AGENDA

FOR A

COUNCIL MEETING

TO BE HELD ON

TUESDAY 22 OCTOBER 2019

COMMENCING AT 7PM

AGENDA FOR A MEETING OF THE COUNCIL TO BE HELD IN THE COUNCIL CHAMBERS, 131 BELAIR ROAD, TORRENS PARK ON TUESDAY, 22 OCTOBER 2019 AT 7PM.

MEMBERSHIP: Mayor H Holmes-Ross
Crs J Bange, J Berry, A Christopoulos, S Fisher, K Hockley, D Kruse, C McCarthy, D Munro, J Sanderson, K Steele, L Taeuber, A Tilley and Y Todd

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Please be advised that due to the need to have an external legal adviser present to respond to Elected Member questions on Confidential Item 10.1, it is recommended Council reschedule the agenda to enable this item to be considered as close to 8pm as possible.

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MATTHEW PEARS
CHIEF EXECUTIVE OFFICER
PLEDGE AND KAURNA ACKNOWLEDGEMENT

The Mayor will pledge:

*We acknowledge that this land we meet on is the traditional land of the Kaurna people. We respect their spiritual relationship with their country.*

*We, as a Council, welcome all members of the community and pledge honesty and good governance in all of our dealings.*

PRESENT:

APOLOGIES: Crs D Kruse & A Tilley

LEAVE OF ABSENCE:

ABSENT:

STAFF IN ATTENDANCE:

WELCOME

BUSINESS

1. **ELECTED MEMBERS’ DECLARATIONS OF INTERESTS**

   *The Mayor will ask if any Member wishes to disclose an interest in relation to any item being considered at the meeting.*
2. CONFIRMATION OF MINUTES

2.1 FULL COUNCIL MEETING - 8 OCTOBER 2019

RECOMMENDED that the Minutes of the Full Council Meeting held on 8 October 2019 be confirmed.
3. ADJOURNED MOTIONS

3.1 CR CORIN MCCARTHY - PRODUCTIVITY COMMISSION INQUIRY INTO LOCAL GOVERNMENT COSTS AND EFFICIENCY COMMITTEE

I hereby give notice that I intend to move:


2. Mitcham Council approves the formation of a committee to work through the draft report, then consider again with release of the final report and to consider how to apply the recommendations at the City of Mitcham.

3. The Committee’s Terms of Reference are to:
   - consider the inquiry recommendations, findings and challenges and make recommendations to Full Council on how to respond;
   - understand the cost base and cost drivers of Mitcham Council;
   - develop and analyse measures of efficiency;
   - review existing mechanisms and indicators of efficiency used by Mitcham Council; and
   - provide advice on possible options to improve efficiency and create capacity to pass on cost reductions.

4. The Committee will have at least three Councillors, it may also consider external membership if required and only after Council approval on the individual, role and reason. The Committee will meet once per month for a period of 6 months and then as required afterward.

CEO’S NOTE

This Notice of Motion was in the Agenda of the Full Council meeting held on Tuesday, 10 September 2019.

At this meeting the item was debated and the following Formal Motion was carried:

“That the motion be adjourned until the first Full Council meeting after the briefing in October 2019 – on efficiency and effectiveness program, service definitions, and the productivity commissions report”

A Designated Informal Gathering was held with Elected Members on Tuesday, 15 October 2019, not all of these issues were able to be discussed however this is the first Council meeting after the briefing in October and the
Productivity Commission’s Report and Council’s submission to it was presented to Council at its meeting on Tuesday, 8 October 2019 as a Discussion Item for Future Decision, where Elected Members had the opportunity to request clarification and the inclusion of additional information and is presented for Decision at Item 9.1 of this Agenda.
4. **DEPUTATIONS**

   Deputations are to be no more than three minutes in length, without leave of the meeting.

5. **ADJOURNED BUSINESS**

   Nil

6. **PRESENTATIONS**

   Nil

7. **GALLERY QUESTION TIME**

   Members of the Gallery may ask two questions.

   These questions must be in writing and supplied to the Minute Secretary. If a response is not given by the Mayor or Administration at the meeting, the reply will be provided in a future Agenda.

8. **PETITIONS**

   Nil
9. **DECISION REPORTS**

9.1 **SA PRODUCTIVITY COMMISSION'S INQUIRY INTO LOCAL GOVERNMENT COSTS AND EFFICIENCY**

*Report Author/Manager: Dan Jellings*
*General Manager: Wade Reynolds*
*(Meeting Date: 22 October 2019)*
*(Location: Council Wide)*
*(Consultant Used: $Nil)*

This report has been previously brought to Council as a Discussion Paper and is now provided as a Decision Report.

Changes to the previous report are highlighted in Bold Italics including changes to the attached letter. The changes to the letter will not be left as bold / italic when sent they are only shown for Elected Member's ease of reading in considering this report.

**PROPOSAL**

To provide Council with an overview of the SA Productivity Commission’s Inquiry into Local Government Costs and Efficiency and consideration of a proposed submission.

**RECOMMENDATION – ITEM 9.1**

**Option 1 (Staff Recommendation)**

1. That Council endorses the draft submission (**Attachment A**) as its formal response to the recommendations outlined in the SA Productivity Commission’s draft report.

2. That Council submits a copy of our submission to the Minister for Local Government and local State Members of Parliament.

**Option 2**

1. That Council endorse the draft submission (**Attachment A**) as its formal response to the recommendations outlined in the SA Productivity Commission’s draft report, with the following amendments:
   
   - (to be inserted by Council)
   - (to be inserted by Council)
   - (to be inserted by Council).

   *(plus recommendation 2, per Option 1 above)*

**Option 3**

That Council does not submit a formal response to the recommendations outlined in the SA Productivity Commission’s draft report but instead monitors the final recommendations (and the State Government’s response) for consideration at a later date.
BACKGROUND

The State Government is concerned that the rising cost of living has put undue pressure on South Australian households and businesses. It believes that every level of government has a duty to ensure service delivery is as efficient and effective as possible to contain costs to taxpayers and ratepayers and ease cost of living pressures. It has tasked the SA Productivity Commission (the ‘Commission’) with an inquiry into local government costs and efficiency.

[Click here for a copy of the draft report]

South Australian councils collectively manage a budget of $2 billion and maintain infrastructure and other physical assets worth almost $23 billion. Good financial and performance management practices are critical factors for councils as they aim to continue to improve the services they provide to their local community.

The Commission’s inquiry has examined trends in local government costs and the drivers of these costs, as well as developing and analysing measures of efficiency. It has utilised the input of the local government sector to prepare a preliminary report (refer Attachment A), which includes recommendations to the State Government regarding:

- the establishment of a sector wide performance monitoring framework
- facilitating incentivised benchmarking between councils
- resolving inefficiencies between state and local governments (over the short, medium and long-term).

In addition, the Commission makes recommendations direct to councils for consideration in support of the recommendations to the State Government.

These recommendations are explained further in Discussion.

The Commission has released its draft report for sector consideration and comment, which is to be received by 25 October 2019, with the final report due to be presented to the State Government in November.

Council is encouraged to consider the recommendations and the draft response.

Attachments:

A. Draft Submission to SA Productivity Commission

STRATEGIC OBJECTIVES

Goal 5 Continuous Organisation Improvement Strategy

Objective 5.3 Efficient and Effective Organisation with a culture of positive change, process improvement and productivity gains.
DISCUSSION

The [SA Productivity Commission's Inquiry into Local Government Costs and Efficiency](#) report outlines a series of recommendations (refer pages 20 and 21) that are paraphrased under three broad themes below.

### Build Local Government Capacity

**State level**
- Establish a sector wide performance monitoring framework.
- Enable comparisons between like-councils.
- Set common performance indicators.
- Optimise and enhance information held by the State Government.
- Publish information in a useful and actionable manner.

**Council level**
- Support by establishing a ‘Community of Practice’ sponsored by the Local Government Association to share tools, methods, learnings, staff and case studies, etc.
- Match like-councils to enable ‘deep benchmarking’ (including with interstate comparisons).
- Partner to undertake a regular sector-wide efficiency measure analysis.

### Facilitate Peer Incentivised Performance

**State level**
- Encourage benchmarking by ‘clusters of councils’ (ie similar councils by scale and complexity).
- Report the outcomes to the public in a consistent format.

**Council level**
- Prioritise the improved collection, retrieval, analysis and presentation of data to inform planning, decision-making, monitoring and managing performance.

### Improve Service Accountability

**State level**

**Short Term**
- Identify and address inefficiency in the State Government mandated services (and/or legislative requirements)
- Adopt a review process for any measures affecting local government
- Clarify local government responsibilities for mandated services
- Set service standards for mandated services

**Medium Term**
- Clarify responsibilities between local and State Government
- Remove duplication and overlaps
- Reduce uncertainty between governments
**Longer Term**

- Clarify relevant aspects of the Local Government Act 1999 to reflect the division between levels of government
- Focus on s6 (principal role of a council).
- Focus on s7 (functions of a council).
- Focus on s8 (principles to be observed by a council).

**Council level**

- Utilise independent reviews when considering new or material changes to services (including analysis of alternatives to council service delivery).
- Publish service reviews and program evaluations in audit documents.
- Provide an indication of future service changes expected through the long-term financial plan and draft annual business plan.

**Council comment and submission**

The recommendations from the Commission appear well grounded and a ‘common-sense’ approach in response to the direction of the State Government.

In addition to being supportive of the recommendations outlined in the Commission’s draft report, Administration has recommended four additional areas for consideration by the Commission as it finalises its report and recommendations to the State Government. These are:

- the benefits of standardising how Councils describe, calculate and advertise proposed rate increases during budget setting;
- the benefits of monitoring and managing the size of council operating surpluses;
- concerns that the sector under invests in research, development and innovation; and
- the need for greater transparency and consideration of the life-cycle costs for new services or changes to existing services at the time they are being considered, including the recurrent funding required to cover these.

Providing input during this consultation provides an opportunity to demonstrate Mitcham's commitment to achieving the State Government's vision for improved local government efficiency.

**Community Implications**

At its heart, the inquiry seeks to reduce costs and improve efficiencies within local government, resulting in improved outcomes for the community.

**Environmental / Heritage Implications**

None apparent.
Cost Shifting Implications / Legislative Cost Imposts

The Commission’s report explores the implications of ‘cost shifting’ to the local government sector and makes recommendations to State Government that more regard is given upfront to the implications to local government and more guidance provided to ensure service levels are consistent between councils.

Impact on Budget including Lifecycle Costing

There are no direct budget implications as a result of the report. Central to the recommendations is the need for a combined effort from across the sector.

Risk Management / WHS Assessment

There are no immediate risks as a result of this report. If legislation was to change as a result of the recommendations, Council may need to adopt new processes to ensure compliance.

Legal / Policy Implications

There are no immediate legal or policy implications. However, some revised legal or policy compliance requirements may emerge as a result of State Government responses to the report.

Engagement

The Commission has led this inquiry, which has included broad engagement with the sector (including the distribution of this draft report). The engagement level has been to ‘consult’, with added opportunities of ‘involvement’ from sector representatives in the formative phase of the inquiry.

The community was also provided the opportunity to participate in the engagement through promotion on the YourSAy website (via the Local Government Reforms tile) and can also make comment on the draft report.

CONCLUSION

The Commission has led a comprehensive process of review that has resulted in the recommendations to the State Government and to the local government sector about steps each could take to reduce costs and improve efficiencies.

The findings are useful to inform the approach to performance improvement taken by Council, providing several lines of enquiry to explore over the coming one to two years.

Central to our success is a commitment to collaborate with, and learn from, councils of a similar scope and scale – ensuring that we invest our resources effectively in initiatives proven to deliver results to the community.
23 October 2019

Dr Matthew Butlin  
Chair and Chief Executive Officer  
South Australian Productivity Commission  
GPO Box 2343  
ADELAIDE SA 5001

Dear Dr Butlin,

Thank you for providing us with the opportunity to respond to your draft Inquiry into Local Government Costs and Efficiency report. We are pleased to offer our support to its recommendations and welcome this collaborative inquiry.

The City of Mitcham maintains a long-standing commitment to efficiency and effectiveness. Our program has delivered over 100 reviews and change projects since commencement in 2012, generating over $5 million in recurrent operational savings. Our learnings through this program support many of the findings of the draft report.

We agree that there is value in building capacity within the sector. This is best supported by a Local Government Association SA (LGASA) led performance and monitoring framework that would enable councils to compare performance, learn from each other and partner to deliver further significant improvements. We agree that benchmarking of service levels is the key to improving and demonstrating the efficiency of the sector and to date have been undertaking this at a service by service level as part of our Efficiency and Effectiveness framework, seeking out the relevant benchmark data as part of each review.

We also support clear guidance from the state about its expected service levels and standards of compliance for services; however, there is an element of caution we would suggest being applied to the recommendation around the State Government identifying mandated services. This carries the risk of diverting potentially significant resources across the industry into theoretical and philosophical discussions around service delivery, potentially ignoring the reality that ultimately the community determines the services that it deems mandatory. Our experience is that service level reduction or cessation is very rarely agreed to by the community whenever proposed by local governments.

In addition to our support for the draft report recommendations, the City of Mitcham wishes to take the opportunity to highlight four further areas for consideration that we think are very important for exploration by the Commission as it works to finalise its report for presenting to the State Government.

Standardised Rate Rise Setting and Reporting

We believe that the State Government should explore (in partnership with the LGASA) improved standardisation for defining and articulating proposed annual rate rises.
Councils' annual rate rises are commonly the subject of media and political interest. Rate rises routinely form the key item for debate within the community and often are considered a reflection of the council's financial efficiency or competence. The annual rate rise does not measure the efficiency of a council; councils are able to routinely avoid public scrutiny of their relative efficiency by limiting the public and community debate to an annual discussion of the rate rise.

Compounding this issue, there is no agreed standard for how the local government sector has this discussion with the community at budget time. The City of Mitcham is of the view that it should be mandated that all Councils as part of their annual budget must simply and accurately describe the financial impact of:

- new services*
- increased service levels*
- levies and new or increased state or federal charges
- delivery of existing services as compared to the previous year
- changes to the operating position (refer more below)

(*including the cost of complying with new or altered responsibilities as directed by the State Government, and the full lifecycle costs of these changes)

The sector and the community suffer from a limited understanding of these elements and the impact they have on funding requirements. Until we improve this understanding and agree on a common language, we will continue to struggle to have discussions about the relative efficiency of local government.

The City of Mitcham prides itself on the transparency with which it calculates and declares its rates including being very clear with the Community on what the proposed rates increase is contributing to including, crucially, the portion which is required to continue to deliver existing services. Last year this was 0.96% against a CPI figure of 1.3% and a LGPI of 2.1% (net decrease in the cost of services in real terms) with the rest of the increase being for new additional services, addressing asset backlogs, the waste levy, a considered increase in the operating surplus to a more sustainable level, and cost shifting from other levels of government, all itemised.

We are very supportive of the fact that Councils should be accountable to the community for rate increases and service decisions and also for their efficiency of service delivery, however the total rates increase is not an accurate indication of either without knowing its component parts.

If these elements were declared by all councils, it would immediately establish a key and primary efficiency benchmark for every council for the cost of delivering all services in the upcoming year as compared to the cost of delivering those same services last year. At the moment, this is obscured by the introduction of new services and the ability to reduce an existing surplus.

Other inconsistencies that can cause community confusion are how councils determine and report on:

- the proposed rate 'in the dollar', as opposed to the total rate increase in revenue;
- differential rates by land uses (e.g residential and commercial split);
- separate rates; and
- projected budget surplus (refer more below).
We strongly encourage the Commission to consider and explore these opportunities for greater standardisation to ensure that there is consistency between councils and that the discussion with the community is focused on what matters: being the impact of new services, the impact of changes to services, the impact of new or changed requirements and the benchmarking of the cost of delivery of existing services from one year to the next.

Operating Surplus Management

In addition to the current focus being on the annual rate rise, despite the current limits in the ability to use this as an effective benchmark, there is also very little public scrutiny placed on the operating position of each council. These vary significantly from large surpluses to operating deficits and it is arguable that these have significant implications for being able to effectively benchmark the efficiency of councils.

We are of the view that a focus on the operating result of councils is equally as important as a focus on rate increases in conjunction with an industry coordinated benchmarking program. We would encourage the Commission to consider placing an upper limit on the size of a council’s operating surplus to ensure that communities are not being overtaxed or that significant rate revenue streams from other sectors of the community are not masking inefficient service delivery.

Research, Development and Innovation

We are also concerned that the local government sector is not supported to invest in research, development and innovation. Rather, the sector’s success is routinely judged by the annual rate rise, which is currently not consistently calculated or reported and includes many factors. Benchmarking a service encourages the sector to do things cheaper or faster, which is a good outcome. However, the sector and individual councils also need to invest in innovation to ensure efficient services can be delivered in the medium and long term, an outcome that would become evident in a standardised rate setting and reporting framework. We may inadvertently ‘race each other to the bottom’ if we do not take time to stop and rethink our approach. Equally, our capacity to anticipate changing needs and opportunities is dependent on our ability to research, innovate and, in some circumstances, learn through trial and error.

We would like the State Government to provide incentives for exploring new ideas, delivery options, iteration, experimentation and exploration, including encouraging partnerships with industry and tertiary education sector and apprenticeships.

We would like to work together to find methods to provide space for this important work – without fear of failure and with practicable support for exploration (such as through grants and collaborative initiatives). We call on the Commission to raise this as part of the final report.

Lifecycle Costs of New or Changes to Services

Lastly, we encourage the Commission to highlight the importance of considering the full life-cycle costs of new services or changes to services upfront. These indications are often overlooked when exploring new projects or shifting compliance responsibilities. However, day-to-day operational costs of service delivery (including maintenance and renewal costs) severely outweigh the upfront impact of capital expenditure. These costs also have a far more significant impact on the rate revenue required by a council to deliver its business.
We believe that there is a need for increased financial maturity across the sector to identify full life-cycle implications upfront before commitments are made. Without this understanding, our budget pressures continue to grow in future years as the day-to-day implications become more apparent – ultimately resulting in rate rises or mismanagement of assets (or both).

We call on the Commission to consider this in its recommendations to the State Government. We need to find ways to build this maturity and develop practicable mechanisms for having the right discussions before commitments are made.

The City of Mitcham is pleased to submit these further ideas for consideration by the Commission as it finalises its report to the State Government.

We would value the opportunity to meet with you or your commissioners to discuss these ideas further.

Yours sincerely

Heather Holmes-Ross
MAYOR

cc  Mr Stephan Knoll MP, Minister for Transport, Infrastructure and Local Government
     Mr Sam Dulluk MP, State Member for Waite
     Mrs Carolyn Power MP, State Member for Elder
     Mr Steve Murray MP, State Member for Davenport
     The Hon Vickie Chapman MP, State Member for Bragg
     Ms Jaynie Stilson MP, State Member for Beddow
     Mr Josh Teague MP, State Member for Heyson
     City of Mitcham Audit Committee
9.2 LOCAL GOVERNMENT REFORM

Report Author/Manager: Deb Horton
General Manager: Kate O’Neill
(Meeting Date: 22 October 2019)
(Location: Council Wide)
(Consultant Used: $Nil)

This report has been previously brought to Council as a Discussion Paper and is now provided as a Decision Report.

Changes to the previous report are highlighted in Bold Italics.

PROPOSAL

To provide Council with an overview of the reforms proposed for the sector by and consideration of Council’s submission in relation to these proposals.

RECOMMENDATION – ITEM 9.2

Option 1 (Staff Recommendation)

1. That Council endorses the proposed City of Mitcham submission provided at Attachment C of this report in relation to the Local Government Reform and that this be submitted to the Office of State and Local Government by the due date of 1 November 2019, with minor amendments delegated to the Chief Executive Officer.

2. That Council notes that further detail is required in relation to the proposed reforms and how they will be implemented and the associated administrative costs.

3. That Council notes strong support particularly in relation to proposals:
   - 1.6, 1.7 and 1.8 Elected Member Code of Conduct, which is in need of significant overhaul
   - 2.1 - Audit Committees to have majority independent members
   - 2.11 - Standardising the calculation of Council rates, highlighting the % and actual dollars of rates attributed to the following: cost of business, new / improved services, addressing asset backlog, cost shifting and Consumer Price Index
   - 3.4 - Automatic re-enrolment of property franchise
   - 3.7 - Should also include additional options aligned to the eligibility of the Candidate that is seeking nomination for a particular ward eg; live, own property, have a business etc.
   - 3.8 - Candidates being required to disclose political affiliations (supported by previous Council resolution)
   - 3.20 - Standing down of Council Members who stand for State Parliament, during the election campaign (supported by previous Council Resolution). This should also include standing for Federal Parliament.
Option 2

1. That Council endorses the proposed City of Mitcham submission provided at Attachment C of this report in relation to the Local Government Reform proposes suggestions be submitted to the Office of State and Local Government by the due date of 1 November 2019, with minor amendments delegated to the Chief Executive Officer, incorporating the following amendments:
   - **4.4 - Enable councils to charge a small fee for internal review requests - does not support**

2. **That Council notes further detail is required in relation to the proposed reforms and how they will be implemented and the associated administrative costs.**

3. That Council notes strong support particularly in relation to proposals:
   - 1.6, 1.7 and 1.8 - Elected Member Code of Conduct, which is in need of significant overhaul
   - 2.1 - Audit Committees to have majority independent members
   - 2.11 - Standardising the calculation of rate, highlighting the % and $ of rates attributed to the following: cost of business, new / improved services, addressing asset backlog, shoft shifting and Consumer Price Index
   - 3.4 - Automatic re-enrolment of property franchise
   - **3.7 - Should also include additional boxes aligned to the eligibility of the Candidate that is seeking nomination for a particular ward eg; live, own property, have a business etc.**
   - 3.8 - Candidates being required to disclose political affiliations (supported by previous Council resolution)
   - 3.20 - Standing down of Council Members who stand for state parliament, during the election campaign (supported by previous Council Resolution). This should also include standing for Federal Parliament.
   - Additional points

Option 3

That Council does not provide a response in relation to Local Government Reforms as posed by the Local Government Association and the Office of State and Local Governments at this time.

BACKGROUND

Reforming Local Government has been a topic of robust discussion for many years. A myriad of initiatives have propelled the sector into continuous improvement programs to produce sustained improvements from a Financial Sustainability enquiry to a Local Excellence Expert Panel, Discussion Papers regarding Strengthening Local Government Options and Reform ideas. These initiatives culminated with the Local Government Association Board endorsing a local government reform package that was released in February 2018 ahead of the State Election.
Additionally, upon the conclusion of the State Elections in 2018, reform of local government discussions continued between councils, the Local Government Association (LGA) and the State Government. With rate capping, code of conduct, service reviews, diversifying local government revenue and best practice audits to provide continuity and consistency within the sector remaining as topical and relevant today in order to meet evolving community standards whilst achieving best practice within the sector.

The State Government reform program focussed on changes to the Local Government Act 1999 and the Local Government (Elections) Act 1999 across the four theme areas, being:

- Strong council member capacity and better conduct
- Lower costs and enhanced financial accountability
- Efficient and transparent local government representation
- Simpler regulation.

Early 2019, the LGA consulted with Member Councils to identify reform proposals considered important to the sector, within the scope of the State Government reform program and outside of the Local Government Act 1999 and Local Government (Elections) Act.

The above suggestions resulted in the creation of a discussion paper produced by the LGA in May 2019 (Attachment A).

On the 5 August 2019, the Minister for Transport, Infrastructure, and Local Government and Minister for Planning, Hon Stephan Knoll MP published a paper outlining 72 proposals for local government reform encompassing these four areas encouraging feedback by 1 November 2019 (Attachment B).

Attachments:

A. LGA Reform Suggestions May 2019
B. OSLG Reform Suggestions August
C. City of Mitcham Proposed Submission 22 October 2019

STRATEGIC OBJECTIVES

Goal 3 Dynamic & Prosperous Economy

Objective 3.3 We work collaboratively with neighbouring Councils, State Government and private sector partnerships.

Goal 5 Continuous Organisation Improvement Strategy

Objective 5.3 Efficient and Effective Organisation with a culture of positive change, process improvement and productivity gains.

DISCUSSION

A draft City of Mitcham submission has been attached providing in table format the suggestions by the LGA with the State Government Suggestions for comparison (Attachment C). It also provides indicators (traffic lights)
showing support or otherwise by the LGA and the City of Mitcham in relation to each of the reform ideas. It also provides a comment where relevant for Council’s consideration.

As with all reform suggestions, further detail is required in relation to how such reform will be implemented. It is also unknown what administrative or financial burden will be placed upon councils as a result, however the following provides a brief overview;

Reform Idea 1 – Stronger Council Member Capacity and Better Conduct
All bar one suggestion is supported in principle, being the additional powers to the Mayor as there is a risk that these powers could be perceived to be used for political gain.

Reform Idea 2 – Lower Costs and Enhance Financial Accountability
11 suggestions are supported in principle and one not supported, being the proposed increase in total rate revenue above a prescribed level requiring the Audit Committee to provide a report to council on the reasons for this increase. Rather the City of Mitcham seeks a standardized reporting of rate calculations as a percentage of rates that are attributed to: cost of business, new/improved services, asset backlog, cost shifting and CPI.

Reform Idea 3 – Efficient and Transparent Local Government Representation
Of the 20 suggestions, 16 are supported in principle, one not supported and three neutral.

Reform Idea 4 – Simpler Regulation
All 20 suggestions are supported in principle.

Of particular note, the attention of Elected Members are brought to the following proposals:

- 1.6, 1.7 & 1.8- Elected Member Code of Conduct, which is in need of significant overhaul
- 2.1 - Audit Committees to have majority independent members
- 2.11 - Standarding the calculation of rate, highlighting the % and $ of rates attributed to the following: cost of business, new/improved services, addressing asset backlog, cost shifting and Consumer Price Index
- 3.4 - Automatic re-enrolment of property franchise
- 3.7 - Should also include additional boxes aligned to the eligibility of the Candidate that is seeking nomination for a particular ward eg; live, own property, have a business etc.
- 3.8 - Candidates being required to disclose political affiliations (supported by previous Council resolution)
- 3.20 - Standing down of Council Members who stand for state parliament, during the election campaign (supported by previous Council Resolution). This should also include standing for Federal Parliament.
• Submission also includes references to resolutions (where relevant) most of which were made during the previous term of council.

Community Implications

The proposed reforms have been made with the intent of improving the system of local government for the benefit and value of the community.

Environmental / Heritage Implications

Nil

Cost Shifting Implications / Legislative Cost Imposts

Nil

Impact on Budget including Lifecycle Costing

It is also unknown what administrative or financial burden will be placed upon councils as a result of the proposed reforms once they are put into effect.

Risk Management / WHS Assessment

Nil

Legal / Policy Implications

Nil

Engagement

The Office of Local Government is seeking feedback in relation to the proposed reforms.

To find out more information visit:
• www.dpti.sa.gov.au/local_government_reform
• yourSAy.sa.gov.au

Submissions are required by 1 November 2019.

CONCLUSION

A proposed draft submission is provided for Council’s endorsement in response to the State Government Local Government Reform program.
Local Government Reform

Submission
May 2019
About the LGA

The LGA is a membership organisation for all councils in South Australia and is the voice of local government in this State. All 68 councils are members of the Association.

The LGA is recognised by the South Australian Parliament through the Local Government Act 1999.

The mission of the LGA is to provide leadership to councils for the benefit of the South Australian community.

The LGA provides representation, quality service and leadership relevant to the needs of member councils. The LGA also operates specific units/entities providing:

- All public liability and professional indemnity cover for all South Australian councils;
- All workers compensation cover for all South Australian council employees and associated local government bodies;
- Asset cover for South Australian councils; and
- Extensive education and training; procurement; online services and a research and development scheme.

The LGA is a constituent member of the Australian Local Government Association.

Introduction

The Local Government Association welcomes the opportunity to partner with the South Australian Parliament to progress sensible and effective reform within local government. This is a pivotal time for the local government sector to work in collaboration with the State Government and the Parliament on robust and meaningful reform that will deliver lasting benefits to the community and drive downward pressure on council rates.

The Government’s reform program will focus on changes to the Local Government Act 1999 and the Local Government (Elections) Act 1999 across four theme areas, being:

- strong council member capacity and better conduct;
- efficient and transparent local government representation;
- lower costs and enhanced financial accountability; and
- simpler regulation.

The LGA has its own ideas for change that have been developed in consultation with members, as well as a range of issues and ideas raised and supported by members at previous LGA general meetings.

Member consultation on reform ideas occurred in March and April 2019 to further test the LGA’s reform ideas and seek further feedback on other ideas that should be considered as part of the reform program. These reform ideas are outlined within this submission.

While the LGA acknowledges the State Government has placed parameters on its review, the LGA also invited feedback from councils on local government reform issues that fall outside the Local Government Act 1999 and the Local Government (Elections) Act 1999, which could form part of the LGA’s broader advocacy agenda.
The LGA is pleased to make this submission on ideas for local government reform, and we look forward to working with members and stakeholders to represent the views of the sector throughout all stages of the reform program.
## Reform Ideas

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<td><strong>STRONGER COUNCIL MEMBER CAPACITY AND BETTER CONDUCT</strong></td>
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<td>Strengthening the Code of Conduct for Council Members</td>
<td>For a number of years the LGA has advocated for a review of the conduct framework for council members, including amendments to the statutory Code of Conduct for Council Members that would result in meaningful changes to the way complaints against councillors are considered, investigated, determined, and prosecuted. The LGA has also advocated for a clear and uncomplicated framework that makes it easier for councillors to understand their obligations and avoid offending conduct. It is important the Code of Conduct for Council Members produces timely and effective outcomes through cost-efficient and transparent processes that are fair and reasonable, and reflect councillors’ status as democratically elected representatives. It is also important that local government is empowered to self-determine the expectations of acceptable behaviour that align with community expectations. Reform proposals include:  - Increased devolution of responsibility to councils to handle behaviour matters internally, with expedient ways to escalate serious misconduct matters as appropriate.  - Broadening the range of penalties so that effective action can be taken commensurate with the circumstances of each case.  - Clearer classifications of misconduct, in particular a specific definition of bullying and harassment.  - Temporary exclusion powers of the presiding member to enable better management of council member behaviour, such as disruptive conduct, at meetings (with associated accountability measures for how those powers may be used).  - Clear classification of sexual harassment.  - Suspension or exclusion mechanisms to protect the health and safety of council members and council employees while serious misconduct allegations are investigated, where a potential ongoing threat is identified.</td>
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| • Powers for an appropriate oversight body to dismiss individual council members following an investigation into serious misconduct.  
• Effective deterrents for frivolous and vexatious complaints that abuse the processes available and waste public resources. |
| Prevention to Intervention | While it is important to have a strong ethical framework to address instances of inappropriate behaviour and serious misconduct by elected members, it is also important to recognise that council behaviour and morale cannot be solely managed through intervention mechanisms like a Code of Conduct.  
In accordance with the LGA’s Prevention to Intervention strategies, it is important that behaviour strategies are seen as a continuum beginning with prevention and ending with intervention. Prevention strategies should be focused on policies and procedures that councils and council members can use to promote good governance and avoid non-constructive behaviour and/or fractured relationships within council or the wider community.  
Statistics show that approximately half of all Code of Conduct complaints are lodged by a council member against another council member. Some behaviour or conduct of a council member may make a complaint unavoidable, but in other instances there is merit in (1) strengthening the skills of councillors to deal with conflict, de-escalate disagreement and find ways to work constructively and respectfully with each other, and (2) providing access to early-intervention mechanisms, such as internal conciliation where all parties agree.  
Clear and consistent processes that assist communication between parties and the rapid resolution of disagreements could assist in maintaining healthy council dynamics. |
| General duties of council members (section 62 Local Government Act 1999) | There are a number of general duties prescribed in section 62 of the Local Government Act 1999 with which council members must comply. These are based on the principle that council members should at all times behave in a way that generates community trust and confidence in them as individuals, which will in turn reflect positively on the council and help to maintain and enhance the role and image of council.  
In summary, the general duties in section 62 of the Act include:  
• A council member must at all times act honestly and with reasonable care and diligence in the performance and discharge of official functions and duties |
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<td>• A council member, or former council member, must not make improper use of information acquired by virtue of their position to gain directly or indirectly an advantage for them or another person or to cause detriment to the council.</td>
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<td></td>
<td>• A council member must not make improper use of their position to gain directly or indirectly an advantage for them or another person or to cause detriment to council.</td>
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<td>• A council member, or former council member, must not disclose information or a document to which a confidentiality order applies (unless required by law).</td>
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While the prescribed general duties are reasonable expectations of a council member, enforcement of breaches of the general duties is in some instances unclear, and in other cases, requires court intervention. If these duties are to truly be a general expectation of council members, there should be clear and proportionate mechanisms for addressing council member actions that breach these general expectations. One possible solution is to provide for inclusion of all provisions of section 62 within the statutory Code of Conduct for Council Members along with associated enforcement procedures and penalties.

| Mandatory Training Requirements | Current. the Local Government Act 1999 and the Local Government (General) Regulations 2013 require councils to have a training and development policy that complies with LGA training standards for council members approved by the Minister. The LGA training standards for council members includes mandatory training requirements for council members. The imposition of mandatory requirements via a training standard that must be adopted into a council policy, makes enforcement against non-participating council members difficult for councils. Provision of minimum mandatory requirements in the regulations would simplify and solidify the expectations on council members to participate in certain mandatory training. The elevation of minimum mandatory training requirements to statute would be reflective of the value the local government sector places on ongoing training and development for council members. There is also value in considering competency based assessment instead of the current attendance based regime.

