the Innovation and Business Development Committee.

10.2 Recommendations made by the Sub Committee will be referred to the next meeting of the parent committee for recommendation by the parent committee to Council.



Salisbury Living Sub Committee

Terms of Reference

Adopted by Council:	26 October 2021 (0852/2021)	Review Date:	November 2026
	Amended 27 September 2021 (1098/2021)		

1. Establishment

- 1.1 The **Salisbury Living Sub Committee (SLSC)** is established under section 41 of the *Local Government Act 1999* as a sub committee reporting to the **Community Wellbeing and Sport Committee** for the purpose of providing advice to Council in regard to the areas listed in section 2 below.
- 1.2 The Sub Committee will exist for the term of the Council or unless resolved otherwise by the Council.
- 1.3 The Sub Committee is established as a Standing Committee within the Council's governance framework.

2. Functions and Responsibilities

- 2.1 The Salisbury Living Sub Committee has been established to examine and make decisions on strategic property development projects:
 - To consider property development proposals in terms of their overall commercial and community benefit.
 - To assess and consider Council's risk exposure related to the projects.
- 2.2 The Sub Committee will adopt an innovative and risk management focus in its considerations, delivery and recommendations to Council.

3. Authority

- 3.1 Recommendations made by the SLSC will be referred to the next scheduled meeting of the CWSC, and through presentation of recommendations to Council for final resolution.

4. Membership

- 4.1 Membership of the SLSC comprises of five (5) Elected Members as determined by Council plus the Mayor as ex-officio.
- 4.2 Membership continues for the term of the Committee unless a member resigns from the Committee or is removed earlier by resolution of Council.
- 4.3 All members must attend meetings of the Committee and, where unable to do so, must provide an apology prior to the meeting.
- 4.4 Proxy membership is not permitted.
- 4.5 The appointment of the Presiding Member and Deputy Presiding Member will be made by the Council for a term determined by the Council.

5. Meetings

- 5.1 Meetings of the Sub Committee will be held in the Council Offices at 34 Church Street, Salisbury, in the Council/Committee Rooms. Meetings will occur monthly or as required.



Salisbury Living Sub Committee

Terms of Reference

Adopted by Council:	26 October 2021 (0852/2021)	Review Date:	November 2026
	Amended 27 September 2021 (1098/2021)		

- 5.2 In the event that a meeting falls on a public holiday, the meeting will convene on the next business day in that same week.
- 5.3 In accordance with section 87 of the *Local Government Act 1999* (the Act), a minimum of three clear days' notice of an ordinary meeting of the Committee will be provided to members of the Committee.
- 5.4 Public notice of meetings will be given through publication of the meeting schedule on the City of Salisbury website. A copy of the Notice of the Meeting will be displayed publicly at the Council's Community Hub.

6. Quorum

- 6.1 A quorum shall be determined by dividing the total number of Elected Members (excluding the Mayor as ex officio) of the Committee by two (ignoring any fractions) and adding one. For example a committee comprising of five (5) members, the quorum is three (3).

When the Mayor, as an ex officio member, is in attendance at the Committee meeting, the quorum requirements is four (4).

- 6.2 Elected Members who are suspended from office and those granted a leave of absence under Section 55A of the *Local Government Act 1999*, are not to be counted in the total number of Members of the Council when calculating the prescribed number of Elected Members that constitutes a quorum.

7. Meeting Procedures

- 7.1 All meetings will be held in accordance with the Act and the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations) and the *City of Salisbury Code of Practice for Meeting Procedures*.
- 7.2 Where the Act, the Regulations or these Terms of Reference do not prescribe the procedure to be observed in relation to the Committee, the Committee may determine its own procedure.



Salisbury Living Sub Committee

Terms of Reference

Adopted by Council:	26 October 2021 (0852/2021) Amended 27 September 2021 (1098/2021)	Review Date:	November 2026
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8. Voting

- 8.1 All members of the Sub Committee have equal voting rights and each member of the Committee present at a meeting will have one vote.
- 8.2 Each member must vote on a question arising for decision, except when a conflict of interest is declared.
- 8.3 The Presiding Member has a deliberative vote only and does not, in the event of an equality of votes, have a casting or second vote.
- 8.4 In the event of an equality of votes, the Committee has not made a decision on that item, which will then be referred to the Council for decision.

9. Minutes and Documents

- 9.1 Minutes and documents will be managed in accordance with Regulation 25 – *Local Government (Procedures at Meetings) Regulations 2013* and the *City of Salisbury Code of Practice for Access to Meetings and Documents*.
- 9.2 Minutes will be kept of the proceedings at each Committee meeting. Members of the Committee will be provided with a copy of all minutes of the proceedings of the Committee within (5) five days after a Committee meeting.
- 9.3 The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting.
- 9.4 Members of the public are entitled to access all documents received at a meeting of the Committee unless it is resolved to be confidential under the *Local Government Act 1999*.



Tree Management Appeals Sub Committee

Terms of Reference

Adopted by Council:	26 October 2021 (0852/2021)	Review Date:	November 2026
	Amended 27 September 2021 (1098/2021)		

1. Establishment

- 1.1 The **Tree Management Appeals Sub Committee (TMASC)** is established under section 41 of the *Local Government Act 1999* as a sub committee reporting to the **Urban Services Committee** for the purpose of making decision under delegated authority and providing advice to Council.
- 1.2 The Sub Committee will exist for the term of the Council or unless resolved otherwise by the Council.
- 1.3 The Sub Committee is established as a Committee within the Council's governance framework.

2. Functions and Responsibilities

- 2.1 The Tree Management Appeals Sub Committee (TMASC) has been formed to ensure issues related to the maintenance and removal of street trees and trees that are in a reserve, immediately adjacent to private properties, are dealt with consistently across the City.
- 2.2 The purpose of the TMASC is to:
 - provide an avenue of appeal for persons who's request in relation to tree management and in particular specific tree removal has been refused by Council administration,
 - give consideration to the Tree Management Policy and the Tree Removal Procedure of Council,
 - provide advice on replacement tree types where a tree is approved for removal by it or the Council Assessment Panel (CAP),
 - exercise delegated authority to make decisions in relation to tree management appeals, with the exception of an appeal involving a tree classified as a 'Regulated or Significant Tree' in accordance with the *Planning, Development and Infrastructure Act 2016*, and
 - make recommendations to Council for the lodgement, if appropriate, of a Development Application to the Development Control Unit and subsequently CAP, in cases where an appeal involves a tree classified as a 'Regulated or Significant Tree' in accordance with the *Planning, Development and Infrastructure Act 2016*.
- 2.3 The Committee will take into consideration both the risk and the opportunities of matters considered, so as to enable Council to act as an informed and responsible decision maker representing the interests of the community.



Tree Management Appeals Sub Committee

Terms of Reference

Adopted by Council:	26 October 2021 (0852/2021) Amended 27 September 2021 (1098/2021)	Review Date:	November 2026
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3 Authority

- 3.1 This TMASC reports to the Urban Services Committee (USC).
- 3.2 The TMASC shall make whatever recommendations to the USC it deems appropriate on any area within its Terms of Reference where in its view action or improvement is needed.
- 3.3 Recommendations made by the TMASC will be referred to the next scheduled meeting of the USC, and through presentation of recommendations to Council for final resolution.
- 3.4 The TMASC may provide advice and make a recommendation to Council via USC to lodge a Development Application for the removal of a Regulated or Significant Tree in alignment with the *Planning, Development and Infrastructure Act 2016*.

4 Membership

- 4.1 Membership of the TMASC comprises of four (4) Elected Members as determined by Council plus the Mayor ex officio.
- 4.2 Membership continues for the term of the Committee unless a member resigns from the Committee or is removed earlier by resolution of Council.
- 4.3 All members must attend meetings of the Committee and, where unable to do so, must provide an apology prior to the meeting.
- 4.4 Proxy membership is not permitted.
- 4.5 The appointment of the Presiding Member and Deputy Presiding Member will be made by the Council for a term determined by the Council.
- 4.6 Ward Councillors are invited to attend for matters to be considered that are in their ward and may request to address the TMASC on the matter, but are not voting members
- 4.7 Members of the administration, including but not limited to the General Manager City Development and General Manager City Infrastructure, who are required to attend meetings of the TMASC will do so in an advisory capacity only.

5 Meetings

- 5.1 Meetings of the Sub-Committee will be held in the Council Offices at 34 Church Street, Salisbury, in the Council/Committee Rooms. Meetings will occur monthly or as required.
- 5.2 In the event that a meeting falls on a public holiday, the meeting will convene on the next business day in that same week.
- 5.3 In accordance with section 87 of the *Local Government Act 1999* (the Act), a minimum of three clear days' notice of an ordinary meeting of the Committee will be provided to members of the Committee.



Tree Management Appeals Sub Committee

Terms of Reference

Adopted by Council:	26 October 2021 (0852/2021) Amended 27 September 2021 (1098/2021)	Review Date:	November 2026
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- 5.4 Public notice of meetings will be given through publication of the meeting schedule on the City of Salisbury website. A copy of the Notice of the Meeting will be displayed publicly at the Council's Community Hub.

6. Quorum

- 6.1 A quorum shall be determined by dividing the total number of Elected Members (excluding the Mayor as ex officio) of the Committee by two (ignoring any fractions) and adding one. For example a committee comprising of four (4) members, the quorum is three (3).

When the Mayor, as an ex officio member, is in attendance at the Committee meeting, the quorum requirements is three (3).

- 6.2 Elected Members who are suspended from office and those granted a leave of absence under Section 55A of the *Local Government Act 1999*, are not to be counted in the total number of Members of the Council when calculating the prescribed number of Elected Members that constitutes a quorum.

7. Meeting Procedures

- 7.1 All meetings will be held in accordance with the Act and the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations) and the *City of Salisbury Code of Practice for Meeting Procedures*.
- 7.2 Where the Act, the Regulations of these Terms of Reference do not prescribe the procedure to be observed in relation to the Committee, the Committee may determine its own procedure.

8. Voting

- 8.1 All members of the Committee have equal voting rights and each member of the Committee present at a meeting will have one vote.
- 8.2 Each member must vote on a question arising for decision, except when a conflict of interest is declared.
- 8.3 The Presiding Member has a deliberative vote only and does not, in the event of an equality of votes, have a casting or second vote.
- 8.4 In the event of an equality of votes, the Committee has not made a decision on that item, which will then be referred to the Council for decision.
- 8.5 An appeal will only be upheld where there is a majority vote to do so by the TMASC. Where the vote is tied, the appeal is dismissed and the original recommendation of Council Administration will stand.



Tree Management Appeals Sub Committee

Terms of Reference

Adopted by Council:	26 October 2021 (0852/2021)	Review Date:	November 2026
	Amended 27 September 2021 (1098/2021)		

9. Minutes and Documents

- 9.1 Minutes and documents will be managed in accordance with the Regulation 25 – *Local Government (Procedures at Meetings) Regulations 2013* and the *City of Salisbury Code of Practice for Access to Meetings and Documents*.
- 9.2 Minutes will be kept of the proceedings at each Committee meeting. Members of the Committee will be provided with a copy of all minutes of the proceedings of the Committee within (5) five days after a Committee meeting.
- 9.3 The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting.
- 9.4 Members of the public are entitled to access all documents received at a meeting of the Committee unless it is resolved to be confidential under the *Local Government Act 1999*.

10. Reporting

- 10.3 Recommendations made by the TMASC will be referred to the next scheduled meeting of the USC, and through presentation of recommendations to Council for final resolution

11. Procedure for matters to be heard by TMASC

Before an appeal is heard by the TMASC the following process must be followed:

- an on-site meeting is convened with relevant staff, the person requesting to appeal the administration decision and affected stakeholders (such as but not limited to the property resident/tenant/owner), and relevant Ward Councillors to establish an understanding of the site and relevant issues,
- where relevant, consultation will occur with the tenant/owner of the property adjacent to the tree, when the request for removal has been submitted by a nearby resident,
- where the request for removal of a tree is from a tenant, it will be determined that the owner of the property agrees with removal of the tree and supports the appeal of the decision,
- where a tree removal request has been refused and the applicant, aggrieved by the decision, requests a review of the decision by the TMASC, Administration will prepare a report to TMASC
- where a request for appeal is to be submitted to the TMASC, the relevant Ward Councillors will be provided an opportunity to make representations to the TMASC when the matter is considered, and
- where a request for appeal is to be submitted to the TMASC, the resident or property owner may nominate a representative for them to attend and advocate on their behalf at a meeting of the TMASC; this may be, subject to their agreement, a Ward Councillor, the Deputy Mayor or the Mayor.
- TMASC has the ability to waive the removal fee for verge trees to concession card holders. (added via Resolution 1237/2022 of 28/02/2022).



Asset Management Sub Committee

Terms of Reference

Adopted by Council: 26 October 2021 (0852/2021)

Review Date: November 2026

Amended 27 September 2021 (1098/2021)

1. Establishment

- 1.1 The **Asset Management Sub Committee (AMSC)** is established under section 41 of the *Local Government Act 1999* as a sub committee reporting to the **Urban Services Committee** for the purpose of providing advice to Council in regard to the areas listed in section 2 below.
- 1.2 The Sub Committee will exist for the term of the Council or unless resolved otherwise by the Council.
- 1.3 The Sub Committee is established as a Standing Committee within the Council's governance framework.

2. Functions and Responsibilities

- 2.1 The Asset Management Sub Committee has been established to provide advice to the Urban Services Committee in relation to reviewing Plans and priority programs of work, related to Asset Management. The Sub Committee will focus on the Playspace, Streetscape and Footpath related assets. To achieve this goal, the Asset Management Sub Committee will:
 - Review footpath, playground and streetscape policies for their appropriateness and currency, taking into consideration best practice and sector and other organisations' approaches and provide recommendations for Council consideration.
 - Consider the targeted levels of service for key asset classes, namely footpaths, playspaces and streetscapes, taking into consideration best practice in asset management, to ensure they match community expectations and are financially sustainable, and consistent across the city.
 - Consider the priority of future and current works flowing from the relevant programs in the relevant Asset Management Plans.
 - Review and provide recommendations to Council on relevant intervention levels for footpath reactive maintenance.
 - Review and provide recommendations to Council on the Building Renewal Program.
- 2.2 The Sub Committee will adopt an innovative and risk management focus in its considerations, delivery and recommendations to Council.

2 Authority

- 3.1 Recommendations made by the AMSC will be referred to the next scheduled meeting of the USC, and through presentation of recommendations to Council for final resolution.

4 Membership

- 4.1 Membership of the AMSC comprises of six (6) Elected Members as determined by Council plus the Mayor as ex-officio.



Asset Management Sub Committee

Terms of Reference

Adopted by Council:	26 October 2021 (0852/2021)	Review Date:	November 2026
	Amended 27 September 2021 (1098/2021)		

- 4.2 Membership continues for the term of the Committee unless a member resigns from the Committee or is removed earlier by resolution of Council.
- 4.3 All members must attend meetings of the Committee and, where unable to do so, must provide an apology prior to the meeting.
- 4.4 Proxy membership is not permitted.
- 4.5 The appointment of the Presiding Member and Deputy Presiding Member will be made by the Council for a term determined by the Council.

5 Meetings

- 5.1 Meetings of the Sub Committee will be held in the Council Offices at 34 Church Street, Salisbury, in the Council/Committee Rooms. Meetings will occur monthly or as required.
- 5.2 In the event that a meeting falls on a public holiday, the meeting will convene on the next business day in that same week.
- 5.3 In accordance with section 87 of the *Local Government Act 1999* (the Act), a minimum of three clear days' notice of an ordinary meeting of the Committee will be provided to members of the Committee.
- 5.4 Public notice of meetings will be given through publication of the meeting schedule on the City of Salisbury website. A copy of the Notice of the Meeting will be displayed publicly at the Council's Community Hub.

6. Quorum

- 6.1 A quorum shall be determined by dividing the total number of Elected Members (excluding the Mayor as ex officio) of the Committee by two (ignoring any fractions) and adding one. For example a committee comprising of six (6) members, the quorum is four (4).
When the Mayor, as an ex officio member, is in attendance at the Committee meeting, the quorum requirements is four (4).
- 6.2 Elected Members who are suspended from office and those granted a leave of absence under Section 55A of the *Local Government Act 1999*, are not to be counted in the total number of Members of the Council when calculating the prescribed number of Elected Members that constitutes a quorum.



Asset Management Sub Committee

Terms of Reference

Adopted by Council:	26 October 2021 (0852/2021)	Review Date:	November 2026
	Amended 27 September 2021 (1098/2021)		

7. Meeting Procedures

- 7.1 All meetings will be held in accordance with the Act and the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations) and the *City of Salisbury Code of Practice for Meeting Procedures*.
- 7.2 Where the Act, the Regulations or these Terms of Reference do not prescribe the procedure to be observed in relation to the Committee, the Committee may determine its own procedure.

8. Voting

- 8.1 All members of the Sub Committee have equal voting rights and each member of the Committee present at a meeting will have one vote.
- 8.2 Each member must vote on a question arising for decision, except when a conflict of interest is declared.
- 8.3 The Presiding Member has a deliberative vote only and does not, in the event of an equality of votes, have a casting or second vote.
- 8.4 In the event of an equality of votes, the Committee has not made a decision on that item, which will then be referred to the Council for decision.

9. Minutes and Documents

- 9.1 Minutes and documents will be managed in accordance with Regulation 25 – *Local Government (Procedures at Meetings) Regulations 2013* and the *City of Salisbury Code of Practice for Access to Meetings and Documents*.
- 9.2 Minutes will be kept of the proceedings at each Committee meeting. Members of the Committee will be provided with a copy of all minutes of the proceedings of the Committee within (5) five days after a Committee meeting.
- 9.3 The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting.
- 9.4 Members of the public are entitled to access all documents received at a meeting of the Committee unless it is resolved to be confidential under the *Local Government Act 1999*.

GB4	Review of Council's Code of Practice for Meeting Procedures
AUTHOR	Joy O'Keefe-Craig, Team Leader Council Governance, CEO and Governance
CITY PLAN LINKS	4.4 We plan effectively to address community needs and identify new opportunities
SUMMARY	It is timely with the commencement of the new Council to review and adopt the Council's Code of Practice for Meeting Procedures. Council is also asked to consider the proposed additional protocols on online meeting participation following Council's resolution on 26 September 2022.

RECOMMENDATION

That Council:

1. Adopts the Code of Practice for Meeting Procedures as included in Attachment 1 (Council, 28 November 2022, Item No. GB4).
2. Adopts proposed additional protocols on online meeting participation following Council's resolution on 26 September 2022, as included in paragraph 3.10 of the report (Council 28 November 2022, Item no GB4).

ATTACHMENTS

This document should be read in conjunction with the following attachments:

1. Code of Practice for Meeting Procedures

1. BACKGROUND

- 1.1.1 The Code of Practice – Meeting Procedures was last reviewed in November 2021.
- 1.1.2 The Code of Practice – Meeting Procedures encompasses both regulatory and discretionary rules that council must follow. Regulation 6 of the *Local Government (Procedure at Meetings) Regulations 2013* allows for council to vary some Regulations to suit their individual needs, by adopting a Code of Practice. Council is required to review the operation of this Code at least once every financial year.

2. CONSULTATION / COMMUNICATION

- 2.1 Internal
 - 2.1.1 Not applicable.
- 2.2 External
 - 2.2.1 Not applicable.

3. REPORT

- 3.1 Sections 86(8) and 89(1) of the *Local Government Act 1999* (the Act) provide that meetings of the Council or a Council Committee will be conducted according to the procedures:
- Prescribed by regulation; and
 - In relation to Council meetings, insofar as the procedure is not prescribed by the regulations – as determined by the Council; and
 - In relation to Committee meetings, insofar as the procedure is not prescribed by the regulations, or determined by the Council – as determined by the Committee itself.
- 3.2 Part 2 of the *Local Government (Procedures at Meetings) Regulations 2013* specify certain procedures to be followed during the operation of Council and certain Council Committee meetings. These meetings include:
- The meetings of the Council;
 - The meetings of a Council Committee performing regulatory activities; and
 - The meetings of any other Council Committee to which the Council has resolved Part 2 will apply.
- 3.3 This procedural document is the City of Salisbury Code of Practice for Meeting Procedures.
- 3.4 Procedures adopted by Council that are variations of the Regulations, or concern matters on which the Act and Regulations are silent, have been inserted (in boxes, italics and bold *like this*) in this Code of Practice to enable them to be read in conjunction with the formal requirements of the regulations. Further, the terms “regulation” and “sub regulation” appearing in the Regulations have been substituted with “clause” and “sub clause” respectively for the purposes of the Code of Practice. Sections of the Regulations that have been modified for the City of Salisbury procedures are shown in strikethrough text *like this*.
- 3.5 The Code of Practice will be available to the public to assist their understanding of the procedures associated with the operation of both Council and Council Committee meetings of the City of Salisbury.
- 3.6 Pursuant to Regulation 6 of the *Local Government (Procedures at Meetings) Regulations 2013*, if a provision of Part 2 capable of being varied at the discretion of Council is varied, a resolution supported by at least two-thirds of the members of the council entitled to vote on the resolution is required.

Amendments to the policy are summarised below:

- 3.7 Include reference/list to ‘order of business’ on the Council Agenda.
- 3.8 Numbering of legislation and CoS provisions to be simplified and highlighted in blue.
- 3.9 Inclusion of ballot voting procedure for nominations by Council.
- 3.10 Council is also asked to consider updated protocols for online participation at Committee meetings.

- 3.11 Following a Motion on Notice, Council resolved at its 22 August 2022 meeting that:

A report be presented on the amendment to S.R.P Remote Participation in Committee and Council Meetings section of the Code of Practice in relation to online meeting participation at the next Council meeting.

- 3.12 Council resolved at the 26 September 2022 Council meeting to defer the video conference protocols until the new Council term.
- 3.13 For ease of review, the track changes highlight the proposed amendments in the relevant Code of Practice section, as per below:

S.RP REMOTE PARTICIPATION IN COMMITTEE ~~AND COUNCIL~~ MEETINGS AND CEO BRIEFING SESSIONS/WORKSHOPS

(1) A ~~Committee~~ Member may attend Committee meetings or CEO Briefing Sessions/Workshops online ~~by telephone or electronic means~~ by video conferencing via the connection link provided by the Council Administration, subject to the following conditions:

(a) All ~~Committee~~ Members and the Minute Taker being able to hear other ~~Committee~~ Members whilst a ~~Committee~~ Member is participating ~~online by telephone or other electronic means~~, and;

(b) ~~Committee~~ Members participating ~~online by telephone or electronic means~~ shall have their video camera switched on to be able to be seen at all times and be located within a quiet environment to ensure they are able to hear and be heard clearly. ~~Members participating online electronically shall be located and~~ in a confidential environment with no other persons present when confidential items are considered ~~by the Committee~~, and;

(c) Members participating ~~by electronic means~~ online are encouraged to use a microphone and headset or combination of the two together, and;

(d) When attending online, ~~best practice is that~~ Members ~~are encouraged to should be using~~ use a blurred digital background for open public meetings, and no digital background for confidential meetings and should only be ~~attending on~~ participating with Council supplied technology, and;

(e) ~~Committee~~ Members participating ~~online by telephone or other electronic means~~ shall ~~expressing~~ their vote on each and every question in a manner that can be identified by all other persons present at the meeting (whether all other persons at the meeting are physically present or present ~~online by telephone or other electronic means~~), and;

(f) The Presiding Member (or Acting Presiding Member) is authorised to disconnect the ~~Committee~~ Member in the event that the technology causes any disruption or ~~inconvenience~~ nuisance to the ~~Committee~~ meeting, and;

(e) Should the ~~telephone or other electronic~~ online connection fail, any attempt(s) to re-connect are made at the discretion of the Presiding Member, and;

(f) Whilst participating in a ~~Committee~~ Meeting in accordance with this clause, a ~~Committee~~ Member shall be considered as being present at the meeting for all purposes.

~~(2) This Code of Practice for Meeting Procedures is amended to enable~~

~~Elected Members to attend meetings of Council by electronic means, in accordance with the Electronic Participation in Council Meetings Notice 2020 (SA Government Gazette, 31 March 2020) issued by the Minister for Local Government. (Resolution No 0488/2020, Council, 1 April 2020)~~

3.14 Information on the new Behavioural Standards for Council Members has been included in Section S.COND.

3.15 Grammatical and editorial changes to ensure consistency throughout the document.

4. CONCLUSION / PROPOSAL

4.1 Council is asked to consider the Code of Practice for Meeting Procedures to ensure that meetings of the Council and Council Committees will be conducted according to the procedures and the prescribed regulations.



City of Salisbury Values: Respectful, Accountable, Collaborative, Helpful

Code of Practice for Meeting Procedures

In accordance with regulation 7 of the
Local Government (Procedures at Meetings) Regulations 2013

Adopted by Council [insert date adopted by Council]

Reviewed 28 November 2022 (Resolution No. **/2022)

Introduction

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

Sections 86(8) and 89(1) of the *Local Government Act 1999 (the Act)* provide that meetings of the Council or a Council Committee will be conducted according to the procedures:

- Prescribed by regulation; and
- In relation to Council meetings, insofar as the procedure is not prescribed by the regulations – as determined by the Council; and
- In relation to Committee meetings, insofar as the procedure is not prescribed by the regulations, or determined by the Council – as determined by the Committee itself.

Part 2 of the *Local Government (Procedures at Meetings) Regulations 2013* specify certain procedures to be followed during the operation of Council and certain Council Committee meetings. These meetings include:

- The meetings of the Council;
- The meetings of a Council Committee performing regulatory activities; and
- The meetings of any other Council Committee to which the Council has resolved Part 2 will apply.

These Regulations provide that Council may develop and adopt a Code of Practice for its own meetings of Council and Committees that varies certain parts of these provisions.

This document is the City of Salisbury Code of Practice for Meeting Procedures.

Procedures adopted by Council that are variations of the Regulations, or concern matter on which the Act and Regulations are silent, have been inserted [like this](#) in this Code of Practice to enable them to be read in conjunction with the formal requirements of the regulations. Further, the terms 'regulation' and 'sub regulation' appearing in the Regulations have been substituted with 'clause' and sub clause' respectively for the purposes of this Code of Practice.

This Code of Practice will be available to the public to assist their understanding of the procedures associated with the operation of both Council and Council Committee meetings of the City of Salisbury

As required under the legislation, this Code of Practice is reviewed annually. The Council may, at any time, by resolution supported by at least two-thirds of the members of Council as a whole, alter, substitute or revoke this Code of Practice.

City of Salisbury Code of Practice for Meeting Procedures

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Part 1 – Preliminary

1 - CITATION

These Procedures may be cited as the 'City of Salisbury – Code of Practice for Meeting Procedures'.

2 - COMMENCEMENT

These Procedures were approved by the City of Salisbury Council on 28 November 2022.

3 - INTERPRETATION

- (1) In these procedures, unless the contrary intention appears:

'Act' means the Local Government Act 1999'

'clear days' see sub-clauses (2) and (3);

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

'formal motion' means a motion

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

1. See Clause 12 for specific provisions about formal motions.

'Guiding Principles' see Clause 4;

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

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

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

'written notice' includes a notice given in a manner or form determined by the Council which includes either legibly hand written or typed and either in paper or electronic form.

- (2) In the calculation of 'clear days' in relation to the giving of notice before a meeting:

- (a) the day on which the notice is given, and the day on which the meeting occurs, will not be taken into account; and
 - (b) Saturdays, Sundays and public holidays will be taken into account.
-

- (3) For the purposes of the calculation of 'clear days' under clause (2), if a notice is given after 5p.m. on a day, the notice will be taken to have been given on the next day
- (4) For the purposes of these procedures, a vote on whether leave of the meeting is granted may be conducted by a show of hands (but nothing in this clause prevents a division from being called in relation to the vote).

4 - GUIDING PRINCIPLES

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

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

Part 2 – Meetings of Council and Key Committees

DIVISION 1 – PRELIMINARY

5 – APPLICATION OF PART

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

- (a) the meetings of the Council;
- (b) the meetings of a council committee performing regulatory activities;

- (c) the meetings of:
 - 1 the Policy and Planning Committee;
 - 2 Innovation and Business Development Committee
 - 3 the Finance and Corporate Services Committee;
 - 4 the Governance and Compliance Committee;
 - 5 the Community Wellbeing and Sport Committee; and
 - 6 the Urban Services Committee;
 - 7 any other Committee, that the Council resolves is a Standing Committee;

- (d) the meetings of any other council committee if the council has, by resolution, determined that this Part should apply to that committee

Where there is any doubt as to whether a Committee performs regulatory activities, the Chief Executive Officer will make a final determination on the matter.

6 – DISCRETIONARY PROCEDURES

- (1) Subject to the requirements of the Act, if a provision of this Part is expressed to be capable of being varied at the discretion of the council pursuant to this clause, then a council may, by a resolution supported by at least two thirds of the members of the council as a whole, determine that a code of practice prepared or adopted by the council that establishes its own procedures for the relevant matter or matters will apply in substitution for the relevant provision (and such a determination will have effect according to its terms).
- (2) A council should, at least once in every financial year, review the operation of a code of practice under this clause.
- (3) A council may at any time, by resolution supported by at least two thirds of the members of the council as a whole, alter a code of practice, or substitute or revoke a code of practice.
- (4) A council must, in considering the exercise of a power under this clause, take into account the Guiding Principles.
- (5) Clause 12(4) does not apply to a motion under sub-clause (3).
- (6) This clause does not limit or derogate from the operation of clause 20¹.

¹Furthermore, if a matter is not dealt with by the Act or regulations (including under a code of practice under the regulations), then the relevant procedure will be-

- (a) as determined by the council; or
- (b) in the case of a council committee where a determination has not been made by the council – as determined by the committee. See sections 86(8) and 89(1) of the Act.