A failure to comply with mandatory training requirements should be treated as misconduct under the Code of Conduct for Council Members, to enable enforcement where training requirements are not met by a council member. |
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<td>2014 Elections Review &amp; the Local Government (Elections) Amendment Bill 2017</td>
<td>Local government participated in a lengthy review of the Local Government (Elections) Act 1999 following the 2014 local government elections, but the resulting amendment bill was not passed by Parliament prior to the 2018 State Government election. The LGA supports the reintroduction and passage of the reforms outlined in the Local Government (Elections) Amendment Bill 2017, which mostly provides for technical changes that will simplify processes and provide relief from some of the frustrations again felt at the 2018 elections, such as allowing all candidates to access an electronic copy of the voters roll. A copy of the bill can be found on <a href="http://www.legislation.sa.gov.au">www.legislation.sa.gov.au</a>, here: Local Government (Elections) Amendment Bill 2017.</td>
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<td>2018 Elections Review</td>
<td>In the LGA’s delivering the LGA 2018 State Election Agenda: Local Government Reform Package, which was provided to all parties and independent members prior to the 2018 State Government elections, a number of reforms to local government elections were proposed including requirements for all candidates to disclose:</td>
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<td>- certain information consistent with information current elected members are required to publicly disclose on primary and ordinary returns, in particular membership of any political party or any body or association formed for political purposes; and</td>
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<td>- whether or not the candidate for election resides in the council area of the council for which he or she is standing. The LGA acknowledges a candidate’s address may be suppressed for safety reasons, so the LGA supports the incorporation of a tick box to reveal whether or not the candidate resides in the area.</td>
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<td>The 2018 local government elections, raised a number of administrative and technical difficulties for councils and the LGA, which could be remedied by legislative change, administrative process improvement and greater collaboration. Key issues identified include:</td>
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<td>- The need to identify the many opportunities for local government election processes to adopt greater reliance on digital technology to streamline processes, reduce administrative burden and modernise election processes;</td>
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<td>- simplification of the process for the submission of candidate statements, by allowing candidates to provide a website/social media link as part of their nomination;</td>
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<td>- simplification of the process for enrolment on the supplementary roll with a view to providing a full online option;</td>
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<td>• simplification of the process for nomination with a view to providing a full online option for candidates;</td>
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<td>• incorporation of a provision to deal with the death or withdrawal of a candidate after nominations close;</td>
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<td>• requirement for unsuccessful candidates to remove social media accounts related to the election;</td>
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<td>• reconsidering how the deadline for close of votes is calculated to minimise receipt of late votes;</td>
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<td>• alternatives to voters roll purging to voter participation; and</td>
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<td>• Applying comparable checks and requirements that are placed on council volunteers to elected members (upon election).</td>
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**Representation Reviews**

The *Local Government Act 1999* requires councils to carry out "representation reviews" as scheduled by the Minister under the regulations (approximately every eight years). During these reviews councils must consider options relating to (1) the composition of the council, including the number of council members, (2) whether or not the council should be divided into wards, and (3) the size and boundary areas of wards, if they exist. A council may also use this process to change its name or change the name of a ward.

Based on advice from the Electoral Commission of South Australia (ECSA), the LGA understands that some councils have experienced difficulty obtaining the services of appropriately qualified consultants to assist them with the workload. Some councils have had to undertake multiple public consultation processes as a result of community feedback and changing options. Council members also face the challenge of having to make controversial decisions on potential changes to the composition of a council that might affect their own positions.

Most councils required assistance from ECSA to comply with the extensive technical requirements set out in section 12 of the *Local Government Act 1999* in order to enable them to achieve certification by the deadline date.

Representation reviews are an important feature of local democracy. ECSA has been reviewing the efficacy of current processes and its role in supporting councils to undertake representation reviews, and the LGA considers it prudent to use this reform program as a vehicle for revising the procedural and decision-making processes prescribed in the *Local Government Act 1999* for representation reviews.

**Electronic voting in local government elections**

The LGA will continue to advocate for electronic voting for local government elections. It is considered that the legal framework should enable electronic voting in anticipation of a secure and cost effective technical solution being available in the future.
## Reform issue

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<td>At the LGA’s 2017 Ordinary General Meeting, members asked the LGA to investigate trialling electronic voting in local government elections. Following consultation with ECSA, it was determined that a cost-effective and feasible model is not yet available that suits the specific needs of a local government election. In 2017, the Electoral Council of Australia and New Zealand (ECANZ) established a national electronic voting working group which has committed to creating a purpose-built internet voting system for federal, state, territory and local government elections. Development of the internet voting platform has faced added complexity with the rise of a number of cyber security risks to be carefully considered; as a result, the LGA has been advised by ECSA that an electronic voting system will not be available for at least another three to five years. While the LGA acknowledges the difficulties and delays experienced by the ECANZ, the LGA takes this submission opportunity to confirm its ongoing support for electronic voting at local government elections to be progressed as a priority. The LGA notes with interest recommendation 4 of the ECSA’s 2018 State Election Report, which recommends the electronic delivery and return of ballot papers for overseas, interstate or remote South Australian voters in State elections. Consultation can be undertaken with ECSA to determine if a similar procedure can be applied to local government elections. A copy of ECSA’s State Election Report is available on its website at <a href="https://ecsa.sa.gov.au">https://ecsa.sa.gov.au</a>.</td>
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### Supplementary Elections

Where a council is unable to carry a casual vacancy, the Local Government (Elections) Act 1999 requires a council to undertake a supplementary election. Supplementary elections must be funded by council and can involve substantial expense. Where a supplementary election is required more than once during a term of the council, costs for a council can be significant.

The LGA is aware that other Australian local government jurisdictions have other types of arrangements for filling casual vacancies and these could be investigated, with necessary changes made to the Local Government (Elections) Act 1999 to accommodate more cost-effective and efficient measures for replacing council members who leave office during the course of their term.

### Caretaker Policy and Code of Conduct

Section 91A(7) of the Local Government (Elections) Act 1999 says “the caretaker policy of a council is to be taken to form part of each code of conduct required to be prepared and adopted in relation to council members and staff under the Local Government Act 1999 or the City of Adelaide Act 1998.”
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<td>Firstly, the language ‘required to be prepared and adopted’ no longer accurately reflects that Codes of Conduct are prescribed by regulation. If prescribed codes of conduct are to remain, the language should be changed to refer to their prescription. Secondly, the Code of Conduct for Council Employees was changed on 2 April 2018 to deal solely with gifts and benefits and no longer deals with general workplace behaviour of employees. A link to the behaviour-type issues to arise in relation to a caretaker policy seem to no longer be an appropriate fit within the Code of Conduct for Council Employees and consideration should be given to changing this section.</td>
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**LOWER COSTS AND ENHANCED FINANCIAL ACCOUNTABILITY**

**Audit Committees**

The *Local Government Act 1999* requires a council to have an audit committee to review the financial statements of the council, provide advice on council’s Strategic Management Plan and Annual Business Plan and review the adequacy of council’s internal controls and financial management systems. Audit committees have become embedded as an important part of local government’s financial and governance performance measurement framework.

Many councils have voluntarily expanded the role of their audit committee beyond what is legally required. Each audit committee must have at least one independent member and it is widely acknowledged within the sector that having more than one independent member, including an independent Chair is best practice. The role of audit committees can be strengthened by use of a best practice model that includes:

- requiring a majority of independent members, while recognising the importance of maintaining elected member participation;
- diversifying the skill sets and knowledge of audit committee members;
- appointing an independent chair’ and
- expanding responsibilities to include greater oversight of strategic management plans, rating practices, performance monitoring, quality of financial management, and the council’s use of public resources.

Contemplation of legislative change should include review of the availability and costs of attracting qualified and skilled members to council audit committees, particularly in country areas, and to propose solutions that assist all councils to achieve best practice standards. This might include the option of a ‘shared service’
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<td>approach to establishing audit committees in regional areas, or providing exclusions from some requirements for regional or remote councils. The way in which many councils have established their audit committees demonstrates that a heavy-handed legislative response is not always required to achieve positive change within local government. The legislative framework should enable a best practice approach without unnecessary heavy prescription, and provide appropriate exemptions to assist regional councils.</td>
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<td>Standardising external audits</td>
<td>All councils must appoint an external auditor to review and provide an opinion on the council’s financial statements and a separate opinion on the adequacy of internal controls to provide reasonable assurance that the financial transactions of the council have been conducted properly and in accordance with law. In some other states, the external auditing of councils falls within the remit of the state’s Auditor General. The LGA has commissioned research and consulted with councils about the option of adopting this model in South Australia. We have found that while it may lead to some greater degree of consistency, the benefits would not outweigh the considerable additional costs to ratepayers. An alternative approach to achieving greater standardisation would be allowing or requiring the Auditor-General to issue binding interpretations of auditing standards applicable to local government. This would ensure consistency between private sector auditors. The LGA provides interpretation of accounting standards to the sector through the Model Financial Statements, the use of which are mandated in Regulations. However these standards apply to local governments, not to auditors, who have their own professional standards to observe. Oversight by the Auditor-General of interpretation and input into the model financial statements annually would also assist in setting standards and expectations in interpretation of accounting standards.</td>
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| Fee for lodgement of a section 270 complaint      | At the LGA Annual General Meeting on 26 October 2018 members asked the LGA to request the Government consider placement of a small ‘lodgement fee’ on all section 270 complaints made to various councils. Should a complaint be upheld then the fee would be refunded in full. Section 270 of the Local Government Act 1999 requires a council to develop and maintain policies, practices and procedures for dealing with complaints about the actions of the council, employees of the council, or other persons acting on behalf of council. Currently, section 270(3) of the Act provides that a council is not entitled to charge a fee on an application for review. The operation of section 270 furthers council commitment to open, responsive and accountable government by providing a process by which persons
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<td>Increasing the maximum penalty for breach of a by-law</td>
<td>At the LGA Annual General Meeting on 26 October 2018 members requested the LGA to advocate for an amendment to section 246(3)(g) of the Local Government Act 1999 to increase the maximum penalty that can be fixed for any breach of a by-law and by extension the maximum expiration fee that can be fixed under section 246(5) of the Act. Section 246(3)(g) of the Act provides councils with a power to fix a maximum penalty for any breach of a by-law provided that the maximum penalty does not exceed $750. The prescribed $750 maximum has not been amended since commencement of the Act in 1999. Section 246(5) of the Act provides councils with the power to fix an expiration fee for alleged offences against by-laws provided that the expiration fee for alleged offences against by-laws does not exceed 25 per cent of the maximum fine for the offence to which it relates. As the maximum penalty for a breach of a by-law is set at $750, the maximum expiration fee is $187.50. For particular by-law offences this maximum expiration fee may not be a commensurate penalty or cause sufficient deterrent. A proposal to increase the maximum penalty for a by-law, thereby allowing a higher expiration fee, will need to consider the relationship between the Local Government Act 1999 and the Expiation of Offences Act 1999. If the expiration fee is to be expiated in accordance with the Expiation of Offences Act 1999, section 5(3) of that Act provides power to fix an expiration fee in a by-law that does not exceed $315 or 25 per cent of the maximum fine prescribed for the offence, whichever is lesser.</td>
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<td>Benchmarking</td>
<td>While there is a considerable amount of information already available to communities about what their council is doing, this information is often spread across multiple documents and platforms, can be difficult to find, and is not easy to compare with other councils.</td>
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| There is merit in developing a sophisticated online platform for councils to share and compare meaningful data about their performance, and enhance the transparency and accessibility of council data for the community. Having access to up to date, consistent and reliable data from across the sector will enable local government to monitor trends, identify future challenges and make evidence-based decisions about reform and practice improvement. Gathering information about councils and how they are operating is beneficial for a number of reasons, including:  
  - determining if councils are performing well, being fiscally responsible and are financially sustainable;  
  - assessing the relative efficiency of the sector and the value for money being delivered to communities;  
  - measuring and evaluating the outcomes that are being achieved and whether the community is satisfied with what councils are delivering; and  
  - identifying opportunities for continuous improvement and reform programs to strengthen the sector.  
In developing a benchmarking framework, care needs to be taken to reflect that councils are as diverse as the communities they serve. Not all measures will be comparable across all councils and financial information will tell only one side of the story. It is important that there be a suite of meaningful performance measures that build a more complete picture of the financial and governance health of the sector and the public value of the services and programs delivered by councils. Enhancing the collection and presentation of data provided by councils to the Local Government Grants Commission would provide a good starting point for centralised and consistent reporting of information about councils.  
**Prescribed format for Asset Management Plans and Long-Term Financial Plans**  
There is currently no standard format prescribed in the Local Government Act or in regulations that provide for a consistent approach to asset management planning and long-term financial planning. This makes it difficult to synthesise information from different councils or to apply a minimum standard for these documents. A prescribed format in regulations that sets minimum standards could be considered. Member councils have noted that this is an area that the LGA could take the lead in providing further assistance to councils. |
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| Informal gatherings | The LGA is aware the legislative requirements regarding informal gatherings are a cause of frustration for many councils and that legislative change could result in more practical mechanisms for council discussions on projects, services and other matters involving council.  

Section 90(8) of the Local Government Act 1999 allows informal gatherings or discussions to be held provided that the gathering or discussion does not obtain, or effectively obtain, a decision on a matter outside a formally constituted meeting of the Council or Council committee.  

Informal gatherings provide a valuable opportunity to enhance council decision making processes, by providing opportunity for council members to become better informed on issues and seek further clarification, and increase community opportunity for participation. Open and transparent council activities underpin representative democracy and ensure public confidence in council decision-making. Thus, the argument isn’t that gatherings outside formal council meetings should be prohibited, but that the statutory requirements provide for their effective operation.  

The common areas of frustration that members communicate to the LGA include the difficulty in distinguishing between an informal gathering and a ‘designated informal gathering’ as well as whether the rules are intended to apply to informal gatherings of a few councillors or only all councillors (with the LGA receiving differing legal advice from the stated intentions of the previous State Government). |
| Conflict of Interest | The conflict of interest provisions were introduced to the Local Government Act 1999 as part of the Local Government (Governance and Accountability) Amendment Act 2015, and commenced on 31 March 2016.  

The provisions are based on provisions that operate in Queensland. There were a number of immediate teething problems with the provisions that the previous State Government attempted to rectify via amendment to the regulations following strong LGA advocacy. However, the overall complexity and rigidity of the rules in the Act continue to cause problems for council members.  

The LGA wrote to the previous State Government consistently following the introduction of the provisions in 2016 to raise various concerns on behalf of members. The LGA continues to receive feedback from councillors about the complexity of the rules and the difficulties they face in ensuring adherence to the complicated rules. There is also continuing concern that application of the conflict of interest rules to council committees is prohibitive to community participation, especially by local business owners. |
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<td>Enforced leave and suspension of allowances during state or federal elections</td>
<td>The suspension of an elected member from council while campaigning for state or federal election has featured in a number of notices of motion at recent LGA general meetings, and members have strongly supported LGA advocacy on this issue. Thus the policy position of the LGA is to support enforced leave for council members standing for state or federal election, including the suspension of allowances, subject to councils being permitted to meet inquirate where it is a consequence of the enforced leave. The proposal was included in the LGA’s delivering the LGA 2018 State Election Agenda: Local Government Reform package, which was provided to members of the government, opposition, minor party and independent candidates prior to the 2018 State Government Election.</td>
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| Mobile food vendors (food trucks) | In 2017, the previous State Government introduced mobile food vendor rules, which imposed state-wide requirements upon all South Australian councils irrespective of their local circumstances. The mobile food vendor rules prescribe that a council:  
  - Must establish guidelines around approved locations for mobile food vendors (location rules);  
  - Must approve all permit applications that comply with the local rule guidelines; and  
  - Restrict the maximum amount a council may charge for a mobile food vendor permit.  
The Small Business Commissioner has been given the role of umpire where there are disputes between vendors and councils. Implementation of the rules has been a prime example of the difficulties and pitfalls in prescribing a one-size-fits-all legislative approach for all councils. Councils in regional South Australia are rate income dependant for the majority of their revenue. Councils are required to balance the needs of their bricks and mortar ‘fixed’ established rate paying businesses against the flexibility and vibrancy of pop-up mobile food vendors. |
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| In some areas that experience a large temporary population, such as seasonal high tourism, mobile food vendors are able to enhance the supply offering and satisfy the unusually high consumer demand. However, in other regional areas the business profile is one of fixed micro type businesses that rely on the high season for the majority of their cash flow and are at extreme risk due to pop up competitors that are perceived to have an unfair advantage. At its meeting in May 2018, the South Australian Region Organisation of Councils (SAROC) Committee asked the LGA to advocate to the State Government for a review of the legislation governing mobile food vendors *(Local Government Mobile Food Vendors Amendment Act 2017)* particularly in regard to regional impact. The LGA consulted councils and was told:  
- Flexibility is required to allow councils to balance support for both bricks and mortar business and catering for temporary seasonal demand and events held in council areas.  
- Consideration should be given to allowing regional South Australia to have a more flexible regime than metropolitan Adelaide. |
<p>| Public consultation requirements in the <em>Local Government Act 1999</em> | In general, public consultation requirements throughout the <em>Local Government Act 1999</em> lack consistency and clarity. There is opportunity to review the approach to public consultation throughout the Act to remove uncertainty and provide a more contemporary and adaptable public consultation framework, and in turn, provide the best outcomes for both councils and the communities they consult. In particular, there is an opportunity to review and clarify the requirements set out in section 50 of the <em>Local Government Act 1999</em> following judicial interpretation of section 50 in the decision of Coastal Ecology Protection Group Inc &amp; Ors v <em>City of Charles Sturt</em> [2017] SASC 136 (Coastal Park decision). |
| Requirements to publish in newspapers | A review of public consultation requirements should be broadened to also consider requirements throughout the <em>Local Government Act 1999</em> to publish various notices in newspapers. Not only is publication in newspapers very expensive for some councils, it doesn’t necessarily reflect a contemporary approach to community engagement that is seeing some communities increasingly rely on internet-based and/or social media communication. Each community is different so it is a matter of providing councils with greater flexibility to determine the communication methods that suit their community, including variability in levels of digital literacy, and the context of the matter at hand. |</p>
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<td>Public consultation requirements for permits under sections 221 and 222 of</td>
<td>The Local Government Act 1999 empowers councils to evaluate, and where appropriate, issue permits for applications received to close public roads and footpath areas for a ‘business purpose’ to enable commercial activities to be undertaken pursuant to sections 221 and 222 of the Act. Examples of what may be considered a ‘business purpose’ are prescribed in section 222(1) of the Local Government Act 1999, but this is not an exhaustive list; a common basis for receiving an application to close roads, which is not prescribed on that list, is to enable construction companies to undertake concrete pours or receive deliveries of large building materials via crane. A council has faced challenge by a ratepayer regarding the requirement to undertake public consultation, in accordance with section 223 of the Act and regulation 25(1) of the Local Government (General) Regulations 2013, in relation to any proposal to issue a permit that authorises the use of a public road for a business purpose, where any part of the road is to be fenced, enclosed or partitioned so as to impede passage of traffic to a material degree. Competing legal opinions have been received regarding the meaning of impeding the passage of traffic to a ‘material degree’. If the complete enclosure of a public road for an extended period of time, that prevents vehicle and/or pedestrian traffic from travelling through the road, was found to impede the passage of traffic to a material degree, public consultation would be required to be undertaken for a period of 21 days in relation to every such permit application. This issue was presented to the State Local Government Red Tape Reduction Taskforce, and the Office of Local Government committed to seeking Crown legal advice on the matter (which is pending). Notwithstanding what the Crown advice may say, the fact there are differing legal opinions is sufficient reason to seek legislative change to place the public consultation requirements in relation to permits for the purposes of section 221 and 222 of the Local Government Act 1999 beyond doubt.</td>
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<td>1999</td>
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<td>Developer contributed assets</td>
<td>There is a perception that councils have to accept an asset when it is offered for free from a developer, but councils do not have to accept an asset and may undertake a prudential report to ensure it is up to standard and financially viable for council to maintain. Accepting an asset has long-term financial implications for a council and prudential management issues should be considered prior to a council accepting an asset. Section 48 of the Local Government Act 1999 could clarify the right of council to undertake a prudential report and/or decline an asset.</td>
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<td>Rating equity for commercial and/or industrial land uses</td>
<td>Council rates are generally considered a proportional land tax in terms of social ‘fairness’, in that tax payers contribute proportionally based on the value of their property. Currently South Australian councils face</td>
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<td>considerable rating constraints for selected major developments (e.g. wind farms, feedlots, solar farms and mines) and exempt properties, resulting in local communities paying more than their fair share to subside the cost of servicing certain land uses. These constraints include:</td>
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<td>• the inability to levy appropriate and equitable rates on electricity generators (including wind farms and solar farms) as a result of the exclusion of improvements such as electricity generating plant and equipment from capital valuations under legislation; and</td>
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<td>• the inability to effectively categorise intensive land uses for differential rating purposes given the limited permitted rating categories available under legislation.</td>
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<td>A report on this issue, commissioned by the Legatus Group, highlights considerable differences in the manner in which properties are valued and categorised, and in which rates are able to be levied in other mainland States. SA councils are significantly disadvantaged when compared to the approaches adopted in Queensland, WA and NSW with respect to the rating of resources sector (mining) properties. SA councils are also disadvantaged when compared to the approaches adopted in Queensland and Victoria with respect to the rating of electricity generation sites (including wind and solar farms).</td>
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<td>The following changes in legislation could be considered to address these constraints and ensure equity between ratepayers:</td>
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<td>• allow councils to recover appropriate payments in lieu of rates directly from electricity generators — rather than landowners — under a regulated formula subject to indexation (a similar system currently exists in Victoria where councils receive payments based on a methodology under State legislation); and</td>
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<td>• enable additional flexibility in the categorisation of different land uses for differential rating purposes to provide councils with greater capacity to levy appropriate rates based on intensity of land use (e.g. mining/resources, feedlots).</td>
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<td><strong>Regulations for section 245A of the Local Government Act 1999 (Development Bonds)</strong></td>
<td>In 2009, section 245A was inserted into the Local Government Act 1999 with the intention of enabling a council to require a developer to enter into an agreement - that complies with any requirements prescribed by regulations - to cover the cost of potential damage to council infrastructure. This agreement could take the form of a bond or other security, which would be called upon only if damage occurred during development works. Shortly after insertion of section 245A it became apparent that without the development of regulations section 245A could not be enforced. Thus, should damage occur, there is no security to councils to oblige developers to pay for damage caused to infrastructure without court action. Since this time, the LGA has been seeking to have relevant regulations made but this has previously been met with opposition by both industry and the previous State Government. The LGA proposes to continue to seek the making of appropriate regulations, to safeguard council’s infrastructure and enable councils to recoup the cost of repairing related to development damage.</td>
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| **Regulation 21 of the Local Government (Procedures at Meetings) Regulations 2013 (CEO may submit report recommending revocation or amendment of council decision)** | Regulation 21 of the Local Government (Procedures at Meetings) Regulations 2013 allows a CEO to submit a report to the council recommending the revocation or amendment of a resolution passed since the last general election of the council. It is believed the intention of the drafters of regulation 21 was to provide an alternative process to regulation 12(3) which requires a council member to place a notice of motion to amend or revoke a council resolution passed since the last general election. However, regulation 21 has not been integrated appropriately with regulation 12(3) and the requirement for a council member to place a written notice of motion remains in force in relation to a CEO recommendation for revocation or amendment of a resolution. Thus, at present the CEO report recommendation needs to be brought back to council at the next meeting through a notice of motion put forward by a council member under regulation 12(3). This means, at best regulation 21 empowers the CEO to draw a council’s attention that he/she considers a revocation or amendment would be appropriate, after which a written notice of motion must be lodged by a council member |
### Reform issue

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<td>at a second meeting before the council could pass a rescission motion based on the recommendation of the CEO. The LGA requests amendment to regulation 21 to ensure proper integration between regulation 21 and regulation 12(3) so that a written notice of motion by a council member (therefore necessary to wait for a second meeting) is not required. Thus upon council consideration of a CEO recommendation a motion without notice by a member could action that recommendation at the same meeting.</td>
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### OTHER REFORM ISSUES

#### Management of unmade roads

The Local Government Act 1999 and the Road Traffic Act 1951 do not give councils appropriate powers to manage unmade public roads, especially in rural areas. There are many ‘public roads’ laid out in old rural subdivisions which have never been formed, or are no longer used, and over time have been occupied by adjacent landowners. In some cases, there is remnant public infrastructure in place, including culverts and bridges. While some are required/used as fire trails, many are purely used for private access or private purposes. The increase in four wheel drive enthusiasts has seen an increase in complaints from adjacent landowners, and exposes council to a potential liability for the use or misuse, and damage to either the user’s vehicle or the road and road infrastructure. Clearer statutory provisions are needed so council can effectively close a road to all, or certain classes of vehicles, and be able to effectively enforce the road closures.

#### Community housing

The State Government is transferring public housing properties to Community Housing Providers to facilitate their upgrade and renewal. This transfer makes properties eligible for a mandatory 75% rebate on council rates, whereas the State Government previously paid full rates on these properties.

The State Government transferred 4,000 public housing properties to CHPs in September 2017. This followed the transfer of 1,100 properties in 2015. The approximate annual revenue loss across the 17 councils impacted is approximate $4.4 million for every 5,000 properties that are transferred through a long-term lease to community housing providers.

Public housing is a State Government responsibility. Applying the mandatory rebate to the transferred properties leads to an inequitable burden on other ratepayers in affected councils, often in lower socio economic communities that can least afford the additional impost.

The LGA advocates for legislative change to remove the 75% rebate on council rates for community housing providers. The LGA recognises the impact this may have on Community Housing Providers and their tenants.
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<td>and recommends that this portion of rates continues to be paid for in full by the State Government even when they shift management of the properties to external providers.</td>
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<td>Fees and charges</td>
<td>Cost shifting also occurs when councils are required by legislation or an agreement with the state government to provide a service, but the regulated fee for providing that service falls well below costs. Many of the fees and charges that council can raise are set in Regulations. Some are set at cost recovery, others are not. Some are indexed annually, others are not. There are some activities for which councils are not permitted to charge any fee. Councils and community need more clarity and certainty about fees and charges. The LGA advocates for review of local government fees and charges regulated by the state government to establish modern price setting principles which promote efficiency, flexibility and fairness in service delivery. This will cover a number of Acts outside the Local Government Act 1999 and the Local Government (Elections) Act 1999 and will require consultation with other Ministers.</td>
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REFORMING LOCAL GOVERNMENT IN SOUTH AUSTRALIA
DISCUSSION PAPER

Government of South Australia
Department of Planning, Transport and Infrastructure
AUGUST 2019
Every four years, thousands of people stand for election to their local council, with more than 700 chosen to serve and lead their communities.

High expectations are rightly placed on those elected, as they take on real responsibilities for support and services in their local area. Like all governments, councils need to make decisions about the services they provide, and the revenue that they need to bring these services to life.

To achieve good outcomes for ratepayers we need the ecosystem in and around local government to be as robust as possible. From the internal structures around how councils operate, to the integrity bodies that oversee them and the media that report on them, every part of the ecosystem needs to work to deliver quality services for local communities, whilst also ensuring that ratepayer dollars are used as wisely as possible.

As Minister for Transport, Infrastructure and Local Government, I have a responsibility to ensure that this legislation offers councils the support they need, provides appropriate oversight and gives each community certainty that their council is making good decisions, understands local needs and is operating efficiently and sustainably.

This discussion paper proposes reforms to local government legislation that aims to achieve this. Some of the key reforms proposed include a new conduct management framework for council members, an expanded role for council audit committees to provide expert, independent advice to councils on a range of critical financial and governance matters, and improvements to regulation to reduce councils’ costs.

I am grateful to the people who provided their ideas for reform in the first stage of the Local Government Reform program. I was impressed by the range and number of considered ideas that were submitted. Likewise, I am keen to hear as many views as possible on the reforms contained in this discussion paper. Which do you think will work? Are there other ideas for reform that should be considered?

I look forward to receiving all submissions on this discussion paper, and to work together to ensure we have local government legislation that will set the future direction for councils in our State.

HON STEPHAN KNOLL MP
Minister for Transport, Infrastructure and Local Government
Minister for Planning
REFORMING LOCAL GOVERNMENT IN SOUTH AUSTRALIA
DISCUSSION PAPER

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WHY IS LOCAL GOVERNMENT REFORM NEEDED?

The Local Government Act 1999 (the Act) was put in place following significant council amalgamations in the late 1990s that created our current 68 councils. In 1999, the Act recognised that councils are government bodies elected by their communities to make decisions about the services that need to be delivered for their local area.

This means that councils have serious responsibilities. The services they provide—roads, footpaths, ovals, parks, sporting grounds, waste management, libraries, community centres and community support services to name just a few—are what makes our local communities work.

The State Government also has a responsibility to ensure that the legislative framework around councils enables them to act, make decisions, and provide services in the way in which their communities expect. It 'sets the rules' for how councils are elected; what their roles and responsibilities are; how they can raise revenue; how they make decisions; and how they inform and engage their communities.

The four reform areas put forward by the Government recognise that there are areas in this legislative framework that currently aren’t working as well as they should, and need to be reviewed.

These areas are—

- **REFORM AREA 1**: Stronger Council Member Capacity and Better Conduct
- **REFORM AREA 2**: Lower Costs and Enhanced Financial Accountability
- **REFORM AREA 3**: Efficient and Transparent Local Government Representation
- **REFORM AREA 4**: Simpler Regulation
REFORM AREA 1
STRONGER COUNCIL MEMBER CAPACITY AND BETTER CONDUCT

Communities have high expectations of how their council members should behave. They are leaders in their communities, who speak and make decisions on their behalf. There are more than 700 council members in South Australia, and most meet this expectation admirably. They step forward to serve on their council, and commit considerable time and energy to make their local community a better place to live.

However, from time to time, some council members conduct themselves in a way that is not acceptable.

This can be poor behaviour, such as rudeness or a lack of respect to fellow council members or community members. It may be poor behaviour in a council meeting, through an unwillingness to engage in the respectful debate that's needed to ensure good decisions. Or it may be conduct that calls the integrity of their decisions into question, such as not managing a conflict of interest properly, or accepting gifts and other benefits that may improperly influence what they do.

Whatever the issue is, council members and their communities expect that it should be dealt with in the right way. This means that it is investigated at the right level; that sanctions are applied that fit the behaviour, and that council members who choose to repeat poor conduct receive escalating penalties.

There is a strong view that the current system for managing the conduct of council members is not delivering on these expectations. Feedback has been that councils have a desire to be better equipped to manage low-level behavioural issues on a local level, but also want a clearer pathway to resolving more serious conduct matters. Proposed reforms will create a better framework for managing and improving council member conduct and capacity. The Act will make a clear distinction between lower-level 'behavioural' matters that can be dealt with at a council level, and more serious 'integrity' matters that should be investigated and dealt with by an independent body.

The new framework will also recognise that while most behavioural matters are low-level, occasionally poor behaviour can be serious enough, or can be repeated to an extent that it causes a risk to the health and safety of others, or prevents an elected member body from acting effectively. Councils should be able to refer these 'serious behavioural matters' to an independent body for investigation and resolution as integrity breaches.

One question that this discussion paper poses is which model should be put in place to deliver this new framework. Three alternatives are proposed—a 'light touch' model that clarifies the current legislative provisions; a model that uses a new council 'governance committee' to support councils' conduct management; and a significant change through the introduction of a 'Local Government Conduct Commissioner'.
It is fair to say that of all the decisions a council makes, the one that receives the most attention is setting the rates that are paid by its community. This decision is what enables councils to provide the services that we rely on—roads, waste management, libraries, and all the other council services and facilities that our communities use. It also enables councils to manage the very significant assets that underpin these services—over $23 billion worth across the State.

Most people realise this and are prepared to contribute their fair share to these services. However, ratepayers must have confidence that their money is being raised fairly and spent sensibly. This means that their council is managing its finances responsibly, with the right level of oversight and assurance; that it makes every effort to keep costs low; and that it also provides clear and easily understood information about these critical decisions. The Act establishes clear standards of financial management and accountability, which have been reviewed and improved a number of times over the past decade.

However, given the critical importance of councils’ financial position, the need for all councils to make well informed and effective decisions on revenue and expenditure, and a continuing need for independent oversight that assures both councils and their communities that councils are well managed and sustainable; another review of these standards is timely.

The discussion paper proposes several reforms to improve council auditing and oversight, to improve decision making by council member bodies and to improve the information that councils provide each year to their communities on their rating decisions.

Feedback on all proposals is welcome. However, it should also be noted that the State Government has charged the SA Productivity Commission (SAPC) to undertake an inquiry into cost pressures and efficiencies in the local government sector. It is likely that any recommendations the SAPC makes in its final report in November 2019 will have a significant impact on reforms in this area.
REFORM AREA 3

EFFICIENT AND TRANSPARENT LOCAL GOVERNMENT REPRESENTATION

It is the election of our councils that makes them a government.

Like State and Federal Government elections, Local Government elections give us the ability to choose who we want to represent us, to lead our communities, and to make decisions about the services that are available to us. Many aspects of these elections are the same. They are run by an independent body, which for councils and the State Government is the Electoral Commission of South Australia (ECSA). They are based on a fundamental principle of ‘one vote, one value’—that is, that each vote held by each voter is equal.

However, there are also unique features of council elections in South Australia. Most notably, voting for councils is voluntary, and done by a postal vote. The franchise is different—property owners, as well as residents, can vote. The method of voting and counting is also different in council elections. Other differences are in the role of formal political parties, which is much less apparent in council elections; and how voters learn about the candidates that are standing for election.

In the call for reform ideas, council elections attracted the most submissions and comments. Many contributors asked for the introduction of online voting, to make voting more convenient and to improve the numbers of people choosing to vote. There is general agreement that online voting is desirable, however, a range of technological challenges must be overcome before its introduction to ensure the security of our elections. This is why this discussion paper does not propose this reform.

Other calls for improvement to local government elections centred on clarifying the roles of ECSA and councils in elections; particularly for people who wish to nominate for council, and then become candidates. There was also a widespread view that candidates should be required to provide more information that would be of interest to people considering whether to vote for them—any political affiliations the candidate may have; whether they live in the area for which they are standing; and any significant donations they may have received.

The reforms in the discussion paper therefore propose a greater role for ECSA in receiving nominations and publishing information on candidates—all online, to provide a more convenient, centralised service for both candidates and voters. The reforms also propose greater information disclosure by candidates in an easily accessible form.
Councillors are required to act within a range of regulations that are put in place to deliver or protect the public interest. For example, they are required to undertake a specific, regulated process before they decide to revoke the community land status of some of their land. This regulation is in place to ensure that councils fully consider all aspects of this decision, to provide assurance that this decision is made in their community's best interest.

However, it also must be recognised that regulations can be costly—in time and resources. This is why regulation is often referred to as ‘red tape’—or perceived only as a barrier to timely and effective actions. There’s no question that regulation should be regularly examined to ensure that it delivers on the public good it aims to protect. Every dollar that a council spends on compliance is a dollar that must be raised by rates or not spent on a local service. It’s therefore essential that regulations are regularly reviewed to ensure that the cost of compliance is justified by the benefits they deliver.

The many ideas for local government reform received suggested a number of areas where regulation can be simplified. This paper therefore proposes reforms to a range of current regulations. These include a more modern approach to community engagement; a faster process for simple community land revocation proposals; clarifying councils’ ability to hold workshops and information sessions for its council members; reducing regulations that apply to permits for use of council roads; and improving aspects of council meetings.
HOW TO MAKE A SUBMISSION

This discussion paper puts forward a range of proposals for local government reform.

In some instances, these include a number of potential models for discussion and debate. In other cases, a single proposal is put forward for comment.

We are seeking your views on the proposed reforms. Which do you think would best address the issues that have been identified? Are there changes that you would make to the proposals? And are there any new ideas and alternative proposals that you think we should consider?

TO FIND OUT MORE VISIT www.dpti.sa.gov.au/local_government_reform

JOIN THE CONVERSATION AND COMPLETE OUR SURVEY AT yourSAy.sa.gov.au
REFORM AREA 1

STRONGER COUNCIL MEMBER CAPACITY AND BETTER CONDUCT
1 INTRODUCTION

Under the Local Government Act 1999 (the Act), a council is a body corporate and consists of members elected to the council. A council’s elected member body is made up of a principal member who is known as either a ‘Mayor’ (elected to the position) or a ‘Chairperson’ (appointed by the other elected members, although may also be referred to as a ‘Mayor’) and several council members often referred to as ‘Councillors’.

The reforms proposed in this discussion paper aim to improve the legislative framework to support and promote better conduct and stronger capacity of council members, while recognising the status of council members as democratically elected representatives, who are primarily accountable to their communities and will ultimately be judged at local government elections.

2 COUNCIL MEMBER CONDUCT

BACKGROUND

Council members are elected to council to make decisions for, and to act in the best interests of, their community. Being a council member is a position of trust bestowed on them by their local communities.

Because local governments today have many complex responsibilities and a great deal of discretion, their communities understandably have high expectations of standards of behaviour, integrity and performance. As representatives and leaders of their communities, council members are generally expected to act ethically, diligently, respectfully, honestly and with integrity.

Generally, the South Australian community is well served by those who serve as council members in local government, who overwhelmingly conduct themselves in accordance with the high standards expected of them. However, from time to time, inappropriate or improper conduct by council members can lead to council dysfunction, impairment of local government integrity and performance, and a reduction in community trust and confidence.

State legislation plays an important role in council member conduct. It can set the standards of behaviour, and provide arrangements for dealing with breaches across all areas of conduct.

This is a spectrum of behaviour that ranges from lower-level behavioural matters, such as how council members relate to others, to more serious matters that may affect the integrity of council members’ decisions, such as poor
management of conflicts of interest, or the inappropriate acceptance of gifts and benefits. At the highest, or most serious, end of this spectrum is criminal conduct and corruption.

The various pieces of legislation that make up the council member conduct framework are intended to operate as an escalating system that addresses the varying levels of seriousness of poor behaviour with increasing levels of sanctions and penalties.

The chief parts of the current council member conduct management framework are set out below.

THE CODE OF CONDUCT FOR COUNCIL MEMBERS

The Act requires council members to observe a Code of Conduct that is set in regulation. When people think about the ‘rules’ that apply to the conduct of council members, this Code of Conduct is often what comes to mind. The Code of Conduct has several functions. One is to establish the standards of behaviour and integrity that council members should adhere to. Reflecting the spectrum of conduct, the Code has three core ‘levels’ of standards.

The first of these is a statement of high-level principles of behaviour that council members are expected to demonstrate, such as a commitment to serving the best interests of the community, to discharging duties conscientiously, to work together constructively and to uphold the values of honesty, integrity, accountability and transparency.

The second is to set out the specific behaviours that council members should adhere to, in Part 2 of the Code—the ‘Behavioural Code’. These range from more general statements about behavioural standards (such as ‘act in a way that generates community trust and confidence in the Council’), to more detailed instructions on particular behaviours (such as ‘ensure that personal comments to the media or other public comments on Council decisions and other matters, clearly indicate that it is a private view and not that of Council’).

The third level is contained within Part 3 of the Code, ‘Misconduct’. This section contains matters that, if breached, could affect the integrity of council decisions, such as the poor management of conflict of interest, or the inappropriate acceptance of gifts and benefits. Many of these matters are also contained within the Act.

An appendix to the Code outlines the most serious conduct matters—those that could be criminal conduct or corruption.

Along with ‘setting the standards’, the Code also establishes the process by which alleged breaches of these standards are investigated. The high-level principles are not intended to be enforceable, as these express the broader expectations of council members. The Code is clear that breaches of ‘behavioural matters’ in Part 2 should be dealt with at a council level, but allows each council to determine a process to do so that best fits their own needs.

¹NOTE: This paper does not consider ‘corruption’ or ‘serious and systemic misconduct or maladministration’, which is within the jurisdiction of the Independent Commissioner Against Corruption (ICAC) and the Office of Public Integrity (OPI). Any reasonable suspicion of corruption, misconduct or maladministration in public administration should be reported to OPI—which is responsible to ICAC—in the first instance. It is noted that misconduct and maladministration complaints or reports may be referred to the ICAC to the Ombudsman for investigation.
Alleged breaches of Part 3, ‘Misconduct’, are referred to the Ombudsman, as integrity matters should be investigated by an independent statutory body. The Code of Conduct also allows for repeated breaches of the ‘Behavioural Code’, or non-co-operation with a council investigation or finding under the Behavioural Code, to be elevated to the Ombudsman.

Any suspected breaches of the most serious criminal matters should, of course, be referred to the Independent Commissioner Against Corruption (ICAC).

Finally, the Code of Conduct and Act set the penalties or sanctions that can apply when it has been breached. Again, these are designed to escalate in accordance with the seriousness of the breach.

If a council finds that a member has breached Part 2 (The Behavioural Code) it may:

- Pass a censure motion in respect of the council member.
- Request a public apology, whether written or verbal.
- Request the council member to attend training on the specific topic found to have been breached.
- Resolve to remove or suspend the council member from a position within the council (not including the member’s elected position on council).
- Request the member to repay monies to the council.

If the Ombudsman has investigated a member, he may make the following recommendations to the council to:

- Reprimand the member (including by means of a public statement).
- Require the member to attend a specified course of training or instruction, to issue an apology in a particular form or to take other steps.
- Require the member to reimburse the council a specified amount.
- Ensure that a complaint is lodged against the member with the South Australian Civil and Administrative Tribunal (SACAT).

If a council member fails to comply with a requirement made by a council on the Ombudsman’s recommendation, then the council must lodge a complaint against the member with the South Australian Civil and Administrative Tribunal (SACAT). This could result in stronger sanctions for the member, including their suspension or disqualification from office.
OTHER CONDUCT MATTERS IN THE LOCAL GOVERNMENT ACT 2.1.2

Along with establishing the Code of Conduct, the Act includes a number of specific conduct requirements that apply to council members.

In summary, these requirements are—

- To act honestly, and with reasonable care and diligence in the performance of official duties;
- Not to disclose information that is confidential;
- To declare all financial and non-financial interests in the 'Register of interests';
- To properly manage any conflict of interest;
- Not to make improper use of their position, or of information they have gained through this position, for their own advantage or to cause detriment to the council;

OTHER CONDUCT MATTERS IN THE LOCAL GOVERNMENT ACT 2.1.3

Other pieces of legislation that form part of the council member conduct framework include the Independent Commissioner Against Corruption Act 2012 and the Ombudsman Act 1972 (which provide for the powers and functions of the integrity agencies in South Australia) and the Criminal Law Consolidation Act 1935 (which covers serious criminal offences by 'public officers').

ISSUES 2.2

There is general agreement from the local government sector and the community more widely that the current conduct management system is not working as effectively as it should.

One key issue identified is that the use of the Code of Conduct, particularly the 'Behavioural Code', results in an overly formal process that exacerbates conflicts between elected members, and creates a long, difficult and costly process for councils to resolve behavioural matters.
Before the current Code of Conduct was introduced, each council had its own code of conduct for council members that it was required to review within 12 months after each general election. The intent of the uniform, regulated Code of Conduct was to provide consistent standards of behaviour across all councils. However, feedback has been that formally regulating detailed behavioural matters can result in an excessively combative or legalistic approach to these matters.

Both the ICAC and the Ombudsman have raised public concerns about the number of Code of Conduct complaints they receive from council members against each other, particularly when the complaints stem from disagreements or personality clashes between the members.

Recent statistics from the Ombudsman indicate that almost half of the Code of Conduct complaints he receives are from an elected member against another elected member. Both the ICAC and the Ombudsman have been publicly encouraging council members to stop lodging ‘trivial’ or ‘petty’ complaints, which are a waste of public money and resources. The Ombudsman has stated that much of his time has been taken up by internal council complaints that have proved to be costly and time-consuming.

Additionally, continual trivial or petty complaints can be very destructive at a council level. It is very difficult for a council to operate effectively if its members are unable to overcome personal differences and are continually lodging Code of Conduct complaints against each other.

These concerns have also been raised by councils, who have noted a lack of deterrence for ‘trivial, frivolous and vexatious’ complaints. Councils do not feel that they have the right tools to deal with minor behavioural matters quickly, fairly, and effectively.

Another key area of concern is how serious behavioural issues can be dealt with—behaviour that may cause a risk to another person’s health and safety. While the current Code of Conduct recognises bullying and harassment, and provides for a mechanism for repeated behavioural breaches to be escalated from council level to the Ombudsman, there is a strong view that this mechanism is not effective; and that the sanctions available to deal with these matters are not adequate.

It is also essential to ensure that the health and safety of council staff and members is properly protected. There may therefore be a need to enable a position (such as a principal member or CEO), or a body (such as a council governance committee) to give immediate, limited directions to council members in circumstances where this health and safety is at risk.

Other concerns have been raised about the overlap and duplication between the Code of Conduct and conduct matters within the Act. These include duplication of expectations of behaviour in the Code of Conduct and in the section of the Act that sets out the ‘General Duties’ of members, conflict of interest matters, and the management of confidential information.
While the Code of Conduct was intended to create a 'one-stop shop' that described all conduct matters, and therefore included matters also in the Act, the conclusion is that this approach causes confusion and uncertainty as to the appropriate body to investigate alleged breaches.

Councils have also argued that the conflict of interest provisions in the Act, which were introduced in 2016 are considered ‘complex’ and ‘confusing’, making it difficult for council members to adhere to the rules.

PROPOSALS FOR REFORM

It was clear from the response received through the call for reform ideas that the community generally considers that there should be rules of behaviour or conduct that council members should abide by.

It was also clear that there is support for a review of the current system to create a ‘clearer’, ‘simpler’, ‘stronger’, ‘well-defined’ conduct management framework. Ideas received on how this could be achieved, however, were diverse.

Ideas about how disagreements between council members should be managed ranged from dealing with them ‘in-house’ within the council to having an external, independent body to manage all complaints.

Other suggestions were that it is the responsibility of the Mayor and/or the elected member body and/or CEO (i.e. the ‘leadership’ roles) to manage disputes and find appropriate resolutions. A number of submissions advocated for a mechanism to resolve behavioural issues without having to resort to external complaints management bodies.

Many councils endorsed the approach put forward by the Local Government Association (LGA), which stated that “It is important that local government is empowered to self-determine the expectations of acceptable behaviour that align with community expectations.”

Following on from this, one of the LGAs’s proposals is for an “increase in devolution of responsibility to councils to handle behaviour matters internally, with expedient ways to escalate serious misconduct matters as appropriate”. The LGA submission also seeks a broadening of the range of penalties so that effective action can be taken commensurate with the circumstance of each case, and clearer classifications of ‘misconduct’, along with definitions for ‘bullying and harassment’ and ‘sexual harassment’.

The Local Government Reform process provides an opportunity to review the conduct framework to provide clearer roles and responsibilities and a broader (and proportionate) range of tools and sanctions for managing different categories of elected council member conduct.

Noting the complexity of this issue, there are three conduct management framework models proposed in this paper. All of these models, however, contain a number of ‘common features’ that, like the current system, reflect the spectrum of member conduct.
COMMON FEATURES PROPOSED

2.3.1

A CLEAR ‘HIERARCHY’ OF CONDUCT

A new conduct management framework will establish a much clearer hierarchy of conduct that clearly separates ‘behavioural matters’ from ‘integrity matters’. This will create clearer responsibilities and pathways and enable council members and members of the community to understand which body is responsible for managing aspects of council member conduct.

The Local Government legislation will continue to be the primary documents that establish the standards of behaviour and of conduct that affects integrity for council members. It is proposed that detailed behavioural matters are removed from a ‘Code of Conduct’ in favour of setting appropriate standards of behaviour in the legislation.

Councils will be empowered to determine —if they choose to do so and consider it helpful— more detailed examples of these behaviours (in a policy adopted by the council), which supports and is consistent with the standards in the legislation.

The legislation will also clarify which conduct matters are ‘integrity matters’. These may include—

| A requirement to act honestly in the performance of official functions and duties. | Release and disclosure of confidential information. | Misuse of information to gain benefit or cause detriment. |
| Misuse of position to gain benefit or cause detriment. | Register of interests. | Conflicts of interest. |
| Directing or influencing council staff. | Gifts and benefits. | Only using official council communication methods (e.g., e-mails) for official council functions and duties. |
| Breaching any communication (or other) protocol set up by the council or CEO for staff or council members to address risks to health and safety allegedly caused by a council member. | Misuse of meeting management powers by the presiding member. |
COUNCILS WILL CONTINUE TO BE RESPONSIBLE FOR ‘BEHAVIOURAL MATTERS’

Councils will continue to be responsible for managing council member behaviour, as they currently are under the Code of Conduct.

The current Code of Conduct enables councils to decide for themselves the most suitable mechanism for dealing with behavioural matters by elected members. Complaints may be investigated and resolved in any manner that a council deems appropriate in its process for handling alleged breaches of the Behavioural Code. This can include, but is not limited to: a mediator or conciliator; the Local Government Governance Panel; a regional governance panel; or an independent investigator. A complaint within this process may be considered trivial, vexatious or frivolous and accordingly not investigated.

It is proposed that councils will continue to be required to have a process for handling complaints and an internal resolution process, but will also continue to have the autonomy to decide on the resolution mechanisms that are most suitable to that council.

Councils will also continue to be able to apply the sanctions for breaches of ‘behavioural matters’ that are contained within the current Code of Conduct, however, it is proposed that this be strengthened to enable councils to direct or require (rather than request) the actions.

It is also proposed that the principal member have enhanced powers to deal with disruptive behaviours at meetings.

AN ESCALATION PROCESS FOR ‘SERIOUS BEHAVIOURAL MATTERS’

It is recognised that certain behaviours or circumstances can require escalation to an independent body for investigation or intervention if they are serious enough to be considered as an integrity breach.

The current Code of Conduct recognises this and provides for certain matters to be referred from a council to the Ombudsman for investigation. These matters include—

1. Failure of a council member to cooperate with the council’s process for handling alleged breaches.
2. Failure of a council member to comply with a finding of an investigation adopted by the council.
3. Repeated or sustained breaches of the Behavioural Code (Part 2) by the same council member may be referred, by resolution of the council.
These referral mechanisms, however, have rarely been utilised by councils. Feedback has been that it can be difficult to escalate issues about a council member’s behaviour where there are factions within the council, or where divided views amongst council members on the conduct in question mean that they are unable to agree to refer the matter to the Ombudsman.

It is proposed that a better process is put in place to escalate serious behavioural matters from a council to an independent body for investigation, where there is a view that these matters are an integrity breach.

The matters which could be considered for escalation to an independent body could include—

1. Repeated and unreasonable behaviour by a council member that creates a risk to health and safety, such as bullying or harassment. This may specifically include ‘sexual harassment’.
2. Behaviour that is not repeated, but still creates a risk to health and safety.
3. Behaviour that is repeated and does not create a risk to health and safety, but is serious ‘unreasonable’ behaviour. This could be circumstances where, despite a council’s reasonable, multiple efforts to address behaviour, a council member continues to be unreasonable and unmanageable, necessitating an external ‘circuit breaker’ to resolve the matter.

It is likely that the independent body receiving complaints about these matters would expect that the relevant council would have taken reasonable actions to address the behavior at a council level, before escalating, where possible. It is also proposed that complaints of this nature would be escalated only following a decision of the council, or by a council’s governance committee.

It should be noted that any person affected by behaviour that poses risks to their safety can seek intervention orders (including an interim order) under the Intervention Orders (Prevention of Abuse) Act 2009 (SA) for their protection. It is proposed that a council member subject to an intervention or interim intervention order relating to a council member or staff could be suspended from office for the duration of this order to properly protect members and staff.

ENSURING THAT ‘INTEGRITY MATTERS’ ARE DEALT WITH BY AN INDEPENDENT BODY

A new conduct management framework will clarify that breaches of integrity matters should be dealt with by an independent body that has appropriate sanctions available to them.

This body could be the Ombudsman, or the ‘Conduct Commissioner’ (as discussed in the proposed models). It is also proposed that this body could apply an expanded range of sanctions that would include: the ability to suspend a member; suspend a member’s allowance; or to require reimbursement to the council of costs involved in an investigation of a matter.
A number of ideas received requested a greater ability to dismiss council members, and/or prevent them from standing at future elections.

This ability is currently only held by the South Australian Civil and Administrative Tribunal (SACAT). It is appropriate that the ability to disqualify a democratically elected council member from office should be reserved for only the most serious categories of conduct, and can only be applied by a tribunal or court.

It is, however, essential that serious matters can be brought before SACAT when necessary. Accordingly, the new conduct management framework will retain the ability of the independent body investigating integrity breaches to require that complaints to SACAT be made when appropriate.

**IMPROVED CONFLICT OF INTEREST PROVISIONS**

The conflict of interest provisions in the Act will be reviewed, to—

- Simplify the current system by reducing the current three ‘categories’ of conflict (material actual and perceived) to two—‘material conflict of interest’ and ‘non-material conflicts of interest’
- Simplify the process by which council members can be exempt from conflict of interest provisions, or seek approval to participate in a matter. This will include a review of the ‘ordinary business matters’.
- Clarify the application of conflict of interest rules to council committees and subsidiaries to remove the current complex regulations that deal with this matter.

**OPTIONS OF PROPOSED MODELS FOR COUNCIL MEMBER CONDUCT FRAMEWORK**

The three models of the conduct management framework that are proposed are detailed below. It is proposed that all of these models would include the common features described above. Additionally, the models are not mutually exclusive. Elements of any of the three could be incorporated into any final model.

**MODEL 1 - CLARIFICATION OF CURRENT LEGISLATION**

This proposed model would have the common features described above but would require a council resolution to refer ‘bullying and harassment’ complaints to the Ombudsman. That is, the council as a body has to be satisfied that the definition or threshold for ‘bullying and harassment’ has been met.

This model would also require the council to report on conduct matters in the annual report.
MODEL 2 - UTILISATION OF GOVERNANCE COMMITTEES

This proposed model utilises a council ‘governance committee’ (with requisite skillsets) to have a role in relation to council member conduct. The concept of a ‘governance committee’ is explored in Reform Area 2. In summary, it would be an independent body that is empowered to advise the council on a range of governance issues.

This model would—

Require governance committees to assess complaints of alleged ‘bullying and harassment’ by council members, and, if determined that alleged behaviour meets the definition/threshold, to lodge the complaint with the Ombudsman.

Enable (but not require) councils to use governance committees to consider behavioural matters.

Require governance committees to report on conduct matters in the annual report.

MODEL 3 - ESTABLISH A LOCAL GOVERNMENT CONDUCT COMMISSIONER

This model would create an additional integrity body with a specific responsibility to oversee all aspects of council member conduct. This body would—

Have a specific role in the prevention of improper conduct through providing training, advice and practice guidelines to council members.

Be able to consider and investigate alleged breaches of behavioural standards at the request of the relevant council.

Have responsibility for considering and investigating bullying and harassment allegations, if the council/governance committee agrees to the referral of this complaint to them.

Have responsibility for the investigation of all alleged breaches of integrity matters (rather than the Ombudsman).

Have appropriate disciplinary or sanction powers except for the powers that will remain with SACAT (e.g. disqualification powers).

At council request, may undertake a range of services on a cost-recovery model including specific training, counselling, mediation and conciliation.
It is expected that this model would be funded by the local government sector, including cost recovery fees for specific services.

While the detail of the operation of a ‘Local Government Conduct Commissioner’ would be developed in accordance with its potential functions, it is expected that it would—

Require the appointment of a suitably qualified and experienced person as the Commissioner, noting that this role would have similar responsibilities to those currently held by the Ombudsman to investigate members and apply sanctions. This is likely to be a full time, or near full-time position.

Require a core administrative unit to be established to support the Commissioner, and to undertake investigations.

Enable the Commissioner to appoint training facilitators, mediators, and additional investigators as required.

This model would enable the Ombudsman to focus on the administrative acts of councils (not including conduct) as is the case with most other Australian jurisdictions.

3 COUNCIL MEMBER CAPACITY

ROLES WITHIN LOCAL GOVERNMENT - OVERVIEW

A brief overview of the roles of the various components that make up local government is set out below—

THE COUNCIL

A group of members (led by a mayor or chairperson) elected by the community and is the governing body of a local government. Councils are responsible for the governance of their local government’s affairs and functions. This includes oversight of the planning and allocation of finances and resources and the determination of local government policies.
CHIEF EXECUTIVE OFFICER (CEO)

Employed by the council to head the administration and manage the day-to-day operations, or executive functions, of the local government and to implement lawful council policies and decisions.

COUNCIL STAFF

Employed by the CEO to perform the functions of the local government.

3.1 ROLE OF COUNCIL MEMBERS

BACKGROUND

Council members are elected to represent the interests of their community through participation in important local decisions and are expected to act with the highest standards of integrity.

To effectively perform this role, council members are also expected to work together constructively and deal with disagreements, conflicts or personality differences in a professional manner, for the best interests of their community. They must also make every effort to ensure that their skills and knowledge enable them to perform their roles, and are continually improved.

The Act recognises the role of council members, and provides some specific details on expectations, that this role is—

AS A MEMBER OF THE GOVERNING BODY OF THE COUNCIL—

- Participate in the deliberations and civic activities of the council.
- Keep the council’s objectives and policies under review to ensure that they are appropriate and effective.
- Keep the council’s resource allocation, expenditure and activities, and the efficiency and effectiveness of its service delivery, under review.
- Ensure, as far as is practicable, that the principles set out in section 8 of the Act are observed.
AS A PERSON ELECTED TO THE COUNCIL—

- Represent the interests of residents and ratepayers.
- Provide community leadership and guidance.
- Facilitate communication between the community and the council.

ISSUES 3.1.2

While the role of a council member details the tasks and responsibilities of a council member's functions and duties, the Act is currently silent on expectations of a council member's behaviour, and on their obligations to promote a good working relationship amongst their council.

Feedback was also received that the importance of mandatory training for council members is not well recognised within the Act. Some concern has been raised within the local government sector that there is a perception in the community, however, that training or ongoing training and development of council members is a waste of public resources.

PROPOSALS FOR REFORM 3.1.3

There is an opportunity to strengthen council members' capacity and improve their conduct through better description of their role in the Act.

It is proposed to further clarify the role of council members, in particular, to recognise their responsibility both individually and collectively to ensure (as far as reasonably practicable) good working relationships within the council, and to support the effectiveness of a new conduct management framework.

It is also proposed to clarify that the role of a council member recognise their obligation to complete mandatory training requirements within the required timeframes and have a commitment to the continuous development of knowledge and skills.
The role of a council member in the Act will be clarified to include—

- Ensure (as far as is practicable) constructive working relationships within the council including with other council members, the principal member and council employees.
- Ensure completion of mandatory training within the specified timeframes and to have a commitment to ongoing training and development of skills relevant to the role of a council member and the roles and functions of the council body.
- Act with integrity.
- Recognise and support the role of the principal member as specified in the Act.

To better recognise the importance of council member training, it is also proposed to clarify its mandatory nature in the Act, and to revise the presentation of the mandatory training scheme in the regulations (see below for further discussion).

### 3.2 THE ROLE OF THE PRINCIPAL MEMBER

#### BACKGROUND

The Act also defines the specific role of the principal member of a council (that is, the Mayor or Chairperson), which is in addition to their role as a council member.

These additional duties and responsibilities are to preside at (chair) council meetings, to perform certain civic and ceremonial duties, to act as the principal spokesperson for the council, and to provide advice to the CEO on the implementation of a decision of a council.

#### ISSUES

While the role of the principal member as described in the current Act recognises the particular responsibilities of a principal member, it does not sufficiently reflect expectations that Mayors and Chairpersons are a leader of their elected body; and should demonstrate and lead the standards of behaviour and decision making that are critical to the effectiveness and reputation of their council.

Good governance relies on constructive working relations between council members. The principal member, as the leader of the council, is expected to promote and foster positive relationships and to support members in resolving disagreements or conflicts that arise. Promoting and leading good relations between council members before contentious issues arise increases the likelihood that these issues can be dealt with robustly but without becoming divisive in a way that damages the reputation of the council.
It is also recognised that, in addition to these expectations, principal members have limited tools available to them to support behavioural standards and working relationships between elected members. In particular, it has been identified that principal members need greater powers to manage poor behaviour in the context of council meetings.

Currently, under the Local Government (Procedures at Meetings) Regulations 2013, a council member can only be excluded (suspended) for part of or the remainder of a meeting by a council resolution. This is unworkable where there are factions within a council or where there are disagreements creating high tensions that result in inappropriate and impeding behaviour.

Finally, a number of concerns have also been voiced about the working relationship between principal members and council’s chief executive officers. For a council to be effective, these two leaders must work together in a complementary way, providing mutual support and ensuring productive interaction between the elected council and its administration.

**PROPOSALS FOR REFORM**

It is proposed that the Act should clearly state expectations of the role of the principal member as a leader of the council. These could include—

- Presiding at meetings of the council and exercising the powers as prescribed under the regulations.
- Providing guidance to council members about what is expected of a council member.
- Supporting council members’ understanding of the separation of responsibilities between the elected and administrative arms of the council.
- Promoting and supporting good, constructive working relationships and high standards of behaviour and integrity in the council.
- Where necessary, taking a leadership role in resolving differences in the elected member body.
- It is also proposed that the presiding member of the council meeting (which is usually the principal member) be given enhanced powers to manage disruptive behaviour by council members in a council meeting, through a power to exclude council members for part of or for the remainder of council meetings.
- Any misuse of this power would be considered as an integrity breach, within the new conduct framework.
Mayors cannot vote on most council motions as they are currently restricted to a casting vote only when members’ votes are tied. Feedback from Mayors is that this limitation does not reflect community expectations of their leadership role within a council. Therefore, it is proposed to give directly elected Mayors a deliberative vote in council meetings while retaining their ability to make a casting vote.

## 3.3 MANDATORY TRAINING REQUIREMENTS

### BACKGROUND

Currently, the imposition of mandatory training for council members is through the requirement in section 80A of the Act and Regulation 8A of the Local Government (General) Regulations 2013 that councils must prepare and adopt a training and development policy for its members that complies with the LGA training standards approved by the Minister. The LGA training standards require mandatory training.

### ISSUES

There is a significant amount of support from the community for mandatory training requirements for council members.

However, the LGA, with support from the local government sector, has raised an issue regarding how the mandatory training for council members is currently imposed through the training standards. A number of submissions proposed that there could be more clarity in the legislation on the training that is required, and on the consequences for members that choose not to comply with the mandatory training requirements.

Ideas have been received to change the requirements to a competency-based assessment (rather than attendance-based) and consideration of online training capabilities. Many suggestions were also received in regard to the topics that should be covered in mandatory training.