DIVISION 2 – PRESCRIBED PROCEDURES

7 - COMMENCEMENT OF MEETINGS AND QUORUMS

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

S.RP - REMOTE PARTICIPATION IN COMMITTEE MEETINGS AND CEO BRIEFING SESSIONS/WORKSHOPS

- (1) A Committee Member may attend Committee meetings by telephone or electronic means, subject to the following conditions:
 - (a) All Committee Members being able to hear other Committee Members whilst a Committee Member is participating by telephone or other electronic means, and;
 - (b) Committee Members participating by telephone or electronic means shall be located within a quiet environment to ensure they are able to hear and be heard clearly and in a confidential environment with no other persons present when confidential items are considered by the Committee.
 - (c) Committee Members participating by telephone or electronic means are encouraged to use a microphone and headset or combination of the two together.
 - (d) When attending online, best practice is that Committee Members should be using a blurred digital background for open public meetings, and no digital background for confidential meetings and should only be attending on Council supplied technology.
 - (ce) Committee Members participating by telephone or other electronic means expressing their vote on each and every question in a manner that can be identified by all other persons present at the meeting (whether all other persons at the meeting are physically present or present by telephone or other electronic means), and;

- (df) The Presiding Member (or Acting Presiding Member) being authorised to disconnect the Committee Member in the event that the technology causes any disruption or inconvenience to the Committee meeting, and;
- (eg) Should the telephone or other electronic connection fail, any attempt(s) to re-connect are made at the discretion of the Presiding Member, and;
- (hf) Whilst participating in a Committee Meeting in accordance with this clause a Committee Member shall be considered as being present at the meeting for all purposes.

8 – MINUTES

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

(iii) whether the member is in attendance via remote participation as per Clause S.RP; and

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

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

S.MP - MEETING PROTOCOL

- (1) The Chief Executive Officer/appropriate General Manager will sit either side of the Presiding Member of Standing Committees.
- (2) If the time required to consider the business on the agenda extends beyond two (2) hours, the Presiding Member will call for a five (5) minute break for members and staff present.

9 – QUESTIONS

- (1) A member may ask a question on notice by giving the Chief Executive Officer written notice of the question at least seven (7) clear days before the date of the meeting at which the question is to be asked.
- (2) If notice of a question is given under sub-clause (1):
 - (a) the Chief Executive Officer must ensure that the question is placed on the agenda for the meeting at which the question is to be asked; and
 - (b) the question and the reply must be entered in the minutes of the relevant meeting.
- (3) A member may ask a question without notice at a meeting.
- (4) The Presiding Member may allow the reply to a question without notice to be given at the next meeting.
- (5) A question without notice and the reply will not be entered in the minutes of the relevant meeting unless the members present at the meeting resolve that an entry should be made.
- (6) The Presiding Member may rule that a question with or without notice not be answered if the Presiding Member considers that the question is vague, irrelevant, insulting or improper.

S.PQT - PUBLIC QUESTION TIME

- (1) A period of 30 minutes will be made available at the commencement of each ordinary Council Meeting to provide an opportunity for members of the public to ask questions of the Council.
- (2) A maximum time of five (5) minutes per representative will apply. The Presiding Member may allow for an extension of time if appropriate.
- (3) People wishing to ask questions are encouraged to advise the Chief Executive Officer of the nature of their question in writing at least seven (7) working days prior to the meeting, to enable the question/s and answer/s to be included in the publicly available agenda for the Council meeting.
- (4) Should notice of the question/s be advised to the Chief Executive Officer less than seven (7) working days prior to the meeting, staff will make the best possible effort to provide an answer at the meeting, which the Presiding Member will read out.
- (5) If there has been insufficient notice given to allow the Presiding Member to give an answer to the question at the meeting, the question will be taken on notice and an answer given in the Agenda for the next meeting of Council.
- (6) Questions without notice may be asked by members of the public, however the Presiding Member will give priority to those who have given prior notice of their intention to ask a question.
- (7) The Presiding Member will provide an answer to the question asked and the answer will be recorded in the minutes. Where the question was:
 - (a) asked with notice, a written copy of the answers will be provided to the person who asked the question following the giving of the answer.
 - (b) asked without notice, a copy of the written response will be forwarded to the person who asked the question within three working days.
 - (c) taken on notice, the question and an answer to the question will be entered into the Agenda and minutes of the next ordinary Council Meeting and a copy of the answer will be provided directly to the person who asked the question.
- (8) The Presiding Member may refuse to allow a public question to be listed or refuse to respond to a question put at a meeting without notice that:
 - (a) is unlawful in any way;
 - (b) contains defamatory remarks, offensive or improper language;
 - (c) questions the competency of Council staff or Councillors;
 - (d) relates to the personal affairs or actions of Council staff or Councillors;
 - (e) relates to confidential matters, legal advice or actual or possible legal proceedings;
 - (f) is, in the reasonable opinion on the Presiding Member, proffered to advance a particular point of view, rather than to make a genuine inquiry;
 - (g) is vague in nature, or irrelevant to Council;
 - (h) is not related to Council activities; or
 - (i) is a question that has been substantially asked and answered at a previous Council meeting.
- (9) No debate is permitted on either the question or the answer.

10 – PETITIONS

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

(2) If a petition is received under sub-clause (1), the Chief Executive Officer must ensure that a summary of the petition including a statement as to the nature of the request or submission and the number of signatures, is placed on the agenda for the next ordinary meeting of the council and that a copy of the full petition is provided to all elected members.

- (3) Sub-clause (2) may be varied at the discretion of the council pursuant to regulation 6 of the Local Government (Procedures at Meetings) Regulations 2013.

11 – DEPUTATIONS

- (1) A person or persons wishing to appear as a deputation at a meeting must deliver (to the principal office of the council) a written request to the council.
- (2) The Chief Executive Officer must transmit a request received under sub-clause (1) to the Presiding Member.
- (3) The Presiding Member may refuse to allow the deputation to appear at a meeting.
- (4) The Chief Executive Officer must take reasonable steps to ensure that the person or persons who requested a deputation are informed of the outcome of the request.
- (5) If the Presiding Member refuses to allow a deputation to appear at a meeting, the Presiding Member must report the decision to the next meeting of the council or council committee (as the case may be).
- (6) The council or council committee may resolve to allow a deputation to appear despite a contrary ruling by the Presiding Member.
- (7) A council may refer the hearing of a deputation to a council committee.

12 – MOTIONS

- (1) A member may bring forward any business in the form of a written notice of motion.
- (2) The notice of motion must be given to the Chief Executive Officer at least seven (7) clear days before the date of the meeting at which the motion is to be moved.
- (3) A motion the effect of which, if carried, would be to revoke or amend a resolution passed since the last periodic election of the council must be brought by written notice of motion.
- (4) If a motion under sub-clause (3) is lost, a motion to the same effect cannot be brought
 - (a) until after the expiration of 12 months; or
 - (b) until after the next periodic election, whichever is the sooner.
- (5) Subject to the Act and these procedures, a member may also bring forward any business by way of a motion without notice.
- (6) The Presiding Member may refuse to accept a motion without notice if, after taking into account the Guiding Principles, he or she considers that the motion should be dealt with by way of a written notice of motion.
- (7) The Presiding Member may refuse to accept a motion if the subject matter is, in his or her opinion, beyond the power of the council or council committee (as the case may be).
- (8) A motion will lapse if it is not seconded at the appropriate time.
- (9) A member moving ~~or seconding~~ a motion will speak to the motion at the time of moving ~~or seconding~~ the motion.

S.(9a) A member seconding a motion may elect to either speak to the motion at the time of seconding or may reserve their right to speak to the motion until a later stage of the debate. Where a member seconds a motion and reserves their right to speak to it, they will not be considered to have spoken to the motion.

- (10) A member may only speak once to a motion except:
 - (a) to provide an explanation in regard to a material part of his or her speech, but not so as to introduce any new matter; or
 - (b) with leave of the meeting; or
 - (c) as the mover in reply; or

S.(10d) a member may, with the leave of the Presiding Member, ask a question prior to the moving of a motion or during a debate on a motion or amendment to a motion for clarification purposes only without losing their right to speak to the motion or amendment.

- (11) A member who has spoken to a motion may not at a later stage of the debate move ~~or second~~ an amendment to the motion.

(S.11a) Notwithstanding clauses 12(10) a member who has spoken to a motion at an earlier stage of the debate may, at a later stage of the debate, second an amendment to the motion, but in doing so is not automatically granted the right to speak for a further time.

- (S.11b) A member who has seconded a motion, and has reserved their right to speak to the motion at a later stage pursuant to sub-clause 12(S.9a), may not move or second an amendment to the motion.
- (S.11c) Wherever practicable, members wishing to move a motion without notice in relation to an item that is different from that recommended in the agenda for that item are encouraged to make available a written copy of their motion to assist the Presiding Member in the conduct of the meeting and the minute taker in the subsequent preparation of the minutes of the meeting.

- (12) A member who has not spoken in the debate on a question may move a formal motion.
- (13) A formal motion must be in the form of a motion set out in sub-clause (14) below (and no other formal motion to a different effect will be recognised).
- (14) If the formal motion is:
- (a) that **the meeting proceeds to the next business**, then the effect of the motion, if successful, is, in the case of an amendment, that the amendment lapses and the meeting proceeds with the consideration of the motion before the meeting without further reference to the amendment and, in the case of a motion, that the motion lapses and the meeting proceeds to the next item of business; or
 - (b) that **the question be put**, then the effect of the motion, if successful, is that debate is terminated and the question put to the vote by the Presiding Member without further debate; or
 - (c) that **the question lie on the table**, then the effect of the motion, if successful, is that the meeting immediately moves to the next item of business and the question can then only be retrieved at a later time by resolution (and, if so retrieved, debate is then resumed at the point of interruption); or
 - (d) that **the question be adjourned**, then the effect of the motion, if successful, is that the question is disposed of for the time being but debate can be resumed at the later time (at the point of interruption); or
 - (e) that **the meeting be adjourned**, then the effect of the motion, if successful, is that the meeting is brought to an end immediately without the consideration of further business.
- (15) If seconded, a formal motion takes precedence and will be put by the Presiding Member without discussion unless the motion is for an adjournment (in which case discussion may occur (but only occur) on the details for resumption).
- (16) A formal motion does not constitute an amendment to a substantive motion.
- (17) If a formal motion is lost:
- (a) the meeting will be resumed at the point at which it was interrupted; and
 - (b) if the formal motion was put during debate (and not at the end of debate) on a question, then a similar formal motion (i.e., a motion to the same effect) cannot be put until at least one member has spoken on the question.
- (18) A formal motion for adjournment must include the reason for the adjournment and the details for resumption.

- (19) Any question that lies on the table as a result of a successful formal motion under sub-clause 14(c) lapses at the next general election.
- (20) The Chief Executive Officer must report on each question that lapses under sub-clause (19) to the Council at the first ordinary meeting of the Council after the general election.
- (21) Sub-clauses (9), (10) and (11) may be varied at the discretion of the council pursuant to regulation 6 of the Local Government (Procedures at Meetings) Regulations 2013.

S.MON - MEMBER WHO PLACES MOTION ON NOTICE ON AGENDA ABSENT

In circumstances where a Motion on Notice has been placed on the Council Agenda and the member who placed the Motion on Notice is not in attendance at the meeting the Motion on Notice will lapse.

13 – AMENDMENTS TO MOTIONS

- (1) A member who has **not** spoken to a motion at an earlier stage of the debate may move or second an amendment to the motion.

S.13(1a) Notwithstanding clauses 12 (10) and 13 (1), a member who has spoken to a motion at an earlier stage of the debate may, at a later stage of the debate, second an amendment to the motion, but in doing so is not automatically granted the right to speak for a further time.

- (2) An amendment will lapse if it is not seconded at the appropriate time.
- (3) A person who moves or seconds an amendment (and, if he or she chooses to do so, speaks to the amendment) will, in so doing, be taken to have spoken to the motion to which the amendment relates.
- (4) If an amendment is lost, only one **(1)** further amendment may be moved to the original motion.
- (5) If an amendment is carried, only one **(1)** further amendment may be moved to the original motion.
- (6) Sub-clauses (1), (3), (4) and (5) may be varied at the discretion of the council pursuant to regulation 6 of the Local Government (Procedures at Meetings) Regulations 2013.

14 – VARIATIONS ETC.

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

S.FM - FURTHER MOTIONS

A Member may move a Motion Without Notice pursuant to Clause 12(5) related to the preceding item of business on the meeting agenda.

15 – ADDRESSES BY MEMBERS, ETC.

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

S.15(7) A member is at all times during a meeting to address and refer to another Member or an officer or employee by their official title or designation.

S.15(8) A member speaking at a meeting is not to make a personal reflection upon, or impute an improper motive to, another member or to an officer or employee. In the event that this occurs, a member, or the Presiding Member, may request that the member withdraw any comments made.

S.RoR – RIGHT OF REPLY

- (1) The mover of a motion shall have an opportunity to respond following all debate on a motion (the right of reply).
- (2) Following the conclusion of the right of reply, no further debate shall occur and the motion shall be put.
- (3) Notwithstanding clause S.RoR(2), a member may:
 - i. provide an explanation in regard to a material part of his or her speech (Clause 12 (10)(a)); or
 - ii. seek leave of the meeting to make a personal explanation (Clause 15 (3)).

16 – VOTING

- (1) The Presiding Member, or any other member, may ask the Chief Executive Officer to read out a motion before a vote is taken.
- (2) The Presiding Member will, in taking a vote, ask for the votes of those members in favour of the question and then for the votes of those members against the question (and may do so as often as is necessary to enable him or her to determine the result of the voting), and will then declare the outcome.
- (3) A person who is not in his or her seat is not permitted to vote.
- (4) Sub-clause (3)
 - (a) may be varied at the discretion of the council pursuant to regulation 6 of the Local Government (Procedures at Meetings) Regulations 2013.
 - (b) does not apply in relation to a member participating in a council committee meeting by telephone or electronic means approved in accordance with procedures determined by the council or council committee for the purposes of section 89 of the Local Government Act 1999.

17 – DIVISIONS

- (1) A division will be taken at the request of a member.
- (2) If a division is called for, it must be taken immediately and the previous decision of the Presiding Member as to whether the motion was carried or lost is set aside.
- (3) The division will be taken as follows:
 - (a) the members voting in the affirmative will, until the vote is recorded, stand in their places; and
 - (b) the members voting in the negative will, until the vote is recorded, sit in their seats; and
 - (c) the Presiding Member will count the number of votes and then declare the outcome.
- (4) The Chief Executive Officer will record in the minutes the names of members who voted in the affirmative and the names of the members who voted in the negative (in addition to the result of the vote).
- (5) Sub-clause (3) may be varied at the discretion of the council pursuant to regulation 6 of the Local Government (Procedures at Meetings) Regulations 2013.

18 – TABLING OF INFORMATION

- (1) A member may require the Chief Executive Officer to table any documents of the council relating to a motion that is before a meeting (and the Chief Executive Officer must then table the documents within a reasonable time, or at a time determined by the Presiding Member after taking into account the wishes of the meeting, and if the member who has required the tabling indicates that he or she is unwilling to vote on the motion until the documents are tabled, then the matter must not be put to the vote until the documents are tabled).
- (2) The Chief Executive Officer may, in tabling a document, indicate that in his or her opinion consideration should be given to dealing with the document on a confidential basis under section 90 or 91 of the [Local Government Act 1999](#).

S.GB - GENERAL OR OTHER BUSINESS ITEMS (RAISED BY CHIEF EXECUTIVE OFFICER)

Will be included by staff on a Council meeting agenda where the matter is either:

- (a) urgent; or
- (b) a matter that does not otherwise fit within the scope of an existing Committee.

S.OB – OTHER BUSINESS ITEMS (RAISED BY ELECTED MEMBERS)

- (1) Elected Members are encouraged to notify the Presiding Member prior to the meeting if they intend to raise a matter as another Business item.
- (2) To facilitate good and informed decision-making Elected Members will endeavour to raise such Other Business items by way of a motion seeking a report to be submitted to the relevant Committee.

19 – ADJOURNED BUSINESS

- (1) If a formal motion for a substantive motion to be adjourned is carried:
 - (a) the adjournment may either be to a later hour of the same day, to another day, or to another place; and
 - (b) the debate will, on resumption, continue from the point at which it was adjourned.
- (2) If debate is interrupted for want of a quorum and the meeting is then adjourned, the debate will, on resumption, continue from the point at which it was interrupted.
- (3) Business adjourned from a previous meeting must be dealt with before any new business at a subsequent meeting.
- (4) The provisions of this clause may be varied at the discretion of the council pursuant to Regulation 6 [of the Local Government \(Procedures at Meetings\) Regulations 2013](#).

20 – SHORT TERM SUSPENSION OF PROCEEDINGS

- (1) If the Presiding Member considers that the conduct of a meeting would benefit from suspending the operation of all or some of the provisions of this Division for a period of time in order to allow or facilitate informal discussions, the Presiding Member may, with the approval of at least two thirds of the members present at the meeting, suspend the operation of this Division (or any part of this Division) for a period determined by the Presiding Member.
- (2) The Guiding Principles must be taken into account when considering whether to act under sub-clause (1).
- (3) If a suspension occurs under sub-clause (1):
 - (a) a note of the suspension, including the reasons for and period of suspension, must be entered in the minutes; and
 - (b) the meeting may proceed provided that a quorum is maintained but, during the period of suspension:
 - (i) the provisions of the Act must continue to be observed¹; and
¹See particularly Part 4 of Chapter 5, and Chapter 6, of the Act.
 - (ii) no act or discussion will have any status or significance under the provisions which have been suspended; and
 - (iii) no motion may be moved, seconded, amended or voted on, other than a motion that the period of suspension should be brought to an end; and
 - (c) the period of suspension should be limited to achieving the purpose for which it was declared; and
 - (d) the period of suspension will come to an end if:
 - (i) the Presiding Member determines that the period should be brought to an end; or
 - (ii) at least two thirds of the members present at the meeting resolve that the period should be brought to an end.

S.EMG – TERMINATION OF MEETINGS IN THE EVENT OF AN EVACUATION

- (1) In the event of an emergency requiring evacuation of the building the meeting will be deemed to have been suspended in accordance with the requirements of clause 20 (1).
- (2) The Presiding Member or Chief Executive Officer (in the absence of a Council Security Officer) will direct all staff and any visitor/s to the designated emergency assembly points via either:
 - (a) the front stairwell; or
 - (b) the rear stairwell.

S.MCT – MEETING CONCLUSION TIME

Meetings of Council and Council Committees and Sub Committees to which this Part applies will conclude no later than 11.30pm with remaining matters to be deferred to a reconvened meeting subject to advice of the Chief Executive Officer, or referred to the next Council meeting, depending on the will of the meeting. A Motion to Adjourn will be called by the Presiding Member.

21 – CHIEF EXECUTIVE OFFICER MAY SUBMIT REPORT RECOMMENDING REVOCATION OR AMENDMENT OF COUNCIL DECISION

- (1) The chief executive officer may submit a report to the council recommending the revocation or amendment of a resolution passed since the last general election of the council.
- (2) The chief executive officer must ensure that the report is placed on the agenda for the meeting at which the report is to be considered.
- (3) The provisions of this clause may be varied at the discretion of the council pursuant to regulation 6 of the Local Government (Procedures at Meetings) Regulations 2013.

S.CONF – CONFIDENTIAL ITEMS

- (1) The consideration of confidential items at all Council and Committee meetings will be in accordance with the Act and Council's Code of Practice for Access to Meetings and Associated Documents, which explains the use of confidential provisions under the *Local Government Act 1999* at Council and committee meetings.
 - (a) Public access to meetings of Council and Committees is guaranteed, except where indicated on the Agenda that a matter may need to be discussed in confidence and Council/the Committee determines that is the case.
 - (b) Before a meeting excludes the public from discussion of a particular matter, the meeting will formally determine if this is necessary and that the matter falls within Section 90(3) of the Act. The meeting will then pass an appropriate resolution to exclude the public.
 - (c) The debate on whether or not the public should be excluded will be held in public. The public will only be excluded if a motion to that effect is carried.
 - (d) Confidential items will be placed last on the agenda and dealt with at the conclusion of all other business, unless the Presiding Member obtains leave of the meeting to accommodate an alternative order as required.

S.AGD – DISTRIBUTION OF AGENDA AND ASSOCIATED DOCUMENTS

- (1) At least 3 clear days prior to the commencement of a Council or Committee meeting a copy of the Agenda and associated documents for the meeting will be distributed to all Elected Members, and published on Council's website.
- (2) In accordance with section 91(3) of the *Local Government Act 1999*, within five days after a meeting of the council or a council committee, a copy of all minutes of the proceedings of the meeting will be provided to Elected Members and published on Council's website.

Part 3 – Meetings of Other Committees

22 – APPLICATION OF PART

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

23 – NOTICE OF MEETINGS FOR MEMBERS

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

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

24 – PUBLIC NOTICE OF COMMITTEE MEETINGS

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

- (a) that public notice need not be given for each meeting separately; and
- (b) that public notice may be given by displaying a notice and agenda in a place or places determined by the Chief Executive Officer after considering the nature and purpose of the committee.

25 – MINUTES

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

Part 4 – Miscellaneous

26 – QUORUM FOR COMMITTEES

- (1) The prescribed number of members of a council committee constitutes a quorum of the committee and no business can be transacted at a meeting unless a quorum is present.
- (2) For the purpose of this clause, the prescribed number of members of a council committee is
 - (a) unless paragraph (b) applies, a number ascertained by dividing the total number of members of the committee by 2, ignoring any fraction resulting from the division, and adding 1; or
 - (b) a number determined by the council.
See also section 41(6) of the Act.
- (3) For the purposes of the definition of prescribed number –
 - (a) A member of council who is suspended from the office of member of the Council; and
 - (b) A member of Council who is taken to have been granted leave of absence from the office of a member of Council under section 55A.is not to be counted in the total number of members of Council.

27 – VOTING AT COMMITTEE MEETINGS

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

28 – POINTS OF ORDER

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

S.COND – CONDUCT OF MEMBERS

The mandatory Elected Member Behavioural Framework sets out expectations of conduct for all Elected Members and will be adhered to at all times.

29 – INTERRUPTION OF MEETINGS BY MEMBERS

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

- (6) A member who:
- (a) refuses to leave a meeting in contravention of sub-clause (4); or
 - (b) enters a meeting in contravention of a suspension under sub-clause (5), is guilty of an offence.

Maximum penalty: \$1,250.

30 – INTERRUPTION OF MEETINGS BY OTHERS

A member of the public who is present at a meeting of Council or Council committee must not:

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

Maximum penalty: \$500.

S.REC – RECORDING OF MEETINGS/PUBLICATION OF AUDIO

- (1) Public meetings of Council and Council Standing Committees will be audio recorded to assist the Minute Secretary with preparation of the minutes following the meeting. The recording is not intended to be an enduring record of the meeting: the minutes exist for that purpose.
- (2) The audio recording of a public Council meeting will be published on the Council website within 48 hours after the Council meeting and retained on the website for a period of 3 months, after which it will be removed from the website.
- (2) Any audio recording of a Council or Council Standing Committee meeting will be retained for the remainder of the current term of the council and during the final 12 months of the term of Council the recordings be kept for a period of 12 months from the date of the meeting.
- (3) Where a copy of any recording of a Council or Council Standing Committee, meeting is accessed/provided for a purpose other than preparation of the minutes, the recording will be retained within the City of Salisbury record management system in accordance with the requirements of the State Records Act 1997 with the retention period as determined by the General Disposal Schedule 40.

S.PH – PUBLIC HOLIDAYS ON SCHEDULED MEETING DAYS

Committee and Council meetings will be held one day later in the event of any public holiday falling on any scheduled meeting day.

S.CNL – AGENDA FOR COUNCIL MEETINGS

The order of the agenda for each Council Meeting will be as follows:

Meeting Opening

Kaurna Acknowledgement
 Prayer
 Attendance
 Apologies
 Leave of Absence
 Public Question Time
 Deputations
 Presentation of Minutes
 Petitions
 Committee Reports
 General Business Reports
 Mayor's Diary Report
 Reports from Council Representatives
 Questions on Notice
 Questions Without Notice
 Motions on Notice
 Motions Without Notice
 Other Business
 Orders to Exclude the Public
 Confidential Items
 Meeting Close

S.VOT – BALLOT VOTING – secret ballot

In the event that there is an agenda item for appointment of a position where more than one nomination is provided to occupy the role, for example Deputy Mayor or a Board Member position, the Council will follow this voting procedure:

- The Presiding Member will call for nominations and following acceptance of the nominees to be nominated for the position, proceed to a secret paper ballot (one vote per Elected Member).
- The candidate(s) with the highest number of votes will be taken to be the preferred candidate(s) to be nominated or appointed to the position.
- If the votes for two or more nominations are equal, lots must be drawn to determine which candidate or candidates will be excluded. In the event lots are drawn, the candidate, or candidates, remaining, will be identified as the preferred Council nominee.
- Following the secret ballot, which is to be counted by a staff member of Governance with the CEO (or delegate) as scrutineer, the Presiding Member will call for a motion to confirm the outcome of the ballot process.

GB5 Elected Member Allowances and Benefits Policy

AUTHOR Joy O’Keefe-Craig, Team Leader Council Governance, CEO and Governance

CITY PLAN LINKS 4.2 We deliver quality outcomes that meet the needs of our community

SUMMARY This report provides the opportunity for Council to consider the Elected Member Allowances and Benefits policy outlining the provision of facilities and support available to Elected Members to assist in the performance and discharging of official functions and duties.

RECOMMENDATIONThat Council:

1. Adopts the Elected Member Allowance and Benefits Policy, set out in Attachment 1 to this report (Item No. GB5, Council Meeting; 28 November 2022).
2. Revokes the current Elected Members Recognition Policy, noting that recognition is now contained within the Elected Members Allowance and Benefits Policy.

ATTACHMENTS

This document should be read in conjunction with the following attachments:

1. Elected Member Allowances and Benifits Policy

1. BACKGROUND

- 1.1 The Allowances and Benefits Policy sets out the provisions of the *Local Government Act 1999* and Regulations in respect of Council Member allowances, expenses, and support and specifies the types of expenses that will be reimbursed without the need for specific approval of Council every time a claim is made.
- 1.2 The *Local Government Act 1999* provides that provision of facilities and support, reimbursement and allowances are those which are reasonable to support Elected Members to fulfil their role at Council.

2. CONSULTATION / COMMUNICATION**2.1 External**

- 2.1.1 There is no requirement to undertake public consultation on the proposed Elected Member Allowances and Benefits Policy.

3. REPORT

- 3.1 The current Elected Member Allowances, facilities and Support Policy lapses at a general election.
- 3.2 The proposed Elected Member Allowances and Benefits policy aims to provide a transparent and accountable process for Elected Member support.

- 3.3 The policy provides clarity for Elected Members and staff administering the reimbursement of expenses.
- 3.4 This policy outlines the provisions of the *Local Government Act 1999* and associated Regulations in respect to Elected Member allowances, expenses and support. The policy seeks to:
 - 3.4.1 Assist Elected Members in performing or discharging their official functions and duties by providing a range of support and reimbursement for expenses specified in the policy,
 - 3.4.2 Facilities, support and recognition provided to Elected Members will be provided on a uniform basis,
 - 3.4.3 Any reimbursements claimed by Elected Members must be for expenses actually and necessarily incurred in performing and discharging official Council functions and duties, which be assessed under this policy which outlines the requirements under the *Local Government Act 1999*.
- 3.5 Through the review and assessment of our current suite of policies it was identified that there were opportunities to merge some policy documents. This report recommends the current Elected Member Recognition Policy is incorporated into the Elected Member Allowances and Benefits policy to outline the Elected Member recognition provisions and acknowledge the contribution and service of Members.
- 3.6 Following the review, it was deemed appropriate to also include a provision for access to legal services. It is proposed that if an Elected Member requires access to Council funded legal support in context of a Council business matter, the Elected Member will liaise with the Chief Executive Officer or Manager Governance for initial support. If the matter requires more than a standard consult, it is proposed that a Council resolution will be required to approve the request for legal support on the Council business matter.
- 3.7 The consideration of a report concerning the provision of allowances and benefits payable equally to Elected Members is considered as ordinary business and therefore is not subject to the conflict of interest provisions under the *Local Government Act 1999*.

4. CONCLUSION / PROPOSAL

- 4.1 Council is asked to consider the Elected Member Allowances and Benefits policy outlining Elected Member recognition and the provision of facilities and support available to Elected Members to assist in the performance and discharging of official functions and duties.



City of Salisbury Values: Respectful, Accountable, Collaborative, Helpful

TITLE: Elected Member Allowances and Benefits Policy

Adopted by:

Responsible Division: Chief Executive Officer

First Issued/Adopted: November 2022

Last Reviewed:

Next Review Date: Next periodic election
(Pursuant to section 77(2) of the *Local Government Act 1999*, the policy lapses at a general election of Council.

1. Purpose

The City of Salisbury ("Council") will ensure that the payment of Elected Members allowances, the reimbursement of expenses and the provision of benefits by the Council is accountable and transparent and in accordance with the *Local Government Act 1999* ("the Local Government Act") and the *Local Government (Members Allowances and Benefits) Regulations 2010* ("the Allowances Regulations").

This Policy sets out the provisions of the Local Government Act and Regulations in respect of Elected Member allowances, expenses, and support. This Policy is also provided in accordance with Section 77(1)(b) of the Local Government Act by specifying the types of expenses that will be reimbursed without the need for specific approval of Council every time a claim is made.

Elected Members are paid an allowance for performing and discharging their functions and duties on Council as provided in Section 58 and 59 of the *Local Government Act 1999*.

This Policy also explains the information that must be recorded within the Council's Register of Allowances and Benefits to ensure compliance with section 79 of the *Local Government Act 1999*.

This Policy, in its entirety, will automatically lapse at the next general election of this Council.

2. Scope

This Policy applies to all Elected Members, who each have an obligation to abide by this Policy.

The Council's Chief Executive Officer has the duty to:

- (a) maintain the Register of Allowances and Benefits;
- (b) adjust allowances paid to Elected Members (on the first, second and third anniversaries of the relevant periodic elections to reflect changes in the Consumer Price Index ("CPI")); and
- (c) ensure copies of this Policy are published on a website and able to be provided in printed form on request and on payment of a fee (if any) fixed by the Council.

In addition, the Chief Executive Officer is responsible for:

- (a) implementing and monitoring expense reimbursement procedures in accordance with the Local Government Act, the Allowances Regulations, this Policy and any associated procedure; and
- (b) ensuring a copy of this Policy is provided to all Elected Members.

3. Legislative Requirements and Corporate Policy Context

Local Government Act 1999 – Section/s 55, 76, 77, 78, 79.

4. Policy Statements

This Policy is underpinned by the following principles:

To assist Elected Members in performing or discharging their official functions and duties they are entitled to be provided with a range of necessary facilities and support and to be reimbursed for expenses as specified in this policy.

Facilities and support provided to Elected Members will be provided on a uniform basis (other than facilities or services specifically provided for the benefit of the Mayor under section 10.5 of this policy).

Any reimbursements claimed by Elected Members must be for expenses actually and necessarily incurred in performing and discharging official Council functions and duties, which will be assessed according to the role of a Elected Member under the *Local Government Act 1999*.

5.1 Allowances

- 5.1.1 Elected Member allowances are determined by the Remuneration Tribunal on a four-yearly basis with each determination required to be made 14 days before the close of nominations for each set of periodic elections held under the Local Government (Elections) Act 1999.
- 5.1.2 The relevant determination for the Council term commencing in November 2022 is Determination No. 2 of 2022 – Allowances for Members of Local Government Councils.
- 5.1.3 The allowance determined by the Remuneration Tribunal will be payable for the period:
- commencing on the conclusion of the 2022 periodic election; and
 - concluding at the time the last result of the 2026 periodic election is certified by the Electoral Commissioner under the *Local Government (Elections) Act 1999*.
- 5.1.4 The annual allowance for a Elected Member is determined according to the relevant Council Group. There are six Council Groups which are each explained within the Determination of the Remuneration Tribunal.
- 5.1.5 The City of Salisbury has been identified as falling within Group 1A in the current Remuneration Tribunal Determination, with an initial Elected Member annual allowance of \$25,838.
- 5.1.6 The annual allowance for:
- principal members, is equal to four times the annual allowances for Elected Members;
 - deputy mayor or deputy chairperson or a Elected Member who is the presiding member of one or more prescribed committees is equal to one and a quarter (1.25) times the annual allowance for Elected Members;
- An additional allowance in the form of a sitting fee is also payable for Elected Members who are presiding members of other committees (who are not deputy mayors, deputy chairpersons or presiding members of prescribed committees).
- 5.1.7 Elected Member allowances are to be adjusted on the first, second, and third anniversaries of the relevant periodic elections to reflect changes in the CPI (All groups index for Adelaide). Adjustments will occur on 10 November 2023, 10 November 2024, and 10 November 2025. The change in the Consumer Price Index to be applied will be the most recently available annual percentage change in the Consumer Price Index as at the date of adjustment (which will likely be the most recent relevant September quarter figure).
- 5.1.8 In accordance with regulation 4 of the Allowances Regulations (and for the purposes of section 76 of the *Local Government Act 1999*), an allowance may be paid in instalments up to 3 months in advance or 3 months in arrears of each month in respect of which an instalment is payable.

- 5.1.9 City of Salisbury Elected Member Allowances will be monthly in arrears by electronic funds transfer to a nominated bank account.
- 5.1.10 A statement of earnings will be provided to Elected Members at the conclusion of each financial year.

6. Leave of absence – Elected Member contesting election

- 6.1. If a Elected Member stands as a candidate for election as a member of State Parliament, section 55A of the *Local Government Act 1999* automatically grants a leave of absence from the date on which nominations for the relevant election close until the result of the election is publicly declared.
- 6.2. During the leave of absence period the Elected Member:
- is not entitled to receive any Elected Member allowance or reimbursement of expenses; and
 - must not use any facility, service or other form of support provided by the Council; and
 - must not carry out any function or duty as an Elected Member.
- 6.3. A maximum penalty of \$15,000 applies for a breach of this section of the *Local Government Act 1999*.

7. Mandatory Reimbursements – Travel (Section 77(1)(a))

- 7.1. Elected Members are entitled to receive reimbursement for travelling expenses actually and necessarily incurred by the Elected Member for travel within the Council area and associated with attendance at a “prescribed meeting” (section 77(1)(a) of the *Local Government Act 1999*).
- 7.2. A “prescribed meeting” is defined under the Allowances Regulations to mean a meeting of the Council or Council committee, or an information or briefing session, discussion, workshop, training course or similar activity which is directly or closely related to the performance or discharge of the roles or duties of the Member:
- 7.3. Reimbursement for travel expenses is restricted to “eligible journeys” (as defined in Regulation 3) provided the journey is by the shortest or most practicable route and to the part of the journey within the Council area i.e. any travelling outside the Council area in order to attend Council or Council committee meetings is not reimbursable under section 77(1)(a) of the *Local Government Act 1999*. For reimbursement for travel outside the Council area refer to Prescribed and Approved Reimbursements below.
- 7.4. An “eligible journey” means a journey (in either direction) between the principal place of residence, or a place of work, of an Elected Member, and the place of a prescribed meeting.

- 7.5. Where a Elected Member travels by private motor vehicle, the rate of reimbursement is at a rate equal to the appropriate rate per kilometre (determined according to the engine capacity of the vehicle) prescribed for the purposes of calculating deductions for car expenses under section 28.25 of the *Income Tax Assessment Act 1997* of the Commonwealth.
- 7.6. Travelling by taxi, bus or other means of public transport is reimbursed on the basis of expenses "actually and necessarily incurred" but is still limited to "eligible journeys" by the shortest or most practicable route and to the part of the journey that is within the Council area.
- 7.7. The Council may aggregate claims for reimbursement of expenses that relate to journeys that do not exceed 20 kilometres and then pay them on either a quarterly or monthly basis.

8. Mandatory Reimbursements – Child/Dependant Care (Section 77(1)(a))

- 8.1. Elected Members are entitled to reimbursement for child/dependant care expenses actually or necessarily incurred by the Elected Member as a consequence of the Elected Member's attendance at a prescribed meeting.
- 8.2. Child/dependant care is not reimbursed if the care is provided by a person who ordinarily resides with the Elected Member.

9. Additional expense reimbursements (Section 77(1)(b))

- 9.1. There may be additional expenses incurred by Elected Members (not included in the mandatory reimbursements outlined above) that can be reimbursed by the Council. Section 77(1)(b) of the *Local Government Act 1999* provides that the Council may approve the reimbursement of additional expenses incurred by Elected Members, as provided for in the Allowances Regulations, either on a case-by-case basis or under a policy adopted by Council.
- 9.2. Regulation 6 sets out the additional expenses that may be reimbursed under section 77(1)(b) with the approval of the Council.
- 9.3. For the purposes of this Policy, and pursuant to section 77(1)(b) of the *Local Government Act 1999*, the Council approves the reimbursement of additional expenses of Elected Members as described below.

9.3.1. Travel

The following travel related expenses incurred by an Elected Member are eligible for reimbursement:

Travel related to attendance at a Council or Council committee meeting being an "eligible journey" (as defined in Regulation 3). When it is attributable to travel outside the Council area, up to a maximum of \$150 return.

Elected Members will receive reimbursement for expenses incurred in travelling to a function or activity on Council business within Council's budget.

The following conditions apply to these expenses:

- travel both within and outside the Council area must be incurred by the Elected Member as a consequence of attendance at a function or activity on the business of Council.

A "function or activity on the business of the Council" includes:

- official Council functions including Mayoral receptions, opening ceremonies, dinners, citizenship ceremonies and official visits etc.;
- inspection of sites within the Council area which relate to Council or Committee agenda items;
- meetings of community groups and organisations as a Council representative; but not to attend meetings of community groups or organisations when fulfilling the role as a Member of the Board of any such community group or organisation.

reimbursement is restricted to the shortest or most practicable route.

- where a Elected Member travels by private motor vehicle, the rate of reimbursement is as per the mandatory reimbursement covered in section 7.5 of this policy.
- car parking fees will be reimbursed (where they are a direct consequence of a Elected Member attending a function or activity on the business of the Council).
- travel by taxi, bus or other means of public transport will be reimbursed on the basis of being expenses where they are incurred as a consequence of the Member's attendance at a function or activity on the business of the Council however such travel must still be by the shortest or most practicable route.

9.3.2. Care and other expenses

The following Care and Other expenses incurred by a Elected Member are eligible for reimbursement:

Expenses incurred for the care of a child of a Elected Member or a dependant of the Elected Member requiring full-time care as a consequence of the Elected Member's attendance at a function or activity on the business of Council (other than expenses for which the Member is reimbursed under section 77 (1)(a) of the Local Government Act). A Elected Member is not entitled to be reimbursed if the care is provided by a person who ordinarily resides with the Member.

Expenses incurred by the Elected Member as a consequence of the Elected Member's attendance at a conference, seminar, training course or other similar activity that is directly or closely related to the performance or discharge of the roles or duties of the Elected Member (other than expenses for which the Member is reimbursed under section 77(1)(a) of the *Local Government Act 1999*). Expenses will only be reimbursed for attendance at conferences, seminars, etc which have been approved by Council or under delegation/policy.

Where attendance at the conference, seminar etc is approved, the following types of expenses can be reimbursed: airfares, registration fees, accommodation, meals, taxi fares, car parking and incidentals within budget.

Expenses incurred in the use of a telephone, internet, or other communication device on the business of the Council up to \$60 per month.

10. Facilities and support

- 10.1. In addition to allowances and the reimbursement of expenses, the Local Government Act provides that the Council can provide facilities and forms of support for use by its Elected Members to assist them to perform or discharge their official functions and duties (section 78).
- 10.2. The Council must consider and specifically approve the particular facility and support as necessary or expedient to the performance or discharge of all Elected Members official functions or duties. In approving the provision of facilities and support, section 78 requires that any such services and facilities must be made available to all Elected Members on a uniform basis, other than those facilities or support specifically provided to the Principal Member set out below (if any).
- 10.3. Pursuant to section 78 of the *Local Government Act 1999*, Council has considered and is satisfied that the following facilities and support are necessary or expedient for all Elected Members to assist them in performing or discharging their official functions and duties:
 - Hybrid laptop and/or tablet
 - Media monitoring service
 - Printer/scanner with up to 16 sets of printer cartridges per Council term
 - Up to 4 reams of paper per annum
 - Up to 1,500 envelopes per annum
 - Up to 1,000 business cards per annum
 - Up to 500 "with compliments" slips per annum
 - Meal (no alcohol provided) as coordinated by Administration, prior to Council, Committee, Subcommittee and CEO Briefing sessions.
- 10.4 The provision of these facilities and support are made available to all Elected Members (including the Principle Member) under the *Local Government Act 1999* on the

Where quantities of items are provided on a "per annum" basis these amounts apply for a financial year period (that is, from 1 July until 30 June). During an election year, a pro-rata quantity is determined leading up to the close of voting of the election.

Access to legal advice:

If an Elected Member requires access to Council funded legal support in context of a Council business matter, the Elected Member will liaise with the Chief Executive Officer or Manager Governance for initial support. If the matter requires more than a standard consult, a Council

resolution will be required to approve the request for legal support on the Council business matter.

- 10.5. The provision of these facilities and support are made available to all Elected Members (including the Principal Member) under the Local Government Act on the following basis:
- they are necessary or expedient for the Elected Member to perform or discharge his/her official functions or duties;
 - the facilities remain the Council's property regardless of whether they are used off site or not; and
 - all Council Cyber Security and ICT policies, guidelines and training requirements covering access and use of Council systems and devices must be adhered to.
 - Council's ICT team will actively manage systems and devices to ensure maximum protection from a changing and evolving cybersecurity landscape. This management may change the operating environment as new protections are implemented. All changes to the operating environment will be communicated to Elected Members in advance unless in response to an emergency situation.

Principal Member

- 10.6. In addition to the above, Council has resolved to make available to the Principal Member (and to any acting Principal Member appointed during the Principal Member's absence) the following additional facilities and support to assist them in performing and discharging their official functions and duties:
- Fully maintained passenger vehicle
 - Mobile phone
 - Office space
 - Access to a Personal Assistant
- 10.7. In addition, although not required by the Local Government Act, the Council has determined that the provision of the above facilities and support are made available to Elected Members on the following terms:
- each Elected Member is solely responsible for those facilities released into their care and/or control for the duration of their term in office;
 - all facilities must be returned to the Council at the end of each term in office, upon the office of a Member of a Council becoming vacant, or earlier at the request of the Chief Executive Officer;
 - if the facilities provided to the Elected Member are damaged or lost, the Elected Member must lodge a written report with the Council officer responsible for this Policy;

- The use of Council facilities, support and/or services by Elected Members for campaign or election purposes is not permitted under any circumstances on the basis it is not necessary or expedient to the performance or discharge of an Elected Member's official functions or duties under the *Local Government Act 1999*. The use of such facilities for electoral purposes during the election period would be a breach of section 78(3) of the *Local Government Act 1999*.

10.8 Elected Member Recognition:

- 10.8.1 In addition to the Certificates issued by the Local Government Association, the Eligible Elected Member will be presented at a Council meeting, the following acknowledgement of continuous years of service:

10 years: Framed Certificate of Service

20 years: Framed Certificate of Service and Gift chosen by the Mayor to the value of \$200.

30 years: Plaque of the Council Crest and engraved plate identifying the name of the Elected Member and years to service to Council. Gift chosen by the Mayor to the value of \$350.

- 10.8.2 Elected Members achieving the 20 year milestone will also have their names included on a "Service Recognition Honour Board" in the Salisbury Community Hub Foyer.

All presentations will be made by the Mayor at an ordinary meeting of Council and recorded in the minutes of the meeting.

- 10.8.3 Current Elected Members and past Elected Members who pass away and who have been closely associated with the Council and its history, are to be acknowledged and recognised for their contribution to the City of Salisbury in the form of the following:

- A sympathy (condolence) card or a personal note to the immediate family signed by the Mayor and/or CEO on behalf of Council and staff; and
- The publication of a notice on Council's social media and in a local or state based newspaper on the death of a current or former Elected Member; and
- A floral tribute where this form of sympathy is considered acceptable. Where appropriate, the provision of a floral tribute may be substituted by a donation to a charity nominated by the immediate family of the person who has passed away.

- 10.8.4 For those Elected Members who have served 20 or more years with the City of Salisbury, and have made exceptional and significant contributions to Civic or Community matters, Council may give consideration, on a case by case basis, to one of the following forms of recognition, once they no longer hold the position of Elected Member.

- naming of a road (in accordance with the City of Salisbury's Naming of Roads Policy) and/or;
- naming of a park or reserve and/or;
- construction of artwork, memorial or monument and/or;
- other form of appropriate acknowledgement

10.8.5 Outgoing Elected Members at the conclusion of a Elected Member's term, whether it is through resignation, or not successfully gaining a Council position following an Election, will be recognised by presentation of a Framed Certificate of Service by the Mayor including the total years of service.

10.8.6 The Mayor is further authorised to acknowledge Elected Members or their immediate family (via card, flowers or small gift) in the event of hospitalisation, serious illness or accident.

10.8.7 Pursuant to Section 79 of the Local Government Act 1999, details of any benefits paid or payable to, or provided for the benefit of an Elected Member by Council will be recorded in the Register of Allowances and Benefits.

10.8.8 Expenditure for gifts, certificates will be sourced from within the Civic Budget Area. Where artwork, a monument or memorial is to be installed, a new initiative bid must be submitted.

11. Claiming reimbursements

11.1. To receive reimbursement for expenses, each Elected Member is required to complete the Reimbursement of Expenses Form. For the purposes of administrative efficiency, Elected Members are requested to submit the Reimbursement of Expenses within one (1) month from when the expense is incurred. Reimbursements of expenses are to be claimed within the financial year that they are incurred.

11.2. Receipts confirming the expenditure incurred must be provided with any claim made for reimbursement.

12. Register of Allowances and Benefits

12.1. Pursuant to section 79(1) and (2) of the *Local Government Act 1999*, the Chief Executive Officer must maintain a Register in which he or she shall ensure that a record is kept of—

a) the annual allowance payable to an Elected Member (in the case of section 79 (1)(a)); and

b) any expenses reimbursed under section 77(1)(b) of the *Local Government Act 1999* (in the case of section 79(1)(b)); and

c) other benefits paid or provided for the benefit of the Member by the Council (in the case of section 79(1)(c)); or

d) to make a record of the provision of a reimbursement or benefit not previously recorded in the Register (in the case of section 79(2)(b)),

on a quarterly basis (see regulation 7 of the Allowances Regulations).

12.2. Reimbursements paid under section 77(1)(a) of the *Local Government Act 1999* are not required to be recorded in the Register.

6. Related Policies and Procedures

6.1 Elected member Training and Induction Policy

7. Approval and History

Version	Approval Date	Approval By	Change
8	28/11/2022	Council	<p>Policy reviewed and updated in new template.</p> <p>Legislative review and updated to reflect changes</p> <p>Policy updated to include key policy principles, mandatory reimbursements, Presiding member</p> <p>Recognition of Elected Members included.</p>

8. Availability

8.1 The Policy is available to be downloaded, free of charge, from Council's website www.salisbury.sa.gov.au

8.2 The Policy will be available for inspection without charge at the Civic Centre during ordinary business hours and a copy may be purchased at a fee as set annually by Council.

City of Salisbury Community Hub
 34 Church Street, Salisbury SA 5108
 Telephone: 84068222
 Email: city@salisbury.sa.gov.au

9. Review

- 13.1. A review of allowances and benefits paid to Elected Members can be undertaken as part of the internal audit process.
- 13.2. This Policy will lapse at the next general election at which time the newly elected Council will be required to adopt a new policy dealing with Elected Members allowances, reimbursements, and benefits for their term in office (section 77(2) Local Government Act).

Further Information

For further information on this Policy please contact:

Responsible Officer: Governance Manager
Address: 34 Church Street, Salisbury SA 5108
Telephone: 8406 8222
Email: city@salisbury.sa.gov.au



COUNCIL MEMBER EXPENSE REIMBURSEMENT CLAIM

(Relating to expenses claimed under S.76 & 77 of the *Local Government Act 1999*, the *Local Government (Members Allowances and Benefits) Regulations 2010* and detailed in the Council Members' Allowances and Benefits Policy)

This form must be completed by Council Members when claiming the reimbursement of expenses.

Name:

TRAVEL EXPENSES AND TRAVEL TIME PAYMENT (if applicable)

Personal Vehicle

Date	Council function or business purpose for travel*	Km
	TOTAL KILOMETRES CLAIMED:	
Office Use Only: _____ Kilometres @ _____ ¢/km = \$		

Motor Vehicle Details (where applicable):

Model and make	<input type="text"/>
Engine size	<input type="text"/>

Bus and/or Taxi Costs (where applicable):

Date	Council function or business purpose for travel	Cost
	TOTAL REIMBURSEMENT CLAIMED:	

Please attach copies of all receipts

*NOTE: Travel claims must relate to expenses actually and necessarily incurred by the Member in travelling to or from a prescribed meeting provided the journey is an eligible journey and is by the shortest or most practicable route. For the purposes of this form the term "**eligible journey**" means a journey between the principal place of residence, or a place of work, of a Member of the Council, and the place of a prescribed meeting (in either direction), in accordance with the *Local Government (Members Allowances and Benefits) Regulations 2010*.

CARE EXPENSES

Date	Prescribed meeting attending requiring care**	Hrs care provided	Cost
	TOTAL REIMBURSEMENT CLAIMED:		

Please attach copies of all receipts

**NOTE: A "prescribed meeting" means a meeting of the Council or Council committee, or an information or briefing session, discussion, workshop, training course or similar activity which is directly or closely related to the performance or discharge of the roles or duties of the Member.

TELEPHONE/OTHER TELECOMMUNICATION EXPENSES

Claim period start	Claim period end	Details of expense being claimed	Cost
		TOTAL REIMBURSEMENT CLAIMED:	

Please attach copies of all receipts

CONFERENCE/SEMINAR/TRAINING COURSE EXPENSES

Date	Conference/Seminar/Training Course details	Cost
	TOTAL REIMBURSEMENT CLAIMED:	

Please attach copies of all receipts

If not provided previously or your details have changed, please complete your details below:

BSB:	
Bank and Branch:	
Account No:	
Account Name:	

I confirm that the above claims for reimbursement are true and accurate, have been actually and necessarily incurred in the performance of my official duties as a Council Member with the City of Salisbury and are made in accordance with section 77(1)(a) of the *Local Government Act 1999* and Regulation 5 of the *Local Government (Members Allowances and Benefits) Regulations 2010*.

Signature

Date

OFFICE USE ONLY

Received by: _____ Date: _____
Processed by: _____ Date: _____

GB6	Appointment of an Elected Member to the Council Assessment Panel
AUTHOR	Chris Zafiropoulos, Assessment Manager, City Development
CITY PLAN LINKS	4.3 Have robust processes that support consistent service delivery and informed decision making.
SUMMARY	This report provides information for Council to appoint an Elected Member to the Council Assessment Panel for the next term of two years.

RECOMMENDATION

That Council:

1. Adopts the Council Assessment Panel Terms of Reference in Attachment 1 Council, 28 November 2022, Item No. GB6.
2. Appoints _____ as the Elected Member appointment to the Council Assessment Panel for the term 1 December 2022 to 30 November 2024.
3. Appoints _____ as the Deputy Elected Member appointment to the Council Assessment Panel for the term 1 December 2022 to 30 November 2024. (Optional)

ATTACHMENTS

This document should be read in conjunction with the following attachments:

1. Council Assessment Panel Terms of Reference

1. BACKGROUND

- 1.1 Council is required to establish a Council Assessment Panel (CAP) to determine development applications under the *Planning, Development and Infrastructure Act 2016* (Act).
- 1.2 The CAP is comprised of five members and one of the members may be a member of the Council. Council can choose not to appoint an Elected Member on the Panel. This will however require appointment of a fifth independent member.
- 1.3 Council is able to determine the conditions of appointment for members on the CAP. This includes the term of office, remuneration and grounds for the removal of a member. Council's CAP draft Terms of Reference are provided in Attachment 1. Minor amendments have been included in tracked changes to remove reference to the previous legislation (Development Act) that is no longer required. Council's adoption of the draft Terms of Reference is sought.
- 1.4 The CAP determines its own meeting Procedures that are published on Council's website.

2. REPORT

- 2.1 The CAP is currently comprised of four independent members in addition to an Elected Member. The term of appointment of the current independent members concludes on 31 May 2023, prior to which Council will be required to make a decision on the independent members for the next term of membership. The independent members are:
- Mr Terry Mosel – Presiding Member;
 - Mr Ross Bateup;
 - Ms Cherie Gill; and
 - Mr Matthew Atkinson.
- 2.2 The term of appointment of Independent Members has previously timed to overlap the local government elected member term to enable the incoming Council to consider and appoint independent members to the CAP.
- 2.3 Council has previously resolved fixed term appointments of the Elected Member to the CAP to also coincide with the timing of local government elections – which can be half-term (2 years) or full-term (4 years), and the timing of the usual post-election committee appointment cycle. The term of the previous Council term Elected Member, Cr. Brug, expires on 30 November 2022, reflecting that local government elections are held four yearly in November.
- 2.4 The Act requires that Council be satisfied that the Elected Member who is appointed to the CAP is appropriately qualified to act as a member of the assessment panel on account of the person's experience in local government. The Elected Member will be required to complete a financial disclosure statement that is prescribed in Schedule 1 of the Act.
- 2.5 The Elected Member on the CAP is appointed to make decisions in accordance with the legislative framework under the Act. A member of CAP must not engage in any act or omission which may give rise to a reasonable presumption of pre-judgement of a development proposal or application. The member is generally unable to advocate for community members on planning considerations that are considered by the CAP, and if they do so the Elected Member should declare the fact and not participate in the debate or decision-making process in relation to that matter by declaring a conflict of interest.
- 2.6 The member is bound by the following:
- 2.6.1 Code of Conduct adopted by the Minister for Planning.
 - 2.6.2 Objects, Planning Principles and General Responsibilities under the *Planning, Development and Infrastructure Act 2016*.
 - 2.6.3 Operating Procedures established by the Panel.
- 2.7 As Council's terms of reference seek to ensure the Panel consists of equal numbers of women and men, the appointment could seek to improve this balance.
- 2.8 The Elected Member on the Panel, Cr Brug, may be reappointed. In the event a new member is appointed, a training session will be provided for the Elected Member.

- 2.9 The CAP meetings are ordinarily held every fourth Tuesday of the month, commencing at 6.30pm in the Salisbury Community Hub. The Panel may also convene special meetings to deal with urgent matters.
- 2.10 The remuneration for the Elected Member on CAP is \$320 per meeting. In context of this remuneration, the nominated Elected Member for appointment will have to declare a material conflict of interest and vacate the room for the deliberation and voting on the matter.
- 2.11 The Act provides for the establishment of Deputy Members for the CAP. This effectively provides a proxy for members. While this option is provided, Council has not always appointed Deputy Members as attendance at CAP meetings has historically been very high. Cr Reardon was appointed as Deputy Elected Member in the previous term. Cr Reardon attended one meeting in her capacity as Deputy Member over this period.

3. CONCLUSION / PROPOSAL

- 3.1 It is recommended that Council determine the Elected Member and, if considered necessary, a Deputy Elected Member for the Council Assessment Panel.



COUNCIL ASSESSMENT PANEL

Terms of Reference

October 202~~1~~²

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1. Background

1.1. The Salisbury Council Assessment Panel (**CAP**) was appointed as a relevant authority under Section 82 and 83 of the *Planning, Development and Infrastructure Act 2016 (Act)* by resolution of the City of Salisbury (**the Council**) on 21 August 2017.

~~1.2. The CAP is a relevant authority under the Act and, during transition to the Act, will act as a delegate of the Council for the purpose of the *Development Act 1993*.~~

2. Membership of CAP

Appointment of Members

2.1. The CAP will be constituted of five (5) Members (CAP Members), to be appointed by the Council, comprising:

2.1.1. One (1) Member of the Council (Council Member); and

2.1.2. Four (4) Independent Members (Independent Members), not being Members of the Council or State Parliament.

2.2. The Council may determine that the CAP will be constituted by a different number of members for different classes of development, in which case the relevant details will be specified by the Council.

2.3. When appointing CAP Members, the Council may have regard to the following:

2.3.1. The candidate's knowledge of the operation and requirements of the Act ~~and, during transition to the Act, the Development Act;~~

2.3.2. In relation to Independent Members, the candidate's qualifications or experience in a field that is relevant to the activities of the CAP;

2.3.3. In relation to the Council Member, the candidate's experience in local government;

2.3.4. That a balance of qualifications and experience among CAP Members is desirable;

2.3.5. That insofar as is reasonably practicable, ensure that the Panel consists of equal numbers of women and men; and

2.3.6. Such other matters as the Council considers relevant.

Appointment of Deputy Members

2.4. The Council may appoint Deputy Members to the CAP for the purpose of filling in for a CAP Member who is unable to attend a CAP meeting or part of a CAP meeting.

2.5. Subject to clause 2.6, a Deputy Member must not be a Member of the Council or State Parliament.

- 2.6. Where a Deputy Member appointed for the Council Member is also a member of the Council, that person may not act as a deputy for any other CAP Member (whereas a Deputy Member who is not a member of the Council may act as a deputy for any CAP Member).
- 2.7. Where more than one Deputy Member is appointed, the Council must specify the circumstances in which each Deputy Members (or any one or more of them) will be invited to attend a CAP meeting.
- 2.8. In appointing a Deputy Member, the Council may have regard to the matters in clause 2.23, as well as to the qualifications and experience of the CAP Member or CAP Members to whom the candidate will be a deputy.
- 2.9. Unless the context otherwise requires, a reference to a CAP Member in this document includes a Deputy Member.

Expression of Interest

- 2.10. The Council will call for expressions of interest for appointment of CAP Members.
- 2.11. The Council may reappoint an existing member for a subsequent term without calling for expressions of interest.

Presiding Member and Acting Presiding Member

- 2.12. The Council will appoint an Independent Member to be the Presiding Member of the CAP for such term and on such conditions as determined by the Council.
- 2.13. The Presiding Member will preside at any CAP meeting at which he or she is present.
- 2.14. That the CAP appoint an Acting Presiding Member for the remainder of the CAP term. If both the Presiding Member and Acting Presiding Member are absent from a CAP meeting (or part thereof), a CAP Member will be appointed from those CAP Members present by means of resolution, and will preside over the meeting.
- 2.15. A Presiding Members is eligible to be reappointed as the Presiding Member at the expiry of his or her term of office as Presiding Member.
- 2.16. In the event that the Presiding Member resigns or is removed from office, the Council will appoint an Independent Member to be the Presiding Members for such term and on such conditions as determined by the Council.

Term of Appointment

- 2.17. Subject to clause 5, Independent Members will be appointed for a term of up to two years and on such other conditions as determined by the Council.

- 2.18. Subject to clause 5, the Council Member will be appointed for a term of up to two years and on such other conditions as determined by the Council.
- 2.19. Deputy Members will be appointed for a term of up to two years and on such other conditions as determined by the Council.
- 2.20. A CAP Member is eligible for reappointment for a further term, or further terms, upon the expiry of his or her current term.
- 2.21. A CAP Member whose term of office has expired may nevertheless continue to act as a Member until the vacancy is filled or for a period determined by Council.
- 2.22. The term of appointment of the Independent Panel Members' shall be staggered so that two positions expire in each two year period, to provide a balance of continuity and refreshment of Panel Members across the term.

3. Vacancy in Membership

- 3.1. In the event of a vacancy arising in the office of a CAP Member, the Council may appoint a person to be a CAP Member for the balance of the original CAP Member's term of office as soon as is reasonably practicable in the same manner as the original CAP Member was appointed.
- 3.2. The CAP Member appointed to fill a vacancy may be a Deputy Member in which case that person will automatically cease to be a Deputy Member.
- 3.3. In appointing a CAP Member pursuant to clause 3.1, the Council may have regard to the matters in clause 2.2 or 2.88 as the case requires.
- 3.4. A vacancy in the membership of the CAP will not invalidate any decisions of the CAP, provided a quorum is maintained during meetings.