### PROPOSALS FOR REFORM

It is proposed to amend the Act to replace the requirement for councils to have a training and development policy with a mandatory training scheme established in regulations.

It is also proposed that the requirement for mandatory training for council members to be completed (within a specified timeframe) be prescribed in the legislation and that there be a consequence for non-compliance. Specific sanctions may apply for a failure to comply with these mandatory training requirements, or this failure could be considered as a breach of an ‘integrity matter’.
The details of minimum training requirements and standards will be considered as part of the development of a regulation package in a later stage of the reform process.

4 THE ROLES AND RELATIONSHIPS BETWEEN THE COUNCIL ELECTED MEMBER BODY AND THE CEO

BACKGROUND

4.1

The effectiveness of a local government is largely dependent on the relationship that a council (and its individual elected members) has with its administration, primarily the chief executive officer (CEO). The role of the CEO is outlined in the Act—in summary, CEOs must implement council policies and lawful decisions, be responsible for the day-to-day management of the council, and provide good advice and information to the council.

CEOs answer to their council—and it is, therefore, the council's responsibility to properly manage them. However, while the Act includes requirements for appointing (employing) a CEO, and sets some procedures for appointment and grounds for termination, the Act does not have any specific requirements about performance reviews or management.

ISSUES

4.2

Feedback received raised concerns about a perceived imbalance of power in local government in South Australia. There is a view that the council as a governing body and the individual elected members are overly reliant on the administration, particularly the CEO, in their decision making.

Concerns have also been raised that council CEOs have a disproportionate advantage in negotiating their own contractual conditions and that there is insufficient oversight of their performance. Conversely, other feedback argued that CEOs can be vulnerable to poor assessments of their performance, and poor decisions regarding their future employment. The role of a CEO in a council is of critical importance, and therefore, so is their performance. However, council members do not always have the expertise to set performance standards, contractual conditions and appropriate remuneration, or to conduct effective and timely performance monitoring and management.

Further, the review of a CEO's performance can be particularly difficult when relationships between the council and its CEO are not professional—both hostile and overly friendly relationships between a council and its CEO can be equally problematic.
PROPOSALS FOR REFORM

A number of ideas were received on the performance of the CEO, and the role and relationships between the CEO and the council. These ideas included revising the process by which CEOs’ positions are advertised, appointed, renewed and released.

It is proposed that councils be required to involve independent advice in a CEO appointment process. This could be a requirement to receive independent advice or to include independent members on the CEO selection panel that makes recommendations to the council on the appointment and employment of a CEO, including employment conditions. An additional proposal could be to give the responsibility for determining appropriate CEO remuneration to the Remuneration Tribunal of South Australia (which currently sets council members’ allowances).

It is also proposed that councils be required to conduct annual performance reviews of their CEO. These could include independent membership (noting that it is common for councils currently to use CEO performance committees), which may be linked to the council’s governance committee, if this reform is implemented, or separate independence advice.

Finally, it is proposed that a CEO’s contract cannot be extended without the council completing a performance review, and that the CEO’s contract cannot be terminated without the council gaining specialist industrial/employment contract advice.
## REFORM AREA 1

**STRONGER COUNCIL MEMBER CAPACITY AND BETTER CONDUCT**

**SUMMARY OF REFORM PROPOSALS**

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<th>COUNCIL MEMBER CONDUCT</th>
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<tr>
<td><strong>1.1</strong> Clearly separate behavioural matters from integrity matters in the legislation.</td>
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<td><strong>1.2</strong> Include standards of behaviour in the legislation, allowing councils to adopt more detailed ‘examples of behaviour’.</td>
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<td><strong>1.3</strong> Continue to give councils flexibility to deal with behavioural matters.</td>
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<td><strong>1.4</strong> Provide principal members with enhanced powers to deal with disruptive behaviour at meetings.</td>
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<td><strong>1.5</strong> Enable escalation of serious behavioural matters to an independent body that can suspend members (including suspension of an allowance).</td>
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<td><strong>1.6</strong> Simplify the conflict of interest provisions by establishing ‘material’ and ‘non-material’ conflicts.</td>
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<td><strong>1.7</strong> Simplify the process by which council members can be exempt from conflict of interest provisions, or seek approval to participate in a matter.</td>
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<td><strong>1.8</strong> Clarify the application of conflict of interest rules to council committees and subsidiaries.</td>
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Establish a new conduct management framework through—

**Model 1 - The clarification of current legislation**

**Model 2 - Using governance committees**

**Model 3 - Establishing a Local Government Conduct Commissioner.**
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<th>Proposal</th>
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<tr>
<td>1.10</td>
<td>Clarify the role of council members to recognise their responsibility to ensure good working relationships within the council, and to support the conduct management framework.</td>
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<td>1.11</td>
<td>Clarify the role of council members to recognise their obligation to complete mandatory training.</td>
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<td>1.12</td>
<td>Clearly state the role of the principal member as a leader of the council, particularly in ensuring good working relationships within the council.</td>
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<td>1.13</td>
<td>Provide directly elected Mayors with a deliberative vote on motions before council.</td>
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<td>1.14</td>
<td>Establish a mandatory training scheme within the regulations.</td>
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<td>1.15</td>
<td>Establish a timeframe for the completion of mandatory training and a penalty for non-compliance.</td>
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<td>1.16</td>
<td>Require councils to receive independent advice on CEO selection and remuneration.</td>
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<td>1.17</td>
<td>Give responsibility for determining CEO remuneration to the Remuneration Tribunal of South Australia</td>
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<td>1.18</td>
<td>Require councils to conduct annual performance reviews of CEOs, with independent oversight.</td>
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<td>1.19</td>
<td>Require annual performance reviews to be completed before the extension of a CEO contract.</td>
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<td>1.20</td>
<td>Require councils to receive independent advice before terminating a CEO contract.</td>
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REFORM AREA 2

LOWER COSTS AND ENHANCED FINANCIAL ACCOUNTABILITY
1 INTRODUCTION

Councils in South Australia collectively manage an annual budget in excess of $2.2 billion and are responsible for more than $24 billion worth of infrastructure and other assets. To manage these responsibilities, councils can raise tax—council rates—and impose other fees and charges on their communities.

It is essential that councils, as public bodies, meet the right standards of accountability for public sector administration and management of public funds.

The reforms proposed in this paper aim to enhance financial accountability and improve efficiency within the local government sector by delivering greater confidence in council audits, improving council decision making, financial reporting, and making information about council financial performance more accessible.

Many submissions made through the call for ideas argued that a system of benchmarking or service reviews across local government would help councils and communities to better understand the costs of services, and how efficiencies may be achieved.

The South Australian Government has directed the South Australian Productivity Commission (the SAPC) to undertake an inquiry into local government costs and efficiency to identify options to improve efficiency and financial accountability and reduce costs for ratepayers.

The inquiry will involve state-wide consultation with councils, community groups and relevant professionals in the public, private and professional bodies as part of the public engagement process, before the release of a draft report in August 2019, and a final report on 22 November 2019. It is expected that this work will inform future directions on the potential use of benchmarking and other service review mechanisms across local government.

Further information on the SAPC’s work is available at—

PROPOSALS FOR LOCAL GOVERNMENT REFORM
LOWER COSTS AND ENHANCED FINANCIAL ACCOUNTABILITY
2. FINANCIAL ACCOUNTABILITY

BACKGROUND

2.1

The Local Government Act 1999 (the Act) sets the standards for councils’ administrative and financial accountability, largely in Chapter 8 of the Act. This framework reflects the broader local government policy that has been in place for South Australia for some time, that is, that councils have a responsibility to abide by the statutory framework, and are accountable to their communities for doing so, without detailed compliance oversight from the State Government.

However, the State does have a responsibility to ensure that the statutory framework sets appropriate standards. Significant legislative amendments have therefore been made over a number of years to improve the financial management and accountability of councils in South Australia.

In 2007, amendments to the Act improved the accountability of councils as well as strengthening their financial governance, asset management, rating practices and auditing arrangements.

These improvements included the requirement for councils to—

- Prepare and adopt long-term financial plans.
- Prepare and adopt infrastructure and asset management plans.
- Establish audit committees.
- Adopt several measures to strengthen the independence of external auditors.
- Adopt a consistent and improved reporting format for annual financial statements.
Additional amendments in 2009 further improved the legislative framework for internal and external review of council administration and financial management, including changes to improve council external audits and strengthen internal controls.

These changes included—

- New requirements for an auditor to audit a council’s internal controls and provide an opinion on whether those internal controls provide a reasonable assurance that the financial transactions of the council have been conducted properly and in accordance with law.

- Expanding the matters that council auditors must report to the Minister.

- Increased guidance about what council policies, procedures and practices must be designed to achieve in key areas such as prudential management and contracts and tendering.

In addition, amendments were made to the Public Finance and Audit Act 1987 in 2013 to enable the Auditor-General to conduct an examination of a publicly funded body (which includes a council, a subsidiary of a council or a regional subsidiary) and the efficiency, economy and effectiveness of its activities.

The Auditor-General may also examine the accounts relating to a publicly-funded project and the efficiency and cost-effectiveness of the project. The Auditor-General must conduct an examination if requested to do so by the Treasurer or the Independent Commissioner Against Corruption.

**COUNCIL AUDITS**

Auditing is the independent examination of the financial report of an organisation. Audits are critical to ensuring confidence in councils’ financial position and operations, as they assess compliance with the standards set out in the Act and Regulations.

External audits in the South Australian local government sector have traditionally been focused on an independent assurance that a council’s annual financial statements present a true and fair view of the financial position of the council and comply with prescribed requirements.
These audits now also examine and report on the adequacy of a council’s internal controls, which are the measures put in place by councils to ensure that a council’s resources, operations and risk exposures are effectively managed.

Auditors must undertake an audit on the controls put in place by a council in relation to the receipt, expenditure and investment of money, the acquisition and disposal of property and the incurring of liabilities, and provide a report to the council as to whether these controls are sufficient to provide reasonable assurance that the financial transactions have been conducted properly and in accordance with law.

In forming such an opinion on a council’s internal controls, the auditor must assess them according to the criteria in the LGA’s Better Practice Model - Internal Financial Controls, which is a tool that assists a council to assess, mitigate against and reduce risks in its day-to-day operations.

Organisations commonly undertake an internal audit process to assess and report on internal controls, however, an internal audit function is not prescribed for councils in South Australia. Many councils do have an internal audit function of some kind in place to provide assurance to their audit committee that internal controls are in place and effective.

Along with a requirement to undertake an audit, the Local Government Act also provides some direction on how auditors should be appointed, and how audits should be undertaken.

All councils contract registered company auditors to audit their annual financial statements, applying the relevant Auditing Standards. Under the Act—

- Councils are required to appoint an auditor who must either be a registered company auditor or a firm comprising at least one registered company auditor.
- Auditors are appointed by councils on the recommendation of a council’s audit committee.
- The term of an appointment of an auditor must not exceed five years.

As described above, external auditors must undertake annual auditing of a council’s financial statements and internal controls exercised by the council, and then provide, to the council, an opinion on the financial statements and the adequacy of the internal financial controls.

In practice, many councils have a majority of independent members on their audit committees, and many also extend the role of their committees to provide independent advice on a range of matters, such as procurement and prudential reporting.
Additionally, a council may request its auditor, or some other person determined by the council to be suitably qualified in the circumstances, to examine and report on any matter relating to financial management, or the efficiency and economy with which the council manages or uses its resources to achieve its objectives.

It is worth noting the critical role that councils’ audit committees play in their financial reporting framework, including auditing. South Australia was one of the first States in Australia to require councils to establish an audit committee, as a body that provides independent advice to a council on auditing and related matters.

Currently, audit committees are required to—

- Review annual financial statements to ensure that they fairly present the state of affairs of the council.
- Propose, and provide information relevant to a review of the council’s strategic management plans or annual business plan.
- Have a role in an investigation of a council’s financial management, or its efficiency and effectiveness, if this investigation is requested by the council.
- Liaise with the council’s auditor.
- Review the adequacy of the accounting, internal control, reporting and other financial management systems and practices of the council on a regular basis.

An audit committee must have between three and five members and must include at least one external independent member with financial experience as determined by the council.
ISSUES

2.3

It is critical that audits are an effective financial management tool for councils, and that they generate public confidence in their operation.

Increasingly, there is an expectation for audits to provide improved financial management, fiscal responsibility, public accountability and greater community confidence in a council’s administration of public money.

While significant improvements have been made to the provisions in the Act regarding council financial management and audits, there are concerns about the present arrangements for the external audit of councils. While there appears to be a consensus that the legislative framework is sound, questions have been raised about the quality of some audits. There also have been calls for greater external oversight.

A report released by the LGA in 2016, Who Should Audit Local Governments in South Australia? identified a number of issues regarding local government audit arrangements.

These issues included the limited scope of many council audits (the depth of an audit performed), lack of audit oversight, inconsistency in the interpretation and application of accounting standards and auditing standards, the thoroughness of audits (in light of the generally low audit fees charged by auditors), and the independence of the relationship between auditor and council.

Additionally, an examination of the District Council of Coober Pedy completed by the Auditor-General in late 2018 concluded that this Council’s financial position was unsustainable, the Council’s financial performance was inadequate and that the Council’s accounting systems and records were significantly deficient and unable to support effective financial management of the Council’s operations.

While this examination was of a single council, its results raise the question of why the Council’s own external audit process apparently did not reveal any irregularities in the Council’s accounting practices or management of its financial affairs, or identify the multiple breaches of the Act that had been occurring.

PROPOSALS FOR REFORM

2.4

It is timely to consider improvements to the Act to ensure that councils’ financial management framework is both robust and consistent.

Potential improvements centre on two reform proposals—strengthening the role of audit committees and expanding the role of the Auditor-General.
IMPROVING AUDIT COMMITTEES

As noted above, audit committees play a critical role in the standard of councils’ financial management practice and auditing processes.

The value of audit committees is widely recognised in the local government sector. Many councils have taken additional steps, beyond those required by the Act, to improve the independence and standard of audit committee members, and to expand its role.

It is generally acknowledged within the local government sector that having more than one independent member, including an independent chair, is best practice. Many councils also give their audit committees responsibilities and oversight that extend beyond those currently required under the Act, to include risk management and fraud prevention, financial and non-financial performance, and compliance with council policies and legislation.

A simple improvement to audit committees would be to require all committees to have a majority of independent members and an independent chair.

However, it may also be timely to strengthen the role of the audit committee. It is essential to ensure that the relationship between the council and its auditor is independent, and that council audits are not compromised by limited scope and reduced costs.

This could be achieved through establishing a clearer role for audit committees in the appointment of a council’s auditor; to ensure that the scope of the council’s audit parallels the scope of public sector audits undertaken by the Auditor-General, and clarify an audit committee’s role as the council’s chief liaison point with the auditor.

Additionally, given the importance of a strong internal control regime in councils, it is proposed that the responsibility of an audit committee to comment on these be strengthened, to form an opinion on the council’s internal audit requirements and a recommended course of action, recognising the diversity of councils with regard to size, needs, budget and complexity of operations.

It is critical that the audit committee’s membership contains the right skillsets and knowledge, particularly if the role is to be expanded. For example, an audit committee should have at least one member with financial qualifications and experience, in addition to experience in risk management, financial and legal compliance, governance, and a local government background. An appropriate induction should also be provided to committee members.

It is also proposed to amend the Act to clarify the policy intent for an audit committee to be active and carry out its responsibilities. It is therefore suggested that audit and risk committees be mandated to meet regularly, for example, at least four times a year.
It is acknowledged that there are concerns regarding the ability to attract suitably qualified and skilled members to audit committees, particularly in regional areas.

Amendments to the Act in 2009 permitted each council to determine, or allow its committees to determine for themselves that some committee meetings may include participation by telephone or other electronic means, provided that there is still a place that is open to the public where the conduct of the meeting can at least be heard, even when all participants are not physically in that place.

It is proposed that an expansion of audit committees’ responsibilities and roles would be accompanied by an ability for councils to establish regional audit committees as they choose.

EXPANDING THE ROLE OF THE AUDITOR-GENERAL 2.4.2

Currently, South Australia is the only Australian state where the Auditor-General does not have some role in the annual council audit process.

In every other jurisdiction (with the exception of the Northern Territory), the Auditor-General is the external auditor for councils. All also enable the Auditor-General, at his or her discretion to undertake a broad scope or performance audit of councils or the local government system.

The council audit process in most interstate jurisdictions has developed in recent years into a mechanism for addressing and improving financial and asset management. This is well illustrated by the reforms in local government seen interstate, in particular in Victoria and New South Wales.

Further, in interstate jurisdictions where the Auditor-General’s mandate encompasses the audit of local government authorities, the Auditor-General submits the results of these audits in reports to Parliament. These reports include comparative analysis, including analysis of financial performance and sustainability, and key issues and trends relating to local government. Further information on interstate arrangements is available in a separate document from the Office of Local Government website dpti.sa.gov.au/local_government_reform
The proposal that the South Australian Auditor-General should have a similar role for councils here has been put forward previously, through—

The Economic and Finance Committee of Parliament’s 2016 Final Report on the Inquiry into Local Government Rate Capping Policies, which recommended that councils be subject to a thorough auditing process under the auspices of the Auditor-General, consistent with section 36 of the Public Finance and Audit Act 1987, and that councils be required to publish, on an annual basis, these audits.

The LGA’s 2016 Who Should Audit Local Governments in South Australia? report, which concluded that transferring local government audits under the auspices of the Auditor-General should be considered as a serious alternative to the current system.

The South Australian Local Excellence Expert Panel’s 2013 report Strengthening South Australian Communities in a Changing World, which recommended that the Auditor-General assume responsibility for local government auditing on a basis to be agreed between the LGA and State Government, noting that this would add to the legitimacy and autonomy of local government by making it subject to the same scrutiny and accountability to both the community and the Parliament as other spheres of government.

It is acknowledged that, as is the case interstate, the Auditor-General would appoint and oversight councils’ external auditors, rather than undertake the audits ‘in house’. However, this oversight would ensure that council audits are undertaken to the same standards as the audits of all State government bodies, which would improve the scope and quality of the audit process in many councils.

It would also provide a level of oversight from outside of the council body that is currently lacking. While, as detailed above, audit committees were put in place to ensure that councils’ ‘self-assessment’ scheme under the Act is subject to independent oversight, in order to deliver high quality audits across all councils, this previous reform has not quite achieved that aim. Improving the membership and role of the audit committees, while valuable, may continue to pose a risk that a body that is established by and is subordinate to councils may not deliver the level of independent oversight that is critical for public bodies.
The Auditor-General’s involvement in council audits would ensure that all audits are undertaken uniformly and to a high standard. It would also allow for the collection of useful data that can form the basis for further investigations and performance audits.

It is important that councils are aware of what services they provide, the cost of those services, and how they can improve delivery to achieve cost efficiency. Unlike the terms of reference for audits traditionally developed by most councils, an audit by the Auditor-General could routinely assess whether councils are delivering services efficiently and economically.

Finally, establishing a role for the Auditor General in council audits would also provide a consistent approach to the oversight of all public bodies in South Australia, as is already largely the case with the other integrity bodies in the State, the Ombudsman and the Independent Commissioner Against Corruption.

It is recognised that the costs of audits would be likely to increase under the mandate of the Auditor-General. This cost should be weighed, however, against the benefits of improvements to the scope and quality of many council audits, and of better, consistent data and analysis and increased public confidence in councils’ financial position, management and decisions.

## 3 IMPROVING GOVERNANCE STANDARDS AND DECISION MAKING

### BACKGROUND

3.1

Councils are established as democratically elected governments to make representative, informed and responsible decisions in the interests of local communities, for which they are ultimately accountable at elections. As local governments, councils must meet the standards of accountability appropriate for public sector administration and management of public funds.

The Act sets out the primary legislative framework for the system of local government and the operation of local governing authorities, including financial governance. For example, the Act requires each council to develop and adopt a number of key documents, including strategic management plans, an annual business plan and budget, and annual report.

### ISSUES

3.2

While councils are independent spheres of government that answer to their communities for the decisions that they make, it is critical that these decisions are made within a legislative framework that sets high standards of accountability and transparency.
Concerns have been raised regarding council decision making and accountability. It is essential that the legislative framework supports elected member bodies to make decisions that are well informed and that these decisions are effectively communicated to members of the public. This includes improvements to financial reporting to ensure that information about councils’ finances and budget decisions are both accessible and easily understood.

### 3.3 PROPOSALS FOR REFORM

#### CREATING ‘AUDIT AND RISK COMMITTEES’

As noted above, a number of councils have expanded the role of their audit committees to provide advice to them on a range of matters beyond those detailed within the Act. They do this to ensure that the council has an independent and thorough assessment of various matters to help the council to make good decisions, and to provide assurances to their communities that critical processes and decisions have been subject to independent oversight and assessment.

It is therefore proposed that audit committees be expanded to become ‘audit and risk committees’ that would play a critical role in improving councils’ financial management and performance. An expanded role could include—

- Reviewing councils’ risk assessments and controls.
- Providing comment on councils’ rating policies and practices.
- Reporting to councils on its use of public resources.
- Reporting to councils on prudential matters.
- Performance monitoring of councils.

It is also suggested that the chair of each audit and risk committee provide a report or statement in the council’s annual report on prescribed matters including compliance with financial governance and related statutory obligations.

The expansion of their current role would assist with increased accountability, improved decision-making, and compliance with legislation, policies and procedures. As highlighted above, it is critical that the committee’s membership contains diverse skillsets, particularly if the role is to be expanded.
While councils are required to develop a rating policy, the Act does not require councils to adopt a funding policy that sets out approaches to the funding of services. Some councils, however, have adopted a formal funding policy. The LGA’s local government reform agenda highlights that funding policies would create a single point of reference to enable the community to understand how a council proposes to pay for each of its services and infrastructure over a period of time, taking into account rates, grants fees and charges and commercial activities.

An additional proposal is therefore that councils should be required to develop and adopt a funding policy that would be reviewed on an annual basis, as part of a council’s annual business plan. Audit and risk committees could also be required to review and report to councils on this policy before its adoption.

In response to concerns regarding the transparency of rating decisions and their impact, it is proposed that councils be required to release a summary with their draft annual business plan each year that details the expected increase in councils’ total general rate revenue and the reasons for this increase. If the increase is above a prescribed level, the council's audit and risk committee could be required to report to the council on the necessity for the increase, before a final decision on the matter.

**CREATING ‘GOVERNANCE COMMITTEES’**

Along with audit committees, many councils also establish a range of committees to advise them on critical council business and decisions. These can be governance and corporate management committees, strategic planning committees, policy committees, or committees to assist councils to appoint and manage its chief executive officer (CEO). Often these committees consist entirely of council members, or members and staff.

The advice that independent audit committees provide to councils can be invaluable. They can be a critical source of support for members, to provide additional assessment and assurances to inform their decisions, beyond that which is provided by council administration.
It is proposed to capture the benefits delivered by independent audit committees to apply to other, equally important matters before councils. To undertake their roles properly, councils need good governance standards. This extends beyond their financial management and position to encompass management, policies, processes, guidance and actions that councils rely on to make their decisions. These can be improved and strengthened through independent advice on matters that could include—

- Councils' compliance and governance policies.
- Councils' policies for improving ethical standards across councils and reducing fraud and corruption risks.
- Councils' strategic management plans, and on progress to deliver priorities, particularly on the management of significant council projects.
- Council member conduct—both on policies and processes to improve it, and on specific conduct matters (as described in Reform Area 1).
- CEO appointment and management (as described in Reform Area 1).

This additional ‘governance role’ could be incorporated into the overall role of an ‘audit and risk committee’ (potentially creating an ‘audit, risk and improvement committee’), or established as a separate ‘governance committee’.

Alternatively, an approach could be to allow councils to decide whether to establish two, smaller committees, or one slightly larger committee to deliver all responsibilities. As with the proposed expansion of the audit committees, enabling councils to establish regional committees could assist regional councils to appoint members with the necessary expertise and experience.
4 ADDITIONAL PROPOSALS

The reform program provides an opportunity to progress a number of other issues that have been identified.

LONG TERM FINANCIAL PLANS — CONTENT 4.1

Section 122(1a) of the Act requires each council to develop and adopt a long-term financial plan covering a period of at least 10 years, along with an infrastructure and asset management plan also covering a period of at least 10 years. These plans form part of a council’s strategic management plans. The Act and Regulations set out content requirements for long-term financial plans and the LGA’s Financial Sustainability Information Paper includes guidance material.

It is proposed that the requirements in the Act and Regulations should be more detailed. For example, councils should be required to clearly state whether their infrastructure and asset management plan is based on maintaining existing service levels, or whether service level reductions or improvements are planned.

LONG TERM FINANCIAL PLANS — CONSULTATION 4.2

The Act requires councils to review their long-term financial plans, and any other elements of its strategic management plans as soon as practicable after adopting its annual business plan for a particular financial year.

To ensure that long-term financial plans are improved and updated as frequently as practical, it is proposed to amend the Act to clarify that public consultation is not required for a review of a long-term financial plan unless significant changes are being proposed.

It is also proposed to clarify that long-term financial plans must be reviewed at least once a year, rather than the requirement for the review to be undertaken as soon as practicable after the CEO reports on the council’s long-term financial performance and position.
CEO REPORT ON THE COUNCIL’S LONG TERM FINANCIAL PERFORMANCE AND POSITION

The Act requires a council CEO to report, each year, on the sustainability of a council’s long-term financial performance and position. As the content and quality of such reports vary significantly, it is proposed to strengthen the legislative provisions by ensuring that the report is presented in a manner in which supports council members and the community to understand it.

APPROVAL OF COUNCIL BORROWINGS

A report released by the Auditor-General in late 2018, concerning the District Council of Coober Pedy, could be interpreted to suggest that councils are required to pass a separate resolution every time a borrowing is undertaken. It is proposed to amend the Act to ensure that a budget adopted by a council may include approval of an amount of new borrowings or other forms of financial accommodation which may be undertaken for the financial year.

ADOPTION OF AN ANNUAL BUSINESS PLAN

Currently, councils are unable to adopt their annual business plans and budgets before 1 June each year, but must do so before 31 August (except in a case of extraordinary administrative difficulty). It is proposed to simplify this requirement, and recognise that most councils adopt their annual budgets in July, by requiring councils to adopt their annual business plan and budget by 15 August each year.

INTERNAL FINANCIAL CONTROLS

It is proposed to require all councils to comply with the LGA’s Better Practice Model – Internal Financial Controls. This would support councils to meet their obligations under the Act to maintain policies, practices and procedures of internal control.

It would also resolve a current inconsistency between the requirements for internal controls under section 125 of the Act, and the scope of internal controls required to be considered by a council’s external auditor under section 129(3)(b) of the Act. Unless a council has voluntarily agreed to adopt and comply with the Better Practice Model – Internal Financial Controls framework, an external auditor may be put in the position of being required to give an opinion on a council’s compliance with a framework that a council is not required to comply with.
REFORM AREA 2
LOWER COSTS AND ENHANCED FINANCIAL ACCOUNTABILITY
SUMMARY OF REFORM PROPOSALS

FINANCIAL ACCOUNTABILITY

2.1 Require audit committees to have a majority of independent members, and an Independent chair.

2.2 Strengthen the role of audit committees in councils’ external audits, through a greater role in the appointment of the auditor and determining the scope of the audit, and as the chief liaison point with the auditor.

2.3 Require audit committees to report on the council’s approach to internal audit processes.

2.4 Require audit committee members to have specified skills, and an induction process.

2.5 Allow councils to form regional audit committees.

2.6 Require the Auditor-General to oversee all council audits.
IMPROVING GOVERNANCE STANDARDS AND DECISION MAKING

Create ‘audit and risk committees’ that play an expanded role in councils’ financial management and performance.

This could include—

2.7

- Reviewing councils’ risk assessments and controls.
- Providing comment on councils’ rating policies and practices.
- Reporting to council on its use of public resources.
- Reporting to councils on prudential matters.
- Performance monitoring of councils.

2.8

Require the chair of the ‘audit and risk committee’ to provide a report in the council’s annual report on governance standards and compliance.

2.9

Require councils to develop and adopt a funding policy that would be reviewed by its audit and risk committee.

2.10

Require councils to release a summary of their draft annual business plan that states the proposed increase in total general rate revenue, and the reasons for this increase.

2.11

If a council’s proposed increase in total general rate revenue is above a prescribed level (such as the Local Government Price Index), require its audit and risk committee to provide a report to the council on the reasons for this increase.

Create ‘governance committees’ to provide independent advice to councils on critical management, policies, processes and actions, potentially—

2.12

- Councils’ compliance and governance policies.
- Councils’ policies to improving ethical standards across councils and reduce fraud and corruption risks.
- Councils’ strategic management plans, and on progress to deliver priorities, particularly on the management of significant council projects.
- Council member conduct—both on policies and processes to improve it, and on specific conduct matters (as described in Reform Area 1).
- CEO appointment and management (as described in Reform Area 1).
EFFICIENT AND TRANSPARENT
LOCAL GOVERNMENT REPRESENTATION

REFORM AREA 3
Every four years, all councils across South Australia are elected. Just like State and Federal elections, Local Government elections establish our government. They give us the ability to choose who we want to represent us, to lead our communities, and to make decisions about the services that are available to us.

The details of an election process are therefore critically important. Many aspects of council elections are unique, differing from State and Federal elections to reflect their essentially local nature.

It is fair to say that the way in which we vote for our councils is a matter of great importance to all people with an interest in local government. It’s critical that this process is fair, transparent, run independently, provides the right information at the right time, and encourages participation from potential council members and voters alike.

This Reform Area provides a range of proposals aimed at improving the local government elections in South Australia. As election processes can be technical, this Reform Area breaks this process into smaller parts, that progressively work through the ‘stages’ of an election; from its basis to its final result, to assist further discussion and debate on these proposals.

This Reform Area also covers matters of representation that sit outside a general council election process—supplementary elections; and the role of representation reviews that consider councils’ internal structure.

Finally, a number of additional (technical) amendments to the Local Government (Elections) Act 1999 are proposed. These have largely been requested by the Electoral Commissioner of South Australia (ECSA) to remove inconsistencies and address technical issues that have arisen during previous Local Government elections.

Note: Many aspects of Local Government elections are the responsibility of the ‘returning officer’. The returning officer is currently ECSA. References to ECSA throughout this paper should, therefore, be read in this context.
2 BASIS OF ELECTIONS

BACKGROUND

Local Government elections are held in November every four years. Currently, local government elections are held in the same year as State elections. In 2018, the State election was held in March and Local Government Elections were held in November.

Unlike State and Federal elections where voting is compulsory, voting for your council is voluntary in South Australia.

Voting is postal. Ballot papers are sent to voters, and, if they are choosing to vote, voters complete the ballot papers, and return them via post or to a council office.

The voting franchise extends beyond residents, to include property owners.

It should be noted that these elements of Local Government elections vary across Australian jurisdictions. For example, voting for your council is compulsory in New South Wales, and voting there is also by ‘attendance’—that is, at a polling booth.

ISSUES

While many ideas and suggestions to improve local government elections have been made, the chief issue that is raised is voter turnout. A statewide average of 32.94% of enrolled voters chose to vote in their council elections in the 2018 elections. This is a proportion that has been fairly consistent since the introduction of postal voting for the 2000 Local Government elections.

PROPOSALS FOR REFORM

During the call for reform ideas, the most popular idea received was to introduce electronic—online—voting for councils. However, there are a range of technological challenges that must be overcome before online voting can be introduced. For this reason, it is not proposed to change the current postal voting system.

ECSA has, however, requested an ability to provide ballot papers to electors electronically in some instances (with them returned electronically) to avoid delays in receiving the completed votes.
It is also not proposed to move to compulsory voting. Enforcing compulsory voting in a postal voting system is difficult and resource intensive. This may be a reform best explored at a time when online voting is possible.

However, it may be timely to consider changing the timing of council elections, to move them away from a State election year. If this proposal is to proceed, it is suggested that Local Government elections would be held the following year from State elections. If this is the desired change, the next local government elections will be held as scheduled in November 2022, followed by the next periodic elections in November 2027 (i.e. a five-year term), then reverting to four-year terms.