4. Conditions of Appointment

- 4.1. At all times, CAP Members must act honestly, lawfully, in good faith, and in accordance with any code of conduct applicable to CAP Members.
- 4.2. CAP Members may be remunerated as determined by the Council for the reasonable time and costs incurred by CAP Members in attending CAP meetings.
- 4.3. Different levels of remuneration may be fixed by the Council for Independent Members, the Council Member, the Presiding Member and Deputy Members.
- 4.4. Upon the commencement of Section 83(1)(c) of the Act:

- 4.4.1. CAP Members, excluding a Member who is a Member or former Member of the Council, must be accredited professionals under the Act; and
- 4.4.2. CAP Members who are Members or former Members of the Council must have sufficient experience in local government to satisfy the Council that they are appropriately qualified to act as a Member of the CAP.

5. Removal from Office

- 5.1. A CAP Member will automatically lose office where:
 - 5.1.1. the CAP Member has become bankrupt or has applied to take the benefit of a law for the relief of insolvent debtors;
 - 5.1.2. the CAP Member has been convicted of an indictable offence punishable by imprisonment;
 - 5.1.3. in the case of a Council Member, the Member ceases to be a member of the Council.
- 5.2. Subject to Clause 5.4, the Council may by resolution remove a CAP Member from office where, in the opinion of the Council, the behaviour of the CAP Member amounts to:
 - 5.2.1. a breach of a condition of his or her appointment as a CAP Member;
 - 5.2.2. misconduct;
 - 5.2.3. a breach of any legislative obligation or duty of a CAP Member;
 - 5.2.4. neglect of duty in attending to role and responsibilities as a CAP Member;
 - 5.2.5. a failure to carry out satisfactorily the duties of his or her office;
 - 5.2.6. a breach of fiduciary duty that arises by virtue of his or her office;
 - 5.2.7. inability to carry out satisfactorily the duties of his or her office.
 - 5.2.8. except in relation to Deputy Members, a failure without reasonable excuse to attend three consecutive CAP meetings without the CAP previously having resolved to grant a leave of absence to the CAP Member; or
 - 5.2.9. in relation to a Deputy Member, a failure without reasonable excuse on three consecutive occasions to attend a meeting of the CAP when requested to do so; or
 - 5.2.10. for any other reason the Council considers appropriate.

- 5.3. The removal of the CAP Member pursuant to clause 5.2 will take effect upon the Council passing a resolution to remove the CAP Member from office (unless the Council resolves otherwise), and such resolution will be confirmed in writing to the CAP Member within 7 days of being passed.
- 5.4. Prior to resolving to remove a CAP Member from office pursuant to clause 5.2, the Council must:
- 5.4.1. give written notice to the CAP Member of:
 - 5.4.1.1. its intention to remove the CAP Member from office pursuant to clause 5.2; and
 - 5.4.1.2. the alleged behaviour of the CAP Member falling within clause 5.2.1 or reason the Council considers it appropriate to remove the CAP Member,
not less than 7 days before the meeting of the Council at which the matter is to be considered;
 - 5.4.2. give the CAP Member an opportunity to make submissions to the Council on its intention to remove the CAP Member from office either orally at the Council meeting at which the matter is to be considered, or in writing by such date as the Council reasonably determines; and
 - 5.4.3. have due regard to the CAP Member's submission in determining whether to remove the CAP Member from office.

GB7 Representative and Community Appointments

AUTHOR Michelle Woods, Projects Officer Governance, CEO and Governance

CITY PLAN LINKS 4.4 We plan effectively to address community needs and identify new opportunities

SUMMARY This report provides information on representative and community organisations', board and governing body vacancies for Elected Members and seeks Council's consideration of the appointment of representatives from the newly elected Council. The appointment will be for the Term of Council.

RECOMMENDATION

That Council:

External Appointments

1. Appoints _____ (2 Elected Members), _____ (2 Deputy Elected Members), the General Manager Business Excellence and _____ (Deputy to General Manager Business Excellence) to the Northern Adelaide Waste Management Authority Board.
2. Appoints _____ as voting representative to the Local Government Association of SA, with _____ appointed as the deputy.
3. Appoints _____ as voting representative to the Local Government Finance Authority of SA, with _____ appointed as the deputy.
4. Appoints _____ (2 Elected Members) and _____ (2 Deputy Elected Members) to the Salisbury Business Association.
5. Appoints _____ to the Parafield Airport Consultative Committee.
6. Appoints _____ (1 Elected Member) and _____ (1 Deputy Elected Member) to the Adelaide Coastal Councils Network.
7. Appoints _____ (1 Elected Member) to the Salisbury and Districts Historical Society.
8. Appoints _____ (1 Elected Member) to the Paralowie R-12 School Governing Council.
9. Appoints _____ (1 Elected Member) to the Lake Windemere B-7 School Governing Council.
10. Appoints _____ (1 Elected Member) to the Salisbury East High School Governing Council.
11. Appoints _____ (1 Elected Member) to the Salisbury High School Governing Council.

12. Appoints _____ (1 Elected Member) to the Valley View Secondary School Governing Council.
13. Appoints _____ (1 Elected Member) to the Para Hills High School Governing Council.

Internal Appointments

14. Appoints _____ (1 Elected Member) to the Reconciliation Action Plan Working Group.
15. Appoints _____ (1 Elected Member) to the Social Participation and Diversity Advisory Committee as Chair.
16. Appoints _____ (up to 2 Elected Members) and Mayor Aldridge (ex-officio member) to the Intercultural Strategic Alliance.
17. Appoints the Presiding Member of the Community Wellbeing and Sport Committee and the Hills Ward Councillors (Cr Peter Jensen and Cr Shiralee Reardon) to the Bridgestone Coordination Group.
18. Appoints the Presiding Member of the Community Wellbeing and Sport Committee and _____ (1 x Hills Ward Councillor) as members of the Salisbury Recreation Precinct Redevelopment Project Control Group and Deputy Presiding Member of Community Wellbeing and Sport Committee and _____ (other Hills Ward Councillor) as deputy Elected Member representatives.
19. Appoints _____ (up to 2 Elected Members) and Mayor Aldridge (ex-officio member) to the Public Art Panel.

ATTACHMENTS

This document should be read in conjunction with the following attachments:

1. Representative and Community Appointments (External)
2. Representative and Community Appointments (Internal)

1. BACKGROUND

- 1.1 Council has representation on boards and governing bodies for a number of community organisations and working groups.
- 1.2 Appointments made since November 2018 have lapsed due to the recent local government elections. Therefore, Council is asked to appoint representatives from the newly elected member body to fill the various vacant roles.

2. CONSULTATION / COMMUNICATION

- 2.1 External
 - 2.1.1 Relevant external organisations.

3. REPORT

- 3.1 The attachment to this report sets out the vacant positions for various boards and governing bodies for various community organisations and working groups. Council is asked to consider the requirements and determine an appointment for each of those vacancies listed.
- 3.2 It is important to note that where an Elected Member holds a position on a governing body they must consider their fiduciary duties and act in the best interests of that organisation, which may not necessarily be consistent with the best interests of Council. They must not act at the direction of Council.
- 3.3 Council may consider appointing relevant Committee Presiding Members to those governing bodies relevant to the purpose of the respective Committees.

4. CONCLUSION / PROPOSAL

- 4.1 Council is asked to consider its representative appointments as outlined in the attachment to this report.

City of Salisbury
Elected Member Representation on External Bodies

Organisation	Purpose of Body	Previous Representative	Required Representation + Position Held	Meeting Details
Northern Adelaide Waste Management Authority (NAWMA) Board	<p>NAWMA is a regional subsidiary and administered by a Board in accordance with the requirements of the Local Government Act 1999, the NAWMA Charter and various policies.</p> <p>The membership of the Board comprises ten directors – three directors appointed by each of the Constituent Councils (Salisbury, Playford, Gawler), and one independent person who acts as Chair.</p> <p>The NAWMA Board is responsible for the overall governance, management and strategic direction of the organisation.</p> <p>The Board meets bi-monthly and drives organisational performance to deliver efficient, best practice service to Constituent Councils.</p>	<p>Cr Graham Reynolds (Member)</p> <p>Cr Shiralee Reardon (Deputy Member)</p> <p>Cr Julie Woodman (Member)</p> <p>Cr Kylie Grenfell (Deputy Member)</p> <p>Charles Mansueto, General Manager Business Excellence (Member)</p> <p>General Manager City Infrastructure (Deputy Member)</p>	<p><u>Extract of NAWMA Charter:</u></p> <p>Each of the Constituent Councils will appoint <u>three persons</u> to the Board.</p> <p>Each Constituent Council may also appoint a person who in the opinion of the Council has business skills and corporate governance experience attuned to the purposes of NAWMA.</p> <p>Constituent Councils shall appoint a deputy for each Council Board member.</p> <p>-----</p> <p>Appointed as Board members.</p>	<p>There are five scheduled Board Meetings per year, with Special Board Meetings scheduled ad-hoc as required.</p> <p>Board Meetings commence at 4pm in the NAWMA Education Centre at Edinburgh (71-75 Woomera Avenue, Edinburgh).</p>
Local Government Association of SA (LGA)	To be the voting delegate at Ordinary General Meetings and Annual General Meetings of the LGA.	<p>Voting Rep - Deputy Mayor C Buchanan</p> <p>Deputy Voting Rep - Mayor G Aldridge OAM</p>	<p>1 Elected Member + 1 deputy member.</p> <p>Appointed as voting representative.</p>	<p>Ordinary General Meeting held in April each year and Annual General Meeting held in October each year.</p>

City of Salisbury
Elected Member Representation on External Bodies

Organisation	Purpose of Body	Previous Representative	Required Representation + Position Held	Meeting Details
Local Government Finance Authority of SA (LGFA)	To be the voting delegate at the Annual General Meeting of the LGFA.	Voting Rep - Cr Natasha Henningsen Deputy Voting Rep - Cr Lisa Braun	1 Elected Member + 1 deputy member. Appointed as voting representative.	Annual General Meeting held in October each year as part of the LGA AGM and lasts for approx. half an hour. From a logistical aspect, the delegates for the LGFA and the LGA are recommended to be the same.
Salisbury Business Association Management Committee	The objectives of the association: <ol style="list-style-type: none"> 1. Improve the image of the Salisbury City Centre; 2. Formulate, and oversee the implementation of, a marketing strategy for the Salisbury City Centre. 3. Promote the Salisbury City Centre as a whole. 4. Attract more people to the Salisbury City Centre. 5. Encourage ethics and good business practice among the Association's Members. 6. Be the recognised voice for local business when communicating with government departments and agencies, the City of Salisbury and other key stakeholders 7. Liaise and co operate with the City of Salisbury and other authorities and bodies for better achieving the objects of the Association. 	Member - Cr Graham Reynolds Deputy Member - Cr David Hood	2 x Elected Members 2 x Deputy Elected Members Voting members of Association Management Committee.	3rd Thursday of every second month, 8.30am – 9.30am, held at the Salisbury Community Hub. First meeting for 2023 will be Thursday 19 January.

City of Salisbury
Elected Member Representation on External Bodies

Organisation	Purpose of Body	Previous Representative	Required Representation + Position Held	Meeting Details
	8. Generate funds to fulfil objectives 1 to 6 above.			
Parafield Airport Consultative Committee (PACC)	<p>Functions of the PACC are described below, but are not limited to:</p> <ul style="list-style-type: none"> • Provide an advisory forum for the free exchange of views on airport matters between the Airport Operator, various sectors of the aviation industry and the local community; • Advise the Minister for Infrastructure and Transport and State and Local Governments with respect to the abatement of aircraft noise and related environmental issues at the Airport; • Monitor, discuss and recommend actions in regard to ground-based environmental issues and matters covered by the Airports Act 1996; • Monitor air space management around the Airport, including adherence to noise abatement procedures; • Monitor the operation of the noise abatement procedures currently in place; • Review the results of flight path, aircraft noise and the adequacy of monitoring arrangements and make recommendations to the decision makers in Airservices Australia and the Civil Aviation Safety Authority (CASA); • Examine patterns of complaints about aircraft noise and if required, recommend to the Minister, action with 	Cr Peter Jensen	<p>Extract from terms of reference:</p> <p><i>'The committee shall comprise representatives from local elected Members of Federal, State and local governments, Airport Operator, Department of Infrastructure and Regional Development (DIRD), relevant State Government Departments (Planning, Transport and Infrastructure, Environment Protection Agency (EPA)), Noise Ombudsman's Office, representatives of local resident interest groups and associations, neighbouring Local Governments and Land Management Trusts, Airservices Australia, Airline Operators, General Aviation Representatives, relevant industry bodies, Concessionaires, State Tourism and Local Interests Groups as endorsed by Local Government.'</i></p>	The committee meets on a quarterly basis for approx. 1 hour on a Thursday afternoon, generally at venues on Airport grounds or in close proximity.

City of Salisbury
Elected Member Representation on External Bodies

Organisation	Purpose of Body	Previous Representative	Required Representation + Position Held	Meeting Details
	<p>respect to those complaints;</p> <ul style="list-style-type: none"> Consider reports on the noise and health impacts arising from the Airport's operations; Provide airport management with information of developments from other sectors may impact on the future operations of the airport; The Airport Operator's Management to provide and discuss with Committee Members details of proposed airport developments and changes to operations that could affect their respective sector of responsibility; and Take action to address any airport-related issues of concern to its members. 			
Adelaide Coastal Councils Network (ACCN) (previously known as the Metropolitan Seaside Councils' Committee: MSCC)	<p>The MSCC has undergone a review during 2022 which has resulted in the formation of the ACCN co ordinated through the Local Government Association. The first meeting of the ACCN is yet to take place.</p> <p>Purpose – The ACCN is established for the purpose of supporting member Councils to advance integrated coastal zone management in metropolitan Adelaide.</p> <p>It advocates on behalf of Local Government to State and Federal Governments in relation to the changing conditions that member Councils encounter with the management of</p>	Member - Cr Lisa Braun Deputy Member - Cr Beau Brug	1 x Elected Member + 1 Deputy Elected Member Member of the Executive Committee	Not set at this point in time as Executive Officer yet to be appointed.

City of Salisbury
Elected Member Representation on External Bodies

Organisation	Purpose of Body	Previous Representative	Required Representation + Position Held	Meeting Details
	<p>complex coastal environments.</p> <p>It is proposed the Executive Committee will:</p> <ul style="list-style-type: none"> - Guide the design of Strategic Forums and events with the Executive Officer - Approve budget (membership fees) and annual Executive Officer work plan - Undertake mid-year review of budget and Executive Officer work plan and performance - Report back to member councils – deliverables, achievements, future priorities 			
Salisbury and Districts Historical Society	The Salisbury and District Historical Society was formed to promote the discussion and the study of South Australia and Australian history, in particular the history of the District of Salisbury and to promote the collection, recording and classification of works, source material and artifacts of all kinds relating to the history of the District of Salisbury, and to facilitate access to the collection by all sections of the community in Salisbury.	Cr Shiralee Reardon	1 Elected Member	<p>General meetings are held 4 times a year.</p> <p>Meetings normally held on a Wednesday at the old Police Station in Ann Street, Salisbury, starting at 7pm.</p>
Paralowie R-12 School Governing Council (Central Ward)		Cr Chad Buchanan	1 Elected Member Member of Governing Council.	Held twice a term usually on a Monday at 5.15pm, subject to change next year.
Lake Windemere B-7 School Governing Council (North Ward)		Cr David Hood	1 Elected Member Member of Governing Council.	Generally held on a Wednesday of week 3 and 8 each term at

City of Salisbury
Elected Member Representation on External Bodies

Organisation	Purpose of Body	Previous Representative	Required Representation + Position Held	Meeting Details
				7pm at the school.
Salisbury East High School Governing Council (East Ward)		Cr Adam Duncan	1 Elected Member Member of Governing Council.	This year they have met twice a term on a Tuesday evening commencing at 6:30pm.
Salisbury High School Governing Council (North Ward)		Cr Graham Reynolds	1 Elected Member Member of Governing Council.	Twice a term on a Monday evening commencing at 5:30/6:00pm. Face to face and Zoom option.
Valley View Secondary School Governing Council (Hills Ward, bordering South Ward)		Cr Julie Woodman	1 Elected Member Member of Governing Council.	Twice a term on a Wednesday evening commencing at 7:00pm at the school.
Para Hills High School Governing Council (Hills Ward)		Cr Shiralee Reardon	1 Elected Member Member of Governing Council.	Generally twice a month during term on a Wednesday evening commencing at 6:30pm.

City of Salisbury
Elected Member Representation on Internal Groups

Organisation	Purpose of Body	Previous Representative	Required Representation + Position Held	Meeting Details
Reconciliation Action Plan Working Group	<p>The Reconciliation Action Plan (RAP) sets out the deliverables by the City of Salisbury to promote reconciliation between the local Aboriginal and wider Salisbury community.</p> <p>The Reconciliation Action Plan (RAP) Working Group is responsible for the development, guidance and support of RAP initiatives and may provide feedback or advice for Reconciliation activities that sit outside this specific plan.</p>	Mayor G Aldridge (ex-officio)	1 x Elected Member	Meets on a quarterly basis during the day.
Social Participation and Diversity Advisory Committee Previously 'Positive Ageing Service Advisory Committee (including Jack Young Centre and Para Hills Centre)'	<p>The role of the Advisory Committee is to:</p> <ul style="list-style-type: none"> • Provide advice to the council through the Manager of the Community Health and Wellbeing regarding direction and development of the centres • Provide advice on program and activities at the centres • Facilitate safe, affordable, inclusive, and active centres for all users • Review the maintenance issues relevant to the operations of the centres • Recommend to council a Schedule of fees for the centres • Contribute to the achievements of the Community Health and Wellbeing strategic plan 	Cr Shiralee Reardon (as Chair)	1 x Elected Member as Chair	Advisory meetings held on the last Thursday of each month at 9.30am at the Jack Young Centre, Salisbury.

City of Salisbury
Elected Member Representation on Internal Groups

Organisation	Purpose of Body	Previous Representative	Required Representation + Position Held	Meeting Details
Intercultural Strategic Alliance	<p>To provide Council with contemporary and timely advice regarding the policy context for the implementation of the Intercultural Strategic Plan 2017-2027 as well as to alert Council to any relevant changes in policy and strategy which affect the community.</p> <p>The aim is for the Alliance is to be a key strategy and policy conduit to facilitate reforms, advocate and provide advice to inform decision making and support strategic direction relating to interculturalism.</p>	<p>Cr Chad Buchanan</p> <p>Cr Sarah Ouk</p> <p>Mayor Gillian Aldridge (ex-officio)</p>	Up to two (2) Elected Members + Mayor (ex-officio)	Bi-monthly meetings.
Bridgestone Coordination Group	<p>The purpose of the group is to discuss and collaborate on the following areas:</p> <ul style="list-style-type: none"> Operational matters related to club-based activity at the Bridgestone Athletics Centre Licence arrangements Usage, maintenance and activation of the Bridgestone Athletics Centre Community use and value of the centre to the community Other matters pertaining to the Bridgestone Athletics Centre where appropriate. 	<p>Cr Adam Duncan (as Chair of Community Wellbeing & Sport Committee)</p> <p>Cr Shiralee Reardon (Hills Ward Councillor)</p> <p>Cr Peter Jensen (Hills Ward Councillor)</p>	<p>Chairman of Community Wellbeing & Sport Standing Committee</p> <p>Hills Ward Councillors</p>	<p>The first meeting of this group was at the beginning of November 2022.</p> <p>It is intended to meet quarterly at the Bridgestone Athletics Centre.</p>

City of Salisbury
Elected Member Representation on Internal Groups

Organisation	Purpose of Body	Previous Representative	Required Representation + Position Held	Meeting Details
Salisbury Recreation Precinct Redevelopment Project Control Group	With the success of the State Government grant application to support the delivery of the Salisbury Recreation Precinct Redevelopment, the establishment of this project is well advanced in alignment with Project Management Principles. As part of this, a Governance Structure is established to support the delivery of the project.	Cr Adam Duncan (as Chair, Community Wellbeing & Sport Committee) Cr Chad Buchanan (Deputy Mayor and as Deputy Chair, Community Wellbeing & Sport Committee) ----- Cr David Hood (North Ward Councillor) Cr Graham Reynolds (North Ward Councillor)	Chair of the Community Wellbeing and Sport Committee (as member) Deputy Chair of the Community Wellbeing and Sport Committee (as deputy member to attend in the absence of the Chair Community Wellbeing and Sport Committee) ----- 1 x North Ward Councillor (as member) Alternate North Ward Councillor (as deputy to appointed North Ward Councillor when they are unable to attend) ----- 1 x Mayor (open invitation)	Every two months.

City of Salisbury
Elected Member Representation on Internal Groups

Organisation	Purpose of Body	Previous Representative	Required Representation + Position Held	Meeting Details
Public Art Panel	<p>To provide advice on:</p> <p>Public Art Framework:</p> <ul style="list-style-type: none"> Review and comment on Public Art prior to it being considered by Council for endorsement; Ensure feedback to Council staff regarding the opportunities for public art within the City of Salisbury; Monitor progress of all public art activities through meetings on an as needs basis. <p>Outdoor Gallery Projects:</p> <ul style="list-style-type: none"> As appropriate and/or required by the Public Art Panel, assess and advise on public artwork proposals; Review and advise on artist briefs and short listed artists. <p>Integrated Art Projects:</p> <ul style="list-style-type: none"> Review and recommend Artists for Public Art Program (Create a Place) projects; Recommend public art projects identified as appropriate for the Public Art Program (Create a Place); Comment on artists proposals as required. <p>External Public Art</p> <ul style="list-style-type: none"> When required provide advice on Public Art proposals from external groups or individuals. 	<p>Cr Maria Blackmore</p> <p>Cr Kylie Grenfell</p> <p>Mayor Gillian Aldridge (ex-officio)</p>	Up to two (2) Elected Members + Mayor (ex-officio)	<p>As required, for upcoming projects.</p> <p>Approx. 5 times per year.</p>

GB8	Nominations Sought for the SA Boating Facility Advisory Committee
AUTHOR	Michelle Woods, Projects Officer Governance, CEO and Governance
CITY PLAN LINKS	4.4 We plan effectively to address community needs and identify new opportunities
SUMMARY	The Local Government Association (LGA) is seeking nominations for one member and one deputy member on the South Australian Boating Facility Advisory Committee for a two-year term.

RECOMMENDATION

That Council:

1. Approves the nomination of _____ as member and _____ as deputy member on the South Australian Boating Facility Advisory Committee.

ATTACHMENTS

This document should be read in conjunction with the following attachments:

1. SA Boating Facility Advisory Committee Selection Criteria
2. SA Boating Facility Advisory Committee Nomination Form

1. BACKGROUND

- 1.1 The LGA is seeking nominations from local government members for a member and deputy member on the South Australian Boating Facility Advisory Committee for a two-year term.
- 1.2 Nominations must be forwarded to the LGA **by 5pm Friday 16 December 2022**.

2. CONSULTATION / COMMUNICATION

- 2.1 Internal
 - 2.1.1 Not applicable.
- 2.2 External
 - 2.2.1 Not applicable.

3. REPORT

- 3.1 The SA Boating Facility Advisory Committee (SABFAC) is established by Regulation 216(2)(d) *Harbors and Navigation Regulations 2009*.
- 3.2 The SABFAC primary function is to advise the Minister on any variation of the amounts of the facilities levies, and the application of the Facilities Fund.
- 3.3 The LGA is seeking nominations from qualified council members, or employees of a council, or other local government entity, to fill a member position and a deputy position, with a term of two years commencing in January 2023.
- 3.4 There are two LGA nominated positions on the SABFAC currently held by Cr Sarah McGrath, City of Charles Sturt and Deputy Member, Mayor Leon Stephens, Port Pirie Regional Council. Both current members are eligible for re-appointment.
- 3.5 The Committee meets four times per year generally in the Adelaide CBD and travel expenses and reimbursements are at the discretion of the Minister. This position is not remunerated.
- 3.6 The *Legislation Interpretation Act 2021* (the Act) requires the LGA to provide a panel of five nominees from which the Minister will select the appointees. In accordance with section 42 of the *Legislation Interpretation Act 2021* the panel of nominees must include at least one male and one female.
- 3.7 The LGA Nominations on Outside Bodies Policy specifies that, unless determined otherwise by the LGA Board of Directors, nominees be currently serving council members or employees of a council or other local government entity. Only nominations submitted following a resolution of Council will be considered.
- 3.8 The Policy also enables the LGA to maintain a Nominees Database, which will record the details of nominees who agree to be considered for other vacancies for a period of 12 months based on the nominee's preferences. The Nomination Form (Attachment 2) asks nominees whether they want to be listed on the database.

How to nominate

- 3.9 The Call for Nominations Information Sheet (Attachment 1) provides more information on the role, as well as the selection criteria to be addressed by the nominee.
- 3.10 The nominee and Council must complete the Nomination Form (Attachment 2) and forward to the LGA by 5:00 pm **Friday 16 December 2022**.
- 3.11 An up-to-date curriculum vitae (CV) and a response to the selection criteria (no more than 2 pages) must be supplied by the nominee - these may be submitted with the Nomination Form or forwarded separately by 5:00 pm Friday 16 December 2022.

4. CONCLUSION / PROPOSAL

- 4.1 Council is asked to determine if it wishes to put forward a nomination for a local government representative and deputy on the SA Boating Facility Advisory Committee.
- 4.2 It should be noted, there is no obligation to submit a nomination.

PART A

LGA Appointments and Nominations to Outside Bodies — Call for Nominations

South Australian Boating Facility Advisory Committee	
Governing Statute (if applicable)	Regulation 216(2)(d) Harbors and Navigation Regulations 2009
Purpose/Objective	To advise the Minister on any variation of the amounts of the facilities levies, and the application of the Facilities Fund.
Administrative Details	<ul style="list-style-type: none"> • 4 meetings per year in Adelaide CBD • Nil remuneration • Expenses and reimbursements at discretion of Minister.
Selection Criteria (to be addressed by applicant)	<ul style="list-style-type: none"> • Local government knowledge and experience. • Expertise, experience and skills appropriate to carrying out the functions of a committee. • Experience as senior decision maker in a council with a boating facility.
Liability and indemnity cover <i>The LGA requires that persons appointed to Outside Bodies be appropriately insured throughout the period of their appointment and seeks to collect details of the insurances provided by the Outside Body on an annual basis.</i>	
For more information contact: LGA Nominations Coordinator at nominationscoordinator@lga.sa.gov.au or 8224 2000	

PART B

LGA Appointments and Nominations to Outside Bodies — Nomination Form

Instructions

This form:

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

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

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

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

SECTION 1: COUNCIL to complete

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

PART B**SECTION 2: NOMINEE to complete**

South Australian Boating Facility Advisory Committee			
Nominee Details			
* Denotes a Mandatory Field. The information in this form is provided by the LGA to the relevant Minister/State Government Authority for the purposes of actioning an appointment to an outside body. Successful Nominees may be contacted directly by the relevant body using the information provided in this form.			
First Name:*		Gender	
Middle Name:*			
Surname:*			
Home / Personal Postal Address:*			
Phone:		Mobile:	
Personal Email:			
Why are you interested in this role?			
CV	attached <input type="checkbox"/> OR forwarding separately <input type="checkbox"/>		
Response to selection criteria (if applicable)	<i>Nominee to provide response to selection criteria (of no more than 2 pages) for consideration by the LGA Board of Directors.</i> attached <input type="checkbox"/> OR forwarding separately <input type="checkbox"/>		
Please refer to the Call for Nominations information sheet for the selection criteria to be addressed.			
Do you agree for your details to be retained on the LGA Nominees Database for a period of 12 months in order to be considered for other vacancies on Outside Bodies? Yes <input type="checkbox"/> OR No <input type="checkbox"/>			
If Yes, please list any fields of interest or Outside Bodies of interest: • •			
Undertaking: <i>The LGA Board resolved in January 2015 to ensure that appointees to external Boards and Committees remain current local government members or officers. If you leave local government for any reason during the term of your appointment, are you prepared to resign your appointment if requested to do so by the LGA?</i> Yes <input type="checkbox"/> No <input type="checkbox"/>			
Signature of Nominee: _____			

GB9 Nominations Sought for the Native Vegetation Council

AUTHOR	Michelle Woods, Projects Officer Governance, CEO and Governance
CITY PLAN LINKS	4.4 We plan effectively to address community needs and identify new opportunities
SUMMARY	The Local Government Association (LGA) is seeking nominations for one member and one deputy member on the Native Vegetation Council for a two-year term. Sitting fees apply to this appointment.

RECOMMENDATION

That Council:

1. Approves the nomination of _____ as member and _____ as deputy member on the Native Vegetation Council.

ATTACHMENTS

This document should be read in conjunction with the following attachments:

1. Native Vegetation Council Selection Criteria
2. Native Vegetation Council Nomination Form

1. BACKGROUND

- 1.1 The LGA is seeking nominations from local government members for a member and deputy member on the Native Vegetation Council for a two-year term.
- 1.2 Nominations must be forwarded to the LGA **by 5pm Friday 16 December 2022**.

2. CONSULTATION / COMMUNICATION

- 2.1 Internal
 - 2.1.1 Not applicable.
- 2.2 External
 - 2.2.1 Not applicable.

3. REPORT

- 3.1 The Native Vegetation Council (NVA) is established under Section 8(1)(e) of the *Native Vegetation Act 1991* (the Act).
- 3.2 The NVC's primary purpose is to protect and enhance the natural environment of South Australia, to contribute to a healthy economy by being a place where people want to visit, live and enjoy; and to honour the legacy of the traditional custodians of the land.
- 3.3 The LGA is seeking nominations from suitably qualified council members, or employees of a council, or other local government entity, to fill a position, and a deputy position, with a term of up to two years commencing in April 2023.

- 3.4 There is one LGA nominated position on the NVC which is currently held by Cr John Neal, Regional Council of Goyder. Cr Neal is eligible for re-appointment.
- 3.5 In accordance with section 8(3) of the Act, members nominated by the LGA must be persons who:
- carry on a business of primary production (whether as owner or manager of the business), and
 - live on, or in close proximity, to the land on which the business is carried on, and
 - manage the business on a daily basis.
- 3.6 The Committee meets six times per year generally in Adelaide and sitting fees are \$206 per session, plus an out of session allowance of \$51.50 per hour.
- 3.7 The *Legislation Interpretation Act 2021* requires the LGA to provide a panel of five nominees from which the Minister will select the appointee. In accordance with section 42 of the *Legislation Interpretation Act 2021* the panel of nominees must include at least one male and one female.
- 3.8 The LGA Nominations on Outside Bodies Policy specifies that, unless determined otherwise by the LGA Board of Directors, nominees be currently serving council members or employees of a council or other local government entity. Only nominations submitted following a resolution of Council will be considered.
- 3.9 The Policy also enables the LGA Secretariat to maintain a Nominees Database, which will record the details of nominees who agree to be considered for other vacancies for a period of 12 months based on the nominee's preferences. The Nomination Form (Part B below) asks nominees whether they want to be listed on the database.

How to Nominate

- 3.10 The Call for Nominations Information Sheet (Attachment 1) provides further information regarding the role, as well as any selection criteria to be addressed by the nominee.
- 3.11 The nominee and Council are required to complete the Nomination Form (Attachment 2) and forward to the LGA by **5pm Friday 16 December 2022**.
- 3.12 An up-to-date curriculum vitae and a response to the selection criteria (no more than 2 pages) must be supplied by the nominee – these may be submitted with the Nomination Form or forwarded separately by 5pm Friday 16 December 2022.

4. CONCLUSION / PROPOSAL

- 4.1 Council is asked to determine if it wishes to put forward a nomination for a local government representative and deputy on the Native Vegetation Council.
- 4.2 In context of the remuneration, the nominated Elected Member will need to declare a material conflict of interest prior to the deliberation and decision on the nomination.
- 4.3 It should be noted, there is no obligation to submit a nomination.

PART A

LGA Appointments and Nominations to Outside Bodies — Call for Nominations

Native Vegetation Council	
Governing Statute (if applicable)	Section 8(1)(e) Native Vegetation Act 1991 Outside Bodies Database
Purpose/Objective	The NVC's primary purpose is to protect and enhance the natural environment of South Australia, to contribute to a healthy economy by being a place where people want to visit, live and enjoy; and to honour the legacy of the traditional custodians of the land.
Administrative Details	<ul style="list-style-type: none"> • 6 meetings per year in Adelaide • sitting fees are \$206 per session, plus an out of session allowance of \$51.50 per hour • mileage is claimable (over 47 kms) currently @89c/km, travel time @\$26/hour (minus first 2 hours of travel), and all meals and incidentals
Selection Criteria (to be addressed by applicant)	<p>In accordance with section 8(3) of the Act, members nominated by the LGA must be persons who:</p> <ul style="list-style-type: none"> • carry on a business of primary production (whether as owner or manager of the business), and • live on, or in close proximity, to the land on which the business is carried on, and • manage the business on a daily basis. • Local government knowledge and experience
Liability and indemnity cover <i>The LGA requires that persons appointed to Outside Bodies be appropriately insured throughout the period of their appointment and seeks to collect details of the insurances provided by the Outside Body on an annual basis.</i>	
For more information contact: LGA Nominations Coordinator at nominationscoordinator@lga.sa.gov.au or 8224 2000	

PART B

LGA Appointments and Nominations to Outside Bodies — Nomination Form

Instructions

This form:

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

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

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

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

SECTION 1: COUNCIL to complete

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

PART B**SECTION 2: NOMINEE to complete**

Native Vegetation Council			
Nominee Details			
* Denotes a Mandatory Field. The information in this form is provided by the LGA to the relevant Minister/State Government Authority for the purposes of actioning an appointment to an outside body. Successful Nominees may be contacted directly by the relevant body using the information provided in this form.			
First Name:*		Gender	
Middle Name:*			
Surname:*			
Home / Personal Postal Address:*			
Phone:		Mobile:	
Personal Email:			
Why are you interested in this role?			
CV	attached <input type="checkbox"/> OR forwarding separately <input type="checkbox"/>		
Response to selection criteria (if applicable)	<i>Nominee to provide response to selection criteria (of no more than 2 pages) for consideration by the LGA Board of Directors.</i> attached <input type="checkbox"/> OR forwarding separately <input type="checkbox"/>		
Please refer to the Call for Nominations information sheet for the selection criteria to be addressed.			
Do you agree for your details to be retained on the LGA Nominees Database for a period of 12 months in order to be considered for other vacancies on Outside Bodies? Yes <input type="checkbox"/> OR No <input type="checkbox"/>			
If Yes, please list any fields of interest or Outside Bodies of interest: • • •			
Undertaking: <i>The LGA Board resolved in January 2015 to ensure that appointees to external Boards and Committees remain current local government members or officers. If you leave local government for any reason during the term of your appointment, are you prepared to resign your appointment if requested to do so by the LGA?</i> Yes <input type="checkbox"/> No <input type="checkbox"/>			
Signature of Nominee: _____			

GB10 Acting Chief Executive Officer - Appointment of Suitable Person

AUTHOR Rudi Deco, Manager Governance, CEO and Governance

CITY PLAN LINKS 4.4 We plan effectively to address community needs and identify new opportunities

SUMMARY From time to time it is necessary for a person to be appointed to act in the office of Chief Executive Officer. Section 102 of the *Local Government Act 1999* allows the Chief Executive Officer to appoint a suitable person to act in the office after consultation with Council. This report seeks endorsement by Council of “suitable persons” to act in the role of Chief Executive Officer during periods of leave or other absences to facilitate the acting appointment process as required.

RECOMMENDATIONThat Council:

1. Endorses the Chief Executive to appoint the following persons to act in the office of Chief Executive Officer in his absence, pursuant to Section 102(b) of the *Local Government Act 1999*:
 - General Manager City Development, Michelle English
 - General Manager Business Excellence, Charles Mansueto
 - General Manager Community Development, Amy Pokoney-Cramey
 - General Manager City Infrastructure, John Devine

ATTACHMENTS

There are no attachments to this report.

1. BACKGROUND

- 1.1 During periods of leave or other absence it is necessary to appoint an Acting Chief Executive Officer to ensure the day to day operations of the organisation can continue, particularly in relation to the exercise of delegations held solely by the Chief Executive Officer.
- 1.2 With the commencement of the new Council term it is appropriate to consult with Council on the proposed arrangement for appointment of an Acting Chief Executive Officer.
- 1.3 Section 102 of the *Local Government Act 1999* (Persons to act in absence of chief executive officer) provides:

In the absence of the chief executive officer, the following provisions apply:

 - (a) *If there is a deputy to the chief executive officer- the deputy must act in the office of the chief executive officer;*
 - (b) *If there is no deputy or the deputy is absent – a suitable person appointed by the chief executive officer after consultation with the council must act in the office;*

- (c) *If a person is not appointed under paragraph (b) – a suitable person must be appointed by the principal member of the council to act in the office (after taking into account the organisational structure of the council);*
- (d) *If a person is not appointed under paragraph (c)- a suitable person must be appointed by any three or more members of the council to act in the office (after taking into account the organisational structure of the council).*

- 1.4 There is currently no Deputy Chief Executive Officer position at the City of Salisbury.
- 1.5 The responsibility to appoint an Acting Chief Executive Officer rests with the Chief Executive Officer, however, consultation with Council must take place before making such an appointment.

2. REPORT

- 2.1 Historically the responsibility of acting as Chief Executive Officer has been shared across the four General Managers. This approach ensures there is a pool of suitable persons available to make an appointment from and secures business continuity with limited disruption. This approach also provides General Managers with professional development opportunities.
- 2.2 The current practice of rotating acting Chief Executive Officer appointments has worked well and the intention is to retain this approach. To facilitate this process, the following list of staff have been identified as suitable persons from which the Chief Executive Officer may make an acting Chief Executive Officer appointment during periods of leave or other absence:
 - General Manager City Development, Michelle English
 - General Manager Business Excellence, Charles Mansueto
 - General Manager Community Development, Amy Pokoney-Cramey
 - General Manager City Infrastructure, John Devine
- 2.3 The decision to appoint a suitable person in an acting capacity will be made by the Chief Executive Officer as required, giving consideration to operational priorities of the organisation and key issues relevant during the acting period.

3. CONCLUSION / PROPOSAL

- 3.1 Suitable persons from which the Chief Executive Officer may make an acting Chief Executive Officer appointment during periods of leave or other absence have been identified and put forward for Council endorsement.

GB11 Significant and Regulated Trees under the Planning, Development and Infrastructure Act 2016**AUTHOR** Chris Zafiropoulos, Assessment Manager, City Development**CITY PLAN LINKS** 1.1 Our City is attractive and well maintained
2.1 Salisbury has a balance of green spaces and natural environments that support biodiversity
4.2 We deliver quality outcomes that meet the needs of our community**SUMMARY** This report provides information for a draft submission to the Expert Panel for the Planning System Implementation Review on Significant and Regulated Trees.**RECOMMENDATION**That Council:

1. Notes the information contained in this report.
2. Approves Administration's draft submission to the Expert Panel for the Planning System Implementation Review contained in Attachment 1 Council, 28 November 2022. Item No. GB11).
3. Notes that Elected Members are able to provide their own individual submission to the Expert Panel for the Planning System Implementation Review via email to DTI.PlanningReview@sa.gov.au by Friday 16 December 2022.

ATTACHMENTS

This document should be read in conjunction with the following attachments:

1. Draft Tree Policy Submission to Expert Panel
2. Letter to Hon Nick Champion, Minister for Planning - Regulated and Significant Trees and Response from Hon Nick Champion, Minister for Planning - Regulated and Significant Trees
3. Previous Advice - Significant and Regulated Trees
4. Discussion Paper - Planning and Design Code Reform Options (Circulated under separate cover)
5. Expert Panel Summary Paper - Tree Policy (Circulated under separate cover)

1. BACKGROUND

1.1 At the Council meeting held 25 July 2022, Council resolved the following:

4.1.5-AMSC-MON1 Regulated and Significant Tree Removal Process

Moved Cr C Buchanan

Seconded Cr L Braun

That Council:

1. Requests the Mayor to meet with and write to the South Australian Minister for Planning as a matter of priority in relation to the ongoing issues with Significant and Regulated trees experienced by members of our community, and requests consideration of the introduction, and/or appropriate amendment, of relevant legislation to simplify the process to manage trees causing community nuisance and/or property damage.
2. Requesting staff to bring back a draft submission to be presented to the expert Planning, Development & Infrastructure Panel and suggested amendments to the relevant act and regulations in relation to Significant and Regulated Trees.

**CARRIED
1412/2022**

2. REPORT

- 2.1 The Mayor wrote to the Minister for Planning by letter dated 19 August 2022. A copy of the letter and his response are provided in Attachment 2. The Minister for Planning met with the Mayor on 23 September 2022 where concerns regarding the cost implications for managing significant and regulated trees that cause community nuisance and property damage were raised.
- 2.2 Large trees within Metropolitan Adelaide make an important contribution to the character or amenity of a local area and assist to reduce the impact of heat in urban areas. Council was provided with advice in the previous report about the legislation and policies that provide protection for significant trees. Refer to Attachment 3.
- 2.3 The Expert Panel on the Planning System Implementation Review is seeking comments by the 16th December 2022 and has released three discussion papers to inform their review. One of the papers on *Planning and Design Code Reform Options* has canvassed Tree Policy. A copy of the discussion paper is provided in Attachment 4 – see pages 26 to 45 of the paper). A summary paper on Tree Policy is provided in Attachment 5.
- 2.4 The discussion paper:
 - 2.4.1 Provides the context and challenges faced with achieving the 20% increase in tree canopy that is provided in the 30 Year Plan for Greater Adelaide, noting a decline of urban trees.

- 2.4.2 Highlights recent investigations by the State Planning Commission into open space and trees, noting that *...the vast majority of local governments in Australian capital cities have laws designed to protect urban trees more effectively than South Australia's laws...* This project is considering issues such as updating the exempt tree species, whether the circumference for regulated and significant trees is too generous, whether the exemptions for certain trees within 10 metres of a dwelling or pool are too broad and whether the offset fees (\$156) are inadequate.

- 2.4.3 Poses a series of questions on Tree Policy to guide feedback, suggesting a strengthening policy and inviting submissions on this topic. The questions more relevant to Council's consideration in this report include:

Tree Protections

9. What are the implications of reducing the minimum circumference for regulated and significant tree protections?

10. What are the implications of introducing a height protection threshold, to assist in meeting canopy targets?

11. What are the implications of introducing a crown spread protection, to assist in meeting canopy targets?

12. What are the implications of introducing species-based tree protections?

Distance from Development

13. Currently you can remove a protected tree (excluding *Agonis flexosa* (Willow Myrtle) or *Eucalyptus* (any tree of the genus) if it is within ten (10) metres of a dwelling or swimming pool. What are the implications of reducing this distance?

14. What are the implications of revising the circumstances when it would be permissible to permit a protected tree to be removed (i.e. not only when it is within the proximity of a major structure, and/or poses a threat to safety and/or infrastructure)?

Urban Tree Canopy Off Set Scheme

15. What are the implications of increasing the fee for payment into the Off-set scheme?

16. If the fee was increased, what are your thoughts about aligning the fee with the actual cost to a council of delivering (and maintaining) a tree, noting that this would result in differing costs in different locations?

17. What are the implications of increasing the off-set fees for the removal or regulated or significant trees?

Public Realm Tree Planting

18. Should the criteria within the Planning and Development Fund application assessment process give greater weighting to the provision of increased tree canopy?

- 2.5 It is understood that while Council acknowledges large trees in Metropolitan Adelaide make an important contribution to the character or amenity of a local area, there are circumstances where some large trees may not be appropriate within a residential setting and may impact on the ability for affected residents to enjoy the full use of their property. In other circumstances, residents may have ongoing costly maintenance responsibilities that they are unable to sustain.

- 2.6 It is understood that Council supports the retention of significant and regulated tree controls when land is developed (particularly infill development) and developers being subject to the current controls or possibly stronger controls suggested in the discussion paper.
- 2.7 On this basis of Council's preliminary concerns, the following has been drafted for Council's consideration as a submission to the Expert Panel for the Planning System Implementation Review.
- 2.8 *Council would like to see amendments to the Significant and Regulated Trees controls under the Planning, Development and Infrastructure Act 2016 to include the following:*
- 2.8.1 *The legislative scheme recognises the relative cost for maintaining large trees and that some community members are not able to sustain these costs. Council's experience is that Regulated and Significant Trees on private residential properties are problematic for some residents and costly or unfeasible for them to maintain. Residents who unable to maintain a Regulated or Significant Tree, should be able to remove the tree and replace it with a more appropriate tree. A common complaint is that these trees are simply too large within close proximity to residences. Perhaps tree policy and funding could be directed towards supporting removal in situations where the trees are simply too large for their immediate environment (recognising that would need to be quantified/explained) with direct funding to support offset planting on the same site with more appropriately selected species, or offset planting nearby/offsite?*
- 2.8.2 *Amending the current exemption based on the distance from a dwelling by increasing the distance to 15 metres and including Eucalyptus (any tree of the genus). A large proportion of resident complaints and requests for removal are a result of residents dealing with nuisance regulated or significant street trees that are causing damage to adjacent private or public infrastructure e.g. stormwater, sewer, footpath, driveways, boundary walls/fence.*
- 2.8.3 *Trees that are not native to South Australia should be more readily replaced with a tree that is appropriate in a residential setting and the local environmental constraints.*
- 2.8.4 *Trees can be more readily removed or trimmed where the tree affects access to sun light for solar panels and the like.*
- 2.8.5 *Street trees are not subject to the Significant and Regulated Tree controls. Council actively manages street trees through existing operational and capital programs. Council allocates approximately \$1.2M to an extensive streetscape renewal program that seeks to enhance streetscapes across the city through the removal of unsuitable trees and the planting of approximately 1,200 new street trees each year. Council should not be subject to the Significant and Regulated Tree controls where street trees are proposed to be removed as part of a program of works that seeks to maintain and enhance the public realm. This variation to the PDI Act should not apply where development is proposed on private land. e.g. a driveway for a proposed development or any*

development that has potential to impact on regulated or significant trees within the verge.

- 2.8.6 *Council acknowledges the risk of amending the legislation could result in greater tree loss in the metropolitan area which will lead to detrimental environmental and social impacts, including those identified with the urban heat island effect reports. Therefore, a carefully balanced approach is required. To this end, consideration should also be given to:*
- *Surface treatments that provide the opportunity for mitigation of urban heat*
 - *An increase in irrigated areas*
 - *An increase in biodiversity planting areas*
 - *Targeted strategies to install trees to provide shade to areas of existing hardstand on private land, such as shopping centre carparks as a means of mitigating urban heat sinks.*
- 2.8.7 *The retention of Significant and Regulated Tree controls when land is developed, particularly for infill development and developers wanting to develop land should be subject to the current controls. The policy should encourage tree planting to the front of dwellings as this will contribute to public realm amenity and can be more readily monitored.*
- 2.8.8 *Typically, Agonis flexuosa are of low stature and generally of low significance, it is unclear why these trees are specifically excluded if within ten (10) metres of a dwelling or swimming pool.*
- 2.8.9 *Generally, these nuisance trees are inappropriate for the streetscape environment and are detrimental to the quality of life for residents. Most residents are unable to relieve the nuisance caused by the tree or undertake repairs to property damage. Increasing the distance and including Eucalyptus Sp. would provide a mechanism to better deal these trees.*
- 2.8.10 *It is agreed that offset fees should be increased significantly as this would have the effect of encouraging increased planting. Furthermore, payments that are made should be readily available for councils to allow for more meaningful outcomes in local areas.*
- 2.8.11 *It should be noted that policing of tree planting and landscape maintenance on private property is a compliance burden which councils may not be able to readily resource. In addition, Code policy represents a point in time approach, and there is no mechanism to prevent existing sites from removing landscape areas and creating large areas of hardstand which result in poor visual and environmental outcomes. Programs that clearly spell out the benefits of trees and landscaping more generally in the urban environment should be used to complement regulatory systems.*

3. CONCLUSION / PROPOSAL

- 3.1 That Council consider the information contained in this report and approve the draft submission to the Expert Panel for the Planning System Implementation Review contained in Attachment 1.



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Date to be inserted

Mr John Stimson
Presiding Member
Expert Panel
Planning System Implementation Review

DTI.PlanningReview@sa.gov.au

Dear Mr Stimson

City of Salisbury Submission – Tree Policy

The City of Salisbury has considered discussion paper on *Planning and Design Code Reform Options*, particularly in relation to Tree Policy and provides this submission in order to assist in understanding the issues that the City encounters in relation to trees. Council appreciates the opportunity to make a submission.

Council would like to see amendments to the Significant and Regulated Trees controls under the *Planning, Development and Infrastructure Act 2016* to include the following:

1. The legislative scheme recognises the relative cost for maintaining large trees and that some community members are not able to sustain these costs. Council's experience is that Regulated and Significant Trees on private residential properties are problematic for some residents and costly or unfeasible for them to maintain. Residents who unable to maintain a Regulated or Significant Tree, should be able to remove the tree and replace it with a more appropriate tree. A common complaint is that these trees are simply too large within close proximity to residences. Perhaps tree policy and funding could be directed towards supporting removal in situations where the trees are simply too large for their immediate environment (recognising that would need to be quantified/explained) with direct funding to support offset planting on the same site with more appropriately selected species, or offset planting nearby/offsite?
2. Amending the current exemption based on the distance from a dwelling by increasing the distance to 15 metres and including Eucalyptus (any tree of the genus). A large proportion of resident complaints and requests for removal are a result of residents dealing with nuisance regulated or significant street trees that are causing damage to adjacent private or public infrastructure e.g. stormwater, sewer, footpath, driveways, boundary walls/fence.

3. Trees that are not native to South Australia should be more readily replaced with a tree that is appropriate in a residential setting and the local environmental constraints.
4. Trees can be more readily removed or trimmed where the tree affects access to sun light for solar panels and the like.
5. Street trees are not subject to the Significant and Regulated Tree controls. Council actively manages street trees through existing operational and capital programs. Council allocates approximately \$1.2M to an extensive streetscape renewal program that seeks to enhance streetscapes across the city through the removal of unsuitable trees and the planting of approximately 1200 new street trees each year. Council should not be subject to the Significant and Regulated Tree controls where street trees are proposed to be removed as part of a program of works that seeks to maintain and enhance the public realm. This variation to the PDI Act should not apply where development is proposed on private land. e.g. a driveway for a proposed development or any development that has potential to impact on regulated or significant trees within the verge.
6. Council acknowledges the risk of amending the legislation could result in greater tree loss in the metropolitan area which will lead to detrimental environmental and social impacts, including those identified with the urban heat island effect reports. Therefore, a carefully balanced approach is required. To this end, consideration should also be given to:
 - Surface treatments that provide the opportunity for mitigation of Urban Heat. While the Tree Canopy Overlay within the Code is a good initiative, it is only one component of a councils capacity to increase canopy cover within the City. Another effective initiative is increased irrigated areas or increased biodiversity planting areas that could provide a significant impact.
 - Targeted strategies to install trees or provide shade to areas of existing hardstand on private land, such as shopping centre car parks as a means of mitigating the Urban Heat sinks.
7. The retention of Significant and Regulated Tree controls when land is developed, particularly for infill development and developers wanting to develop land should be subject to the current controls. The policy should encourage tree planting to the front of dwellings as this will contribute to public realm amenity and can be more readily monitored.
8. Typically, *Agonis flexuosa* are of low stature and generally of low significance, it is unclear why these trees are specifically excluded if within ten (10) metres of a dwelling or swimming pool.

9. It is agreed that offset fees should be increased significantly as this would have the effect of encouraging increased planting. Furthermore, payments that are made should be readily available for councils to would allow for more meaningful outcomes in local areas.
10. It should be noted that policing of tree planting and landscape maintenance on private property is a compliance burden which Council are not able to readily resource. In addition, Code policy represents a point in time approach, and there is no mechanism to prevent existing sites from removing landscape areas and creating large areas of hardstand which result in poor visual and environmental outcomes. Programs that clearly spell out the benefits of trees and landscaping more generally in the urban environment should be used to compliment regulatory systems.

Yours faithfully

John Harry
Chief Executive Officer



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19 August 2022

Hon Nick Champion MP
Minister for Planning
GPO Box 11032
ADELAIDE SA 5001

Office of the Mayor

Dear Minister

RE: Regulated and Significant Tree Removal Process

I write in relation to the concerns that have been expressed to Council by our community in relation to significant and regulated trees.

While the Council supports the value of large trees within Metropolitan Adelaide in making an important contribution to the character or amenity of a local area, there are circumstances where some large trees are not appropriate within a residential setting and affected people are not able to enjoy the full use of their property or have ongoing maintenance responsibilities that they are unable to sustain.

As a consequence of these concerns, at the meeting held on 25th July 2022 Council resolved to:

"Requests the Mayor to meet with and write to the South Australian Minister for Planning as a matter of priority in relation to the ongoing issues with Significant and Regulated trees experienced by members of our community, and requests consideration of the introduction, and/or appropriate amendment, of relevant legislation to simplify the process to manage trees causing community nuisance and/or property damage."

Council welcomes your consideration of the concerns expressed by our community.

If you have any further enquiries please do not hesitate to contact Mr Chris Zafiroopoulos, Assessment Manager on 8406 8222.

Yours faithfully

Gillian Aldridge JP
Mayor
Ph: 08 8406 8212
E: galridge@salisbury.sa.gov.au

Hon Nick Champion MP

22MP11499

Ms Gillian Aldridge OAM
Mayor
City of Salisbury

By email: galridge@salisbury.sa.gov.au



Government
of South Australia

Minister for Trade and
Investment

Minister for Housing and
Urban Development

Minister for Planning

GPO Box 11032
ADELAIDE SA 5001

T: (08) 8235 5580

E: ministerchampion@sa.gov.au

Dear Mayor Aldridge 

Thank you for your recent correspondence regarding the resolution of the City of Salisbury to seek feedback for the community in relation to regulated and significant trees.

I acknowledge the community's concerns regarding regulated and significant trees seen not to be appropriate within a residential setting. I appreciate that a balance needs to be struck between legislative requirements and policy aiming to preserve trees and allowances for pruning or removal of trees where these constitute a threat to personal safety or property.

Section 136 of the *Planning, Development and Infrastructure Act* (the Act) enables the removal of a regulated tree (or its branches) without development approval as a matter of urgency to 'protect any person or building'. If this occurs, the person who removes the tree must notify the relevant authority (likely the council), must cause as little damage to the tree as possible and must subsequently apply for retrospective development approval. I encourage the City of Salisbury to make members of the community aware of this provision in instances where a regulated or significant tree presents an urgent threat to someone's safety or property.

Like the City of Salisbury, the State Government values trees and is concerned with tree loss. This led to an election commitment to improve how the planning system can improve urban tree canopy coverage across metropolitan Adelaide through policies and legislative measures.

I have recently convened an Expert Panel to review the Act and the Planning and Design Code (the Code) to ensure planning decisions encourage a more livable, competitive, and sustainable long-term growth strategy for Greater Adelaide and our regions. The Expert Panel will be reviewing the Code and related instruments as they relate to infill policy, trees, character, heritage, and car parking. The Expert Panel therefore has scope to consider whether section 136 of the Act is sufficient in allowing pruning or removal of a regulated or significant tree in instances where these constitute a threat to personal safety or property.



The pending review work of the Expert Panel will build upon the 'Open Space and Trees Project' being progressed by the State Planning Commission. This Project is seeking to better understand the use and benefits of open space and trees in an urban context and the impact of infill development on our urban tree canopy. Two key reports informing the Project have recently been made public:

- An Arborists Report – 'Open Space and Trees Project Part 1A (Arborists Review)' by Dean Nicolle, 28 April 2022
- A Research Report – 'Urban tree protection in Australia' by the University of Adelaide, May 2022.

Further information about the Project is available from the Commission's website at https://www.saplanningcommission.sa.gov.au/projects_and_engagement/commission_projects.

Further information about the Expert Panel and progress of the review is available at https://plan.sa.gov.au/planning_review. You can participate in this process and contribute to the Expert Panel's deliberations by providing a submission to the Panel prior to the close of submissions on 16 December 2022. Contact details for submissions are available on the PlanSA website.

I trust this information is of assistance.

Yours sincerely



Hon Nick Champion MP
Minister for Planning

11 / 11 / 2022

ITEM AMSC3

ITEM	AMSC3 ASSET MANAGEMENT SUB COMMITTEE
DATE	11 July 2022
HEADING	Motion on Notice: Regulated and Significant Tree Removal Process
AUTHOR	Beau Brug, Councillor - Levels Ward, Mayor & Elected Members

Cr Beau Brug has submitted the following Motion on Notice:

That Council:

1. Approves to submit a motion to the Local Government Association ordinary or annual general meeting on the ongoing issues with Significant and Regulated trees experienced by members of the community, and requests advocacy on the introduction, and/or appropriate amendment, of relevant legislation to simplify the process to manage trees causing community nuisance and/or property damage.
2. Authorises the Mayor to write to the South Australian Minister for Planning in relation to the ongoing issues with Significant and Regulated trees experienced by members of our community, and requests consideration of the introduction, and/or appropriate amendment, of relevant legislation to simplify the process to manage trees causing community nuisance and/or property damage.

Administration Comment:

The concept of a significant tree was first introduced by the South Australian Parliament in 2000 as a result of community and local government recognition of the value of large trees within Metropolitan Adelaide making an important contribution to the character or amenity of a local area. The Government's policies essentially provided for the protection of a significant tree unless a specific criterion is satisfied to warrant the removal of the tree.

The policies apply to all trees in the metropolitan area, including trees on council reserves. In 2012, the Parliament introduced a two-tier system of tree classification and assessment with the introduction of a regulated tree (with a circumference of 2 metres or more) where the relevant authority would undertake a 'planning assessment' of the tree removal, with generally less requirements for expert reports. The policy allowed circumstances for the removal of a regulated tree where reasonable development would otherwise not be possible. A significant tree (with a circumference of 3 metres or more) retained essentially stronger criteria for the removal of such trees.

The development application process for the removal of regulated and significant trees involves the submission of the application on the state Development Assessment Portal together with plans, supporting information and application fees. The application process is relatively simple within the context of the planning system.

ITEM AMSC3

As the assessment of a development application for tree damaging activity is made against policy criteria in the Planning and Design Code, Council may wish to consider additional policy considerations for the particular circumstances in the proposed motion, noting that the policies essentially seek the retention of regulated and significant trees unless the tree is dying, causing unacceptable risk to safety or preventing development that is reasonable for regulated trees, or all other options have been exhausted for significant trees. Nuisance issues have generally not been accepted criteria for the removal of regulated or significant trees and could be seen to undermine the intent of the current tree protection legislation.

Council's then Development Assessment Panel provided the following advice to Council in its 2016/17 annual report that could be relevant for this motion...*given the extensive nature of Council's Streetscape Renewal Program, it may be appropriate for Council to seek the Minister for Planning's approval for amendments to the Development Plan for the consideration of street trees in such programs, given that the Development Plan criteria were created by the State Government.*

In making a formal submission to the Local Government Association (LGA), it is noted that the LGA Policy Manual has agreed positions in relation to Urban Greening that includes ...*Local government understands that having higher levels of natural plant life (trees and shrubs located in street verges, parks and on private properties) in their local communities has many social and environmental benefits, particularly in urban communities. Councils shall continue to explore and implement strategies that maintain and increase levels of urban greenery to maximise the benefits of green cover.*

It is also noted that the new State Government as part of their election commitment indicated that '*A Malinauskas Labor Government will commission an implementation review of the Planning, Development and Infrastructure Act and the Planning and Design Code, with the aid of an expert panel, to ensure that planning decisions encourage a more liveable, competitive and sustainable long-term growth strategy for Greater Adelaide and our regions.*' While the State Government has not announced when this process will commence, Council may wish to consider making a submission on significant and regulated trees as part of this process.