It is also proposed to clarify the respective roles that ECSA and the local government sector play in promoting local government elections. To allow for clear and timely messages to be provided to both encourage people to nominate for councils and to encourage people to vote, it is suggested that councils are responsible for information sessions about their role and opportunities for potential members; and that ECSA is solely responsible for the promotion of the election.

3 ENROLMENT

BACKGROUND

Before receiving ballot papers, voters must be on their council’s voters roll.

In South Australia, voters who are already on the State Electoral roll in their council area to vote in State elections are automatically included on the Council voters roll and receive ballot papers in the post. However, landlords, business lessees or resident non-Australian citizens who wish to vote in Local Government elections must enrol for each council election by completing an enrolment form. The application for enrolment on a voters roll must be made to the CEO of the council, who is responsible for the maintenance of the voters roll for the council area.

This was a change made after an extensive review of local government elections in 2008. From 2000-2008, property owners—like residents—automatically received ballot papers in the post, without having to ‘self-enrol’.

However, the 2008 Review of Local Government Elections found that the costs of maintaining a separate council voters roll, comprising those voters who are landlords, business lessee or resident non-Australian citizens, was high. Councils at that time were spending around $1 million across the sector to maintain the roll. Additionally, the voter turnout from property franchise holders was very poor. Slightly less than 19% of these voters chose to exercise their vote in the 2006 local government elections, dropping as low as 10.2% in previous elections.
ISSUES

When the requirement to automatically enrol property franchise holders was removed, councils were required to notify people who were not on the House of Assembly roll in their areas of the need to self-enrol if they wished to receive ballot papers. It has become apparent, however, that many people are not aware of this requirement, and are unhappy when they do not receive ballot papers in the post.

There have therefore been a number of requests from councils and from members of the public to re-introduce the requirement to automatically enrol property franchise holders.

However, some councils have also expressed concerns that this could have significant resource implications. Additionally, ECSA have advised that the re-introduction of the automatic enrolment of property franchise holders must include a requirement for groups and body corporates to nominate a natural person to exercise its vote, before receiving ballot papers. This will enable councils to ensure that a person is not voting twice in a council election, but will add to the costs of managing the roll.

PROPOSALS FOR REFORM

Two proposals are suggested to improve participation in local government elections by property franchise holders—

1. Require councils to undertake specific activities to inform property franchise holders of their need to self-enrol before an election (and introduce a penalty for non-compliance).

2. Re-introduce automatic enrolment of property franchisees, with each body corporate and group required to nominate an eligible natural person as a ‘designated person’ in order to receive ballot papers.

4 NOMINATIONS

BACKGROUND

Nomination is the process that enables a person who wishes to be elected to their council to put themselves forward as a candidate.

Before making this decision, people can attend information sessions and obtain nomination kits, which are made available by ECSA two weeks before nominations open.
Once they have decided to nominate, that person must complete a form declaring their eligibility to stand as a candidate in their nominated election. Their nomination is then lodged with the council in which the individual is standing for election. The nomination must be accompanied by a ‘candidate profile’ that includes a short (150 word) description of themselves and the reasons why people should vote for them.

Prior to the close of nominations, those nominations that are accepted (ie not rejected by ECSA) are displayed in council offices for the public’s information. The front page of this form includes the candidate’s enrolled address, and address of the rateable property, if different from their enrolled address.

Within five business days of the close of nominations, a candidate may also provide a ‘candidate’s statement’, which is subsequently published on the Local Government Association’s website. This differs from the candidate profile as candidates are allowed to make direct statements about the council and its members in this statement.

Candidate profiles are also provided to all voters with their ballot papers.

**ISSUES**

A number of councils have expressed concerns regarding their involvement in receiving and publishing nominations. This can place pressure on council staff, and give rise to an impression that staff are assisting or benefiting some candidates over others.

There was also some confusion expressed about the intent of the candidate profile and the candidate statement. It was also noted that the need to provide a platform for candidates to promote their candidature has been largely superseded by the accessibility of social media, which allows candidates to communicate information to voters in a dynamic, responsive manner, which the website is unable to achieve.

A specific issue regarding nominations for the position of Lord Mayor has also been raised. The *City of Adelaide Act 1998* prevents any person from holding office as Lord Mayor for more than two consecutive terms. No other council office—and no office within State or Commonwealth Parliament—has a similar limit.
PROPOSALS FOR REFORM

It is proposed that ECSA, as the returning officer, take a clearer and more centralised role in receiving nominations and publishing candidate profiles—

- ECSA will be responsible for the nominations process, will manage an online nomination process and provide councils (and publish online) a list of accepted nominations relevant to their council area within 24 hours after close of nominations.
- ECSA will publish candidates’ profiles, including the profile statements on its website. The maximum length of the profile statements will be amended from 150 words to 1000 characters, to provide a more consistent and accurate count. These 1000 characters may include directions to find further information about a candidate (such as social media).
- The provisions relating to the candidate’s statement will be removed, along with the corresponding requirement for the LGA to subsequently publish these on a website.

It is also proposed that the term limit on holding the office of Lord Mayor be removed.

5 CANDIDATES

BACKGROUND

Once a person has had their nomination accepted, they become a candidate standing for election. At this point, a candidate can commence campaigning.

Many candidates in the 2018 local government elections campaigned via social media. Others used more traditional methods of campaigning, such as door-knocking and letterbox drops. ‘Meet the candidates sessions’ run by councils also help voters to learn who is running for their council, and what their views are.

Candidates may place election signs on road infrastructure (e.g., light poles and stable poles) during the campaign, but these signs must comply with legislated guidelines. Election signs may be put in place no earlier than four weeks before the close of voting, and must be removed within 48 hours of the close of voting.

Council resources such as offices, staff, equipment or stationery must not be used during any candidates’ campaign.
A range of issues and ideas about requirements placed on candidates were raised in the call for reform ideas.

A number of these centred on the information that is required to be provided by candidates to voters. As described above, candidates currently must provide a 150-word profile (which is included with the ballot papers posted to voters), and may make a candidate statement.

A number of people also raised concerns that candidates who are members of political parties can access a copy of the voters roll in electronic form, which is not available to candidates who are not political party members.

There was also a range of views expressed on whether or not candidates should be required to have a particular qualification, or undergo training relevant to being a council member, to improve the quality of candidates and better prepare candidates to becoming a council member.

While it was widely agreed that council resources should not be used to advantage any candidate for election—whether they be an incumbent member or not—there was also a strong view that the requirements within councils’ caretaker policies do not express this obligation well.

**PROPOSALS FOR REFORM**

It is proposed that candidates be required to state—

- Whether they live within the ward or council area that they are contesting. This would be a simple ‘yes/no’ or tickbox, to avoid risks associated with the release of candidate addresses.
- Their membership of any political party, or any association or body formed for political purposes, of which the candidate is a member or has been a member within the past 12 months.

It is also proposed that the responsibility for receiving information on donations received by candidates, and enforcing candidates’ compliance with campaign donations returns requirements, is transferred from council CEOs to ECSA, which will publish all returns online.

This will include a requirement for candidates to report to ECSA any single donations above a prescribed amount (for example, $2000), or donations totalling above a prescribed amount from a single person or entity, or gifts worth above a prescribed amount, within five business days of receipt. ECSA must publish a report of these donations within two business days of receipt on its website.
It is proposed that all candidates be entitled to an electronic copy of the voters roll on request to their council, with significant penalties ($10,000) for use of the roll for any purpose other than campaigning in the local government election for which the candidate has nominated.

While views about candidate training and qualifications were considered, it is not proposed that these will be required, given concerns about enforcement and the impact requirements may have on the range and number of people choosing to stand for their council.

Finally, it is proposed that the requirement for councils to make a ‘designated decision’ within their caretaker policies regarding the use of council resources for the advantage of a particular candidate or group of candidates be removed. It is more appropriate for this requirement to be simply stated within the general caretaker responsibilities of councils.

6 RECEIVING AND COUNTING VOTES

BACKGROUND

6.1 Voting packs are distributed to enrolled voters in the mail at least two weeks prior to the close of voting. In addition to ballot papers, each pack includes information about the candidates standing for election. Votes must be received by ECSA no later than the day and time noted on the postal voting guide included in the ballot package.

This guide explains how voters need to complete their ballot papers. In the South Australian system, voters must mark numerical preference for at least the number of candidates to be elected, and can continue to number if desired. This voting system is called ‘partial preferential voting’.

When counting votes, ECSA use a system called ‘Proportional Representation’. This system requires candidates to reach a determined quota, calculated by dividing the number of formal ballot papers (votes) by the number of vacancies to be filled.

It is a counting method designed to ensure that vacant positions are allocated as nearly as possible in proportion to the votes received. A candidate is elected after obtaining a quota or proportion of the formal vote.

ECSA must then declare the provisional result of the poll once the result becomes apparent. The election result must be finalised following a period of 72 hours for any recount requests, and results published within one month of the close of voting.
ISSUES 6.2

For the November 2018 local government elections, there were additional expense and delays in the posting of ballot papers as a result of changes to Australia Post fees and delivery policies. This raised some concerns about the voting period (2 weeks), and voters’ ability to post a vote that would be received by ECSA before the end of this period.

There have also been some requests for changes to the system of voting, particularly to change to optional preferential voting in Local Government elections, to encourage voter participation. A number of requests were also received to accelerate the counting process, so that results can be known sooner after the close of voting.

PROPOSALS FOR REFORM 6.3

It is proposed that the voting period be extended by an additional week to accommodate Australia Post delivery timeframes. This will assist in bringing forward the current date for reissue of voting material and to provide for its return before the close of voting.

Changes to the voting method were considered, particularly the proposal to move to optional preferential voting. However, it should be noted that a large proportion of voters in elections where optional preferential voting applies only put a number ‘1’. If a voter’s preferred candidate is not elected, but excluded, their ballot paper cannot be distributed as they have no further preferences marked—their vote is exhausted. Therefore, the partial preferential voting method should be retained.

It is, however, proposed to change the counting method. While the current method is assessed as a ‘fair’ system for counting votes, it is also recognised as a more complex counting process than other systems, and one that takes considerably longer to finalise. A simpler, faster method of counting is the exclusion method. This excludes at each count the candidate who has received the fewest votes until the number of candidates continuing in the count is equal to the number of vacancies to be filled.

The more simplified counting method will remove the requirement for complex counting software, and reduces the risk posed by any lack of access to this software.

To determine the potential effects on election results from this proposed reform, ECSA conducted recounts of ballot papers from six council elections using the simpler exclusion count method. The only change to any of the elected candidates was one case, where the final position in a ward that had six nominations for three positions, was changed. In this instance, the candidate elected through the exclusion method obtained significantly more first preference votes than the candidate elected through the current method.
SUPPLEMENTARY ELECTIONS

BACKGROUND

If an elected member resigns or passes away, a casual vacancy arises in the council. Supplementary elections are held when it is necessary to fill a casual vacancy on a council.

ECSA must begin a supplementary election, once advised by a council's CEO that their council has a vacancy, unless this vacancy has occurred on or after 1 January in a periodic election year, or within seven months before polling day of a general election.

Where a council does not have wards, they may adopt a policy to not fill a single vacancy until the next periodic election. However, if a subsequent vacancy occurs, a supplementary election must be held to fill all vacancies. These provisions do not extend to mayoral vacancies which must be filled as soon as practicable.

ISSUES

Supplementary elections must be funded by councils and can involve substantial expense. Where a supplementary election is required more than once during a term of the council, costs for a council can be significant. Notably, voter participation in supplementary elections is in the range of 5-7% lower than at periodic elections.

<table>
<thead>
<tr>
<th>YEAR</th>
<th>NUMBER OF SUPPLEMENTARY ELECTIONS</th>
<th>AVERAGE PARTICIPATION RATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015-16</td>
<td>10 supplementary elections to fill 12 vacancies¹</td>
<td>24.32%</td>
</tr>
<tr>
<td>2016-17</td>
<td>11 supplementary elections</td>
<td>27.9%</td>
</tr>
<tr>
<td>2017-18</td>
<td>10 supplementary elections</td>
<td>25.7%</td>
</tr>
<tr>
<td>2018</td>
<td>November 2018 Local Government elections</td>
<td>32.94%</td>
</tr>
</tbody>
</table>

Seven months after the conclusion of the November 2018 Local Government elections, three supplementary elections have been held, or will be held, for four elected member positions.

¹ As no nominations were received for the vacancy of councillor for Flinders Ward, in the District Council of Streaky Bay, the election failed. Accordingly, the council was required to appoint an eligible person to fill the position, under the provisions of section 61(1) of the Local Government (Elections) Act 1999, following the failure of the supplementary election. Source: ECSA Annual Report 2015-16.
PROPOSALS FOR REFORM

7.3

It is proposed to reduce the impact of supplementary elections on councils and their communities by allowing the last excluded candidate at the most recent periodic election to be elected, if the vacancy they are filling was created within twelve months of this periodic election. Of course, the candidate would still need to meet the eligibility criteria and be willing to accept the position. This may apply to all positions, or exclude directly elected mayoral positions.

It is also proposed that the period in which a vacancy does not need to be filled be extended to twelve months prior to the next periodic election or a general election.

It may also be possible to allow councils to ‘carry’ greater numbers of vacancies. It is, however, important to balance the cost of supplementary elections against the cost of under-representation of the community during council decision making processes. And, as councils have varying numbers of elected members, the impact of reduced numbers is felt differently.

For those councils that have relatively small numbers of members (6–7) allowing two vacancies would result in a very small number of elected members carrying responsibility for all council decisions. For example, some councils have a total of six elected members, and can carry one vacancy under the current provisions. If allowed to carry an additional vacancy, council decisions would be voted on by four elected members. This may also make it difficult for councils to form a quorum when members are absent.

With this in mind, it is proposed to allow a council without wards to carry a maximum of two vacancies where that council has a total of nine or more elected members, not including a directly elected mayor.

QUORUM REQUIRED FOR REDUCED NUMBER OF ELECTED MEMBERS

If councils were allowed to carry an additional vacancy, it is possible that a council could end up carrying more than two vacancies if an elected member resigned during the prescribed period leading up to a periodic or general election.

<table>
<thead>
<tr>
<th>ORIGINAL NUMBER OF ELECTED MEMBERS</th>
<th>NUMBER OF ELECTED MEMBERS AFTER 2 VACANCIES</th>
<th>QUORUM REQUIRED</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>6</td>
<td>4</td>
</tr>
<tr>
<td>9</td>
<td>7</td>
<td>4</td>
</tr>
<tr>
<td>10</td>
<td>8</td>
<td>5</td>
</tr>
<tr>
<td>11</td>
<td>9</td>
<td>5</td>
</tr>
</tbody>
</table>

PROPOSALS FOR LOCAL GOVERNMENT REFORM
EFFICIENT AND TRANSPARENT LOCAL GOVERNMENT REPRESENTATION
8 REPRESENTATION REVIEWS

BACKGROUND 8.1

Representation reviews require councils to regularly consider their composition—essentially its number of council members—and their structure—primarily whether or not it has wards.

Section 12 of the Local Government Act 1999 sets out requirements that all councils must follow when conducting a representation review, including how councils must undertake and consider public consultation.

Councils must release a 'representation options paper' that examines the advantages and disadvantages of the various options to alter the composition of the council or its ward structure and, in particular, if the council is divided into wards, consider whether this should be the case.

The council must then invite submissions on this paper. After the public consultation period, the council must prepare a report that provides information on the public consultation, responds to issues arising from the submissions it has received, and sets out a proposal. If the council has decided not to adopt any change under consideration that was part of the representation options paper, the council must set out the reason for its decision. This report must then be made available for a 'second round' of public consultation.

Before any changes can be made to a council's composition, ECSA must determine that the requirements of the Act have been satisfied, and provide the council with a certificate. Once a council has this certificate, it can gazette the change to its composition or wards.

ISSUES 8.2

Over the last two council terms (2010–2018), all councils have completed representation reviews. Following this, there has been a request to review and simplify the requirements in the Act that apply to this important process.

In particular, there is a view that the process guiding councils' public consultation on their representation reviews is unnecessarily prescriptive, and prevents councils from properly responding to—or adopting—changes to proposals that may arise through this consultation.

On a more fundamental level, there is also a view that council members have—or are seen to have—an inherent conflict of interest when making a decision on the right representative structure for their council. Elected members may be reluctant to make any changes which would affect them and their chance to be re-elected at the next election, or may be perceived to be acting in their own interests rather than that of the council and its community.
PROPOSALS FOR REFORM 8.3

There are two proposals for reform of representation reviews—

1. Review the current provisions, to make the public consultation requirements more flexible, and to make other simplifications and improvements that may be identified, or

2. Give responsibility to the Boundaries Commission to regularly review the internal structure of councils, including council representation (eg the number of elected members) and nature of representation (eg ward vs area councillors) as is appropriate for each community. This would be done on a cost-recovery basis for each council.

ELECTED MEMBERS CONTESTING STATE ELECTIONS 9

BACKGROUND 9.1

From time to time, members of councils may choose to run for political office in another sphere of government. These candidates continue in their role as a council member throughout the campaign for State or Federal Parliament.

ISSUES 9.2

The issue that has been raised is whether it is appropriate for these candidates to be in a position as a council member if they are running for another office, or whether they should be required to take a leave of absence.

The principal argument for requiring council members to take a leave of absence while campaigning is that it is not appropriate for council members to use their position in local government to promote their candidacy for another sphere of government. It is argued that this raises perceptions that these members have a conflict of interest, or that the interests of their campaign takes precedence over their role as a council member.

While existing rules prevent council members from using council resources for their personal benefit (which would include a campaign), there may also be a perception that the resources available to council members do in fact give them an advantage in this campaign against other candidates who are not council members.
PROPOSALS FOR REFORM

It is proposed that council members standing for election to State Parliament are suspended from their position as council members during the election period. This would mean that the members would not—

- Undertake any official functions or duties over this time, including attending council meetings.
- Have any access to council facilities or services that is not available to members of the public.
- Be provided with council meeting agendas or other materials as a council member.
- Receive their allowance for this period.

This proposal only applies to State elections, as Commonwealth legislation prevents its application to elections to the Commonwealth parliament.

ADDITIONAL PROPOSALS

The Local Government Reform program provides an opportunity to make a range of other amendments to the Local Government (Elections) Act 1999.

Other proposals for reform are—

SUPPLEMENTARY ELECTIONS

Allow for the close of voting for supplementary elections to be at a time determined by the Returning Officer, allowing the Returning Officer to set both polling day (under section 6[6]) and the time for the close of voting on that day. Such a determination would be made by the Returning Officer when setting all other dates for the supplementary election including the Close of Rolls and Close of Nominations.

COUNCILS HOLDING POLLS UNDER THE LOCAL GOVERNMENT ELECTIONS ACT

Require councils to provide notice of a polling day on its website, and allow for the close of voting for a council poll to be 5 pm on polling day.

*Section 327(9) of the Commonwealth Electoral Act 1918 provides that state of territory laws that discriminate against local government members in Federal elections have no effect.*
THE VOTERS ROLL

Remove the reference to ‘purchase’ of the voters roll, to provide consistency with section 15(14).

PUBLICATION OF MISLEADING MATERIAL

Require the publication of a retraction to be prominently placed in the early pages of The Advertiser and other local press.

BALLOT PAPERS

Allow for drawing of lots as soon as practicable after noon (rather than waiting for 4 pm).

ISSUE OF POSTAL VOTING PAPERS

Align the cut-off for both an application by post and in person to be by 5 pm on the fourth business day before polling day.

ARRANGING POSTAL PAPERS

Remove the reference to the close of voting at noon for an election or poll (consist with amendments to the close of voting).

METHOD OF COUNTING AND PROVISIONAL DECLARATIONS

Alter the method to that used when conducting an optional preferential count.

DISPUTED RETURNS

Allow the Electoral Commissioner as returning officer to petition the Court of Disputed Returns in circumstances where the validity of the result must be challenged due to error.
## REFORM AREA 3

### EFFICIENT AND TRANSPARENT LOCAL GOVERNMENT REPRESENTATION

#### SUMMARY OF REFORM PROPOSALS

<table>
<thead>
<tr>
<th>Item</th>
<th>Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.1</td>
<td>Change the timing of periodic council elections to the year following a state election.</td>
</tr>
<tr>
<td>3.2</td>
<td>Enable ECSA to provide ballot papers electronically.</td>
</tr>
<tr>
<td>3.3</td>
<td>Clarify that councils are responsible for information sessions about the role of a council member, and that ECSA is responsible for election promotion.</td>
</tr>
<tr>
<td>3.4</td>
<td>Require councils to undertake specific activities to inform property franchise holders of their need to self-enrol, or re-introduce the automatic enrolment of property franchise holders.</td>
</tr>
<tr>
<td>3.5</td>
<td>Require ECSA to receive all nominations and publish candidate profiles.</td>
</tr>
<tr>
<td>3.6</td>
<td>Remove the term limit on holding the office of Lord Mayor.</td>
</tr>
<tr>
<td>3.7</td>
<td>Require candidates to 'tick a box' stating whether they live in the area they are contesting.</td>
</tr>
<tr>
<td>3.8</td>
<td>Require candidates to state whether they are a member of a political party or any association or body formed for political purposes, or have been within the past 12 months.</td>
</tr>
<tr>
<td>3.9</td>
<td>Require ECSA to host all information on donations received by candidates.</td>
</tr>
<tr>
<td>3.10</td>
<td>Require candidates to report to ECSA any single donations above a prescribed amount (for example, $2,000) within five business days of receipt.</td>
</tr>
</tbody>
</table>
3.11 Enable all candidates to request an electronic copy of the voters roll from the relevant council.

3.12 Remove the requirement for councils to make a 'designated decision' within their caretaker policies on the use of council resources, in favour of a statement within general caretaker responsibilities that council resources must not be used to advantage particular candidates.

3.13 Extend the voting period by one week to better allow for postal delays.

3.14 Change the counting method to the 'exclusion method'.

3.15 If a vacancy on a council is created within 12 months of a periodic election, allow this to be filled through a 'countback' of candidates.

3.16 Extend the period of time in which a vacancy does not need to be filled to 12 months before a periodic election.

3.17 Enable councils without wards, and with at least nine members, to 'carry' two vacancies.

3.18 Simplify representation reviews, and make public consultation requirements more flexible.

3.19 Transfer the responsibility for representation reviews to the Local Government Boundaries Commission.

3.20 Suspend council members running for State Parliament for the duration of the election campaign.
SIMPLER REGULATION

REFORM AREA 4
1 INTRODUCTION

Councils play an important role in our local communities and make many decisions that have a real impact on our day to day life. While councils are independent governments in their own right, their operations and decisions must comply with broader rules. These are the various pieces of legislation that apply to councils, that set out the processes by which they make decisions; consult with their communities and release information.

However, we must always be aware that compliance with these rules costs councils time and money. If regulation is inefficient, or ineffectively designed or administered, it imposes unnecessary costs on councils, businesses and the community. That is why regulation must be regularly reviewed, to ensure that the rules are justified by the benefits they deliver.

The Local Government Reform process provides an opportunity to look at improvements to the regulations that apply to councils, with the intention to better enable councils to focus on the services their communities value most.

Opportunities for simpler regulation include—

- Modernising and streamlining requirements for consulting with communities.
- Clarifying obligations around informal gatherings.
- Clarifying the provision and publication of information that is relevant and informative to our communities.
- Simplifying community land and road management requirements to assist State and Local Government, as well as reducing red tape for businesses.

2 PUBLIC CONSULTATION

BACKGROUND

Community consultation is an important channel for governments to engage with their community. They can exchange information and ideas, and make sure that councils hear views on projects, policies, issues and plans.

Perhaps most importantly, strong and effective engagement gives communities confidence in the decisions...
that their councils make. They know that their council has used the insights, skills, knowledge and experience to understand the impact of their decisions, and how services can be improved.

Since its commencement, the Local Government Act 1999 (the Act) has recognised the importance of community consultation, as it stipulates that councils must prepare and adopt a public consultation policy.

The Act also lists 19 decisions, actions and policies that councils must consult on, in accordance with their community consultation policy. These range from critical annual decisions, such as determining the annual business plan and budget, to decisions that happen less regularly, such as a decision to remove the community land status from council land.

When councils are consulting on these matters, they must publish a notice on their website, and in a newspaper circulating within the area of the council, and allow at least 21 days for people to make a submission. Councils may also choose to follow their public consultation policies whenever they are of the view that it is of value to their decisions and actions.

### EXAMPLES OF MATTERS THAT REQUIRE COUNCILS TO UNDERTAKE COMMUNITY CONSULTATION

- **Representation reviews, including the composition and wards of the Council**
- **Prudential requirements for certain activities.**
- **Strategic management plans.**
- **Basis of differential rates.**
- **Planting of vegetation on roads.**
- **Status of Council or change of name.**
- **Public consultation policy.**
- **Annual Business Plans and Budgets.**
- **Passing by-laws.**
- **Community land: classification; revocation of classification; proposed management plans; amendment or revocation of Management plans; alienation by lease or licence.**
- **Principal office of the Council (places and times the office is open to the public).**
- **Access to meetings and documents code of practice.**
- **Basis of rating.**
- **Order making policies.**
- **Certain authorisations for the alteration of public roads and permits for business purposes on public roads.**
**ISSUES**

2.2

The current legislative requirements for councils' community consultation are now 20 years old. There is a clear view that these provisions are outdated; excessively prescriptive; and can lead councils to take a 'tick the box' approach to consultation, rather than thinking creatively about engagement that best suits their community.

The Act also assumes that one process for community consultation fits all needs. Whether it is a critical decision such as a council's rating policies that affects all people in a council area, or a decision that has more impact on a local level, such as a permit for working on a council road, the process is the same. Councils are only required to publish the notice for 21 days—not to determine how best to reach the people that these decisions affect.

**PROPOSALS FOR REFORM**

2.3

A lot has changed over the past two decades—how we communicate, hear ideas, and provide our views to each other. It is time for the Act to 'catch up with the times', and support councils to develop flexible, contemporary public engagement practices.

It is proposed that the current, prescriptive public consultation obligations in the Act are replaced with a contemporary approach that sets minimum notification and consultation standards in the Regulations but also enables councils to design and deliver the engagement that is the 'best fit' for their decisions and actions. This approach could be to develop a Community Engagement Charter, similar to the Charter now in place within the Planning, Development and Infrastructure Act 2016, to deliver a consistent but flexible platform for community consultation for all councils.

**3 INTERNAL REVIEWS OF COUNCIL DECISIONS**

**BACKGROUND**

3.1

The decisions that councils make can have a great impact on our everyday lives. It’s important that people in the community have confidence in these decisions, and know that they can question them at any time.

For this reason, section 270 of the Act requires all councils to have a process in place for any community member to apply for an internal review of any council decision. When requested, councils should consider the process by which it made a decision, and the various factors and views that informed it.

This process should not only give communities surety that councils are making well-considered decisions, but also enable councils to identify improvements in their own processes and practices.
This obligation is part of the broader set of requirements to have policies, practices and procedures in place for dealing with requests for services, and also for responding to complaints about the actions of the council, employees of the council, or other people acting on behalf of the council.

Councils are currently required to consider, on an annual basis, a report relating to applications for internal reviews. This report is required to be included in the council’s annual report and also to be published on the council’s website.

**INTERNAL REVIEW APPLICATIONS, 2008-09 TO 2017-18**

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Number of Applications</th>
<th>Number of Councils</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008-09</td>
<td>42</td>
<td>18</td>
</tr>
<tr>
<td>2009-10</td>
<td>60</td>
<td>28</td>
</tr>
<tr>
<td>2010-11</td>
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<td>35</td>
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<tr>
<td>2016-17</td>
<td>65</td>
<td>28</td>
</tr>
<tr>
<td>2017-18</td>
<td>115</td>
<td>39</td>
</tr>
</tbody>
</table>


**ISSUES**

There is a general consensus that a review of council internal review provisions is required. A number of councils commented that the current system does not provide sufficient benefits to their communities to justify the high level of costs and other resources that are necessary to undertake the reviews.
There is also a view that the system is open to exploitation by people who refuse to accept a reasonable decision of council, but use large amounts of council time and resources to question and challenge it. There is some evidence to support this view as while the total number of internal review applications received by councils fluctuates each year, the number of councils that receive applications has remained more consistent.

Over the past decade, the State Ombudsman has undertaken a number of reviews of councils’ internal review processes.

Most recently, the Ombudsman published Right of Review: An Audit of Local Government Internal Review of Council Decisions Procedures in November 2016. This examined some of the key issues for councils in delivering a fair internal review of decision process. It also explored how councils can use internal reviews to drive their administrative improvement and service excellence. In summary, the Ombudsman recommended that all councils—

- Highlight a direct link on their website homepage to a plain English description of the procedure available for making an application for internal review of a council decision.
- Ensure that their internal review of decisions procedure is fully compliant with the requirements of the Act.
- Include a reference to a six-month time limit for accepting internal review of council decision applications in a revised version of their internal review of decisions procedure. Consideration should also be given to the exercise of discretion by councils to allow a longer time limit to apply in particular cases.
- Revise the part of their internal review of decision procedure that deals with matters outside the scope of the policy and procedures to explicitly state that matters that fall outside statutory appeals procedures will be considered for the conduct of a section 270 review on the merits of the individual application.
- Consider developing regional panels of independent reviewers who can assist councils with complex review matters.
- Periodically evaluate their section 270 review investigations and document learning outcomes relevant to their administrative practices and functional responsibilities.
PROPOSALS FOR REFORM

3.3

It is proposed to extend the Act’s current allowance for councils to refuse an internal review of decisions if the request is vexatious or frivolous, to situations where the request is substantially similar to a matter that has already been reviewed or is under review, by the council or by other means.

It is also proposed to allow councils to charge a prescribed fee to undertake an internal review. It is anticipated that this fee would be small (in the order of the current $35 cost for a Freedom of Information enquiry) to deter vexatious complaints, rather than be a ‘cost recovery’ mechanism. Councils would not be required to charge this fee, and would also be able to waive it at their discretion.

It is also proposed to set a time limit in which requests for internal review of decisions can be made—potentially within six months of the relevant decision (councils would have the discretion to extend this on a case-by-case basis).

To ensure that councils continue to analyse internal review outcomes, it is proposed that the annual internal review of decisions report that councils are required to consider should include recommendations to improve its administrative practices.

INFORMAL GATHERINGS AND DISCUSSIONS

4

BACKGROUND

4.1

For communities to have confidence in their councils’ decisions, they need to understand why these decisions are made, and what their council members’ views are. That is why the Act makes it clear that all council meetings are to be open to the public, except in ‘special circumstances’.

A number of these ‘special circumstances’ refer to particular matters that should be discussed in confidence. These include matters that include confidential commercial information, or matters that can affect the security of the council, or its members or employees.

The Act also recognises that council members often get together to discuss council business and other matters outside of council meetings, such as having planning sessions, or briefing and training sessions. These ‘informal gatherings’ can help council members be better informed on important matters, and enable them to properly plan for the conduct of council business. However, the Act also makes it clear that these meetings should not be used to effectively make a decision outside of a council meeting.
Some years ago, it became apparent that a number of councils were using their ability to hold informal gatherings in a way that gave rise to concerns that they were, in fact, making council decisions outside of formal council meetings.

For example, some councils were holding regular closed meetings to go through their agenda papers immediately before a council meeting. While these meetings may have simply been ‘information sessions’ the fact that they were held behind closed doors gave the perception at least that they were being used to avoid public debate on council decisions.

In response to these concerns, the Act was amended in 2015 to require councils to have policies to guide their informal gatherings. These policies must comply with the regulations, which currently include detailed instructions to councils on how they may hold informal gatherings, when they should be open to the public and how councils should release information about them.

While these reforms were intended to provide a clearer framework for councils, and assure communities that councils are not making decisions behind closed doors, feedback from some councils has been that the regulations are onerous, difficult to understand, and place an administrative burden on councils that is not justified.

It has also been reported that the legislation gives rise to a view that it is not appropriate for council members to discuss council business between themselves; or cannot hold social gatherings. This has never been the intent of the legislation.
PROPOSALS FOR REFORM

4.3

The Local Government Reform process provides an opportunity to re-think how the Act should guide councils when they are holding information, training or briefing sessions for council members.

It is proposed to establish a new category of council 'meeting' (possibly calling these 'information' or 'briefing' sessions) within the Act. These would be sessions called by the council or CEO, inviting any number of council members, for the purpose of providing information on council matters, or to undertake training on any aspect of the members' official functions and duties.

The Act will continue to state that these sessions should not replace open discussion and decision making at formal council meetings. Sessions discussing matters that are on a council or council committee agenda must only be discussed at a session open to the public, subject to the meeting confidentiality provisions of the Act.

Councils will also be required to publicly release information about these sessions, where practical before the session, detailing when the session will be/was held, what will be/was discussed, attendees, and whether the session was/will be open to the public. If the session was/will be closed to the public, this record would state the reasons why the council consider that it is appropriate to close the meeting.

5 REGISTER OF INTERESTS (PRIMARY AND ORDINARY RETURNS)

5.1

BACKGROUND

It is critically important that all of the decisions that council members make are made in the public interest, and not to benefit or affect them personally in any way. This requirement is largely managed through the conflict of interest processes (discussed in Reform Area 1 of this paper).

Along with managing conflicts of interest that may arise, council members are also required to provide a 'Register of Interests' that lists a range of information about themselves and their interests. These interests include things such as property ownership, sources of income, and membership of political organisations and associations.

Similar requirements also apply to council CEOs and other council staff members.

Council members' Registers of Interest are made available to members of the public at council offices; and large parts are also required to be published on a council website. Council members are also required to let their CEO know when the information on the Register changes or needs to be added to, so that the Register is kept updated at all times.
There are also requirements for council members to complete a Register of Interests under other legislation, for example, council members that sit on Development Assessment Panels under the Planning, Development and Infrastructure Act 2016.

ISSUES

A number of comments have been received saying that the current returns forms are lengthy and confusing to complete. Additionally, the requirement to extract some of the information for publication on the council’s website is seen as an administrative burden.

Some people also noted that the requirement to complete several different Registers of Interest to capture essentially the same information is unnecessarily burdensome for council members.

PROPOSALS FOR REFORM

While the Register of Interests is an important mechanism for ensuring the veracity of council decisions, there may be scope to streamline and standardise the form and method of returns used to maintain them.

It is proposed that the various requirements and forms are compiled into one simple, plain English document that meets a suitable standard (potentially the Australian Accounting Standards).

It is also proposed that councils be required to publish council members’ Register of Interests in full on their website (with the removal of any specific residential address information in the interests of safety).

6 PUBLICATION OF INFORMATION

BACKGROUND

Having full and easy access to a range of important council information means that communities are informed about their council’s actions, decisions and policies; and encourages them to engage more fully with their council’s work.
The Act lists a range of documents that must be made available to the public—

Documents listed in section 132(3) of the Act are required to be made available on the council website.

Documents listed in Schedule 5 of the Act are only required to be made available at the council office.

However, councils generally go well past these legislative requirements and do a good job in providing full and complete information on policies, decisions, meetings, current consultations and a range of other matters, generally on their website.

ISSUES

Councils have advised that having two lists within the Act is confusing to both councils and members of the public, as it is not clear what needs to be provided on a website and/or in paper form. The Act creates an unnecessary burden on local government to navigate the separate requirements.

Additionally, the requirement to have material available at a council office does meet current community expectations that information should be available on a website, enabling access at all hours of the day. Councils must spend time and money printing material that is now rarely accessed in this form.

PROPOSALS FOR REFORM

There is an opportunity to simplify and improve the requirements that apply to the release of information by councils.

It is proposed that any document that is required to be made public must be published on council websites (a council’s Assessment Record would be exempt from this requirement for commercial and safety reasons).

This would remove the requirement to have physical documents available at a council’s principal office, and the requirement to fix and pay a fee for documents. Councils may be required to print a copy of any document and allowed to charge a fee for this service.

It is also proposed that the Act include a single list of the documentation required to be available on a council’s website.

This list will include all documentation/reports associated with agendas or minutes of council or council committee meetings, subject to the related motion’s confidentiality orders (noting that the vast majority of councils make this information available already).
COUNCIL AGENDA

PAGE 120
22 OCTOBER 2019
ITEM 9.2 - ATTACHMENT B

REGISTERS OR ANNUAL REPORT? HOW COUNCILS RELEASE INFORMATION

Councils are required to record some information on registers that are updated on a continual basis. This is information that may have an impact on council members’ decision making, or is not available in other council material.

These registers include—

- The register of remuneration, salaries and benefits—containing information about salaries and employment benefits paid by the council. This includes details of the chief executive officer’s salary package.
- The register of community land in the council area.
- The register of the council’s by-laws.
- The register of interests for council members and the council’s chief executive officer and identified senior officers.
- The register of allowances and benefits paid to council members.
- A register recording gifts and benefits received by council members above a prescribed amount (currently $50).
- A report on freedom of information requests received by the council.
- A report on the council’s performance in implementing its strategic management plans, and its performance against its annual business plan.
- Training and development activities for members of the council during the year.

It is proposed to amend the Act to require council registers to be placed on the council’s website. Councils must also publish an annual report at the end of the financial year. This annual report is required to include a range of information such as—
Annual reports are easily found on council websites, and are therefore a convenient source of information about council activities, processes and expenditure. They ensure transparency without the administrative burden of constantly updating and maintaining multiple registers.

It is proposed to increase the material required to be included in a council’s annual report to include—

- A summary of travel undertaken by council members and staff over the year and the relevant costs.
- A summary of credit card expenditure by council members and council staff, and remunerations claimed by members and staff.
- A report from the Chair of the council’s audit/governance committee on the governance standards of the council.

## COMMUNITY LAND REVOCATIONS

### BACKGROUND

The Act establishes a framework for the classification of most land owned by a council or under a council's care, control and management as ‘community land’.

The community land framework aims to ensure a consistent, strategic and flexible approach to the administration and management of local government land, with the objective of protecting community interests in land for current and future generations.
Once classified as community land the land—

- Cannot be disposed of, except in prescribed cases.
- May require the preparation and adoption of a management plan.
- Can be leased or licensed but only in accordance with prescribed requirements.
- Can be used for business or commercial purposes, subject to the use being authorised in an approved management plan for the land.

Section 194 of the Act sets out the process for the revocation of community land classification. Councils must prepare a report outlining the reasons for the proposal, stating their intention in regard to the future use of the land, and capturing any implications of the decision. Councils must also consult on the proposal, in line with the council’s public consultation policy.

This report, and any matters that arose during public consultation, must be submitted to the Minister responsible for the Act for approval. Once this approval is received, the council makes the final decision to revoke community land classification.

The Act also safeguards the community land classification of certain land of significant community value. Schedule 8 of the Act contains provisions relating to specific pieces of land where the land’s community land classification is irrevocable. These provisions also often include site-specific land use and management requirements that must remain in place for the benefit of the community. These can be as specific as caring for a particular tree, or requirement to maintain a caravan park or other community facility.

**ISSUES 7.2**

The process outlined above is a ‘one size fits all’ approach to revoking community land classification. It does not consider the level of impact on a community that a revocation would have, but requires all proposals to undergo the same process before requesting ministerial approval.

In some cases, the cost and effort of the revocation process outweighs the benefit of the outcome, as a proposal may have little to no impact on the community. For example, a proposal may be to revoke the community land status of an unmade road that passes through private property, or of a small portion of land purely used for operational reasons. However, in other circumstances, the revocation of community land is contentious.

In more significant proposals, the future use of land may be a relevant consideration before a council’s proposal is approved by the Minister. Currently, there is no general ability to impose conditions on an approval (unless State Government financial assistance was previously given to the council to acquire the land).
Concerns were also raised that the Act prevents councils changing the management of a piece of land where the owner of the land cannot be found, particularly given that councils can take actions to sell land for unpaid rates when this is the case.

Ideas were also submitted that the requirements set out in Schedule 8 of the Act that apply to specific pieces of land are too restrictive, and do not allow councils to modify their management of this land to meet modern community expectations.

**PROPOSALS FOR REFORM**

It is proposed to introduce a streamlined process for the revocation of community land status, by establishing two ‘categories’ of proposals within the Act. Administrative, or minor, proposals would not require ministerial approval. General, or more significant, proposals would continue to require ministerial approval. The Minister would also be provided with the ability to attach conditions to the approval of a general proposal.

It is proposed to enable limited amendments to Schedule 8 to allow minor changes to the management of prescribed land. These amendments would be made by regulation, however, regulations would not be able to change the community land status, or the chief use of these pieces of land.

It is proposed to clarify that a council does not need to undertake the process to revoke the community land classification of Crown land where the council’s care, control and management of the land has been withdrawn under the *Crown Land Management Act 2009*.

It is proposed to enable a council to revoke the classification of land as community land where owners cannot reasonably be found.

Finally, it is proposed to provide a mechanism to allow councils to acquire private roads where the owner consents, where the owner is deceased or where the owner cannot reasonably be found and to allow the council to retain or transfer the land to another party.

**AUTHORISATIONS AND PERMITS FOR USE OF COUNCIL ROADS**

**BACKGROUND**

Councils manage most of the roads across our State—they are a core service that councils provide to their community. While roads, and infrastructure associated with a road, such as footpaths and stormwater drainage, are provided for the public’s use, there are times when people or businesses need access to them, or need to make changes to them for their own purposes.
Accordingly, the Act allows councils to provide authorisations for the alteration of a public road, and permits for the use of a public road for business purposes.

Authorisations for road alterations are commonly provided for activities such as building driveway crossovers; landscaping a road verge; and laying stormwater and other pipes under roads.

Permits for the use of a road for business purposes enables activities such as footpath dining; food trucks; flower sales and ride-sharing operations. Permits and authorisations are also provided to enable property development, such as the use of a crane or concrete truck when needed.

Councils have a free hand to decide whether or not they should grant an authorisation or permit and, if they do, they can apply conditions as they see fit. One exception to this is the permits that are provided to food trucks. Following changes to the Act in 2017, councils must issue permits to food trucks, and are required to establish policies and guidelines that comply with the regulations.

**ISSUES**

Issues raised by councils in regard to these sections of the Act focused on what they perceive to be a heavy-handed approach, particularly in regard to the requirement that councils must consult with their communities before issuing permits or authorisations for activities that would impede traffic on the road to ‘a material degree’.

This consultation must include a notification in a newspaper circulating in the council area; notification on the council’s website; and allow at least 21 days for submissions. While this may be appropriate for significant works, councils have raised concerns that it this process may be required in circumstances where works are minimal, such as the need to block a road for a short period of time. The consultation period is seen as both excessive and impractical in these instances.

Councils have also raised concerns regarding the current rules about food trucks, and have sought more flexibility for councils to determine whether or not to provide permits to food trucks, and to apply conditions freely.

However, other comments about permits and authorisations reflect a view that councils’ ability to grant permits and authorisations as they see fit, and to apply whatever conditions they wish, results in inconsistent approaches across councils that can be onerous, and subject to change at short notice. This can result in additional costs for businesses and their customers, and, in some instances, place the future of a business at risk.

**PROPOSALS FOR REFORM**

It is proposed that the consultation requirements for issuing permits and authorisations be reviewed in accordance with a review of councils’ public consultation more widely (as discussed earlier in this Reform Area).
It is also proposed that the specific provisions relating to mobile food vendors be removed. These would be replaced by a general ‘right of appeal’ where a council has unreasonably issued or refused to issue a permit or authorisation to a business (including food trucks), or a council’s use of permits or authorisations has unreasonably impacted business. This appeal could be made to the Small Business Commissioner, who has an existing role to manage any conflicts between food trucks and other businesses.

9 MISCELLANEOUS REFORMS

The Local Government Reform process also allows for a number of inconsistencies within the Act to be addressed, and for provisions to be updated where necessary.

Other proposals to simplify regulations are therefore to—

1. Repeal section 269 of the Act that requires a report to be prepared between 30 June 2002 and 31 August 2002 and tabled in Parliament.

2. Clarify that certain documents may be served on or by a council by electronic communication when indicated or agreed by a party. Remove references to ‘facsimile transmission’ and ‘facilities of a document exchange’ (for example, sections 83(6), 279 and 280 of the Act).

3. Amend the meeting regulations to achieve better integration between Regulation 12(3) and Regulation 21. This will clarify that a council’s CEO can submit a report to a council meeting recommending revocation or amendment of a previous council resolution.

4. Standardise the requirement of a council to review its optional meeting code of practice to match the review requirements of its Access to meetings and documents—code of practice (section 92 of the Act).
REFORM AREA 3
SIMPLER REGULATION
SUMMARY OF REFORM PROPOSALS

COMMUNITY ENGAGEMENT

4.1 Replace the prescriptive community engagement requirements in the Local Government Act with a more flexible ‘Community Engagement Charter’.

4.2 Review the requirements for councils to publish notices.

INTERNAL REVIEW OF COUNCIL DECISIONS

4.3 Allow councils to refuse a request for an internal review of a council decision where the request is substantially similar to a matter that has been reviewed, or is under review through another process.

4.4 Enable councils to charge a small fee for internal review requests.

4.5 Set a time limit on which requests for internal review of decisions can be made.

4.6 Require councils to consider recommendations for improved administrative practices in their annual report on internal reviews.

INFORMAL GATHERINGS AND DISCUSSIONS

4.7 Remove the ‘Informal gatherings’ provisions in the Act, in favour of establishing a new category of meetings, such as ‘Information or briefing sessions’.

4.8 Require councils to publish details of information sessions held, what was discussed, who attended, and whether the session was open or not.

REGISTER OF INTERESTS

4.9 Compile all council members' registers of interest into one, simple plain English form.

4.10 Publish council members' Register of Interests in full on the council website (with the exception of specific residential address information).
<p>| | |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td><strong>PUBLICATION OF INFORMATION</strong></td>
<td></td>
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<tr>
<td><strong>4.11</strong></td>
<td>Require councils to publish any document that is currently available at a council office on its website (with the exception of the Assessment Record)</td>
</tr>
<tr>
<td><strong>4.12</strong></td>
<td>Remove the requirement for councils to have documents ‘available for inspection’, but require them to print a copy at request (for a fee).</td>
</tr>
<tr>
<td><strong>4.13</strong></td>
<td>Include a single list of all material to be published on a council’s website in the legislation.</td>
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<tr>
<td><strong>COMMUNITY LAND REVOCATIONS</strong></td>
<td></td>
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<tr>
<td><strong>4.14</strong></td>
<td>Create two categories of community land revocation proposals within the Act (‘administrative’ and ‘significant’) and require Ministerial approval only for ‘significant’ proposals.</td>
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<tr>
<td><strong>4.15</strong></td>
<td>Enable limited amendments to Schedule 8 to allow minor changes to the management of prescribed land.</td>
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<tr>
<td><strong>4.16</strong></td>
<td>Clarify that councils do not need to undertake community land revocation proposal where the council’s care, control and management of the land has been withdrawn under the Crown Land Management Act 2009.</td>
</tr>
<tr>
<td><strong>4.17</strong></td>
<td>Enable a council to revoke the classification of land as community land where owners cannot reasonably be found.</td>
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<tr>
<td><strong>4.18</strong></td>
<td>Provide a mechanism to allow councils to acquire private roads where the owner consents, where the owner is deceased or where the owner cannot reasonably be found and to allow the council to retain or transfer the land to another party.</td>
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<tr>
<td><strong>AUTHORISATIONS AND PERMITS FOR USE OF COUNCIL ROADS</strong></td>
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<td><strong>4.19</strong></td>
<td>Review the public consultation requirements that apply to permits and authorisations, in line with a new community engagement approach.</td>
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<tr>
<td><strong>4.20</strong></td>
<td>Remove specific provisions regarding mobile food vendors, in favour of a ‘general right of appeal’ where a council has unreasonably affected a business.</td>
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</tbody>
</table>
## Reforming Local Government

### Ideas for Reform Consultation Summary

#### WHAT WE RECEIVED
- Over 80 submissions received
- 170 yourSAy surveys completed
- 37 ideas shared through yourSAy online discussion
- Over 700 ideas for reform

#### WHO WE HEARD FROM
- 51% Public
- 31% Councils
- 11% Elected Members
- 7% Professional Body

#### WHAT AREAS INTERESTED YOU MOST
- 24% Council member capacity and conduct
- 19% Lower costs and enhanced financial accountability
- 29% Local Government representation
- 28% Simpler regulation

#### WHAT YOUR IDEAS WERE ABOUT

<table>
<thead>
<tr>
<th>Reform Area</th>
<th>Percentage</th>
<th>Issue Description</th>
<th>Percentage</th>
<th>Issue Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reform Area One</td>
<td>48%</td>
<td>Code of conduct</td>
<td>15%</td>
<td>Council member training</td>
</tr>
<tr>
<td></td>
<td>24%</td>
<td>Conflict of interest</td>
<td>13%</td>
<td>Council member performance</td>
</tr>
<tr>
<td>Reform Area Two</td>
<td>23%</td>
<td>Financial management</td>
<td>20%</td>
<td>Benchmarking</td>
</tr>
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<td></td>
<td>21%</td>
<td>Audit committees</td>
<td>16%</td>
<td>Auditing</td>
</tr>
<tr>
<td></td>
<td>20%</td>
<td>Rating</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reform Area Three</td>
<td>31%</td>
<td>Voting method</td>
<td>9%</td>
<td>Representation reviews</td>
</tr>
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<td></td>
<td>19%</td>
<td>Candidate disclosure</td>
<td>8%</td>
<td>Elections</td>
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<td></td>
<td>15%</td>
<td>Nominations</td>
<td>8%</td>
<td>Supplementary elections</td>
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<td></td>
<td>10%</td>
<td>Candidacy</td>
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<tr>
<td>Reform Area Four</td>
<td>25%</td>
<td>Council meetings</td>
<td>19%</td>
<td>Section 270 reviews</td>
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<td></td>
<td>23%</td>
<td>Consultation/engagement</td>
<td>11%</td>
<td>Transparency</td>
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<td></td>
<td>22%</td>
<td>Informal gatherings</td>
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(MARCH - APRIL - JULY - AUGUST - NOVEMBER - 2020)
City of Mitcham Submission to the Office of Local Government – Local Government Reform 2019, 22 October 2019

<table>
<thead>
<tr>
<th>Local Government Association (May 2019 Reform submission)</th>
<th>State Government Office of Local Government (August submission)</th>
<th>LGA Support</th>
<th>Mitcham Support</th>
<th>Administration comment for Council consideration</th>
</tr>
</thead>
</table>

Key: ● Support, ○ Neutral, ● Do not support.

### REFORM IDEA 1 – Stronger Council Member Capacity & Better Conduct

- **Strengthening Code of Conduct for Council Members**
  - Increased devolution of responsibility to councils to handle matters internally with expedient ways to escalate serious matters as appropriate.
  - Broadening the range of penalties so that effective action can be taken commensurate with the circumstances of each case.
  - Clearer classifications of misconduct, in particular a definition in relation to bullying and harassment.
  - Temporary exclusion powers of the presiding member to better manage council member behavior.
  - Clear classification of sexual harassment.
  - Suspension of exclusion mechanisms to protect the health and safety of council members and council employees.
  - Powers for an appropriate oversight body to dismiss individual council members following an investigation into serious misconduct.
  - Effective deterrents for frivolous and vexatious complaints that abuse the processes available and waste public resources.

<table>
<thead>
<tr>
<th>Council Member Conduct</th>
<th>State Code Support</th>
<th>Mitcham Code Support</th>
<th>Administration comment for Council consideration</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1 Clearly separate behavior from integrity matters in legislation.</td>
<td>●</td>
<td>○</td>
<td>City of Mitcham supports in principle.</td>
</tr>
<tr>
<td>1.2 Include standards of behavior in the legislation, allowing councils to adopt more detailed examples of behavior.</td>
<td>○</td>
<td>●</td>
<td>City of Mitcham supports in principle.</td>
</tr>
<tr>
<td>1.3 Continue to give councils flexibility to deal with behavioral matters.</td>
<td>○</td>
<td>●</td>
<td>City of Mitcham supports in principle.</td>
</tr>
<tr>
<td>1.4 Provide principal members with enhanced powers to deal with disruptive behaviour at meetings.</td>
<td>○</td>
<td>●</td>
<td>Council does not support the provision of additional powers to the Mayor as there is a risk that these powers could be perceived to be used for political gain.</td>
</tr>
<tr>
<td>1.5 Enable escalation of serious behavioural matters to an independent body.</td>
<td>●</td>
<td>○</td>
<td>City of Mitcham supports in principle.</td>
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</tbody>
</table>

Consideration should be given to:
- whether hearings of Code of Conduct matters are in public or confidential?
- Publication of findings
- Enforcement of findings
- What triggers escalation to independent body (quantum of complaints or severity?)
**City of Mitcham Submission to the Office of Local Government – Local Government Reform 2019, 22 October 2019**

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<tr>
<td><strong>Prevention to intervention</strong></td>
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<tr>
<td>o While it is important to have a strong ethical framework to address instances of inappropriate behaviour and serious misconduct by elected members, it is also important to recognise that council behaviour and morale can not be solely managed through intervention mechanisms like a code of conduct. In accordance with the LGA’s prevention to intervention strategies, it is important that behaviour strategies are seen as a continuum beginning with prevention and ending with intervention. Prevention strategies would be focused on policies and procedures that councils and council members can use to promote good governance and avoid non-constructive behaviour or fractured relationships within council or the wider community. Statistics show that approximately half of all Code of Conduct complaints are lodged by a council member against another council member. Some behaviour or conduct of a council member may make a complaint unavoidable, but in other instances there is merit in (1) strengthening the skills of councillors to deal with conflict, de-escalate disagreement and find ways to work constructively and respectfully with each other, and (2) providing access to early intervention mechanisms, such as internal</td>
<td>1.6 Simplify the conflict of interest provisions by establishing ‘material’ and ‘non-material’ conflicts.</td>
<td></td>
<td></td>
<td>City of Mitcham supports in principle.</td>
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<td>Consideration be given to allowing legislation that determines financial interests/conflicts and all other conflicts are managed or evolved into the Code of Conduct.</td>
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<td>1.7 Simplify the process by which council members can be exempt from conflict of interest provisions, or seek approval to participate in a matter.</td>
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<td>1.8 Clarify the application of conflict of interest rules to council committees and subsidiaries.</td>
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<td>1.9 Establish a new conduct management framework through: Model 1 - The clarification of current legislation Model 2 - Using governance committees Model 3 - Establishing a Local Government Conduct Commissioner.</td>
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<td>Consideration should also be given to: • Administrative impact in relation to the models. • Role and Responsibilities of the models particularly if a hybrid approach is legislated.</td>
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<td><strong>Council Member Capacity</strong></td>
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<td></td>
<td>1.10 Clarify the role of council members to recognise their responsibility to ensure good working relationships within the</td>
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<td></td>
<td>City of Mitcham supports in principle.</td>
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<tr>
<td>conciliation where all parties agree. Clear and consistent process that assist communication between parties and the rapid resolution of disagreements could assist in maintaining health council dynamics.</td>
<td>council, and to support the conduct management framework.</td>
<td></td>
<td></td>
<td>City of Mitcham supports in principle.</td>
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<tr>
<td>• General duties of Council members</td>
<td>1.11 Clarify the role of council members to recognise their obligation to complete mandatory training.</td>
<td></td>
<td></td>
<td>City of Mitcham supports in principle.</td>
</tr>
<tr>
<td>○ There are a number of general duties prescribed in Section 62 of the Local government Act with which council members must comply. These are based on the principle that council members should at all times behave in a way that generates community trust and confidence in them as individuals, which will in turn reflect positively on the council and help to maintain and enhance the role and image of council.</td>
<td>1.12 Clearly state the role of the principal member as a leader of the council, particularly in ensuring good working relationships within the council.</td>
<td></td>
<td></td>
<td>City of Mitcham supports in principle.</td>
</tr>
<tr>
<td>○ In summary, the general duties of the act include;</td>
<td>1.13 Provide directly elected Mayors with a deliberative vote on motions before council.</td>
<td></td>
<td></td>
<td>City of Mitcham supports in principle.</td>
</tr>
<tr>
<td>○ A council member at all times act honestly and with reasonable care and diligence in the performance and discharge of official functions and duties.</td>
<td>1.14 Establish a mandatory training scheme within the regulations.</td>
<td></td>
<td></td>
<td>City of Mitcham supports in principle.</td>
</tr>
<tr>
<td>○ A council member, or former council member, must not make improper use of information acquired by virtue of their position to gain directly or indirectly an advantage for them or another person or to cause detriment to the council.</td>
<td>1.15 Establish a timeframe for the completion of mandatory training and a penalty for noncompliance.</td>
<td></td>
<td></td>
<td>City of Mitcham supports in principle.</td>
</tr>
<tr>
<td>○ A council member must not make improper use of their position to gain directly or indirectly an advantage for them or another person or to cause detriment to the council.</td>
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<td></td>
<td>Consideration should also be given to:</td>
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<td>• Competency achieved by time in office</td>
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<td>• Other training programs potentially undertaken prior term of office as evidence of competency</td>
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<td>• Recognition of relevant qualifications such as Charted Practicing Accountant, Lawyer etc.</td>
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<td>• Provide a variety of training methods for Elected Members to complete their training that will suit their schedule.</td>
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<td>• Failure to complete mandatory training and/or refresher training ramifications.</td>
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<td>Consideration should also be given to time taken for training programs to be released for Elected Members to undertake particularly if penalty for non-compliance will apply.</td>
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</tbody>
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<tr>
<td>Indirectly an advantage for them or another person to cause detriment to council. A council member, or former council member, must not disclose information or a document to which a confidentiality order applies (unless required by law). While the prescribed general duties are reasonable expectations of a council member, enforcement of breaches of the general duties is in some instances unclear and in other cases, requires court intervention. If these duties are truly to be a general expectation of council members, there should be clear and proportionate mechanisms for addressing council member actions that breach these general expectations. One possible solution is to provide for inclusion of all provisions in Section 62 within the statutory Code of Conduct for Council Members along with associated enforcement procedures and penalties.</td>
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<tr>
<td><strong>Mandatory Training Requirements</strong></td>
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<tr>
<td>Currently the LGA and the Regulations require councils to have a training and development policy that complies with LGA training standards for council members approved by the minister. The LGA Training standards for council members includes mandatory training requirements for council members. The imposition of mandatory requirements via a training standard that must be adopted into a council policy, makes</td>
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<tr>
<td>1.16 Require councils to include independent advice on CEO selection and remuneration.</td>
<td>●</td>
<td>●</td>
<td>City of Mitcham supports in principle. Current practice at the City of Mitcham as required.</td>
<td></td>
</tr>
<tr>
<td>1.17 Give responsibility for determining CEO remuneration to the Remuneration Tribunal of SA.</td>
<td>●</td>
<td>●</td>
<td>City of Mitcham supports in principle. Consideration be given to the Tribunal recommending financial parameters however the package actually offered remains a decision of Council.</td>
<td></td>
</tr>
<tr>
<td>1.18 Require councils to conduct annual performance reviews of CEOs, with independent oversight.</td>
<td>●</td>
<td>●</td>
<td>City of Mitcham supports in principle. Potential to link oversight by the Chair of the City of Mitcham Audit Committee.</td>
<td></td>
</tr>
<tr>
<td>1.19 Require annual performance reviews to be completed before the extension of a CEO contract.</td>
<td>●</td>
<td>●</td>
<td>City of Mitcham supports in principle.</td>
<td></td>
</tr>
<tr>
<td>1.20 Require councils to receive independent advice before terminating a CEO contract.</td>
<td>●</td>
<td>●</td>
<td>City of Mitcham supports in principle.</td>
<td></td>
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<tr>
<td>enforcement against non-participating council members difficult for councils. Provisions of minimum mandatory requirement in the regulations would simply and solidify the expectations on council members to participate in certain mandatory training. The elevation of minimum mandatory training requirements to statute would be reflective of the value the local government sector places on ongoing training and development for council members. There is also value in considering competency-based assessment instead of the current attendance-based regime. A failure to comply with mandatory training requirements should be treated as misconduct under the code of conduct for council members to enable enforcement where training requirements are not met by a council member.</td>
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<tr>
<th>Audit Committees</th>
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<th>Support</th>
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</tr>
</thead>
<tbody>
<tr>
<td>2.1 Require audit committees to have a majority of independent members, and an Independent chair.</td>
<td>-</td>
<td></td>
<td>City of Mitcham supports in principle. Current practice at the City of Mitcham.</td>
<td></td>
</tr>
<tr>
<td>2.2 Strengthen the role of the audit committees in council’s external audits, through a greater role in appointment of the auditor and determining the scope of the audit, and as the chief liaison point with the auditor.</td>
<td>-</td>
<td></td>
<td>City of Mitcham supports in principle. See comment in relation to Item 2.5 below.</td>
<td></td>
</tr>
<tr>
<td>2.3 Require audit committees to report on the council’s approach to internal audit processes.</td>
<td>-</td>
<td></td>
<td>City of Mitcham supports in principle. Current practice at the City of Mitcham.</td>
<td></td>
</tr>
<tr>
<td>2.4 Require audit committee members to have specified skills, and an induction process.</td>
<td>-</td>
<td></td>
<td>City of Mitcham supports in principle. Current practice at the City of Mitcham.</td>
<td></td>
</tr>
<tr>
<td>2.5 Allow councils to form regional audit committees.</td>
<td>-</td>
<td></td>
<td>City of Mitcham supports in principle.</td>
<td></td>
</tr>
<tr>
<td>2.6 Require the Auditor-General to oversee all council audits.</td>
<td>-</td>
<td></td>
<td>City of Mitcham supports in principle. Consideration should be given to:</td>
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<td></td>
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<td></td>
<td></td>
<td>• Whether this conflicts with requirements to boost Audit Committees and how the Audit Committee interacts with the AG’s Office.</td>
</tr>
<tr>
<td></td>
<td>-</td>
<td></td>
<td></td>
<td>• Will AG Office issue a report in the public interest on any specified matter?</td>
</tr>
</tbody>
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| Plans, rating practices, performance monitoring, quality of financial management, and the councils use of public resources. Contemplation of legislative change should include review of the availability and costs of attracting qualified and skilled members to council audit committees, particularly in country areas, and to proposed solutions that assist all councils to achieve best practice standards. This might include the option of a ‘shared service’ approach to establishing audit committees in regional areas, or providing exclusions from some requirements for region or remote councils. The way in which many councils have established their audit committees demonstrates that a heavy-handed legislative response is not always required to achieve positive change within local government. The legislative framework should enable a best practice approach without unnecessary heavy prescription, and provide appropriate exemptions to assist regional councils. Standardising External Audits

All councils must appoint an external auditor to review and provide an option on the councils financial statements and a separate opinion on the adequacy of internal controls to provide reasonable assurance that the financial transitions of the council have been conducted properly and in accordance with law. In improving governance standards and decision making

2.7 Create ‘audit and risk committees’ that play an expanded role in councils’ financial management and performance. This could include reviewing councils’ risk assessments and controls, providing comment on councils’ rating policies and practices, reporting to council on its use of public resources, reporting to councils on prudential matters, performance monitoring of councils. | | | City of Mitcham supports in principle. Current practice at the City of Mitcham. |

2.8 Require the chair of the ‘audit and risk committee’ to provide a report in the council’s annual report on governance standards and compliance. | | | City of Mitcham supports in principle. The City of Mitcham’s Audit Committee Chair has provided a deputation to Council in relation to the City of Mitcham’s Annual Business Plan and Long-Term Financial Plan, with published commentary provided in the City of Mitcham’s Annual Report provided to Council. |

2.9 Require councils to develop and adopt a funding policy that would be reviewed by its audit and risk committee. | | | City of Mitcham supports in principle. Consideration should also be given to:
- Competitive Neutrality Policy Positions
- Productivity Commission Cost and Efficiency Position Paper Recommendations
- Local Government (Financial) Regulations |

2.10 Require councils to release a summary of their draft annual business plan that states the proposed increase in total | | | City of Mitcham supports in principle. |
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- General rate revenue, and the reasons for this increase.