GB12 Youth Sponsorship Applications

AUTHOR	Hayley Berrisford, PA to General Manager Business Excellence, Business Excellence
CITY PLAN LINKS	1.3 People are valued and they feel safe, included and connected 4.1 Members of our community receive an exceptional experience when interacting with Council 4.5 We engage meaningfully and our community is aware of Council initiatives
SUMMARY	This report outlines Youth Sponsorship applications received during the Caretaker period

RECOMMENDATIONThat Council:

1. Notes the Youth Sponsorship applications received and approved during Caretaker period.

ATTACHMENTS

There are no attachments to this report.

1. BACKGROUND

- 1.1 The Youth Sponsorship Program Policy requires a report be provided to the Community Wellbeing and Sport Committee outlining approved Youth Sponsorship applications.

2. CONSULTATION / COMMUNICATION

- 2.1 Internal
 - 2.1.1 Chief Executive Officer
 - 2.1.2 General Manager Business Excellence
- 2.2 External
 - 2.2.1 Youth Sponsorship applicants

3. REPORT

3.1 At the 22 August 2022 Council Meeting, the following was resolved:

3. GB9 LATE YOUTH SPONSORSHIP APPLICATIONS

Moved Cr K Grenfell
Seconded Cr J Woodman

That Council:

1. Approves the late applications received prior to the commencement of the Caretaker Period (6 September 2022).
2. Authorise the Chief Executive Officer delegated authority to approve Youth Sponsorship Applications for the duration of Caretaker period (6 September 2022 until votes re declared).
3. Where Youth Sponsorship applications have been approved by the Chief Executive Officer during the Caretaker period, a report will come back to Council at its first meeting following Caretaker period.

CARRIED
1463/2022

3.2 The following Youth Sponsorship applications were received during the Caretaker Period. They were assessed by the Personal Assistant General Manager Business Excellence and approved for payment by the Chief Executive Officer, through the General Manager Business Excellence:

Funding per application	Event	Total Funding
7 @ \$250	7 applications received to represent South Australia at the Tournament of the Minds National Competition in Canberra in October 2022	\$1,750
2 @ \$125	2 applications received to represent South Australia at the Kodokan Judo Association National Championships in October 2022	\$250
1 @ \$250	1 application received to represent School Sport SA at the 12 and under boys Football Team National Soccer Championships in October 2022	\$250
6 @ \$250	6 applications received to represent SA at the VEX Robotics National Championships in Sydney	\$1,500
2 @ \$250	2 applications received to represent SA at the 2022 National Clubs Gymnastics Carnival in September 2022	\$500
1 @ \$250	1 application received to represent SA at the Australian All-Star Cheerleading Federation National Championships in November 2022	\$250

1 @ \$1000	1 application received to represent Australian at the Trans-Tasman Australian Under 23's mens netball in October 2022	\$1,000
1 @ \$250	1 application received to represent SA at the National Netball Tournament in October 2022	\$250
7 @ \$250	7 applications received to represent SA at the Scoil Rince Cashel at the National Irish Dancing Championships in October 2022	\$1,750
Total funding for applications received during Caretaker:		\$7,375

4. CONCLUSION / PROPOSAL

- 4.1 The Youth Sponsorship Program annual funding budget for 2022/2023 is \$45,000 with the remaining balance accounting for the applications noted in this report is \$29,125.

GB13**Office for Recreation, Sport and Racing - Community Recreation and Sport Facilities Program****AUTHOR**

Christy Martin, Team Leader Project Support, City Infrastructure

CITY PLAN LINKS

- 1.1 Our City is attractive and well maintained
- 1.2 The health and wellbeing of our community is a priority

SUMMARY

The Office for Recreation, Sport and Racing recently opened the *Community Recreation and Sport Facilities Program*, a \$5.5M grant funding program to support the development of sustainable, functional, inclusive and fit for purpose, active recreation and sport facilities. Approval is being sought to support the submission of two applications via this program to deliver sports lighting improvements at Burton Park and trail network improvements at Dry Creek, Valley View. This grant funding stream requires matching contribution from the City of Salisbury.

RECOMMENDATIONThat Council:

1. Approves the submission of a \$600K State Government grant application for '*Burton Park Sportsfield Lighting Improvements*' via the '*Community Recreation and Sport Facilities Program*' in December 2022, noting it requires a \$300K matching funding contribution from City of Salisbury.
2. Approves a 2022/23 Second Quarter Non-discretionary Budget Review Bid to the value of \$600K capital funding, to support the grant application of '*Burton Park Sportsfield Lighting Improvements*' via the '*Community Recreation and Sport Facilities Program*', together with the creation of a \$300K Capital Income Budget, noting these two values result in a net cost to the City of Salisbury of \$300K.
3. Notes, should the '*Burton Park Sportsfield Lighting Improvements*' grant application via the '*Community Recreation and Sport Facilities Program*' be unsuccessful, the associated budgets will be returned as part of the 2022/23 end of financial year administration.
4. Approves the submission of a \$800K State Government grant application for '*City Wide Trails, Dry Creek, Valley View*' via the '*Community Recreation and Sport Facilities Program*' in December 2022, noting it requires a \$400K matching funding contribution from City of Salisbury, with this funding approved to be allocated from within the 2023/24 City Wide Trails program funding.

ATTACHMENTS

There are no attachments to this report.

1. BACKGROUND

- 1.1 In October 2022, the Office for Recreation, Sport and Racing opened a new round of community grant funding, '*Community Recreation and Sport Facilities Program*'. This \$5.5M program was established to support the development of sustainable, functional, inclusive and fit for purpose, active recreation and sport

facilities. This report has been prepared to seek Council approval to apply for project co-funding via this program.

2. CITY PLAN CRITICAL ACTION

- 2.1 A welcoming and liveable City: *‘Provide support and grants to sporting and community groups’* and *‘Improve our playgrounds and sporting facilities and cycle paths’*

3. CONSULTATION / COMMUNICATION

3.1 External

- 3.1.1 Office for Recreation, Sport and Racing, Salisbury United Football Club

4. REPORT

- 4.1 The Office for Recreation, Sport and Racing (ORSR), recently opened a new \$5.5M grant funding program *‘Community Recreation and Sport Facilities Program’*. This program was developed to support project delivery in South Australia that directly addresses demonstrated need and supports community recreation and sporting participation, with grant funding supporting the development of sustainability, functionality, inclusive and fit for purpose.
- 4.2 As a project delivered on Council owned land, it will require a 50% contribution by City of Salisbury to match any ORSR grant funding up to a maximum grant application of \$500,000.

Timing

- 4.3 The timing of this grant funding program is as follows;

Applications open	Friday 14 October 2022
Applications close	Friday 9 December 2022
Applications screened	January 2023
Assessment	February 2023
Applicants notified	March 2023
Agreements offered	Approx. March / April 2023
Projects must commence construction	Within 12 months from payment of grant
Projects must be completed	24 months from Execution of grant agreement

Eligible Grant Projects

- 4.4 The types of projects which can be considered for this grant funding program include;
- 4.4.1 Construction or upgrade of an active recreation and sport facility or multi-use sports hub;
 - Significant upgrades to playing surfaces, including multi-sport upgrades and resurfacing that supports increased use
 - Building, expanding and/or upgrading change rooms, parent and child change spaces and officials' areas
 - Improved sports floodlighting and safety lighting
 - 4.4.2 Upgrade of an aquatic facility
 - 4.4.3 Modifications to ensure that an existing facility meets environmental and Occupational Health and Safety regulations
 - 4.4.4 Construction/development of trails (walking, horse, bike, water-based)
 - 4.4.5 Water and energy saving initiatives including water harvesting, installation of new or upgrades to existing irrigation infrastructure, connection to existing water infrastructure, more efficient lighting, installation of solar panels and other innovative smart technologies

Project Selection Criteria

- 4.5 In order to assess possible projects which could be considered for this grant funding stream, criteria was established as a guide to inform effective decision making. Eligible projects were considered against the following;
- 4.5.1 Given the current budget constraints and the existing scale of the entire Capital Works Program, preference was given to projects with existing matching funding / no new funding was required to be sought.
 - 4.5.2 Support for projects which do not reside within any current renewal programs.
 - 4.5.3 Community benefit and needs identified in alignment with health and wellbeing agendas.
 - 4.5.4 Asset condition and improvement opportunities.

Proposed Projects

- 4.6 Based upon the above criteria's and eligibility, two projects were identified as priorities for grant funding submission via the '*Community Recreation and Sport Facilities Program*' being;

Burton Park Sportsfield Lighting Improvements

- 4.6.1 Salisbury United Football Club has sought assistance from Council to submit a grant application via the '*Community Recreation and Sport Facilities Program*' to upgrade sports lighting configuration at Burton Park. The intent of the project would be to relocate / reconfigure sports lighting to improve sports field viewing for spectators, plus enable the flexibility to reconfigure pitch layouts.

- 4.6.2 This project directly aligns as an eligible project '*Improved sports floodlighting and safety lighting*' and also is located within a community experiencing socio-economic disadvantage as determined in the Australian Bureau of Statistics, therefore helps to justify the need for financial support.
- 4.6.3 In order to achieve this, it would require a \$300K contribution by Council to match a grant application of \$300K, to cover the project cost of \$600K. Currently this is no unallocated budget funding which can be redirected to this, and therefore would require approval of a non-discretionary budget review bid in November 2022 prior to an application in December 2022.

City Wide Trails, Dry Creek, Valley View

- 4.6.4 The City has a proud network of trails throughout the region along key waterways, which enables the community to participate in free recreational activities whilst enjoying the flora and fauna surroundings. Similar to the recently upgraded trails throughout Carisbrooke along the Little Para, it is proposed to upgrade the gravel trails, Valley View, to provide connection to the Walkley Heights.
- 4.6.5 This project directly aligns as an eligible project '*Construction/development of trails (walking, horse, bike, water-based)*' and aligns with the City's wellbeing agenda.
- 4.6.6 With existing matching funding identified as part of the 2023/24 City Wide Trails Program, this could support a grant application for \$400K of State Government funding to delivery the \$800K project.
- 4.7 With current Capital Works Program commitments and budget constraints it is recommended that only two applications be submitted via this round of grant funding.

5. CONCLUSION / PROPOSAL

- 5.1 The Government of South Australia has opened a new round of grant funding to support community recreation and sporting groups, via the Office for Recreation, Sport and Racing. As part this grant funding program '*Community Recreation and Sport Facilities Program*' it requires 50% contribution from Council, with the maximum grant value of \$500,000. Two projects have been identified to be applied for via this funding stream being;

Burton Park Sportsfield Lighting Improvements

- 5.1.1 Salisbury United Football Club have sought assistance from Council to support an application to upgrade sportsfield lighting at Burton Park to improve viewing for community spectators and supporters, plus provide flexibility to reconfigure pitch layout. These works directly align with the types of projects eligible to apply for and support sporting activities for the community. It is estimated that this project will cost \$600K to deliver.

City Wide Trails, Dry Creek, Valley View

- 5.1.2 In alignment with the City's wellbeing agenda and eligible projects for this round of grant funding, it is proposed to upgrade the existing gravel trail network in Valley View along Dry Creek. This provides the community with the opportunity to access an off-road path network in an attractive environment. This free recreational activity is estimated to be delivered for \$800K.
- 5.2 To meet the requirements of the grant, if supported, these applications will need to be submitted by 9th December 2022.
- 5.3 It is estimated these grant initiatives will cost \$600K to achieve the scope of works at Burton Park for the proposed sportsfield lighting improvements, and \$800K to complete trails works only Dry Creek at Valley View. A new allocation of \$300K is required to match the Burton Park grant funding, whilst the matching for the Valley View trails works can be achieved via existing proposed 2023/24 budget funding stream. Due to the timing of the grant application process, the associated budget funding adjustments will need to be approved as a 2022/23 Second Quarter Non-discretionary Budget Review Bid. Should the application for the Burton Park lighting upgrade be unsuccessful, these funds will be returned via the 2022/23 end of financial year administration.

GB14 **City Centre Revitalisation - Church/John Street Project**

AUTHORS Dameon Roy, Manager Infrastructure Management, City Infrastructure
John Devine, General Manager City Infrastructure, City Infrastructure

CITY PLAN LINKS 1.1 Our City is attractive and well maintained
4.2 We deliver quality outcomes that meet the needs of our community

SUMMARY The revitalisation of Church and John Streets is nearing completion. This report provides a summary of completed works, and those works that are planned in early 2023, along with a request for additional funding to enable the delivery of the complete scope of works, and the maintenance of the approved level of service.

RECOMMENDATIONThat Council:

1. Notes the Stage 1 and Stage 2 works for the Church and John Street Revitalisation Project, and associated project schedule as outlined in sections 4.1 and 4.2 of the report (Item GB14 – City Centre Revitalisation – Church/John Street Project, Council Meeting, 28 November 2022).
2. Approves a non-discretionary Capital budget bid for the second quarter 2022/23 budget review of \$950K to enable the completion of the additional project scope outlined in section 4.26 of the report (Item GB14 – City Centre Revitalisation – Church/John Street Project, Council Meeting, 28 November 2022).
3. Approves remedial road pavement works along Church and John Streets to be funded from the Road Reseal Program at an estimated cost of \$290K.
4. Approves a non-discretionary Operating budget bid for the second quarter 2022/23 budget review of \$99,250 to enable the approved level of service to be delivered and maintained as outlined in section 4.29 of the report (Item GB14 – City Centre Revitalisation – Church/John Street Project, Council Meeting, 28 November 2022).
5. Notes the renders for the proposed designs of the Sexton, Judd and Mobara Laneways, will be uploaded to the Council's web site for the information of the community once complete.

ATTACHMENTS

There are no attachments to this report.

1. BACKGROUND

- 1.1 The Church and John Street Revitalisation Project is part of a wider City Centre Revitalisation project, which looks to redevelop the whole of the City Centre with respect to economic uplift, encouraging private investment, liveability, creating a true city heart and accessibility as well as integrating both vehicle and pedestrian movement.
- 1.2 The three key objectives for the project are to enhance the activation and diversity of experiences of the Salisbury City Centre for residents, visitors and traders; set the foundations to encourage economic investment within the Centre; and improve community/visitor wellbeing and safety.
- 1.3 The project incorporates the following elements:
 - 1.3.1 Refreshment of street pavers and service pits
 - 1.3.2 New lighting and street furniture
 - 1.3.3 Extensive landscaping and tree planting along the streets
 - 1.3.4 A range of “smart” services including CCTV, wi-fi and provision for electric vehicle charging
 - 1.3.5 Upgrading laneways to encourage activation and improve pedestrian connectivity through the City Centre and connectivity between City Precincts.

2. CITY PLAN CRITICAL ACTION

- 2.1 Enhance the Salisbury City Centre by upgrading Church and John Streets and attracting investment by the private sector into surplus Council Sites.

3. CONSULTATION / COMMUNICATION

- 3.1 Community consultation was undertaken between 13 January and 21 February 2020 via a number of consultation methods and 108 formal responses were received and showed strong support for the project.
- 3.2 Ongoing discussions and communication with Salisbury Business Association, traders and property owners have, and continue to occur.
- 3.3 Negotiations with the Department for Infrastructure and Planning regarding improvements to the Salisbury Interchange, and bus stops as occurred.

4. REPORT

Stage 1

- 4.1 Stage 1 of the project has delivered, activated and programmed the following works:
 - 4.1.1 Church Street pavement works and realignment of Church Street
 - 4.1.2 Tree removals and new plantings
 - 4.1.3 Extension of Civic Square
 - 4.1.4 Landscaping delivery
 - 4.1.5 Stockade Tower and Kiosk demolition

- 4.1.6 Road crossings
- 4.1.7 Light pole installations
- 4.1.8 Installation of new street furniture
- 4.1.9 Wiltshire bus stop works
- 4.1.10 Sexton Carpark and Church Street asphalt works
- 4.1.11 Rendering of entrance signage solutions at Park Terrace/Church Street
- 4.1.12 Artworks and laneways designed
- 4.1.13 Installation of procured artworks, including clock tower
- 4.1.14 Installation of public toilet at Sexton car park

Stage 2

4.2 Stage 2 of the project includes the following:

- 4.2.1 Upgrade of Sexton, Judd and Mobara Laneways
- 4.2.2 Improvement to City Centre Wayfinding Signage
- 4.2.3 Rollout of the ‘smart’ components to activation nodes
- 4.2.4 Bringing forward the resurfacing of failures in road pavements sections of John and Church Street that were not previously failing.

Artworks

4.3 The following Artworks have been procured as part of the Revitalisation Project:

Music Melting Pot (Malicious Delicious) – Sexton Laneway



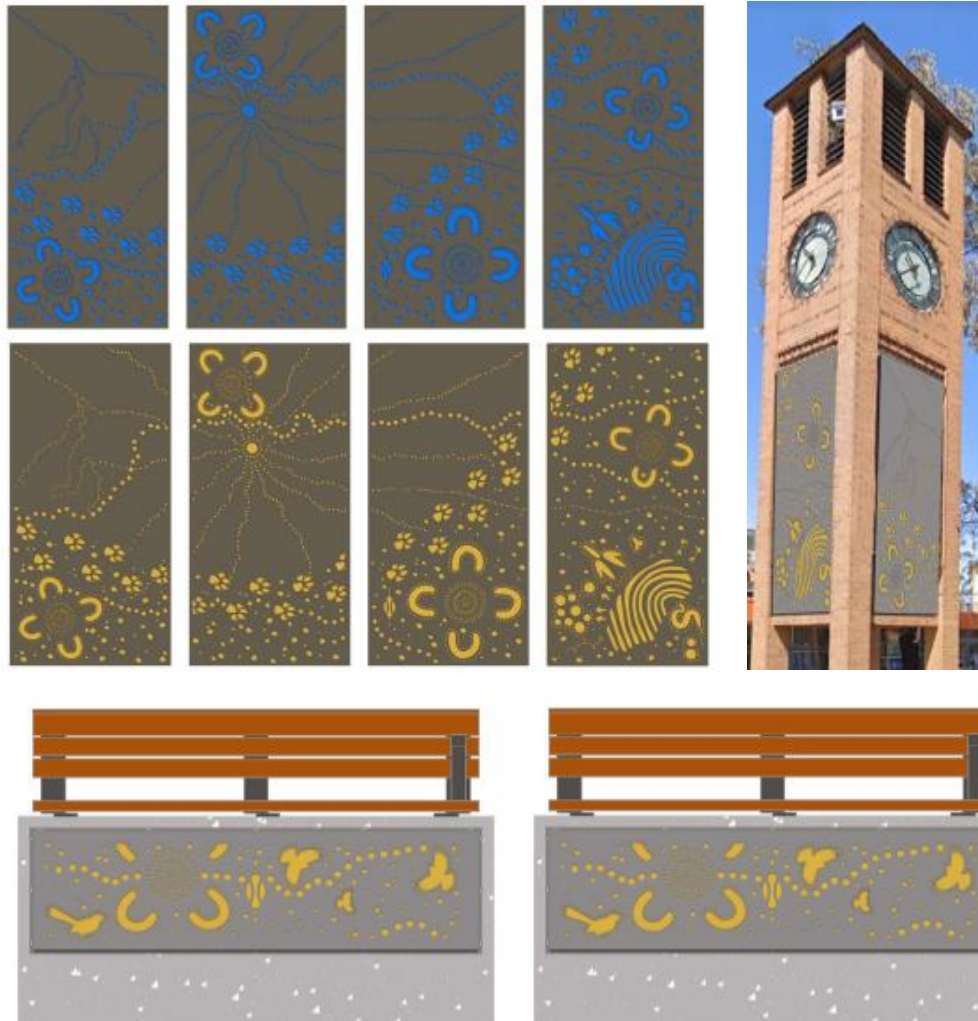
Family (Gerry McMahon) – South East Corner of Church and John Street



Train Disaster Memorial (Dave Clarke) – Salisbury Interchange



Indigenous Art Work (Paul Herzec) – Clock Tower, Light Shrouds, Bench Seats



Item GB14

Street Planting Pallet

- 4.4 The following planting pallet has been selected and once established, will enhance and complement the existing plantings along Church and John Street creating a consistent, colourful and integrated streetscape:



Budget Considerations

Laneways

- 4.5 The City Centre has primarily a grid road pattern supplemented by 3 laneways, running North/South. These laneways play a significant role in providing access to the City Centre Precincts, connecting the Council's City Centre Carparks to precincts as shown below:



Sexton Laneway



Judd Laneway



Mobara Laneway

- 4.6 The initial contract scope for the project works in the Judd, Sexton and Mobara Laneways was to remove existing street furniture, remove existing trees and replace/relay paving. The estimated budget for these works was less than \$100k.
- 4.7 Following consultation with the Salisbury Business Association and local traders, it is considered important to capture the opportunity for the laneways to not only be a link to the City Centre, but also be activated in their own right, through additional features including artwork, landscaping, furniture and lighting.
- 4.8 These features will significantly increase the safety, accessibility and an integration of these public spaces into the City Centre urban environment, providing a complete user experience.
- 4.9 The previous Council agreed to the change in scope and concept designs for the laneways subject to the review of budget requirements.
- 4.10 The visual perspectives for the proposed designs for the Sexton, Judd and Mobara Laneways, are currently being further developed and will be uploaded to the Council's web site for the information of the community once complete.

- 4.11 These additional proposed works are considered necessary for the Laneways and will be at an estimated increased cost of \$445k.

Road Pavement Works

- 4.12 There are a number of areas, previously not included in scope, relating to the renewal of the road pavement in two key locations of the City Centre being a portion of John Street from Church Street intersection to the first Pedestrian Crossing (opposite the Community Hub) and Church Street from John Street to Wiltshire Street. It is recommended that these works be undertaken as part of the project to complete the revitalisation of the City Centre, rather than coming back in the near future (next 2-3 years) to undertake the works. It is proposed that the funding for this work be sourced from the Road Reseal Program, which is Council's endorsed program to deliver such pavement renewal works) and is estimated to cost \$300K.

Smart Components

- 4.13 To keep to the original project schedule while maintaining continuity of service, a staged Smart City commissioning approach is required and this was not previously foreseen.
- 4.14 This staging includes temporary powering (excavations/conduit/cabling /repaving etc.) or relocating of pre-existing street lighting and CCTV while the new permanent system is commissioned, which has a budget implication of \$110,000 associated with these interim works, not previously included in the scope.
- 4.15 To maintain the City's cyber security protocols, while also reducing total whole-of-life costs, relocation of the existing CCTV to the new Smart City poles and return of services have been included with an additional expected to cost \$30,000.
- 4.16 The installation of Electric Vehicle Charging capability, to be delivered within the Project, requires the installation and commissioning of a new switch board at a cost of \$50,000.
- 4.17 This is also the case with the introduction of additional Smart City Technology to further enhance the Community User Experience in the City.
- 4.18 This additional work has been put on hold awaiting Council approval, post-election. Once approval has been granted, these works will commence immediately to ensure the current Contractor can deliver the works in the timeframes in Stage 2 as outlined below.
- 4.19 Stage 2 works are scheduled to be completed by April 2023, with key milestones including:
- Upgrade of laneways (end March 2023)
 - Proactive Resurfacing of failing sections of Church Street and John Street (mid-February 2023)
 - Installation and commissioning of "smarts" (end March 2023)
- 4.20 The Stage 2 works will necessitate short closures of Church Street, John Street and the laneways. A Communication Plan including traffic management has been prepared to ensure all key stakeholders are aware of the works. This will include one on one conversations with the traders, and public notifications.

Capital Expenditure Budget Considerations Summary

4.21 The Council approved Capital budget for the project is \$10.1M, comprising:

- City Commitment of \$8.2M
- State Government Commitment of \$1.9M

4.22 Since the budget was approved there have been significant cost escalations in the construction market. Works that were not committed upon contract execution have been subject to this escalation.

4.23 The decision was made to purchase the street lighting rather than lease it, due to the long-term cost benefit of this arrangement.

4.24 While undertaking the works, the Project Team recognises the significant opportunity and impact of delivering some previously uncommitted works. These include:

4.24.1 John St Road Renewal

4.24.2 Church St Road Renewal

4.24.3 Controlled Art lighting

4.24.4 Wayfinding Signage

4.25 Also while undertaking the works, the Project Team has faced significant technical challenges in the execution of the Smart City Operating Contract. This has lead to Smart City Delays which create the following increased costs:

4.25.1 Installation of Smart Devices on site from EWP under Traffic Management rather than in Factory

4.25.2 Redeployment of CCTV Infrastructure

4.25.3 Mitigation of Loss of CCTV during commissioning phase

4.25.4 MSB Upgrade to power Electric Vehicle Charging

4.26 The required additional Capital budget to deliver the remainder of the Stage 2 works is provided in the table below:

Description	Value (\$)
Laneway enhancements	\$ 445,000
Lighting Control	\$ 55,000
Luminaire Supply Costs	\$ 105,000
PM and Contractual	\$ 155,000
Smart Components (refer 4.13 to 4.17)	\$ 190,000
Total	\$ 950,000

4.27 In addition to the above works, failed sections of Church and John Street road pavement require remedial works to be undertaken. It is proposed that the funding for this work be taken from the Road Reseal Program and is estimated to be \$290,000.

Operating Expenditure Budget Considerations Summary

4.28 When developing the 2022/23 budgets the increased operating costs for the upgraded city center were unknown and it was consequently decided to wait until construction was completed before seeking the additional Operating costs. These costs include:

- On street maintenance of landscaping, streets, cleansing, water; etc
- Energy charges
- Lease costs for the smart components, including Wi-fi, CCTV incorporation and LoRaWan
- Data management

4.29 The expected Operating Costs for the street are provided in the table below:

Cost Type	Annual Estimate	Increase in Annual Operating Expenditure	Increase in Half Year Expenditure for 2022/2023
Smarts (Including CCTV) Opex	\$115,000	\$80,000	\$40,000
Power Supply	\$15,000	\$3,500	\$1,750
Street Maintenance and cleansing	\$665,000	\$115,000	\$57,500
Subtotals	\$795,000	\$198,500	\$99,250

4.30 It is important to note that while there is an increase of \$198,500 in annual expenditure, the current 4-year budget has provided for a \$70K increase from 2023/2024 resulting in an ongoing net increase of \$128,500pa.

4.31 For the remainder of 2022/2023 an additional \$99,250 is being sought to allow for Smarts, Power Supply and Street Maintenance and Cleansing.

5. CONCLUSION / PROPOSAL

- 5.1 The revitalization of Church and John Streets is nearing completion.
- 5.2 Additional Capital and Operating budgets are required to deliver the service level envisioned for the City Centre, including laneway features and furniture, community safety and ongoing maintenance.
- 5.3 This report seeks approval for an additional Capital budget of \$950,000, and an additional Operating budget for the remainder of 2022/2023 of \$99,250.

GB15 Submission to the Expert Panel for the Planning System Implementation Review

PREV REFS	Policy and Planning Committee	1.3.1	17/02/2020
	Policy and Planning Committee	1.3.1	21/09/2020
	Policy and Planning Committee	1.1.3	14/12/2020
	Policy and Planning Committee	1.1.1	18/07/2022
	Council	GB3	26/09/2022
	Policy and Planning Committee	1.1.2	21/06/2021
	Policy and Planning Committee	1.1.3	21/06/2021
	Policy and Planning Committee	1.3.1	17/07/2017
	Policy and Planning Committee	1.3.1	18/04/2017
	Policy and Planning Committee	1.3.2	17/07/2017
	Policy and Planning Committee	1.3.3	17/06/2019

AUTHORS Peter Jansen, Strategic Planner, City Development
Sally Jenkin, Team Leader Strategic Urban Planning, City Development
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CITY PLAN LINKS 3.4 Our urban growth is well planned and our centres are active

SUMMARY The State Government made a commitment as part of its election platform to review the planning system. It has initiated an Expert Panel to undertake the review with a focus on seeking new information, responses and experiences directly related to the implementation of the *Planning, Development and Infrastructure Act 2016* (PDI Act) and the Planning and Design Code, and how the community is interacting with the e-Planning system.

Comments are due by 16th December 2020. The consultation period included the Local Government elections which triggered the Caretaker Policy of Council. The Administration has prepared a submission based on the known issues.

RECOMMENDATION

That Council:

1. Notes the information contained in this report.

2. Approves Administration's draft submission to the Expert Panel for the Planning System Implementation Review contained in Attachment 1 Council, 28 November 2022. Item No. GB15).
3. Notes that Elected Members are able to provide their own individual submission to the Expert Panel for the Planning System Implementation Review via email to DTI.PlanningReview@sa.gov.au by Friday 16 December 2022.

ATTACHMENTS

This document should be read in conjunction with the following attachments:

1. Submission to Expert Panel
2. Discussion Paper - PDI Act Reform Options (Circulated under separate cover)
3. Discussion Paper - PD Code Reform Options (Circulated under separate cover)
4. Discussion Paper - e-Planning System Reform (Circulated under separate cover)
5. Council Assessment Panel submissions

1. BACKGROUND

- 1.1 The South Australian Government undertook a comprehensive review of the planning system in 2012 resulting in a series of reforms such as the new *Planning, Development and Infrastructure Act* in 2016, and the replacement of all the 72 Council Development Plans in 2021 with a single, standardised Planning and Design Code that is maintained by the State Planning Commission.
- 1.2 During the reform process the City of Salisbury made a number of submissions on various administrative processes, technical matters and land use policies and controls.
- 1.3 There has been a substantial number of ongoing changes to the Planning and Design Code (PD Code) and the *Planning, Development and Infrastructure Act* and Regulations since their inception.
- 1.4 Requests by the public and practitioners for a change to the PD Code can be made through an online portal. This has been used to submit a number of matters that have been raised through Council consideration, and is often used for matters of technical nature or rectification of errors.
- 1.5 The State Government has recently commissioned a review of the planning system reforms and has engaged an independent Panel. The *Expert Panel for the Planning System Implementation Review* held its inaugural meeting on the 23rd August. The Terms of Reference are to review:
 - 1.5.1 The Planning, Development and Infrastructure Act;
 - 1.5.2 The Code and related instruments, as it relates to infill policy, trees, character, heritage and car parking;
 - 1.5.3 The e-Planning system to ensure it is delivering an efficient and user-friendly process and platform; and
 - 1.5.4 The PlanSA website, to check usability and ease of community access to information.

- 1.6 On 17th October the Panel released three Discussion Papers. These are Attachments 2, 3 and 4 which are under separate cover, and can also be found at the following link https://plan.sa.gov.au/planning_review, as are seven summary papers.
- 1.7 The Expert Panel has acknowledged the many previous submissions and representations made by groups and individuals, and also indicates that those issues have been examined by various bodies. The Expert Panel considers the fundamentals of the PDI Act are sound, and will not re-prosecute issues that were dealt with by the State Planning Commission when it introduced the Planning and Design Code (PD Code).
- 1.8 The Expert Panel is seeking new information, responses and experiences directly related to the implementation of the PDI Act and the PD Code, and how the community is interacting with the e-Planning system.
- 1.9 The Expert Panel has held workshops for practitioners, Mayors and CEOs, and community members.
- 1.10 The Expert Panel consultation timeline includes the Local Government Elections period which triggered the Caretaker Policy of Council. The Caretaker period commenced on the 6th September 2022, and ended when the election results were certified by the Electoral Commission. This is an unfortunate situation, as the formal position of councils was unable to be obtained, and many may be in a state of flux with new members.
- 1.11 The Expert Panel is seeking comments by the 16th December 2022. Previous known positions of Council on various matters have been used in the submission, which is attached to this report.
- 1.12 The Expert Panel is not a decision-making body, but will report and make recommendations to the Minister for Planning.
- 1.13 A separate report on Significant and Regulated Trees under the PDI Act 2016 is being considered by Council at this November 2022 meeting.
- 1.14 The Council Assessment Panel has also considered reports at its 25th October 2022 meeting on:
 - 1.14.1 Elected Members on the Panel and Council Representation (item 8.2.2)
 - 1.14.2 Non-Residential Uses in the General Neighbourhood Zone in the PD Code (item 8.2.3). This is contained within Attachment 5.

2. CITY PLAN CRITICAL ACTION

- 2.1 Nil

3. CONSULTATION / COMMUNICATION

- 3.1 Internal
 - 3.1.1 Development Services
- 3.2 External
 - 3.2.1 Planning and Land Use Services

4. REPORT

- 4.1 This report seeks to inform Elected Members of the key policy, legislative and administrative process and e – Planning system issues that aligns with the Terms of Reference of the Expert Panel in seeking new information, responses and experiences directly related to the implementation of the PDI Act and the PD Code, and how the community is interacting with the e-Planning system.

Planning and Design Code Reform options

4.2 Places of Worship

- 4.2.1 A number of submissions and approaches on this matter have occurred as a result of the introduction of the PD Code. The PD Code has enabled the consideration of Places of Worship in all zones in the City of Salisbury, but without the assessment criteria on impacts that used to exist. A submission to the Minister for Planning and the Planning and Land Use Services is being updated to incorporate the recent Census results when the relevant data is available.
- 4.2.2 A copy of the draft submission that has previously been presented to Council is to be submitted to the Expert Panel in the meantime advising of the changing demographic shift increasing the demand for Places of Worship for the increased population practicing non-Christian faiths. As a result, there is the need to incorporate the previous Development Plan policy of the City of Salisbury so that there are additional policies in the PD Code to assess the issues associated with local, neighbourhood, and regional level Places of Worship (Policy and Planning 1.1.1, 18th July 2022, Minute 1408/2022).

4.3 Airport policy

- 4.3.1 Airport policy across the PD Code is still inconsistent across the Adelaide, Edinburgh and Parafield Airports. Unlike Adelaide Airport and the City of Adelaide area, Edinburgh and Parafield Airports are not recognised with finer grained building height contour mapping. A much-simplified defined area that triggers all assessments to require assessment applies to the Parafield Airport surrounds, and a differing height recognition applies to Edinburgh Airport. There is also a continued absence in the PD Code of a recognition of the Department of Defence as a referral body.
- 4.3.2 A number of applications for employment development in Strategic Employment Zones have been delayed around the Salisbury airports in their application processing due to ambiguous information requirements. The delays are also caused by the airports having to consider and respond to individual approaches by proponents seeking consideration, instead of having pre-defined parameters contained in the PD Code.

4.4 Tree Policy

- 4.4.1 A separate report has been prepared for the consideration of tree policy in response to Council's resolution on 25 July 2022 which requested the Mayor write to the Minister for Planning and a draft submission to the Expert Panel for the Planning System Implementation Review on Significant and Regulated Trees. Refer to Item GB15.

4.5 Infill Policy

- 4.5.1 The State's *30 Year Plan for Greater Adelaide* has identified the need to deliver additional forms of housing to overcome the reliance on detached dwellings that has for many years applied to Adelaide. Strategies have been put in place to curb urban sprawl and associated long term costs of congestion and infrastructure extensions. The 2017 update to the 30 Year Plan seeks to ensure that new development occurs in the existing urban footprint, and recognises housing affordability on a whole of life cycle basis.
- 4.5.2 The Council Growth Action Plan 2017 highlighted that an additional 11,000 dwellings may be constructed in the City by 2035 largely through urban consolidation and infill development, particularly along transport corridors, centres, areas of open space and older suburbs.
- 4.5.3 The PD Code has been drafted to facilitate a more diverse range of housing types and tenures, in conjunction with increased tree planting and green cover, stormwater management, on site and on street parking, and increased street amenity.
- 4.5.4 However, the increased infill, housing flexibility and affordability pressures brings tension in the detailed design outcomes. The Expert Panel indicates that much of the community response has been to development prior to the PD Code, and that developments assessed under the PD Code are only now being constructed.
- 4.5.5 The State Planning Commission has proposed a *Future Living Code* Amendment which will consider the preparation of policy for housing for aged and retirement living, co-housing for ageing in place, that reflects flexible housing designs.
- 4.5.6 The majority of infill development within the Council area comprises the redevelopment of an existing dwelling site to accommodate usually two dwellings and where supported by policy, three dwellings. The PD Code introduced additional design considerations that have generally improved the quality of development. These include design features, landscaping and providing one on-street parking space. The experience has however been that three dwellings on a standard residential site within a suburban context (referred to as terrace dwellings) will inherently result in a poorer design outcome, due to relative intensity of the development.
- 4.5.7 There is an increase in complexity resulting from all these new directions and opportunities. Matters such as design improvements, trees and landscaping, stormwater management, carparking and garaging, and street appeal are being considered by the *Expert Panel*.

4.5.8 A challenge remains with the absence of adequate controls for the driveways over the Council verge. The State Planning Commission has commenced a process to develop Design Standards for this purpose. While the Design Standards have not been produced at this time, this initiative is supported.

4.5.9 **It is recommended that the Expert Panel be advised that Council supports the improved design policies for small scale infill within suburban areas, however further consideration should be given to:**

- **Strategic planning that considers the appropriate provision of infrastructure to support infill development within metropolitan Adelaide and targeting higher densities in specific locations such as centres, transport nodes and areas of public open space.**
- **Reviewing the policy in the PD Code for terrace dwellings within suburban areas as this form of development inherently results in poorer design outcome, due to relative intensity of the development.**

4.6 Car parking Policy

4.6.1 Increased development density was already occurring prior to the introduction of the PD Code. A Council report on a 2017 *Parliamentary Inquiry on the Regulation of Parking and Traffic Movement in South Australia* identified the infill growth and impact on parking such as:

- Reduced standards for on-site parking provision.
- Tension in providing spaces for disabled parking, loading zones, staff parking, customer parking.
- Trend to narrower road widths and pressure to manage verge parking.

4.6.2 The PD Code introduced a number of standards for parking and incorporated a provision for two car parks for infill two-bedroom dwellings. The Expert Panel discussion paper does not propose to increase the current requirement; however, it is considering reforms including:

- Allowing for dispensation to car parking based on proximity to the CBD, public transport or employment centres.
- A focus on meeting average demand rather than peak demand.
- Not requiring one car park space to be covered (provision of a carport or garage). This would also relate to housing affordability.

4.6.3 Council experience has generally been that communities complain that new development brings with it increased traffic, congestion and insufficient car parking. This is supported with general observations that many of the new households have two vehicles. In the absence of any significant changes to car ownership and usage, it is recommended that the Expert Panel be advised that Council does not propose reduced requirements for on-site and on-street car parking.

4.7 *Policy Improvement needed for non-residential uses in the General Neighbourhood Zone*

4.7.1 The Council Assessment Panel (CAP) has highlighted an issue in the assessment of two development applications proposing non-residential uses within the General Neighbourhood Zone. The CAP identified that a combination of permissibility intended by the zone, together with policy expression, created some uncertainty in the assessment process. The CAP resolved to make a submission to the Expert Panel and provide a copy of its submission to Council. A copy of the CAP's submission is provided in Attachment 5. The CAP has suggested:

- There is a lack of precision embodied in the policy that is vulnerable to interpretations that have the potential to allow land uses in the General Neighbourhood Zone that are not intended or to facilitate significant incremental change.
- The location and scale of non-residential uses within essentially residential neighbourhoods needs better guidance. Additional considerations should include:
 - A reference to residential character should be better guided with a Desired Outcome that better describes the desired character and important considerations for the assessment process of respective residential neighbourhoods.
 - The location of some non-residential uses should generally only be encouraged in specific circumstances such as on arterial or collector roads.
 - The scale of the uses should not be confined only to commercial activities. There should also be guidance on appropriate scale in relation to the built form and relative intensity of activity.

4.8 *Miscellaneous PD Code issues*

4.8.1 The following issues are various matters that have been revealed in the assessment of development since the introduction of the PD Code that are considered to warrant further consideration:

- While the Code is accessible online, it is difficult for people to read and interpret who are not accredited professionals who use the system regularly. There should be further consideration to how the PD Code is presented to the general public.
- The interpretation of policy - pragmatic versus tight interpretation of the PD Code is various. The Performance Outcomes are not well understood and often the Designated Performance Features have no relationship to the Performance Outcomes.
- There is a lack of policy guidance relating to managing overlooking from ground level areas at sloping sites.

- Two-storey development at rear hammerhead sites can have inherent detrimental impacts to surrounding back yards of neighbours. The PD Code does not provide adequate guidance for this form of development.
- Policy guidance is also required for emerging development trends of new housing types, including:
 - NDIS type supported housing arrangements. These forms of development have additional requirements for consideration such as supported accommodation and applicable parking rates.
 - Multi generation housing which is increasingly being sought by the community. There is no explicit guidance by the PD Code or National Construction Code.
 - The previously defined 'multiple dwelling' to guide when occupancy of a detached dwelling exceeds what is reasonably expected for this form of dwelling.

Planning, Development and Infrastructure Act 2016 Reform Options

4.9 The new legislation introduced significant changes to the system, including assessment pathways, relevant authorities, rules governing assessment processes, changes to public notification and tools for the provision of infrastructure with new development. The discussion paper has identified some topics for specific consideration, but the Expert Panel has invited comments about all ideas. The key matters for Council staff are highlighted below.

4.10 Infrastructure Schemes

- 4.10.1 Two Infrastructure Schemes were introduced with the intent to apply however these schemes have yet to be utilised. The Expert Panel summary paper on the Act states that the schemes are complex and difficult to work with. This leaves Land Management Agreements or Separate Rates as alternative options. In addition, the State Government has advised that no rezonings will occur without funding agreements being in place for infrastructure. Therefore, not having workable infrastructure schemes for large and complex land developments affects land supply and hence economic growth.
- 4.10.2 Council has adopted the Strategic Growth Framework, Waterloo Corner and Bolivar Corridor. The next step involves further investigations and designs for infrastructure. Given the fragmentation of land ownership across this area and the proposed stages of development an Infrastructure Scheme would have been a suitable option.
- 4.10.3 Council staff have collaborated with staff from other growth area councils (the Cities of Playford; Mt Barker; Onkaparinga; Town of Gawler; District Councils of Adelaide Plains, Light and Barossa) on a response to the Expert Panel on infrastructure. The combined submission reflects the common issues from the staff. Each council plans to forward this common submission to the Expert Panel through its Council or Executive. The key issues include:

- The current infrastructure schemes in the Act are unlikely to be used given the complexity and uncertainty of these schemes.
- Structure Planning with infrastructure designs and costings should be required prior to rezoning.
- The State Government needs to have an effective whole of government infrastructure co-ordination that aligns with Regional Plans, including funding mechanisms for infrastructure agencies (eg SA Water and the Department for Education) being committed to providing services to facilitate and support development opportunities.
- The Victorian system has been identified as having a better infrastructure model and provides an example of measures that could be adapted to South Australia such as:
 - Predetermined costs for various types of infrastructure, with the ability to alter the agreed cost when identified in a structure plan.
 - A State infrastructure fund to pay for infrastructure prior to development proceeding and costs being recouped.
 - A minimum requirement that 10% of land is allocated towards key infrastructure at the structure planning stage.

4.10.4 While staff will continue to work with other councils on common issues, it is recommended that the Expert Panel be urged to undertake a comprehensive review of infrastructure schemes. As mentioned above, the Victorian Government has been identified as having a better infrastructure model and provides an example of measures that could be adapted to South Australia.

4.10.5 It is recommended that Council approves the jointly prepared submission being an attachment to Council's response to the Expert Panel. The submission is contained in Attachment 1.

4.11 Public Notification and Appeal Rights

4.11.1 The public notification area for minor/localised development types, which includes all properties within 60 metres, is excessive for minor structures (e.g. outbuildings on a boundary or a boundary retaining wall) that have a minimal impact beyond the immediate neighbour. It is recommended that Council advise the Expert Panel that notification for development on the boundary, when deemed necessary, should only be made to the affected adjoining neighbour.

4.11.2 In relation to the types of notified developments, non-residential use should not generally be excluded from notification within zones that are predominantly residential zones. Communities generally do not engage deeply with the planning system at a policy level and it is reasonable for communities to expect to be engaged when non-residential development is proposed.

- 4.11.3 It is understood from Members that the loss of third party appeals under the *Planning, Development and Infrastructure Act 2016* has contributed to communities feeling disadvantaged as they are unable to challenge the decision of a relevant authority. While it is acknowledged that the prospect of third-party appeal presents a risk to a proponent, there is equally a risk to community confidence in a system where their participation is severely restricted.

The Expert Panel has proposed alternative appeals pathways in its discussion paper. These alternatives provide an expediated appeal process, which does appear to have some merit. It is recommended that the Expert Panel be advised that Council supports the consideration of mechanisms to reintroduce third party appeal rights for development, particularly for development that is not reasonably expected within residential neighbourhoods.

4.12 Council Assessment Panel

- 4.12.1 The Council Assessment Panel (CAP) has highlighted an issue on the role of the Elected Member of the CAP and resolved to make a submission to the Expert Panel and provide a copy of its submission to Council. A copy of the CAP's submission is provided in Attachment 5. The CAP has requested that the Expert Panel consider:

- Review clause 21 of Assessment Panel Members - Code of Conduct to provide better clarity for the role of Elected Members on Panels in circumstances where a council makes a representation and the member declares a conflict at the council meeting. As it is drafted, it can be interpreted in such a manner as to cause difficulty for CAP Members who are also Elected Members in balancing their separate roles in this regard and how this is viewed by the community.
- Consider whether clauses 14.e. and 21 of the Code of Conduct can be refined or, whether they remain necessary and can be deleted. With respect, clauses 7 – 14.d. and 15 – 20 are very clear and detailed in their scope and application such that they ensure that CAP member behaviour is objectively appropriate, fair and impartial without causing tension with applicants and the community who may view the mere fact of a CAP Member also being an Elected Member of the Council or an Independent Member being a member of a professional organisation, or a member of several Panels, of themselves, constituting a breach of one or both of these clauses.
- Use an alternative title than “Council Assessment Panels” to better differentiate the independent role of Panels for the community. The continued use of the term “Council” means that applicants and members of the community make assumptions concerning the CAP and its relationship with the Council which cause many of the tensions mentioned above.

- Review the *call-in power* and practice by the Minister for Planning under section 94 of the *Planning, Development and Infrastructure Act 2016* to include more significant development applications undertaken by a Council.

4.13 Deemed Planning Consent

- 4.13.1 Deemed Planning consent allows an applicant to serve a notice on a planning authority to issue an approval, if the application has not been assessed with the time prescribed in the regulations.

Considerable concern has been raised by practitioners about the negative impacts the deemed consent option has introduced into the assessment of development. This approach does not provide a basis for collaborative relationships with applicants that in turn deliver more appropriate planning outcomes. Nor does it take into consideration the well documented shortage of professionals within the sector or how to establish a sustainable work environment for the relevant assessing officers where they can apply their skills to the delivery of an outcome that benefit all, in line with the relevant assessment policy.

- 4.13.2 This, combined with very short assessment times for what can be quite complex matters, results in a greater likelihood of applications being refused, or sub-standard designs that don't meet the provisions well, but are just good enough being approved to avoid a deemed consent rather than working with applicants to achieve a design that can be supported and better deliver the intent of the policy.
- 4.13.3 It is noted in the jurisdictional comparison contained in the Panel's discussion paper, that only Queensland uses this mechanism and NSW has adopted a deemed refusal mechanism. Other jurisdictions such as Victoria, Western Australia and Tasmania have taken a more balanced approach, whereby a review is undertaken by the respective courts on the facts and the court makes a considered and independent determination on the application. This is considered to be a more equitable approach that will safeguard the community against potential poor development outcomes.
- 4.13.4 The Paper identifies instances where planning and building consent have been issued for a development application, but councils are refusing to accept the planning consent issued by the private accredited professional. The Discussion Paper assumes the council as the problem and does not examine the reasons why the approval is not being issued by the Council. The Act requires a council to check that the appropriate consents have been sought and obtained for a development application. In many instances, it is evident that some private accredited professional have acted outside their powers under the Act. This issue is directly related to the ambiguity that is created with s106(2) of the Act in relation to minor variations.
- 4.13.5 The Deemed to Satisfy (Minor variations) has been subject to various interpretations and has created uncertainty and delayed approvals, as identified by the Panel's paper. This varying interpretation has resulted in poor outcomes for applicants. There are some examples of accredited

professional's interpretation being such that they have effectively undertaken a performance assessed development.

- 4.13.6 It is recommended that the Expert Panel be advised that Council requests a review of s106(2) of the Act. This provision is not working as intended. There needs to be greater guidance on what constitutes a minor variation to address the current inconsistent approach. This could be informed with clear parameters such as a minor variation may only be granted:

- by a Council, or
- by private certifiers where the element does not have an impact beyond the site. E.g. excludes site area, frontage, setbacks, building heights, length on boundary and the like, and there is accountability / transparency with clearly documented justification for any minor variations.

4.14 *Assessment Timeframes*

- 4.14.1 The paper suggests a review of assessment timeframes. The average time to assess development applications is generally well within statutory periods, but a particular step in the assessment process (verification) there was 78% compliance with a 5-day timeframe. Notwithstanding this performance across all applications, current statutory timeframes do not adequately differentiate the work that is required to properly assess more complex assessments such as larger commercial and industrial type applications. The current rigidity in the system discourages collaboration, but rather increases adversarial approaches.

- 4.14.2 It is recommended that the Expert Panel be advised that:

- Assessment timeframes for more complex development, not involving up to two (2) class 1 (dwellings) and class 10 outbuildings, should be 8 weeks as provided under the previous Act (from the current 4 weeks), as the current assessment timeframes are not adequate and do not facilitate the promotion of high standards for the built environment.
- Verification process is onerous and does not adequately account for the assessment that is required for more complex developments. The Expert Panel is encouraged to consider training, education, and DAP system solutions, ahead of imposing penalties on a sector that is facing the same resourcing challenges as other sectors.

4.15 *Practice Direction 14: Site Contamination*

- 4.15.1 The practice direction for the assessment of site contamination in parallel with new development provides good guidance and has been an improvement to the planning system. The framework has however created some unnecessary red tape in the planning system that triggers site contamination processes in instances that do not appear warranted, as they do not appear to present a risk to the land use. While the changes to Practice Direction 14 in June 2022 improved this process, further refinement is considered necessary.

4.15.2 This issue is caused with Table 1: Land Use Sensitivity Hierarchy and associated qualifications in clause (5)(e). Particularly, in relation to requiring site contamination processes in the following instances:

- Office / retail uses (item 5) for an industrial use (item 7).
- Change of land use to a warehouse or store within an existing building or site, on a site previously used for industry (item 7).
- Development within a ground water prohibition area where there is a change in the use of land to a more sensitive use, unless there is a site contamination audit report under Part 10A of the *Environment Protection Act 1993* providing that the land is suitable for a range of uses. The prohibition areas are large, encompassing various zones, and the audit reports do not appear to identify suitable land uses for the entire affected prohibition area.

As a consequence, the system imposes an unnecessary and considerable cost in the planning system where there is unlikely to be a risk. E.g. a warehouse being proposed on the site of a previous light industry requires a referral to the EPA. As this process affects common uses in employment zones, the consequence is an unnecessary increase in cost and time for reasonably expected and common developments.

4.15.3 Furthermore, it is noted that the *Environmental Protection Act 1993* provides the appropriate powers to address risk of site contamination, where required, without unduly affecting applicants in the planning system where there is little to no site contamination risk for these uses.

4.16 It is recommended that the Expert Panel be advised that Practice Direction 14 should be amended to include:

- 4.16.1 That a commercial class 1 use (and similar) in association with an existing industry is not to be regarded as a more sensitive use.
- 4.16.2 Explicitly include a warehouse, store, service trade premises, bulky goods, retail fuel outlet and similar common land uses from Part 7 of the Planning and Design Code in item 7 of Table 1: Land Use Sensitivity Hierarchy to provide greater certainty.
- 4.16.3 An amendment to clause 5(d)(iii) to include all proposed uses referred to above, within Item 7 of Table 1: Land Use Sensitivity Hierarchy.
- 4.16.4 The establishment of a Ground Water Prohibition area should be reviewed so that site contamination audit report that creates this overlay considers all the affected zones and identifies the range of suitable uses not requiring a referral for the entire ground water prohibition area. This would likely be more particularly applicable to employment type zones, rather than neighbourhood type zones. There otherwise should be a general exemption that applies for development applications that include item 5, 6 and 7 land uses in the Land Use Sensitivity Hierarchy.

4.17 Form 1 - Section 7 Certificate

- 4.17.1 Council has a statutory obligation to provide information to an applicant in accordance with a form (Section 7 Certificate) and for a fee (\$26.50)

that is established by the regulations under the *Land and Business (Sale and Conveyancing) Act 1994*. The South Australian Government also provides information in accordance with a form (Property Interest Report) and for a fee (\$311). This information is part of the Form 1 vendors statement.

- 4.17.2 The information that councils provide relates to matters that a council ordinarily creates and holds in the course of its business. The changes to the planning and development processes established by the State Government under the *Planning, Development and Infrastructure Act 2016* are significant and the government now holds relating planning and development information under this legislative scheme on the SA Planning Portal.
- 4.17.3 The SA Portal has a report extract that councils use to attach to their Section 7 Certificate. This is a manual process and is also inconsistently extracted and shared.
- 4.17.4 It is recommended that the Expert Panel be advised to consider that the Property Interest Report provided by Land Services SA on behalf of the State Government provides any government interests associated with land, this report should be updated to provide all development application, zoning and code amendment information under the *Planning, Development and Infrastructure Act 2016*.
- 4.17.5 Councils should continue to provide all information under the *Development Act 1993* and where applicable, relevant enforcement notices under the new legislative scheme that are not captured by the State Government's SA Planning Portal.
- 4.17.6 This would provide a better service for consumers and significantly reduce the inefficient administrative processes associated with councils manually downloading information from the DAP to attach to the Section 7 Certificate.

E-Planning System and the PlanSA website

- 4.18 A key reform of the planning system was to establish a single online planning system. The online system provides:
 - 4.18.1 Access to planning and building information;
 - 4.18.2 An ability to lodge track and assess development applications; and
 - 4.18.3 Centralised reporting and monitoring of planning and assessment activities.
- 4.19 The digitisation of the system enables 72 Development Plans with some 1,500 zones to be collapsed into 1 PD Code with 65 zones. The Expert Panel highlights that the South Australian e-Planning system is the national leading system.
- 4.20 The benefits of the digitisation of the system are intended to be increased certainty together with a faster and more efficient development assessment process with the Development Assessment Portal (DAP). It has implemented many enhancements since its introduction.

- 4.21 While the DAP has introduced some positive changes, it has not yet delivered the efficiencies for the processing of development applications that were expected from the reform. PlanSA has been provided an exhaustive list of issues and it is acknowledged that the department has generally sought to progress enhancements.
- 4.22 Critical changes are urgently required, as the Discussion Paper – *ePlanning System and PlanSA website Reform Options* has identified. It is considered essential that these are prioritised as the current DAP limitations is significantly affecting the performance of the development assessment process. For example:
- 4.22.1 The current DAP is too linear and does not facilitate multi process actions across planning and building. Staff cannot easily update basic data, such as add addresses after verification or continue to assess an application when the application is on hold. This is resulting in double or triple handling of development applications. A relevant authority should be able to efficiently complete all aspects of an assessment at one point, regardless of status of the application and should be given administrative control to change data in the DAP as required. There is significant inefficiency in administrative functions being undertaken only by PlanSA.
 - 4.22.2 The current DAP is too complicated for simple development applications. The DAP should be streamlined for simpler development applications and should allow authorities to concurrently assess planning consent, building consent, and issue development approval.
 - 4.22.3 Assessment timeframes do not accurately capture when a request for information has been made – the system should accurately measure the assessment time.
 - 4.22.4 The system does not have a robust document management system, the current approach is convoluted and complicated. A contemporary document management system should be adopted for the DAP.
 - 4.22.5 Dashboards to monitor volumes of work are not working and cannot be readily relied upon. Dashboards should be provided to readily monitor and track development applications.
 - 4.22.6 New titles details are not being transferred or updated into the DAP in sufficient time to allow for the assessment of new development applications and this also often holds up the production of the Form 1 - Section 7 Certificate.
- 4.23 Given the critical role of the DAP in the system, it is recommended that the Expert Panel be requested to review the governance and resourcing that is necessary to sustain it. There appears to be an inherent limitation with the current governance model of PlanSA determining & progressing enhancements.
- 4.24 While there have been many enhancements, acknowledging the efforts of the department to address what they can, there remain many more that are outstanding. As the current governance model requires all ideas to be funnelled through PlanSA and prioritisation of enhancements need to fit within the available resources and understanding of the issues by the department, the most common problems are the focus, not innovation.

- 4.25 Furthermore, it is recommended that the DAP should offer full Application Programming Interface (API) Based Product Integration (open data) so that stakeholders can move towards business-to-business transactions. This will facilitate innovation as it will incentivise stakeholders to evolve their business processes and the learning can be shared across all stakeholders. Enabling all stakeholders to shape direction and priorities of the core DAP functionality. Together with the full API based Product Integration the DAP could realise its full potential as a digital platform.

4.26 *Customer Experience*

- 4.26.1 The centralised location for information (PlanSA) is beneficial in that there is one place to access planning and development information. The challenge is providing people an interface that can be easily navigated and people can find the information they require. *The E-Planning System and the PlanSA Website* discussion paper identifies early recommendations to improve this service which are generally supported.
- 4.26.2 The experience in relation to the Development Assessment Portal has been that many people do not understand how to use the system and often call council staff to explain and/or be walked through how to complete a task in the system. It is common for people to just email staff outside the DAP. Increased attention should be made to designing the DAP to the needs of different users such as one-off users and regular users such as builders. Occasional users should not have to register to access the DAP, whereas regular users who might be required to register to use the DAP should have the benefit of pre-populated fields once in the system. Furthermore, processes involving staging of development, variations and CITB payments should be simplified.

5. CONCLUSION / PROPOSAL

- 5.1 The Expert Panel is seeking information essentially on the user experience of the new system. The Salisbury key policy and administration issues have been identified in this report and the attached draft submission in Attachment 1.
- 5.2 It is considered that the Expert Panel Review has highlighted many matters in its discussion papers that are relevant and worth the support of Council. Detailed comments are provided in the submission attached to this report.



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Date to be inserted

Mr John Stimson
Presiding Member Expert Panel
Planning System Implementation Review
DTI.PlanningReview@sa.gov.au

Dear Mr Stimson

City of Salisbury Submission

The City of Salisbury has considered a number of matters relating to the implementation of the new planning system, and provides this submission in order to assist in understanding the issues that the City encounters. Council appreciates the opportunity to make this submission.

Planning and Design Code Reform options

Places of Worship

The City of Salisbury requests additional policies (or Council's previous Development policy) in the Planning and Design Code (the Code) to recognise the considerations for local, neighbourhood, and regional level Places of Worship. Council has an increased demand for Places of Worship with an increasing population practicing non-Christian faiths. This is further evidenced with the preliminary Census data. A copy a submission made on this matter to the previous Minister for Planning is attached. An update to the submission is being prepared to include new Census data.

Airport policy

The Code has inconsistent airport policy applying to Adelaide, Edinburgh and Parafield Airports. Unlike Adelaide Airport and the City of Adelaide area, Edinburgh and Parafield Airports are not recognised with finer grained building height contour mapping. A much- simplified defined area that triggers all assessments to require assessment applies to the Parafield Airport surrounds, and a differing height recognition applies to Edinburgh Airport. There is also a continued absence in the PD Code of a recognition of the Department of Defence as a Referral Body.

Infill Policy

Council supports the improved design policies for small scale infill within suburban areas, however further consideration should be given to:

- strategic planning that considers the appropriate provision of infrastructure to support infill development within metropolitan Adelaide and targeting higher densities in specific locations such as centres, transport nodes and areas of public open space.
- reviewing the policy in the Code for terrace dwellings within suburban areas as this form of development inherently results in poorer design outcome, due to relative intensity of the development.

Car parking policy

Council experience has generally been that communities complain that new development brings with it increased traffic, congestion and insufficient car parking. This is supported with general observations that many of the new households have two vehicles. In the absence of any significant changes to car ownership and usage, Council recommends that on-site and on-street car parking requirements are not reduced.