- The City of Mitcham at its meeting on the 11 June 2019 resolved;
  1) That Council writes to the South Australian Productivity Commission and the Local Government Association of South Australia, requesting that a mandated format for the disclosure of proposed rate increases be implemented to provide comparability between Councill’s and improve understanding in the Community in relation to budget and rate increase preparation.
  2) That as a minimum the mandated format be such that it includes, as separate items, the component of the proposed rate increase resulting from:
    - The cost of continuing to provide existing services and service levels;
    - The cost of proposed new services and service enhancements;
    - The cost of any infrastructure backlog being addressed;
    - The impact of changes to the operating result from previous year.

Fee for Lodgement of a Section 270 Complaint

At the LGA Annual General Meeting 26 October 2018 members asked the LGA to request the Government consider placement of a small ‘lodgement fee’ on all

2.11 If a council’s proposed increase in total general rate revenue is above a prescribed level (such as the Local Government Price Index), require its audit and risk committee to provide a report to the council on the reasons for this increase.

City of Mitcham does not support the concept of the ‘prescribed level’ rather the standardisation of rate calculations as a percentage/ of rates attributed to:
- Cost of business
- New/Improved services
- Asset Backlog
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<td>section 270 complaints made to various councillors. Should a complaint be upheld then the fee would be refunded in full. Section 270 of the Local Government Act 1999 requires a council to develop and maintain policies, practices and procedures for dealing with complaints about the actions of the council, employees of the council or other persons acting on behalf of council. Currently section 270(3) of the Act provides that a council is not entitled to charge a fee on an application for review. The operation of section 270 furthers council commitment to open, responsive and accountable government by providing a process by which persons adversely affected by a decision or action of council can have their grievances considered. That said an investigation of complaints can be costly and require the reallocation of administrative resources and a reasonable fee may provide an effective deterrent to frivolous or vexatious complaints. Other Acts allow Local Government to charge fees for the investigating of a request, for example the Freedom of Information Act 1991, but also provide waivers to ensure low income community members are not financially prevented from access to an internal review. It is proposed that appropriate waivers also apply to a fee for lodgement of a section 270 complaint.</td>
<td>2.12 Create ‘governance committees’ to provide independent advice to councils on critical management policies, processes and actions, potentially: • Councils’ compliance and governance policies. • Councils’ policies to improving ethical standards across councils and reduce fraud and corruption risks. • Councils’ strategic management plans, and on progress to deliver priorities, particularly on the management of significant council projects. • Council member conduct – both on policies and processes to improve it, and on specific conduct matters (as described in Reform Area 1). • CEO appointment and management (as described in Reform Area 1).</td>
<td></td>
<td>• Cost shifting • CPI</td>
<td>City of Mitcham Supports in principle. The City of Mitcham’s Audit Committee currently provides advice on critical management policies, processes and actions in relation to: • Councils’ compliance and governance policies. • Councils’ policies to improving ethical standards across councils and reduce fraud and corruption risks. • Councils’ strategic management plans, and on progress to deliver priorities, particularly on the management of significant council projects. But not in relation to: • Council member conduct – both on policies and processes to improve it, and on specific conduct matters (as described in Reform Area 1). • CEO appointment and management (as described in Reform Area 1). Consideration should also be given to: • Composition of committee and whether the committee has powers legislatively or policy driven by Council? • Cost, resources and administrative burden • Composition</td>
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<td>advocate for an amendment to Section 246(3)(g) of the Local Government Act 1999 to increase the maximum penalty that can be fixed for any breach of a by-law and by extension the maximum expiation fee that can be fixed under section 246(5) of the Act. Section 246(3)(g) of the Act provides council with the power to fix a maximum penalty for a breach of a by-law that the maximum penalty does not exceed $750. The prescribed $750 maximum has not been amended since commencement of the Act in 1999. Section 246(5) of the Act provides councils with the power to fix an expiation fee for alleged offences against a by-laws provided that the expiation fee for alleged offences against a by-laws does not exceed 25 percent of the maximum fine for the offence to which it relates. As the maximum penalty for a breach of a by-law is set at $750, the maximum expiation fee is $187.50. For particular by-law offences this expiation fee may not be a commensurate penalty or cause sufficient deterrent. A proposal to increase the maximum penalty for a by-law, thereby allowing a higher expiation fee, will need to consider the relationship between the Local Government Act 1999 and the Expiation of Offences Act 1999. If the expiation fee is to be expired in accordance with the Expiation of Offences Act 1999, section 5(3) of that Act provides power to fix an expiation fee in a by-law that does not exceed $315 or 25 percent of the maximum fine prescribed for the offence, which ever is lesser.</td>
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<td>- Sitting Fees and attracting independent membership</td>
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### Benchmarking

Whilst there is a considerable amount of information already available to communities about what their council is doing, this information is often spread across multiple documents and platforms, can be difficult to find, and not easy to compare with other councils.

There is merit in developing a sophisticated online platform for councils to share and compare meaningful data about their performance and enhance the transparency and accessibility of council data for the community.

Having access to up-to-date, consistent and reliable data from across the sector will enable local government to monitor trends, identify future challenges and make evidence-based decisions about reform and practice improvement.

Gathering information about councils and how they are operating is beneficial for a number of reasons including:

- Determining if councils are performing well, being fiscally responsible and are financially sustainable
- Assessing the relative efficiency of the sector and the value for money being delivered to communities;
- Measuring and evaluating the outcomes that are being achieved and whether the community is satisfied with what councils are delivering; and
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<td>• Identifying opportunities for continuous improvement and reform programs to strengthen the sector.</td>
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<td>In developing a benchmarking framework, care needs to be taken to reflect that councils are as diverse as the communities they serve. Not all measurements will be comparable across all councils and financial information will tell only one side of the story. It is important that there be a suite of meaningful performance measures that build a more complete picture of the financial and governance health of the sector and the public value of the services and programs delivered by councils. Enhancing the collection and presentation of data provided by councils to the Local Governments Grants Commission would provide a good starting point for centralised and consistent reporting of information about councils.</td>
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<tr>
<td><strong>Prescribed format for Asset Management Plans and Long-Term Financial Plans</strong></td>
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<tr>
<td>There is currently no standard format prescribed in the Local Government Act or in regulations that provide for a consistent approach to Asset Management Planning and long-term financial planning. This makes it difficult to synthesise information from different councils or to apply a minimum standard for these documents. A prescribed format in regulations that sets minimum standards could be considered. Member Councils</td>
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have noted that this is an area that the LGA could take the lead in providing further assistance to councils.
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<td><strong>REFORM IDEA 3 – EFFICIENT AND TRANSPARENT LOCAL GOVERNMENT REPRESENTATION</strong></td>
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<tr>
<td><strong>2014 Elections Review &amp; The Local Government (Elections) Amendment Bill 2017</strong></td>
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<tr>
<td>Local Government participated in a lengthy review of the Local Government (Elections) Act 1999 following the 2014 Local Government Elections, but the resulting amendment bill was not passed by Parliament prior to the 2018 State Government Election. The LGA supports the reintroduction and passage of the reforms outlined in the Local Government (Elections) Amendment Bill 2017, which mostly provides for technical changes that will simplify processes and provide relief from some of the frustrations again felt at the 2018 Elections, such as allowing all candidates to access an electronic copy of the voters roll. A copy of the bill can be found on <a href="http://www.legislation.sa.gov.au">www.legislation.sa.gov.au</a>;</td>
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<tr>
<td><strong>2018 Elections Review</strong></td>
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<tr>
<td>In the LGA’s Delivering the LGA 2018 State Election Agenda: Local Government Reform Package, which was provided to all parties and independent members prior to the 2018 State Government Elections, a number of reforms to local government elections were proposed including requirements for all candidates to disclose;</td>
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<tr>
<td>- Certain information consistent with information current elected Members are required to publically disclose on primary and ordinary returns, in particular membership</td>
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<tr>
<td>3.1 Change the timing of periodic council elections to the year following a state election.</td>
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<td>Neutral.</td>
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<tr>
<td>3.2 Enable ECSA to provide ballot papers electronically</td>
<td></td>
<td></td>
<td>City of Mitcham supports in principle.</td>
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<tr>
<td>3.3 Clarify that councils are responsible for information sessions about the role of a council member, and that ECSA is responsible for election promotion.</td>
<td></td>
<td></td>
<td>City of Mitcham supports in principle.</td>
<td></td>
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<tr>
<td>3.4 Require councils to undertake specific activities to inform property franchise holders of their need to sell enrol, or re-introduce the automatic enrolment of property franchise holders.</td>
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<td></td>
<td>City of Mitcham supports in principle.</td>
<td></td>
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<tr>
<td>3.5 Require ECSA to receive all nominations and publish candidate profiles.</td>
<td></td>
<td></td>
<td>City of Mitcham supports in principle.</td>
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<tr>
<td>3.6 Remove the term limit on holding the office of Lord Mayor.</td>
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<td>Neutral.</td>
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<tr>
<td>3.7 Require candidates to ‘tick a box’ stating whether they live in the area they are contesting.</td>
<td></td>
<td></td>
<td>City of Mitcham supports in principle, should also have additional boxes aligned to the eligibility of the Candidate that is seeking nomination for a particular ward eg; live, own property, have a business etc.</td>
<td></td>
</tr>
<tr>
<td>3.8 Require candidates to state whether they are a member of a political party or any association or body formed for political purposes, or have been within the past 12 months.</td>
<td></td>
<td></td>
<td>City of Mitcham supports in principle.</td>
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<td>of any political party or any body or association formed for political purposes; and</td>
<td>3.9 Require ECSA to host all information on donations received by candidates.</td>
<td>☑</td>
<td>☑</td>
<td>City of Mitcham supports in principle.</td>
</tr>
<tr>
<td>• Whether or not the candidate for election resides in the council area for which he or she is standing. The LGA acknowledges a candidates address may be suppressed for safety reasons, so the LGA supports the incorporation of a tick box to reveal whether or not the candidate resides in the area.</td>
<td>3.10 Require candidates to report to ECSA any single donations above a prescribed amount (for example, $2,000) within five business days of receipt.</td>
<td>☑</td>
<td>☑</td>
<td>City of Mitcham supports in principle.</td>
</tr>
<tr>
<td>The 2018 Local Government Elections raised a number of administrative and technical difficulties for Councils and the LGA, which could be remedied by legislative change, administrative process improvement and greater collaboration. Key issues identified include;</td>
<td>3.11 Enable all candidates to request an electronic copy of the voters roll from the relevant council.</td>
<td>☑</td>
<td>☑</td>
<td>City of Mitcham supports in principle. Consideration should be given to; privacy principles in disseminating this information, Penalties for misuse of information as a result.</td>
</tr>
<tr>
<td>• The need to identify the many opportunities for local government election processes to adopt greater reliance on digital technology to streamline processes, reduce administrative burden and modernise election processes;</td>
<td>3.12 Remove the requirement for councils to make a ‘designated decision’ within their caretaker policies on the use of council resources, in favour of a statement within general caretaker responsibilities that council resources must not be used to advantage particular candidates.</td>
<td>☑</td>
<td>☑</td>
<td>City of Mitcham supports in principle.</td>
</tr>
<tr>
<td>• Simplification of the process for submission of candidate statements by allowing candidates to provide a website/social media link as part of their nomination;</td>
<td>3.13 Extend the voting period by one week to better allow for postal delays.</td>
<td>☑</td>
<td>☑</td>
<td>City of Mitcham does not support in principle. Other options should be investigated and considered (such as delaying the count of postal votes) to address concerns regarding postal voting.</td>
</tr>
<tr>
<td>• Simplification of the process for enrolment on the supplementary roll with a view to providing a full online option;</td>
<td>3.14 Change the counting method to the ’exclusion method’.</td>
<td>☑</td>
<td>☑</td>
<td>Neutral. Although this be clarified as to how this will address increased voter participation.</td>
</tr>
<tr>
<td>3.15 If a vacancy on a council is created within 12 months of a periodic election, allow this to be filled through a ‘countback’ of candidates.</td>
<td>☑</td>
<td>☑</td>
<td>City of Mitcham supports in principle.</td>
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<tr>
<td>• Simplification of the process for nomination with a view to providing full online option for candidates;</td>
<td>3.16 Extend the period of time in which a vacancy does not need to be filled to 12 months before a periodic election.</td>
<td>🟢</td>
<td>🟢</td>
<td>City of Mitcham supports in principle.</td>
</tr>
<tr>
<td>• Incorporation of a provision to deal with the death or withdrawal of a candidate after nominations close;</td>
<td>3.17 Enable councils without wards, and with at least nine members, to ‘carry’ two vacancies.</td>
<td>🟢</td>
<td>🟢</td>
<td>City of Mitcham supports in principle.</td>
</tr>
<tr>
<td>• Requirements for unsuccessful candidates to remove social media accounts related to the election;</td>
<td>3.18 Simplify representation reviews, and make public consultation requirements more flexible</td>
<td>🟢</td>
<td>🟢</td>
<td>City of Mitcham supports in principle.</td>
</tr>
<tr>
<td>• Reconsidering how the deadline for close of votes is calculated to minimise receipt of late votes;</td>
<td>3.19 Transfer the responsibility for representation reviews to the Local Government Boundaries Commission.</td>
<td>🟢</td>
<td>🟢</td>
<td>City of Mitcham supports in principle. Consideration should also be given to: - Collaboration with Councils throughout the process. - Costs associated with such (cost recovery only)</td>
</tr>
<tr>
<td>• Alternatives to voters roll purging to voter participation; and</td>
<td></td>
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- Applying comparable checks and requirements that are placed on council volunteers to elected members (upon election).

**Representation Reviews**

The Local Government Act 1999 requires councils to carry out ‘representation reviews’ as scheduled by the Minister under the regulations (approximately every eight years). During these reviews, councils must consider options relating to (1) the composition of the council, including the number of councillors; (2) whether or not the council should be divided into wards, and (3) the size and boundary areas of wards, if they exist. A council may also use this process to change its name or change the name of a ward.

Based on advice from the Electoral Commission of South Australia, the LGA understands that some councils have experienced difficulty obtaining the services of appropriately qualified consultants to assist them with the workload. Some councils have had to undertake multiple public consultation processes as a result of community feedback and changing options. Council members also face the challenge of having to make controversial decisions on potential changes to the composition of a council that might affect their own positions.

Most councils required assistance from ECSA to comply with the extensive technical requirements set out in section 12 of the Local Government Act 1999 in

3.20 Suspend council members running for State Parliament for the duration of the election campaign.

City of Mitcham supports this recommendation given its submission to the Local Government Association Annual General Meeting in October 2018 on 11 September 2018 that:

The Local Government Act 1999, be amended such that any local government elected member on nomination, endorsement or declaration of candidacy for any position in State or Federal Parliament shall for the duration of the Election cycle have all allowances suspended. This should include provision of motor vehicle and other support.

The LGA will liaise with the Minister of Local Government to determine any further detail that makes the intent of this motion acceptable and enforceable.

Noting Council’s resolution includes Federal Parliament.
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order to enable them to achieve certification by the deadline date.

Representation reviews are an important feature of local democracy. ECSCA has been reviewing the efficacy of current processes and its role in supporting councils to undertake representation reviews, and the LGA considers it prudent to use this reform program as a vehicle for revising the procedural and decision making processes prescribed in the Local Government Act 1999 for representation reviews.

Electronic voting in local government elections
The LGA will continue to advocate for electronic voting for local government elections. It is considered that the legal framework should enable electronic voting in anticipation of a secure and cost effective technical solution being available in the future.

At the LGA's 2017 Ordinary General Meeting, Members asked the LGA to investigate trialing electronic voting in LG elections. Following consultation with ECSCA, it was determined that a cost-effective and feasible model is not yet available that suits the specific needs of a local government election. In 2017, the Electoral council of Australia and New Zealand (ECANZ) established a national electronic voting working group which has committed to creating a purpose built Internet voting system for federal, state, territory and local government election. Development of the internet voting platform has faced added complexity with the rise of
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A number of cyber security risks to be carefully considered. As a result, the LGA have been advised by ECSA that an electronic voting system will not be available for at least another three to five years. While the LGA acknowledges the difficulties and delays experienced by the ECANZ, the LGA takes this submission opportunity to confirm its ongoing support for electronic voting a local government elections to be progressed as a priority.

The LGA notes with Interest recommendation 4 of the ECSA’s 2018 State Election Report which recommends the electronic delivery and return of ballot papers for overseas, interstate or remote South Australian voters in State elections. Consultation can be undertaken with ECSA to determine if a similar procedure can be applied to local government elections. A copy of ECSA’s State Election Report is available online at [https://ecsas.gov.au](https://ecsas.gov.au).

**Caretaker Policy and Code of Conduct**

Section 91A(7) of the Local Government (Elections) Act 1999 says “The caretaker policy of a council is to be taken to from part of each code of conduct required to be prepared and adopted in relation to council member and staff under the Local Government Act 1999 or the City of Adelaide Act 1998. Firstly the language “required to be prepared and adopted” no longer accurately reflects that Codes of Conduct are prescribed by regulation. If prescribed codes of conduct are to remain, the language should be changed to refer to their prescription.”
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<tr>
<td>Informal gatherings</td>
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<tr>
<td>The LGA is aware the legislative requirements regarding informal gatherings are a cause of frustration for many councils and that legislative change could result in more practical mechanisms for council discussions on projects, services and other matters involving council.</td>
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<tr>
<td>Section 90(3) of the Local Government Act allows informal gatherings or discussions to be held provided that the gathering or discussion does not obtain, or effectively obtain, a decision on a matter outside a formally constituted meeting of Council or Committee.</td>
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<tr>
<td>Informal gatherings provide a valuable opportunity to enhance council decision making process, by providing opportunity for council members to become better informed on issues and seek further clarification, and increase community opportunity for participation. Open and transparent council activities underpin representative democracy and ensure public confidence in council decision making. Thus the argument isn’t that gatherings outside formal council meetings should be prohibited, but that the statutory requirements provide for their effective operation.</td>
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<tr>
<td>The common areas of frustration that members communicate to the LGA include the difficulty in</td>
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<td><strong>REFORM 4: SIMPLER REGULATION</strong></td>
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<tr>
<td>Community Engagement</td>
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<tr>
<td>4.1 Replace the prescriptive community engagement requirements in the Local Government Act with a more flexible “Community Engagement Charter”.</td>
<td>●</td>
<td>●</td>
<td>City of Mitcham supports in principle.</td>
<td></td>
</tr>
<tr>
<td>4.2 Review the requirements for councils to publish notices</td>
<td>●</td>
<td>●</td>
<td>City of Mitcham supports in principle.</td>
<td></td>
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<tr>
<td><strong>Internal Review of Council Decision</strong></td>
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</table>
| 4.3 Allow councils to refuse a request for an internal review of a council decision where the request is substantially similar to a matter that has been reviewed, or is under review through another process. |  ●                                      | ●          | City of Mitcham supports this recommendation. | Further clarification should also be given to a ‘review’ of a ‘review’.
| Consideration also be given to:                          |                                                               |            |                         |                                                  |
| ● an applicant clearly defining what decision they wish to be reviewed. |                                                               |            |                         |                                                  |
| ● FOI Act whereby advance deposit on the cost of dealing with the application is provided where the request is likely to have a significant impact of staff time. |                                                               |            |                         |                                                  |
| ● Further clarification regarding an applicant having ‘standing’ in order to trigger a request for a review |                                                               |            |                         |                                                  |
| 4.4 Enable councils to charge a small fee for internal review requests. |  ●                                      | ●          | City of Mitcham supports this recommendation given its submission to the Local Government Association Annual General Meeting in October 2018 on 11 September 2018 that; |                                                  |
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<td><strong>Conflict of interest</strong></td>
<td>4.5 Set a time limit in which requests for internal review of decisions can be made.</td>
<td>⬤ ⬤</td>
<td>⬤ ⬤</td>
<td>City of Mitcham supports this recommendation.</td>
</tr>
<tr>
<td>The conflict of interest provisions were introduced to the Local Government Act 1999 as part of the Local Government (Governance and Accountability) Amendment Act 2015 and commenced on 31 March 2016. The provisions are based on provisions that operate in Queensland. There were a number of immediate teething problems with the provisions that the State Government attempted to rectify via amendment to the regulations following strong LGA advocacy. However, the overall complexity and rigidity of the rules in the Act continue to cause problems for council members.</td>
<td>4.6 Require councils to consider recommendations for improved administrative practices in their annual report on internal reviews.</td>
<td>⬤ ⬤</td>
<td>⬤ ⬤</td>
<td>City of Mitcham supports this recommendation.</td>
</tr>
</tbody>
</table>

### Informal Gatherings and Discussions

| 4.7 Remove the ‘informal gatherings’ provisions in the Local Government Act, in favour of establishing a new category of meetings, such as ‘information’ or ‘briefing’ sessions. | ⬤ ⬤ | ⬤ ⬤ | City of Mitcham supports in principle. Further consideration should be given to providing very clear definitions of ‘information’ and ‘briefing’ sessions alternatively consideration be given to paring back legislatively on informal gatherings for councils to encourage informal gatherings for better decision making via Full Council at a later date however, prohibit a group of members (potentially quorum) to engage in conduct that would constitute a decision being made outside of a formal meeting. |
| 4.8 Require councils to publish details of information sessions held, what was discussed, who attended, and whether the session was open or not. | ⬤ ⬤ | ⬤ ⬤ | City of Mitcham supports in principle. Current practice at the City of Mitcham. |
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<tr>
<td><strong>Register of Interests</strong></td>
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<tr>
<td>4.9 Compile all council members’ registers of interest into one, simple plain English form.</td>
<td>♦</td>
<td></td>
<td>✪</td>
<td>City of Mitcham supports in principle. Consideration be given to effective statutory controls to prevent misuse or improper publication.</td>
</tr>
<tr>
<td>4.10 Publish council members’ Register of Interests in full on the council website (with the exception of specific residential address information).</td>
<td>♦</td>
<td></td>
<td>✪</td>
<td>City of Mitcham supports in principle.</td>
</tr>
<tr>
<td><strong>Publication of Information</strong></td>
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<tr>
<td>4.11 Require council to publish any document that is currently available at a council office on its website (with the exception of the Assessment Record)</td>
<td>♦</td>
<td></td>
<td>✪</td>
<td>City of Mitcham supports in principle linking to item 4.13 below.</td>
</tr>
<tr>
<td>4.12 Remove the requirement for councils to have documents ‘available for inspection’, but require them to print a copy at request (for a fee).</td>
<td>♦</td>
<td></td>
<td>✪</td>
<td>City of Mitcham supports in principle.</td>
</tr>
<tr>
<td>4.13 Include a single list of all material to be published on a council’s website in the legislation.</td>
<td>♦</td>
<td></td>
<td>✪</td>
<td>City of Mitcham supports in principle linking to item 4.11 above.</td>
</tr>
<tr>
<td><strong>Community Land Revocations</strong></td>
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<tr>
<td>4.14 Create two categories of community land revocation proposals within the Act (‘administrative’ and ‘significant’) and require Ministerial approval only for ‘significant’ proposals.</td>
<td>♦</td>
<td></td>
<td>✪</td>
<td>City of Mitcham supports in principle.</td>
</tr>
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<tr>
<td>minor party and independent candidates prior to the 2018 State Government Election.</td>
<td>4.15 Enable limited amendments to Schedule 8 to allow minor changes to the management of prescribed land.</td>
<td>●</td>
<td>●</td>
<td>City of Mitcham supports in principle.</td>
</tr>
<tr>
<td>Mobile food vendors (food trucks)</td>
<td>4.16 Clarify that councils do not need to undertake community land revocation proposal where the council’s care, control and management of the land has been withdrawn under the Crown Land Management Act 2009.</td>
<td>●</td>
<td>●</td>
<td>City of Mitcham supports in principle.</td>
</tr>
<tr>
<td>In 2017, the previous State Government introduced mobile food vendor rules which imposed state wide requirements upon all South Australian councils irrespective of their local circumstances. The mobile food vendor rules prescribe that a council:</td>
<td>4.17 Enable a council to revoke the classification of land as community land where owners cannot reasonably be found.</td>
<td>●</td>
<td>●</td>
<td>City of Mitcham supports in principle.</td>
</tr>
<tr>
<td>• Must establish guidelines around approved locations for mobile food vendors (location rules)</td>
<td>4.18 Provide a mechanism to allow councils to acquire private roads where the owner consents, where the owner is deceased or where the owner cannot reasonably be found and to allow the council to retain or transfer the land to another party.</td>
<td>●</td>
<td>●</td>
<td>City of Mitcham supports in principle.</td>
</tr>
<tr>
<td>• Must approval all permit applications that comply with the local rule guidelines; and</td>
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<tr>
<td>• Restrict the maximum amount a council may charge for a mobile food vendor permit.</td>
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<tr>
<td>The small business commissioner has been given the role of umpire where there are disputes between vendors and councils.</td>
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<tr>
<td>Implementation of the rules has been a prime example of the difficulties and pitfalls in prescribing a one size fits all legislative approach for all councils. Councils in regional SA are rate income dependent for the majority of their revenue. Councils are required to balance the needs of their bricks and mortar “fixed” established rate paying businesses against the flexibility and vibrancy of pop-up mobile food vendors.</td>
<td></td>
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<tr>
<td>In some areas that experience a large temporary population, such as seasonal high tourism, mobile</td>
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Authorisations and Permits for Use of Council Roads

| 4.19 Review the public consultation requirements that apply to permits and authorisations, in line with a new community engagement approach. | | | | City of Mitcham supports in principle. |
| 4.20 Remove specific provisions regarding mobile food vendors, in favour of a “general right of appeal” where a council has unreasonably affected a business. | | | | City of Mitcham supports in principle. |
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Food vendors are able to enhance the supply offering and satisfy the unusually high consumer demand. However, in other regional areas the business profile is one of fixed micro-type businesses that rely on the high season for the majority of their cash flow and are at extreme risk due to pop up competitors that are perceived to have an unfair advantage.

At its meeting in May 2018, the South Australian Region Organisation of Council’s (SAROC) Committee asked the LGA to advocate to the State Government for a review of the legislation governing mobile food vendors (Local Government Mobile Food Vendors Amendment Act 2017) particularly in regard to regional impact. The LGA consulted councils and was told:

- Flexibility is required to allow councils to balance support for both bricks and mortar business and catering for temporary seasonal demand and events held in council areas.
- Consideration should be given to allowing regional SA to have a more flexible regime than metropolitan Adelaide.

Public Consultation Requirements in the Local Government Act 1999

In general, public consultation requirements throughout the Local Government Act lack consistency and clarify. There is opportunity to review the approach to public consultation throughout the Act to remove uncertainty and provide a more contemporary and adaptable public consultation.
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framework, and in turn, provide the best outcomes for both councils and the communities they consult. In particular, there is an opportunity to review and clarify the requirements set out in section 50 of the Local Government Act 1999, following judicial interpretation of section 50 in the decision of Coastal Ecology Protection Group Inc & Ors V City of Charles Sturt [2017] SASC 136.

**Requirements to publish in newspapers**

A review of public consultation requirements should be broadened to also consider requirements throughout the Local Gov Act 1999 to publish various notices in newspapers. Not only is publication in newspapers very expensive for some councils, it doesn't necessarily reflect a contemporary approach to community engagement that is seeing some communities increasingly rely on internet based and/or social media communication. Each community is different so it is a matter of providing councils with greater flexibility to determine the communication methods that suit their community, including variability in levels of digital literacy, and the context of the matter at hand.

Public consultation requirements for permits under sections 221 and 222 of the Local Government Act 1999

The Local Government Act 2009 empowers councils of evaluate, and where appropriate, issue permits for applications received to close public roads and
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footpath for areas for ‘business purpose’ to enable commercial activities to be undertaken pursuant to Sections 221 and 222 of the Act. Examples of what may be considered ‘business purpose’ are prescribed in section 222(1) of the local Government Act 1999, but this is not an exhaustive list; a common basis for receive an application to close roads, which is not prescribed on that list, is to enable construction companies to undertake concrete pours or receive delivers of large building materials by crane. A council has faced challenge by a rate payer regarding the requirement to undertake public consultation with section 223 of the Act and regulation 25(1) of the Local Government (General) Regulations 2013, in relation to any proposal to issue a permit that authorises the use of a public road for a business purpose, where any part of the road is to be fences, enclosed or partitioned so as to impede passage of traffic to material degree.

Competing legal opinions have been received regarding the meaning of impeding the passage of traffic to a ‘material degree’. If the complete enclosure of a public road for an extended period of time, that prevents vehicle and/or pedestrian traffic from traveling through the road, was found to impede the passage of traffic to a material degree, public consultation would be required to be undertaken for a period of 21 days in relation to every such permit application.

The issue was presented to the State Local Government Red Tape Reduction Taskforce, and the
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Office of Local Government committed to seeking Crown Legal advice on the matter (which is pending). Notwithstanding what the Crown advice may say, the fact there are differing legal opinions is sufficient reason to seek legislative change to place the public consultation requirements in relation to permits for the purposes of section 221 and 222 of the Local Government Act 1999 beyond doubt.

**Developer contributed assets**

There is a perception that councils have to accept an asset when it is offered for free from a developer, but councils do not have to accept an asset and may undertake a prudential report to ensure it is up to standard and financially viable for council to maintain. Accepting an asset has long term financial implications for a council and prudential management issues should be considered prior to a council accepting an asset. Section 48 of the Local Government Act 1999 could clarify the right of council to undertake a prudential report and/or decline an asset.

**Rating equity for commercial and/or industrial land use**

Council rates are generally considered a proportional land tax in terms of social ‘fairness’, in that tax payers contribute proportionally based on the value of their property. Currently South Australian Councils face considerable rating constraints for selected major developments (eg windfarms, feedlots, solar farms and mines) and exempt properties, resulting in local
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- Communities paying more than their fair share to subsidise the cost of servicing certain land uses. These constraints include:
  - The inability to levy appropriate and equitable rates on electricity generations (including wind farms and solar farms) as a result of the exclusion of improvements such as electricity generating plant and equipment from capital valuations under legislation; and
  - The inability to effectively categorise intensive land uses for differential rating purposes given the limited permitted rating categories available under legislation.

A report on this issue, commissioned by the Legatus Group, highlights considerable differences in the manner in which properties are valued and categorised, and in which rates are able to be levied in other mainland states. SA Councils are significantly disadvantaged when compared to the approaches adopted in QLD, WA and NSW with respect to the rating of resources sector (mining) properties. SA councils are also disadvantaged when compared to the approaches adopted in QLD and VIC with respect to the rating of electricity generation sites (including wind and solar farms).

The report can be found on the Legatus Group website at: The following changes in legislation could be considered to address these constraints and ensure equity between ratepayers:
  - Allow councils to recover appropriate payments in lieu of rates directly from electricity generation.
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- rather than landowners – under a regulated formula subject to indexation (a similar system currently exists in Victoria where councils receive payments based on a methodology under state legislation); and

- Enable additional flexibility in the categorisation of different land uses for differential rating purposes to provide councils with greater capacity to levy appropriate rates based on intensity of land use (eg mining, resources, feedlots).

As outlined in the report, the resulting additional revenue would allow the redistribution of the tax rating burden on a broader ratepayer base. In other words, case studies show that addressing this issue could put downward pressure on the rates paid by households.

These changes would likely require consequential change to Acts outside the responsibility of the Minister for Local Government (eg the Electricity Corporations Restructuring and Disposal Act 1999 is the responsibility of the Treasurer) so further consultation will be required with other Ministers as necessary.

**Regulations for section 245A of the Local Government Act 1999 (Development Bonds)**

In 2009, section 245A was inserted to the Local Government Act 1999 with the intention of enabling a council to require a development to enter into an agreement – that complies with any requirements prescribed by regulations – to cover to cost of
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<th>Local Government Association (May 2019 Reform submission)</th>
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<th>LGA Support</th>
<th>City of Mitcham Support</th>
<th>Administration comment for Council consideration</th>
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Potential damage to council infrastructure. The agreement could take the form of a bond or other security, which would be called upon only if damage occurred during development works. Shortly after insertion of section 245A it became apparent that without the development of regulations, section 245A could not be enforced. Thus, should damage occur, there is no security to councils to oblige developers to pay for damage caused to infrastructure without court action.

Since this time, the LGA has been seeking to have relevant regulations made but this has previously been met with opposition by both industry and the state government. The LGA proposes to continue to seek the making of appropriate regulations, to safeguard council’s infrastructure and enable councils to recoup the cost of repairing related to development damage.