Policy improvement needed for non-residential uses in the General Neighbourhood Zone

It is the view of the Salisbury Council Assessment Panel that non-residential uses the General Neighbourhood Zone is vulnerable to interpretation due to a lack of precision thereby allowing land uses that not intended in the zone. Council supports this submission.

Miscellaneous PD Code issues

The following issues are various matters that have been revealed in the assessment of development since the introduction of the Code that are considered to warrant further consideration:

- While the Code is accessible online, it is difficult for people to read and interpret who are not accredited professionals who use the system regularly. There should be further consideration to how the Code is presented to the general public.
- The interpretation of policy - pragmatic v tight interpretation of the Code is various. The Performance Outcomes are not well understood and often the Designated Performance Features have no relationship to the Performance Outcomes.
- There is a lack of policy guidance relating to managing overlooking from ground level areas at sloping sites.
- Two-storey development at rear hammerhead sites can have inherent detrimental impacts to surrounding back yards of neighbours. The Code does not provide adequate guidance for this form of development.
- Policy guidance is also required for emerging development trend of new housing types, including:
 - NDIS type supported housing arrangements. These forms of development have additional requirement for consideration such as supported accommodation and applicable parking rates.

- Multi generation housing which is increasingly being sought by the community. There is no explicitly guidance by the Code or National Construction Code.
- The previously defined 'multiple dwelling' to guide when occupancy of a detached dwelling exceeds what is reasonably expected for this form of dwelling.

Planning, Development and Infrastructure Act 2016 Reform Options

Infrastructure Schemes

The current infrastructure schemes in the Act are unlikely to be used given the complexity and uncertainty of these schemes. The absence of workable infrastructure schemes for large and complex land developments affects land supply and hence economic growth. The Expert Panel is urged to undertake a comprehensive review of infrastructure schemes. The Victorian government has been identified as having a better infrastructure model and provides measures that could be adapted to South Australia. Staff from the City of Salisbury have collaborated with staff from other growth councils of the Greater Adelaide Region to prepare a response to the Expert Panel on Infrastructure Schemes. This submission is attached for the Expert Panel's consideration.

Public Notification

It is recommended that the Expert Panel consider notification for development on the boundary, when deemed necessary, to be made only to the affected adjoining neighbour.

The alternative appeal mechanisms provided in the discussion paper to expediate appeal process does appear to have some merit. Council supports the consideration of mechanisms to reintroduce third party appeals rights for development, particularly for development that is not reasonably expected within residential neighbourhoods.

Council Assessment Panel

The Salisbury Council Assessment Panel has highlighted an issue on the role of the Elected Member of the Council Assessment Panel and has made a submission to the Expert Panel consider reviewing the Assessment Panel Members - Code of Conduct. Council supports this submission.

Deemed Planning Consent

Considerable concern has been raised about the negative impacts the deemed consent option has introduced into the assessment of development. This approach does not provide a basis for collaborative relationships with applicants that in turn deliver more appropriate planning outcomes. Other jurisdictions such as Victoria, Western Australia and Tasmania have taken a more balanced approach, whereby a review is undertaken by the respective courts on the facts and the court makes a considered and independent determination on the application. This is considered to be a more equitable approach that will safeguard the community against potential poor development outcomes.

Deemed to Satisfy (Minor variations)

The Deemed to Satisfy (minor variations) s106(2) of the Act is creating legislative ambiguity. This provision is not working as intended. There needs to be greater guidance on what constitutes a minor variation to address the current inconsistent approach. This could be informed with clear parameters such as a minor variation may only be granted:

- by a council, or
- by private certifiers where the element does not have an impact beyond the site. E.g. excludes site area, frontage, setbacks, building heights, length on boundary and the like, and there is accountability / transparency with clearly documented justification for any minor variations.

Assessment Timeframes

It is recommended that assessment timeframes for more complex development, not involving up to two (2) class 1 (dwellings) and class 10 outbuildings, should be 8 weeks as provided under the previous Act (from the current 4 weeks), as the current assessment timeframes are not adequate and do not facilitate the promotion of high standards for the built environment.

The verification process is onerous and does not adequately account for the assessment that is required for more complex developments. The Expert Panel is encouraged to consider training, education, and DAP system solutions, ahead of imposing penalties on a sector that is facing the same resourcing challenges as other sectors.

Practice Direction 14: Site Contamination

The practice direction for the assessment of site contamination in parallel with new development provides good guidance and has been an improvement to the planning system. The framework has however created some unnecessary red tape in the planning system that triggers site contamination processes in instances that do not appear warranted, as they do not appear to present a risk to the land use. It is recommended that Practice Direction 14 should be amended to include:

- That a commercial class 1 use (and similar) in association with an existing industry is not to be regarded as a more sensitive use.
- Explicitly include a warehouse, store, service trade premises, bulky goods, retail fuel outlet and similar common land uses from Part 7 of the Planning and Design Code in item 7 of Table 1: Land Use Sensitivity Hierarchy to provide greater certainty.
- An amendment to clause 5(d)(iii) to include all proposed uses referred to above, within Item 7 of Table 1: Land Use Sensitivity Hierarchy.
- The establishment of a Ground Water Prohibition area should be reviewed so that site contamination audit report that creates this overlay considers all the affected zones and identifies the range of suitable uses not requiring a referral for the entire ground water prohibition area. This would likely be more particularly applicable to employment type zones, rather than neighbourhood type zones. There otherwise should be a general exemption that applies for development applications that include item 5, 6 and 7 land uses in the Land Use Sensitivity Hierarchy.

Form 1 - Section 7 Certificate

Council has a statutory obligation is to provide information to an applicant in accordance with a form (Section 7 certificate) and for a fee (\$26.50) that is established by the regulations under the *Land and Business (Sale and Conveyancing) Act 1994*. The South Australian Government also provides information in accordance with a form (Property Interest Report) and for a fee (\$311). This information is part of the Form 1 vendors statement.

The information that councils provide relates to matters that a council ordinarily creates and holds in the course of its business. The changes to the planning and development processes established by the state government under the Planning, Development and Infrastructure Act 2016 are significant and the government now holds information relating planning and development information under this legislative scheme on the SA Planning Portal.

The SA Portal has a report extract that Council use to attach to their section 7 certificate. This is a manual process and is also inconsistently extracted and shared.

It is recommended that the Expert Panel consider that the Property Interest Report provided by Land Services SA on behalf of the South Australian Government provides any government interests associated with land, this report should be updated to provide all development application, zoning and code amendment information under the *Planning, Development and Infrastructure Act 2016*.

Councils should continue to provide all information under the *Development Act 1993* and where applicable, relevant enforcement notices under the new legislative scheme that are not captured by the state governments SA Planning Portal.

This would provide a better service for consumers and significantly reduce the inefficient administrative processes associated with councils manually downloading information from the DAP to attach to the Section 7 certificate.

E-Planning System and the PlanSA website

While the DAP has introduced some positive change, it has not yet delivered the efficiencies for the processing of development applications that were expected from the reform, notwithstanding the many enhancements that have made since its introduction. PlanSA has been provided an exhaustive list of issues and it is acknowledged that the department has generally sought to progress enhancements. Critical changes are however urgently required, as the Discussion Paper – ePlanning System and PlanSA website Reform Options has identified. It is considered essential that these are urgently prioritised as the current DAP limitations is significantly affecting the performance of the development assessment process. For example;

- The current DAP is too linear and does facilitate multi process actions across planning and building. Staff cannot easily update basic data, such as add addresses after verification or continue to assess an application when the application is on hold. This is resulting in double or triple handling of development applications. A relevant authority should be able to efficiently complete all aspects of an assessment at one point, regardless of status of the application and should be given administrative

control to change data in the DAP as required. There is significant inefficiency in administrative functions being undertaken only by PlanSA.

- The current DAP is too complicated for simple development applications. The DAP should be streamlined for simpler development applications and should allow authorities to concurrently assess planning consent, building consent, and issue development approval.
- Assessment timeframes do not accurately capture when a request for information has been made – the system should accurately measure the assessment time.
- The system does not have a robust document management system, the current approach is convoluted and complicated. A contemporary document management system should be adopted for the DAP.
- Dashboards to monitor volumes of work are not working and cannot be readily relied upon. Dashboards should be provided to readily monitor and track development applications, without having to generate a PowerBI reports.
- New titles details are not being transferred or updated into the DAP in sufficient time to allow for the assessment of new development applications and this also often holds up the production of the Form 1 - section 7 certificate.

Given the critical role of the DAP in the system, it is recommended that the Expert Panel be requested to review the governance and resourcing that is necessary to sustain it. There appears to be an inherent limitation with the current governance model of PlanSA determining & progressing enhancements. While there have been many enhancements, acknowledging the efforts of the department to address what they can, there remain many more that are outstanding. As the current governance model requires all ideas to be funneled through PlanSA and prioritisation of enhancements need to fit within the available resources & understanding of the issues by the department, the most common problems are the focus, not innovation.

Furthermore, it is recommended that the DAP should offer full Application Programming Interface (API) Based Product Integration (open data) so that stakeholders can move towards business to business transactions. This will facilitate innovation as it will incentivise stakeholders to evolve their business processes and the learning can be shared across all stakeholders. Enabling all stakeholders to shape direction and priorities of the core DAP functionality, together with the full API based Product Integration the DAP could realise its full potential as a digital platform

Customer Experience

The *E-Planning System and the PlanSA Website* discussion paper identifies early recommendations to improve this service which are generally supported.

The experience in relation to the Development Assessment Portal has been that many people do not understand how to use the system and often call council staff to explain and/or be walked through how to complete a task in the system. It is common for people to just email staff outside the DAP. Increased attention should be made to designing the DAP to the needs of different users such as one-off users and regular users such as builders. One off users should not have to register to access the DAP whereas regular users who might be required to register to use the DAP should have the benefit of pre-populated fields once in the system. Furthermore, processes involving staging of development, variations and CITB payments should be simplified.

The City of Salisbury wishes the Expert Panel well with its deliberations and report to the Minister for Planning.

Yours faithfully

John Harry

Chief Executive Officer

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Attachment 1: Growth Councils collaborated response on Infrastructure Schemes

PLANNING SYSTEM IMPLEMENTATION REVIEW

Comments to the Expert Panel on Infrastructure Schemes

Planners from growth Councils of the Greater Adelaide region have collaborated on preparing this response to the Expert Panel regarding the need to establish workable infrastructure schemes for large and complex land developments. The collaborating councils include: Adelaide Plains Council, Town of Gawler, Light Regional Council, City of Onkaparinga, City of Playford, City of Salisbury, Mount Barker District Council and the Barossa Council. Each Council will be forwarding this response to the Expert Panel through its Council or executive.

The councils agree with the expert panel that as provided in the *Planning, Development and Infrastructure Act 2016* (the Act) the General and Basic infrastructure scheme would be overly complex and difficult to work with, if operatable at all. Two quotes from the Expert Panel Discussion Paper are illuminating:

*"The provisions regarding general infrastructure schemes have **not yet** commenced and before they have commenced, the Commission must conduct an inquiry into the schemes in relation to the provision of essential infrastructure under Part 13 of the PDI Act, and a report on the outcome of the inquiry must be laid before both Houses of Parliament (pg. 31)".*

This is a very concerning delay in the provision of essential infrastructure, which in turn would be a drag on project implementation and overall economic development. Despite the Act being in place since 2016. The Discussion Paper also highlights the complexity of managing these infrastructure projects:

*"The legislative provisions surrounding infrastructure schemes under the PDI Act are **far more detailed and complex** than the legislative provisions in most other jurisdictions (pg. 33)".*

Councils have responded to this legislative and policy gap with local developer contributions schemes using Deeds and Infrastructure Agreements anchored to affected properties by Land Management Agreement/s to levy Separate Rates on properties once they reach a development trigger.

For example, the current approach to infrastructure provision in Gawler East Growth Area provides an example of a significant resourcing and administration challenge aimed at delivering outcomes that also affect State Government assets.

On 1 July 2017, Council introduced three Separate Rates across the Gawler East Growth Area totaling \$19.6 million (M):

1. Transport Infrastructure (Link Road) Separate Rate - \$8.2M
2. Community Infrastructure Separate Rate - \$4.8M
3. Traffic Interventions Separate Rate - \$6.6M.

In addition, Council contributed \$5.4M to the development of infrastructure in Gawler East Growth Area bringing the total potential infrastructure spend to \$25M.

These schemes in themselves are complex and require individual tailoring of legal advice and agreements. On occasion, these schemes involve a council maintaining matching agreements with several landowners concurrently across a nominated area. They involve extensive staff resources in their administration, including providing advice on interpretation (as needed), the development of proposals, gaining cooperation of landowners and levying of the separate rate.

Current arrangements are resource intensive, inefficient and given they are managed at a local level in most cases, likely to be inconsistent across the state.

Some councils have experienced negotiating and settling deeds involving infrastructure affecting state assets, such as the arterial road network, without the relevant state agency being a party to the Agreement.

Councils have also experienced challenges in circumstances where affected properties are sold and landowner responsibilities are not appropriately transferred as a part of the transaction.

An alternative solution to Land Management Agreements and Separate Rates is required to enable the development of the State's strategic growth areas. The solution needs to work for these areas because they require co-ordinated infrastructure delivery and rezonings where not all landowners are in agreeance and where the infrastructure provision may have a long horizon and several providers.

We strongly believe based on our combined experiences there must be a **whole of government** approach, requiring all relevant parties to come together to discuss and ultimately agree to revised schemes for infrastructure requirements, its delivery and funding. The Councils agree with the State Government's position that infrastructure delivery must be resolved prior to the commencement of a related Code Amendment. There would be a benefit in ensuring that for certain larger-scale undertakings, detailed Structure Planning precedes related infrastructure negotiations and Code Amendments.

Given the need to expedite development in South Australia a simpler system can be developed to ensure that there is a common understanding of required infrastructure contributions at the outset of each project requiring same. The Councils who have collaborated to develop this paper contend that a 'case by case' approach as currently utilised is delaying infrastructure projects from housing to employment lands and hence holding up both orderly and economic development.

Infrastructure Schemes should be clear and straightforward in what they need to achieve based on the following principles - **strategic, equitable, sustainable and best practice, adaptive, and economical**

Within the Discussion Paper – Planning, Development and Infrastructure Act 2016 Reform Options, we note the Jurisdictional Comparison and consider there is substantial merit in further exploring alternative legislative provisions noting there is support within this group for a similar approach taken by the Victorian Planning Authority. It is noted that the State of Victoria has been operating a Developer Contributions Scheme since 2003.

We have been asked to respond to the following questions on Infrastructure Schemes posed by the Expert Panel:

1. What do you see as barriers in establishing an infrastructure scheme under the PDI Act?

Response

- Acknowledging that one of the schemes is not operational, the schemes are overly complex with numerous decision-making points by different owners.
- Councils are concerned that most of the decision making, and control comes from the State Government when Local Government has the knowledge, links to the community and current and future ownership of most of the infrastructure.
- The schemes provide no guidance on where the upfront investments will come from.

- Separately, the schemes place considerable responsibility on the 'Scheme Coordinator' role, making this the subject of potential governance risk in conducting negotiations with more than one Landowner/ Developer.
- The Scheme Coordinator approach may lack the ability to involve key stakeholders, e.g. government agencies and/ or key utilities to ensure timely deliverables.

2. What improvements would you like to see to the infrastructure scheme provisions in the PDI Act?

Response

- It is considered the issues identified in question 1 plus the recommendations in questions 3 should be considered.
- In addition, councils would like the definitions of infrastructure to be reviewed to incorporate open space and recreational facilities.
- The Act should be amended to ensure Structure Planning of growth areas with infrastructure designs and costings occurs prior to the rezoning process.
- The Act needs to require that the State Government provides for an effective whole of government infrastructure co-ordination that aligns with Regional Plans, including funding mechanisms for infrastructure agencies. It is difficult for councils to engage with infrastructure providers (e.g. SA Water, SAPN/Electranet and the Department for Education) at the strategic planning and rezoning stages. Agencies need to be committed to providing services to facilitate and support development opportunities.

3. Are there alternative mechanisms to the infrastructure schemes that facilitate growth and development with well-coordinated and efficiently delivered essential infrastructure?

Response

A 'Whole of Government' approach (including Transport, Education, Health and Wellbeing, Emergency Services, Environment, Recreation and Sport, Local Government etc.) via an empowered authority would appear to be an effective alternative model to consider exploring. For instance, the Victorian system has been identified as having a better coordinated infrastructure model and provides an example of measures that could be adapted to South Australia such as:

- Predetermined contribution costs for various types of infrastructure, with the ability to alter the agreed cost when identified in a structure plan.
- A State infrastructure fund to pay for infrastructure prior to development proceeding and costs being recouped.
- A minimum requirement that 10% of land is allocated towards key infrastructure at the structure planning stage.

Anecdotal feedback suggests that the Victorian model has the benefits of all stakeholders, (including landowners, developers, communities, local authorities, State Departments/agencies, key utilities etc.) being aware of a contribution-based approach in contemplating rezoning and development opportunities.

Councils would be interested in exploring such a model with the State Government and other stakeholders, acknowledging that Councils would maintain an interest in continuing to manage key local infrastructure decisions and delivery management arrangements.

Any processes need to ensure key triggers for delivery of required outcomes. As Development Assessment is problematic as a trigger for infrastructure delivery and relying upon the Land Management Agreement/ Infrastructure Deed model can also be problematic, it is considered that creating another legislative device that can be attached to an affected Certificate of Title, similar to a LMA may be worth considering as an addition to the current tools.



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Mr John Stimson
Presiding Member
Expert Panel
Planning System Implementation Review

DTI.PlanningReview@sa.gov.au

Dear Mr Stimson

City of Salisbury Council Assessment Panel Submission
– Council Assessment Panels

A key reform under the *Planning, Development and Infrastructure Act 2016* has been to increase the level professionalism in the assessment process and remove Elected Members from planning decisions. This change has revealed a tension for operation of the Panels that the City of Salisbury Council Assessment Panel wishes to raise with the Expert Panel for consideration.

This issue arose following development applications where the participation of the Elected Member on the Panel was challenged by the applicants due to the Council having made a representation on a development application before a Panel.

The applicants for the development applications that were subject to the consideration of the Council Assessment Panel raised concerns with conflict of interest due to Council objecting to the development applications through making formal representations on notified development applications. Notwithstanding that the Elected Member on the Panel declared a conflict of interest when the Council considered the motion to lodge a representation on the development applications, the applicant's concern related to the *Assessment Panel Members - Code of Conduct*. In particular clause 21 that relates to Bias.

A member of an assessment panel should always have regard to any affiliation, disposition or any material, pecuniary or other interest that would lead to a reasonable apprehension that they may be biased in carrying out any aspect of their role under the Act.

Legal advice provided to the Elected Member was that the member should be mindful that a complaint could be made about the member being affiliated with Council. Caution was suggested as a complaint could be made to, and subsequently investigated by, the State Planning Commission. As a consequence, the Elected

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Member declared that they would not participate in the consideration and assessment of the application given the circumstances could give rise to the potential for a reasonable apprehension of bias on the member's part, particularly as the issue had been raised by the applicants.

This situation raises matters for further consideration, including:

1. Due to sections 34(32), 34(24) and 56A of the former *Development Act* 1993, Councils were not able to make lawful representations on any form of publicly-notified development application assessed by the then CDAP nor was it able to appeal any CDAP decisions. This was due to the fact that the CDAP was a delegate of the Council and, therefore its decisions were, legally, decisions of the Council notwithstanding the abovementioned provisions of the *Development Act*.
2. Under the PDI Act, the CAP and the Council are distinct from one another in that the CAP is the relevant authority for performance assessed planning applications requiring notification (rather than the delegate of the Council in respect to same). The PDI Act does not prohibit Councils from making representations to the CAP and the ability to make a representation has meant that Councils are electing to do so in respect to development applications of particular community interest and/or concern.
3. The role of the Elected Member who is also a CAP Member in the situation where Council has lodged a representation in relation to a development application causes tension. Whilst, legally, the role of an Elected Member in their capacity as such and in their role as a CAP Member are separate and distinct, community perceptions do not reflect the legal position and this causes significant pressure and concern for Elected Members who are also CAP Members. This tension is particularly heightened given that only 1 Elected Member may be appointed to a CAP.
4. Tensions also arise for the independent members on the CAP in that they may make decisions on applications which are contrary to what is desired by the Council – the very body that appoints them.
5. Further, due to the requirement for accreditation under the APS and the requirements for maintaining accreditation, the 'pool' of persons applying to become Independent Members of Panels has reduced. It is not uncommon for Independent Members to be appointed to multiple Panels across the State. Community perceptions that appointment to multiple Panels leads to biased decision making and/or breaches of the Code of Conduct is an ongoing tension for CAP Members.
6. Further tension arises from community perceptions that arise where a Council is the applicant for a development authorisation, a more frequent occurrence in recent times as the Minister for Planning call-in criteria and practice has generally been not to appoint the State Commission Assessment Panel (SCAP) for development applications undertaken by a council.

Community perceptions are often that the CAP will make a decision consistent with a Council position, whether that be to oppose a development application as a representor or to lodge an application as developer. These perceptions cause considerable consternation for representors, CAP Members and applicants despite CAPs being 'live' to them and discharging their statutory role and functions in strict accordance with the PDI Act.

The Expert Panel is requested to consider this issue and may wish to:

1. Review clause 21 of *Assessment Panel Members - Code of Conduct* to provide better clarity for the role of Elected Members on Panels in circumstances where a council makes a representation and the member declares a conflict at the council meeting. As it is drafted, it can be interpreted in such a manner as to cause difficulty for CAP Members who are also Elected Members in balancing their separate roles in this regard and how this is viewed by the community.
2. Consider whether clauses 14.e. and 21 of the Code of Conduct can be refined or, whether they remain necessary and can be deleted. With respect, clauses 7 – 14.d. and 15 – 20 are very clear and detailed in their scope and application such that they ensure that CAP member behaviour is objectively appropriate, fair and impartial without causing tension with applicants and the community who may view the mere fact of a CAP Member also being an Elected Member of the Council or an Independent Member being a member of a professional organisation, or a member of several Panels, of themselves, constituting a breach of one or both of these clauses.
3. Use an alternative title than "*Council Assessment Panels*" to better differentiate the independent role of Panels for the community. The continued use of the term "Council" means that applicants and members of the community make assumptions concerning the CAP and its relationship with the Council which cause many of the tensions mentioned above.
4. Review the call-in power and practice by the Minister for Planning under section 94 of the *Planning, Development and Infrastructure Act 2016* to include more significant development applications undertaken by a Council.

Yours faithfully

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Assessment Manager
City of Salisbury Council Assessment Panel

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Dear Mr Stimson

City of Salisbury Council Assessment Panel Submission
– Code Policy for non-residential uses in General Neighbourhood Zone

In the assessment development applications proposing non-residential uses within the General Neighbourhood Zone, the City of Salisbury Council Assessment Panel has identified that a combination of permissibility intended by the zone, together with policy expression, has created some uncertainty in the assessment process. This letter set out the Panel's observations for the consideration of the Expert Panel on the Planning System Implementation Review.

The General Neighbourhood Zone has essentially replaced the former Residential Zone that applied over much of the metropolitan residential areas.

The General Neighbourhood Zone is far more permissive than the previous Residential Zone. The zone is clearly intended to accommodate non-residential uses to achieve a more convenient living environment. This principle is expressed in Desired Outcome (DO) 1 of the Zone.

Desired Outcome	
DO 1	<i>Low-rise, low and medium-density housing that supports a range of needs and lifestyles located within easy reach of services and facilities. Employment and community service uses contribute to making the neighbourhood a convenient place to live without compromising residential amenity.</i>

The uses are listed in Designated Performance Feature (DPF) 1.1. These uses are reasonably broad.

Performance Outcome	Designated Performance Feature
<p><i>PO 1.1</i></p> <p><i>Predominantly residential development with complementary non-residential use that support an active, convenient and walkable neighbourhood.</i></p>	<p><i>DPF 1.1</i></p> <p><i>Development comprises one or more of the following:</i></p> <ul style="list-style-type: none"> <i>(a) ancillary accommodation</i> <i>(b) community facility</i> <i>(c) consulting room</i> <i>(d) dwelling</i> <i>(e) educational establishment</i> <i>(f) office</i> <i>(g) place of worship</i> <i>(h) pre-school</i> <i>(i) recreation area</i> <i>(j) residential flat building</i> <i>(k) retirement facility</i> <i>(l) shop</i> <i>(m) student accommodation</i> <i>(n) supported accommodation</i>

Given the zone envisages a broad range of uses within essentially residential communities, residential amenity and character are important considerations to determine the appropriateness of these non-residential uses. Sufficient guidance should be provided to relevant authorities, applicants and communities to provide reasonable expectations of outcomes. Ideally, there should be certainty, as far as is practical, and this should be readily understood early in the assessment process. The current DO has little or no role to play in the development assessment process given its expression as a brief aspirational goal. The PO's become the central focus for defining the appropriate use, as listed below.

Performance Outcome	Designated Performance Feature
<p><i>PO 1.2</i></p> <p><i>Non-residential development located and designed to improve community accessibility to services, primarily in the form of:</i></p> <ul style="list-style-type: none"> <i>(a) small scale commercial uses such as offices, shops and consulting rooms</i> <i>(b) community services such as educational establishments, community centres, places of worship, pre-schools, and other health and welfare services</i> <i>(c) services and facilities ancillary to the function or operation of supported accommodation or retirement facilities</i> <i>(d) open space and recreation facilities.</i> 	<p><i>DPF 1.2</i></p> <p><i>None are applicable</i></p>

Performance Outcome	Designated Performance Feature
<p><i>PO 1.3</i></p> <p><i>Non-residential development sited and designed to complement the residential character and amenity of the neighbourhood.</i></p>	<p><i>DPF 1.3</i></p> <p><i>None are applicable</i></p>

Performance Outcome	Designated Performance Feature
<p><i>PO 1.4</i></p> <p><i>Commercial activities improve community access to services are of a scale and type to maintain residential amenity.</i></p>	<p><i>DPF 1.4</i></p> <p><i>A shop, consulting room or office (or combination thereof) satisfies any of the following:</i></p> <p><i>(d) the development site abuts an Activity Centre and all the following area satisfied:</i></p> <ul style="list-style-type: none"> <i>i. it does not exceed 200m² gross leasable floor area (individually or combined, in a single building)</i> <i>ii. the proposed development will not result in a combined gross leasable floor area (existing and proposed) of all shops, consulting rooms and offices that abut the Activity Centre in this zone exceeding the lesser of the following:</i> <ul style="list-style-type: none"> <i>A. 50% of the existing gross leasable floor area within the Activity Centre</i> <i>B. 1000m²</i>

Performance Outcome	Designated Performance Feature
<p><i>PO 1.5</i></p> <p><i>Expansion of existing community services such as educational establishments, community facilities and pre-schools in a manner which complements the scale of development envisaged by the desired outcome for the neighbourhood.</i></p>	<p><i>DPF 1.5</i></p> <p><i>Alteration of or addition to existing educational establishments, community facilities or pre-schools where all the following are satisfied:</i></p> <ul style="list-style-type: none"> <i>(a) set back at least 3m from any boundary shared with a residential land use</i> <i>(b) building height not exceeding 1 building level</i> <i>(c) the total floor area of the building not exceeding 150% of the total floor area prior to the addition/alteration</i> <i>(d) off-street vehicular parking exists or will be provided in accordance with the rate(s) specified in Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements or Table 2 - Off-Street Car Parking Requirements in Designated Areas to the nearest whole number.</i>

The difficulty is the PO's advocate for uses of land couched in imprecise terms. These terms are malleable and are subject to various interpretation and/or exploitation.

e.g. "complementary non-residential uses", uses that are sited and designed to "complement the residential character and amenity of the neighbourhood" and

to improve access to services that are of a "scale and type to maintain residential amenity".

There is a lack of precision embodied in these terms. They are vulnerable to interpretations that have the potential to allow land uses in the General Neighbourhood Zone that are not intended or to facilitate significant incremental change.

The subjectivity of these terms is heightened when undefined uses or uses not listed in DPF 1.1 are proposed, such as a retail fuel outlet. As a consequence, the policy framework does not provide certainty for applicants or local communities. The differing interpretation has also been amongst planners, whereas there should be an expectation that professionals within the system to be more aligned in interpretation of key policy settings.

Furthermore, the location and scale of non-residential uses within essentially residential neighbourhoods needs better guidance. Additional considerations should include:

1. A reference to residential character should be better guided with a DO that better describes the desired character and important considerations for the assessment process of respective residential neighbourhoods.
2. The location of some non-residential uses should generally only be encouraged in specific circumstances such as on arterial or collector roads.
3. The scale of the uses should not be confined only to commercial activities. There should be guidance on appropriate scale in relation to the built form and relative intensity of activity.

Yours faithfully

Chris Zafiropoulos
Assessment Manager
City of Salisbury Council Assessment Panel

MAYOR'S DIARY REPORT

There is no Mayor's Diary Report.

REPORTS FROM COUNCIL REPRESENTATIVES

QUESTIONS ON NOTICE

QON1 Question on Notice: Mawson Lakes Pedestrian Bridge

Cr Beau Brug has submitted the following question:

1. What is the current status and timeline for the full construction and public opening of the Mawson Lakes pedestrian bridge?

General Manager City Infrastructure, Mr John Devine has provided the following response:

Contractors have commenced marking of the site for abutment locations and alignment, with the abutment construction works scheduled to commence the week of Monday, 28 November 2022.

The Bridge structure is currently in the final review phase following which fabrication will occur with the expected installation to commence on site in late January/early February 2023.

Full completion of the Bridge is expected by the 28 February 2023, with the public opening date to be determined closer to the construction completion.

QUESTIONS WITHOUT NOTICE

MOTIONS ON NOTICE

No Motions On Notice have been received.

MOTIONS WITHOUT NOTICE

OTHER BUSINESS

ORDERS TO EXCLUDE THE PUBLIC

There are no Orders to Exclude the Public.