Regulation 21 of the Local Government (Procedures at Meetings ) Regulations 2013 (CEO may submit report recommending revocation or amendment of council decision)

Regulation 21 of the Local Government (Procedures at Meetings ) Regulations 2013 allows a CEO to submit a report to the council recommending the revocation or amendment of a resolution passed since the last general election of the council. It is believed the intention of the drafters of regulation 21 was to provide an alternative process to regulations 12(3) which requires a council member to place a
City of Mitcham Submission to the Office of Local Government –
Local Government Reform 2019, 22 October 2019

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<td>Notice of motion to amend or revoke a council resolution passed since the last general election. However, Regulation 21 has not been integrated appropriately with Regulation 12(3) and the requirement for a council member to place a written notice of motion remains in force in relation to a CEO recommendation for revocation or amendment of a resolution. Thus, at present the CEO report recommendation needs to be brought back to council at the next meeting through a notice of motion put forward by a council member under regulation 12(3). This means, at best regulation 21 empowers the CEO to draw a council's attention that he/she considers a revocation or amendment would be appropriate, after which a notice of motion must be lodged by a council member at a second meeting before the council could pass a rescission motion based on the recommendation of the CEO.</td>
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The LGA requests amendment to regulation 21 to ensure proper integration between regulation 21 and regulation 12(3) so that a written notice of motion by a council member (therefore necessary to wait for a second meeting) is not required. Thus upon council consideration of a CEO recommendation a motion without notice by a member could action that recommendation at the same meeting. |
9.3 COUNCIL MEETING RECORDING
Report Author/Manager: Deb Horton
General Manager: Kate O’Neill
(Meeting Date: 22 October 2019)
(Location: Council Wide)
(Consultant Used: $Nil)

This report has been previously brought to Council as a Discussion Paper and is now provided as a Decision Report.

Changes to the previous report are highlighted in Bold Italics.

PROPOSAL

To present various options regarding the recording of meetings via audio / video for Council’s consideration giving effect to a resolution of Full Council as made on 9 July 2019.

RECOMMENDATION – ITEM 9.3

DECISION 1 – PURPOSE FOR RECORDING MEETINGS

Option 1 (Staff Recommendation)

That Council:

1. Records Full Council Meetings for the purposes of aiding transparency and accountability to the public of its decision making and increase accessibility to the public and as such will be made available to the public.

2. Acknowledges that the written minutes will continue to be deemed the official record of the Full Council Meeting and resolutions of Council.

Option 2

That Council:

1. Records Full Council Meetings for the purposes of aiding the creation of minutes and training / educative purposes and therefore able to be destroyed upon the confirmation of the minutes and will be available upon request until destroyed.

2. Acknowledges that the written minutes will continue to be deemed the official record of the Full Council Meeting and resolutions of Council.
**Option 3**

*That Council;*

1. *Records Full Council Meetings for [insert reason].*

2. *Acknowledges that the written minutes will continue to be deemed the official record of the Full Council Meeting and resolutions of Council.*

**DECISION 2 – MECHANISIM USED TO RECORD AND BROADCAST FULL COUNCIL MEETING**

**Option 1 - Audio captured and broadcast via the website ($2,000)**

*That Council:*

1. Record the audio of Council Meetings and upload on the City of Mitcham Website for public access.

2. This recording be operational effective *immediately – to coincide with the publication of the formal council minutes.*

3. Administration purchase the requisite equipment and licenses in order to achieve the above in accordance with the City of Mitcham’s procurement policies / financial delegation – up to an initial value of $2,000.


5. That a report be brought back to Council after a year of operation to evaluating practices associated including any technological advancements that may prove to be better practice.

**Option 2 - Audio captured and broadcast using online streaming platform embedded on website ($2,000)**

*That Council:*

1. Record the Audio of Council Meetings and broadcast using a suitable online platform embedded on the City of Mitcham Website for public access.

2. This recording be operational effective *immediately – to coincide with the publication of the formal council minutes.*

3. Administration purchase the requisite equipment and licenses in order to achieve the above in accordance with the City of Mitcham’s procurement policies / financial delegation – up to an initial value of $2,000.

5. That a report be brought back to Council after a year of operation to evaluating practices associated including any technological advancements that may prove to be better practice.

**Option 3 - Audio and visual *captured and* broadcast via the website ($5,000)**

That Council:

1. Record the audio / visual of Council Meetings using an audio and visual recording and broadcast using the website for public access.

2. This recording be operational effective *within a month of this resolution, with the current practice of audio files being made available to the public in the interim.*

3. Administration purchase the requisite equipment and licenses in order to achieve the above in accordance with the City of Mitcham’s procurement policies / financial delegation – up to an initial value of $5,000.


5. That a report be brought back to Council after a year of operation to evaluate practices associated including any technological advancements that may prove to be better practice.

**Option 4 – Audio and visual *captured and* broadcast using streaming platform ($5,000)**

That Council:

1. Record the audio / visual of Council Meetings using an audio and visual recording and broadcast via streaming platform for public access.

2. This recording be operational effective *within a month of this resolution, with the current practice of audio files being made available to the public in the interim.*

3. Administration purchase the requisite equipment and licenses in order to achieve the above in accordance with the City of Mitcham’s procurement policies / financial delegation – up to the value of $5,000.


5. That a report be brought back to Council after a year of operation to evaluate practices associated including any technological advancements that may prove to be better practice.
Option 5 – Fully integrated system for audio / visual recording solution ($25,000)

That Council:

1. Record Council Meetings using fully integrated system for audio / visual solution streamed the best platform available for public access.

2. This recording be operational effective by June 2020, with the current practice of audio files being made available to the public in the interim.

3. Administration purchase the requisite equipment and licenses in order to achieve the above in accordance with the City of Mitcham’s procurement policies / financial delegation.


5. That a report be brought back to Council after a year of operation to evaluate practices associated including any technological advancements that may prove to be better practice.

Option 6 – Fully integrated system for audio / visual recording solution ($25,000)

That Council:

1. Record Council Meetings using fully integrated system for audio / visual solution streamed the best platform available for public access.

2. That the ability for an Elected Member to choose when their image and/or voice is recorded during all or part of a meeting be available as a result of this option.

3. This recording be operational effective by June 2020, with the current practice of audio files being made available to the public in the interim.

4. Administration purchase the requisite equipment and licenses in order to achieve the above in accordance with the City of Mitcham’s procurement policies / financial delegation.


6. That a report be brought back to Council after a year of operation to evaluate practices associated including any technological advancements that may prove to be better practice.
Option 7 – Status quo

1. That the *City of Mitcham Code of Practice – Meeting Procedures* continue to allow Full Council Meetings to be recorded with the permission of the Council or the Principal Member.

2. This record be made available upon request until destroyed.

Option 8 – Council does not record Full Council Meetings

1. *The City of Mitcham does not record Full Council Meetings at this time.*

2. As a result, Council notes that when the *City of Mitcham Code of Practice – Meeting Procedures* is next presented to Council for review, Council removes the ability for Full Council Meetings to be recorded with the permission of the Council or the Principal Member.

BACKGROUND

The 2018/22 term of Council has indicated strong support to provide the community with a digital record of Council Meetings in addition to the current legislative framework and the *City of Mitcham Code of Practice – Meeting Procedures*.

For fullness, the following provides the chronological history of this matter:

- 27 November 2018 Full Council Meeting, *Item 7.4 Code of Practice Meeting Procedures* – DEFERRED


- 12 June 2019 onwards, the Mayor commenced recording the audio of Full Council Meetings for teaching and training purposes in accordance with the *City of Mitcham’s Code of Practice Meeting Procedures*.

- 25 June 2019, *Item 15.3 Cr Kruse – Audio Recording and Publishing of Council Meetings* – LOST

On the 9 July 2019, *Item 15.3 Cr Todd – Recording of Meetings* Council resolved:

That a report providing advice on the most useful and dependable process to implement recording of meetings be brought to council to guide potential changes to the Code of Practice - Meeting Procedures around the issue of recording meetings.

This report should seek to address issues such as known best practices, how council will ensure the integrity and security of the material, period of time that recordings must be maintained, where the recordings should be made available and advice on the best material to use i.e. audio versus video
versus live streaming. Associated costs in recording meetings and displaying material, should also be provided.

This report has taken into consideration legislative requirements, financial implications and best governance practice based upon the experiences of other South Australian councils that either record audio or live stream council meetings, which are available to the public to download from multiple devices.

For the purposes of providing various options in this report, Administration:

- Has assumed (based upon the history above) that the main purpose of a digital recording (audio or visual or both) and then its broadcasting, is to aid transparency and increase accessibility to Full Council Meetings and its decision making whilst at the same time, providing a comprehensive record to be made available to the public and not exclusively as a record for teaching and training purposes as is current practice. This is important to decipher as it depends upon the intent and use of such as to how it is captured and treated in accordance with legislative instruments.

- Has identified that recording and then broadcasting will apply to Full Council Meetings and Special Full Council Meetings only.

- Has identified that confidential items of a Full Council Meeting (or Special Full Council Meeting) will not be subject to audio or visual recording or broadcasting.

- Confirms that the written minutes will continue to be deemed the official record of the Full Council Meeting and only resolutions of Council, as published within the written minutes, can and will be actioned regardless of the content of any audio / visual recording of discussion or debate captured during the meeting.

- Advises that once a recording has been made available to the public, this record is susceptible to being copied, edited and reused by third parties.

- Advises that State Records is currently reviewing quasi legislative instruments valid to 2020 (General Disposal Schedule No 20 (5th Edition) for Local Government) for which the City of Mitcham is subject to, that may change the way in which audio / visual files are being stored by Local Government Authorities in the near future.

DEFINITIONS

**Embed:**

an object inbuilt into a larger object

(multi-media file inbuilt into a larger file)

**Fully integrated:**

bringing all parts of a system together

**Streaming:**

a method of transmitting or receiving data
**Streaming platform:** a media file utilising a ‘platform’ such as a website or software package as a method of transmitting or receiving data

**Upload:** transfer from one system to another

**Attachments:**

Nil

**STRATEGIC OBJECTIVES**

Goal 5 Continuous Organisation Improvement Strategy

Objective 5.3 Efficient and Effective Organisation with a culture of positive change, process improvement and productivity gains.

**DISCUSSION**

When a ‘record’ (whether it be audio or visual or both) is created that is made publicly available as a record of a City of Mitcham Full Council Meeting, it becomes a permanent record that is owned by the City of Mitcham that is required to be kept for a minimum of 15 years on site. General disposal schedules allow for the transferal of these records from Council to State Records for storing after 15 years.

Records are intended to be made available to the public and consequently there are associated risks given these records can be used as evidence to support allegations of impugned conduct. Obviously, a live streamed recording has a higher risk for Elected Members whom may unintentionally or inadvertently offend another, than a record that can be broadcasted with editing (such as agenda items identified, ambient noise filtered, etc).

The following provides a general overview of the implications and best practice of making such records public and whether any legal protections are afforded in the management of such records.

**GENERAL IMPLICATIONS – LEGAL PROTECTIONS**

Should an Elected Member offend as a result of a Council Meeting recording made publicly available, a person may seek legal remedies against this individual for which the individual member (or a group of Elected Members) may find themselves either in breach of the Code of Conduct for Council Members or potentially personally sued subject to civil remedies ie, Tort Law (defamation).

Should an Elected Member offend another Elected Member as a result of a recording made publicly available, the Elected Member may undertake any of the following (in no priority) as is currently the case:

- Submit a Code of Conduct complaint for investigation.
Personally seek civil legal remedies (at the personal cost of the Elected Member) depending on the impugned conduct would depend on the remedy sought; ie Tort Law (defamation), Criminal Law (unlawful threats, criminal defamation, blackmail).

In this situation, any legal costs of an Elected Member will not be paid for by Council unless prior approval has been obtained from the Council or the Chief Executive Officer (CEO) in accordance with the City of Mitcham Elected Members Allowances and Support Policy.

Should an Elected Member offend a member of the public as a result of a recording made publicly available, the member of public may undertake any of the following (in no priority) using the recording as justification/evidence to support such allegations:

- Submit a complaint to the CEO or Mayor.
- Submit a complaint to an external agency including the Office of Public Integrity or the South Australian Ombudsman or the South Australian Independent Commissioner Against Corruption.
- Personally seek civil legal remedies against the Elected Member/s. Depending on the impugned conduct would depend on the remedy sought; ie Tort Law (defamation), Criminal Law (unlawful threats, criminal defamation, blackmail).

Depending upon the nuanced circumstances and the impugned conduct by the Elected Member/s will depend upon whether the Elected Member/s are protected pursuant to the Local Government Act 1999 (the Act) (immunity of civil liability for an honest act or omission in the discharging of duties). For clarity, the Act provides:

39—Protection of members

(1) No civil liability attaches to a member of a council for an honest act or omission in the exercise, performance or discharge, or purported exercise, performance or discharge, of the member's or council's powers, functions or duties under this or other Acts.

(2) A liability that would, but for this section, attach to a member of a council attaches instead to the council.

However, in this situation, any legal costs of an Elected Member will not be paid for by Council unless prior approval has been obtained from the Council or the CEO in accordance with the City of Mitcham Elected Members Allowances and Support Policy.

GENERAL IMPLICATIONS – INFORMALITY OF COUNCIL MEETINGS

Current Full Council Meetings have a balance of formality and informality in consonance with the Presiding Member’s approach to the items on the agenda for that particular meeting. It is reasonable to deduce that should Full Council Meetings be recorded and then published / broadcast to the world at large, then responses to questions, requests by members and dialogue may
become less informal and more structured. There is also the potential for questions raised to be taken on notice, or questions not asked to avoid misinterpretation or be misconstrued or give incorrect information.

Deputations or Gallery Questions which currently allow for community interaction with the Council at a Full Council Meeting may decline or increase. This may impact the record itself (that a potential deputee request that their audio / image not be recorded and therefore the recording will require the ability to be manipulated accordingly).

Should inaccurate information be provided by an Elected Member to a meeting, then the onus would be on that member to correct that inaccuracy, for example a personal explanation. However, the ‘record’ of the original inaccuracy will remain in perpetuity, unless a resolution of Council would address that inaccuracy.

DATA INTEGRITY

Persons downloading / acquiring a copy of the audio / visual record, potentially altering or manipulating the record and then re-releasing it creates a risk that currently exists for hard copy records. Such conduct would be breach of Commonwealth copyright laws (see below).

Preservation of the original record ‘maintained in good order and condition’ is required by the City of Mitcham under State legislation, which can be currently stored ad infinitum within current record management software. In doing so, evidence of the original discussion / imagery for comparison will be achievable.

COPYRIGHT/INTELLECTUAL PROPERTY

MP3/MP4 files (or similar) that hold audio and visual data are files that can attract copyright.

Copyright laws are extensively nuanced however broadly speaking, the Copyright Act 1968 (Cth) (Commonwealth Act) protects intellectual property rights in ‘works’. A recording (audio or visual record or both) would be captured as ‘work’ which applies regardless of any obligations the City of Mitcham has pursuant to State legislation.

There are tensions in the obligations between the Commonwealth Act and a number of South Australian Acts and their supporting regulations however; the most pertinent are the State Records Act 1995 (SA), Freedom of Information Act 1991 (SA) and Development Act 1993 (SA) and the imminent Planning, Development & Infrastructure Act 2016 (SA). Further legal advice would need to be sought regarding specific circumstances however audio / visual of a public meeting that captures or divulges ‘plans, blueprints, databases, written works, photographs and certain reports, films, sound recordings, artistic literary, dramatic or musical works’ that are subject to copyright could be held to be breaches of the Commonwealth Act.

To attempt to circumvent breaches, a copyright or creative commons license is available for the ability to copy and share third party works.
A creative common licence is available free of charge allowing copyright owners the ability to share, reuse and remix their material so it can be reused legally thereby addressing copyright and intellectual property principles.

**A copyright licence via an appropriate Copyright Agency (as utilised by other Local Government Authorities) authorises the reproduction of other's works. This type of licence is not free of charge and will be required whereby 'works' are reproduced by Council when it creates a record.**

*For clarity, as the City of Mitcham will be the owner / creator of the record (hard copy agenda and digital) and exceptions apply within the Commonwealth Act for State and Federal Governments to provide records created as a result of its usual business for public purposes and that a fee to access such would not likely be imposed, it would be reasonable to assert that a copyright licence will not be required for the capturing and broadcasting of a full council meeting.*

**PRIVACY**

It is a common misnomer that despite its title, *The Privacy Act 1988 (Cth)* does not protect an individual’s privacy generally, rather it limits the exchange of ‘private’ data between Federal Government Agencies and private corporate entities with a profit of $3 million or more. Therefore, there is no ‘privacy’ law being breeched by the capture of audio or visual per se however:

Pursuant to the *Surveillance Devices Act 2016 (SA)* the installation of either listening (audio) or surveillance (visual) devices to record and then publish ‘private conversations’ requires consent of the parties whom are being recorded. It is not the intention of Council that private conversations of members of public in the gallery are being recorded, however, members of the public that attend meetings should be made aware that ancillary conversations or their image may be recorded – depending of course upon the technology used to capture the record in the first instance.

**TECHNOLOGY CHANGES**

Preservation of the original record ‘maintained in good order and condition’ is required by the City of Mitcham under state legislation. With advancing technology, any record would require assurance over time that it is actually ‘accessible’.

MP3/MP4 files are the accepted form of capturing audio/visual and it is reasonably foreseeable that this will continue in the future.

**EDITING AND STREAMING OPTIONS**

There are various streaming options and editing packages whereby the recording can be manipulated to indicate when a new item is being discussed and potentially cut to delete ambient noise or conversation that is not part of the agenda debate (for example if the recording was continued during a break). In addition, some systems also provide streaming options. These
software solutions that have at least a dual ability provide the best option in relation to editing and livestreaming and will no doubt be more efficient in the publishing of the record.

Whilst Council would own the record, Council would be required to accept the Terms and Conditions of the relative streaming platform used. For example general Terms and Conditions can provide:

- Third parties may provide links on the platform to other sites or content which the platform may not have control over and therefore makes no claim or representation regarding responsibility for accuracy, legality, nature, availability or reliability of other sites.
- Limits the platform’s liability in terms of its use.
- Platform reserves the right to add, delete or amend Terms and Conditions at any time and without prior notice.
- Platform may restrict, modify or terminate use.
- Any copying, reproduction, re-arrangement, sale, leasing, distribution, modification or adaptation, downloading, side loading, creating of derivative works etc is strictly prohibited.
- Some platforms use law as applied in other jurisdictions (United States of America or United Kingdom) in relation to Terms and Conditions including their interpretation.

Where possible, Council will seek to provide a caveat / instructions for the public use / downloading of the recording similar to a disclaimer that is usually applied to emails and downloading information from other websites. This will of course depend upon the platform used – for example, if the record was made available from the website, such would be easier to apply / manage than a third party platform.

COUNCIL COMPARISONS

At the time of writing this report, the following neighbouring councils offer:

Alexandrina Council – Audio recording (Mp3 file) via website link.
City of Adelaide – Live stream (SKYPE) and previous meetings available via (YOUTUBE).
City of Burnside – Live stream (YOUTUBE).
City of Campbelltown – Audio recording (Mp3 file) via website link.
City of Charles Sturt City Council – Nil.
City of Holdfast Bay – Nil.
City of Marion – Audio recording (Mp3 file) via website link.
City of Onkaparinga – Nil however, investigations underway for streaming live.
City of Prospect – live streamed and uploaded (YOUTUBE).
City of Salisbury – record audio to assist preparation of minutes only.
City of Unley – Nil.
City of West Torrens – Nil.
Port Augusta City Council – Live stream (YOUTUBE) – site not active upon conclusion of the meeting.
CURRENT CHAMBER AUDIO TREATMENTS

The current cordless infrared conference system complete with speakers / sound used in the chamber was installed sometime in 2009/10. It includes a chairperson unit (transmitter and receiver) and some 20-delegate battery operated units connected to a central unit for audio. Each unit (chairperson and delegate) monitors speech input which is then output from the infrared transmitter / receiver central unit with two speakers positioned on the walls either side of the chamber.

The overhead projector is on a separate output system as are the monitors for the Executive Leadership Group that provides the visual record of the minutes as they are made.

PROCUREMENT

The City of Mitcham’s Procurement Policy states that the purchase of goods over the value of $5,000 require three quotes to demonstrate accountability and responsibility to our ratepayers, be fair and equitable to prospective suppliers, be transparent in our dealings and that the best outcome is achieved for Council.

Additionally, the City of Mitcham may request an Expressions of Interest (EOI) or Request for Tender (ROI) from the market where Council would then choose from a select group of potential suppliers for the provision of an audio / image system and streaming platform that is fully integrated.

The following options have initially explored costs (provided approximately) and systems that have considered the current specifications of the Chamber which also indicate the advantages / disadvantages of such generally. It is the intention that once Council has indicated its preference, Administration will source and secure the most suitable supplier / software solution in accordance with procurement policies to ensure the best outcome is achieved.

DECISION ANALYSIS

DECISION 1 – PURPOSE FOR RECORDING MEETINGS

The recommended option (Option 1) supports the following principle functions of a Council as articulated within the Local Government Act including:

- Provide open, responsive and accountable government;
- Be responsive to the needs, interests and aspirations of individuals and groups within its community;
- Manage its operations and affairs in a manner that emphasises the importance of service to the community;
- Seek to ensure that council resources are used fairly, effectively and efficiently; and
- Achieve and maintain standards of good public administration.
Option 2 allows for the recording to be temporarily stored to assist with the creation of the minutes and then destroyed in accordance with disposal schedules.

For an Elected Member to control whether their image or voice or both is captured during a meeting, which would result in their contribution to the meeting (image and / or voice) being mute from all or part of the record to be broadcasted would oppose the above principles. This ability would require an appropriate resolution (Option 3) and further investigation into the most appropriate technology / mechanism used to capture the record. Additional procedural etiquette surrounding the use of this ability may be considered by Council to be appropriate.

DECISION 2 – MECHANISIM USED TO CAPTURE AND BROADCAST A RECORD OF A FULL COUNCIL MEETING

The options provided allow for the various ways in which the record can be captured and then broadcast.

Option 1 – Audio recording uploaded onto the website - maximum cost: $2,000

This option provides for a suitable microphone, extension cable and recording device to create an Mp3 file to be uploaded onto the website. This option would cost an initial $2,000 (capital) cost, depending on the quality of the device and an ongoing cost of $500 to $1,000 annually.

It is anticipated that each recording (Mp3 file) would be roughly 600-800MB minimum, equating to approximately 18-25gb a year of additional storage. This would be required to be monitored over time to ensure that record ‘space’ is manageable and that the file is easily accessible after being in storage / inactive.

The minute taker will require manual ‘labelling’ of the time when items on the agenda occur within the minutes. This will require reconciling with the audio file when the audio is uploaded publicly.

Advantages:
- Cost effective initially
- Can be implemented immediately within budget
- Meets legislative record keeping requirements
- Easily accessed by the community
- Relatively straightforward to upload
- No change to current chamber audio
- Council ‘owns’ the record and the website ergo manageability of the record is better controlled/maintained
- Allows for transparency to meetings and the ability to apply learnings as technology changes to develop a longer-term solution over time

Disadvantages:
- The device and accessories (microphone / extension) has a limited life span of approximately 1 - 2 year/s and would therefore require replacement every 1 – 2 year/s.
- Manual process to stop / start recordings for adjourning / resuming the meeting and confidential items.
- No audio editing capacity to bookmark agenda items. This would require additional systems such as:
  - Adobe Audition - $343 may be able to reduce this cost if packaged with other Adobe products / licences.
  - Audacity – Free but may have limitations in terms of extra packages that would make any auditing 'fluid'.
- Over time, the storage of the Mp3 file as a permanent record will require liaison with TechOne to increase capacity of ECM Information Management Systems / Server requirements if storage is maintained on the premises ad infinitum.
- 15 years hold then may transfer to State Records as per G20 Schedule.
- Not a long-term solution to recording.

Option 2 – Audio recording using online streaming platform embedded on website – maximum cost: $2,000

This option provides for a suitable microphone, extension cable and recording device using an online streaming platform to upload this ‘record’ onto the website. This option would cost up to an initial $1,500, with annual streaming subscriptions in the vicinity of $200 - $500 per year ongoing.

Advantages:
- Cost effective initially
- Can be implemented immediately within budget
- Meets legislative record keeping requirements
- In theory the record is easily accessed by the community
- Relatively straightforward to upload
- No change to current chamber audio
- Will not require additional onsite storage requirements
- Will not require a media player for website
- If uploaded to a streaming player, files can be compressed to a lower quality for storage purposes, as the streaming player would host the high-quality version.
- Allows for time stamping (or bookmarking) agenda items as a less manual task however the minutes will still need manual manipulation to reflect the time an Agenda item commenced.
- Compatible with City of Mitcham Website platform.

Disadvantages:
- The device and accessories (microphone / extension) has a limited life span of approximately 1 - 2 year/s and would therefore require replacement every 1 – 2 year/s.
- Manual process to stop/start recordings.
- Council ‘owns’ the record but management of the record on another platform for streaming may prove difficult should the record not be readily accessible as intended
- Higher risk of technical outages / accessibility issues
Option 3 - Audio and visual record uploaded onto the website - maximum cost: $5,000

This option provides for the same as option one (audio) plus the recording of images using an appropriate file.

It is anticipated that each recording (Mp4 file) would be roughly 600-800MB minimum, equating to approximately 18-25gb a year of additional storage. This would be required to be monitored over time to ensure that record ‘space’ is manageable and that the file is easily accessible after being in storage / inactive.

The advantages and disadvantages are in essence, the same as option one with the additional consideration of the implementation of a policy position to advise the public that their image may be recorded as a result, and should they wish to remain in the chamber or make a deputation they consent to their images being captured.

Option 4 – Audio and visual record via streaming platform - maximum cost: $5,000

This option provides for the same as option three with the difference this record is made available via another platform.

The advantages and disadvantages are, the same as option two with the additional considerations;

- YouTube account / use requirements.

Option 5 – Fully integrated system for audio / visual recording solution - maximum cost: $25,000

Should Council require the ability for an Elected Member to choose whether their image and / or voice is captured for all or part of a meeting or item on a full council agenda, this option would most likely provide an appropriate solution.

Preliminary investigations for a digital audio / visual recording solution similar to the City of Adelaide but with an upgrade to the current microphones, speakers, screens and overhead projector could cost as much as a budget will allow.

A conservative budget of up to $25,000 will provide a suitable upgrade to the technology that is currently used with greater visibility for the public gallery. This technology should last for 10 years.

Advantages:
- Addresses audio / visual requirements that have been experienced on occasion in the chamber as a long-term solution (visibility of screen and microphone)
- Meets legislative requirements in relation to record keeping and storage.
• Less manual task of labelling then reconciling timing/date stamping of items on the agenda with the minutes.
• Individual agenda items can be easily identifiable.

Disadvantages:
• Initial cost/outlay relatively expensive.
• Further liaison with current agenda/minute software.
• Potential time taken to implement with EOI / ROI.
• Potentially limited industry experts.
• Support required if the technology glitches and the implications for the delivery of the minutes being publicly available within legislated timeframes.
• Unknown ongoing costs to maintain.
• Heritage Issues regarding the installation of equipment in the Chamber such as speakers/projectors/cameras and their placement – which may require development approval.

Community Implications

By recording and then broadcasting a Full Council Meeting, the community will have additional access to be informed about the decisions and debate as made in the Chamber.

Environmental / Heritage Implications

There may be implications regarding the installation of equipment and any structural change to the Chamber as a result.

Cost Shifting Implications / Legislative Cost Imposts

Nil

Impact on Budget including Lifecycle Costing

Each option provides for the financial costs as known at the time of writing.

At the minimum, the City of Mitcham would require a Copyright License – annual ongoing cost of approximately $1,000.

Risk Management / WHS Assessment

See “General / Legal Implications” above.

Legal / Policy Implications

The following legislative instruments guide the administration in the capturing and maintaining a visual/audio file (or both) resulting in the creation of a record of council meetings for the purpose of providing this to the public.

State Records Act 1997 (SA)
Under this Act, an audio or visual record to be made available to the public becomes an ‘official record’ of the City of Mitcham triggering specific
requirements regarding its preservation and disposal (General Disposal Schedule No 20 (5th Edition) for Local Government).

For example, audio / visual information for the purposes of aiding the creation of minutes could be determined as a ‘facilitative’ temporary record and therefore able to be destroyed upon the confirmation of the minutes (Local Government General Disposal Schedule 20 – clause 9.24.3).

Conversely, audio / visual information for the purposes of providing such to the public would be determined as a record made by Council in the conduct of its business. As such, Council must ensure that such records are maintained in good order and condition as a permanent record (Local Government General Disposal Schedule 20 – clause 9.24.1). Once a permanent record has reached a lifespan of 15 years, it must be delivered into the custody of State Records if the Council no longer requires access to the record for current administrative purposes (Local Government General Disposal Schedule 20 – clause 9.24.1).

Surveillance Devices Act 2016 (SA)
Under this Act, the installation of either listening (audio) or surveillance (visual) devices to record ‘private conversations’ requires consent of the parties whom are being recorded. It is not the intention of Council that private conversations of the gallery are being recorded, however, members of the public that attend meetings should be made aware that ancillary conversations may be recorded – depending of course upon the mechanisms / software system used to capture the record in the first instance.

Freedom of Information Act 1999 (SA)
Under this Act, a member of the Public may seek to access an official record (that is not publicly available) of the City of Mitcham. This Act becomes relevant if an audio / visual recording is created as an item on a full council agenda that is subject to confidential provisions. It is not the intention of administration to record confidential items.

Local Government Act 1999 (SA)
Various clauses of this Act and supporting regulations, indicate that the public and Elected Members must have access to council / committee meetings and their associated documents. The provision of either audio / visual content made available to the public no doubt meets this legislative intention.

Work Health Safety Act 2012 (SA)
Under this Act, the City of Mitcham has a duty to provide a safe place of work.

Copyright Act 1968 (Cth)
The Copyright Act 1968 (Cth) (Commonwealth Act) protects intellectual property rights in ‘works’. A recording (audio or visual record or both) would be captured as ‘work’ which applies regardless of any obligations the City of Mitcham has pursuant to State legislation. However given the City of Mitcham will be the owner / creator of the record and exceptions apply within the Commonwealth Act for State and Federal Governments to provide records created as a result of its usual business for public purposes and that a fee to access such would not likely be imposed, it
would be reasonable to assert that a copyright licence will not be required.

Policy Position
Additionally, a policy document expressing the philosophical will of the Council in relation to the use and dissemination of audio / visual recordings would guide both the public and the administration in its management and facilitation of recordings.

CONCLUSION

The report aims to supply the best information available at the time to allow Elected Members to make an informed decision regarding recording meetings.
9.4 BRIGHTON PARADE - POST IMPLEMENTATION REVIEW

Report Author/Manager: Richard Tang / Chris Haskas
General Manager: Daniel Baker
(Meeting Date: 22 October 2019)
(Location: Craigburn Ward)
(Consultant Used: $25,530)

This report has been previously brought to Council as a Discussion Paper and is now provided as a Decision Report.

Changes to the previous report are highlighted in Bold Italics.

PROPOSAL

To present Council with an update on the post implementation review undertaken following the installation of a series of traffic control devices along Brighton Parade, Blackwood. In addition, advise of any further works required to improve the performance effectiveness of the devices and seek approval on an agreed approach to proceed.

RECOMMENDATION – ITEM 9.4

Option 1 (Staff Recommendation)

1. That Council notes the post implementation review findings demonstrating the effective general reduction in traffic volumes and speeds as outlined in this report.

2. That Council notes that remedial works are required to be undertaken for the two identified devices along Brighton Parade.


Option 2

1. That Council notes the post implementation review findings demonstrating the effective general reduction in traffic volumes and speeds as outlined in this report.

2. That Council notes that remedial works are required to be undertaken for the two identified devices along Brighton Parade.

3. That remedial works be undertaken when the road and kerb asset infrastructure for Brighton Parade is due to undergo asset renewal as part of future Capital Works

Option 3

1. That Council notes the post implementation review findings demonstrating the effective general reduction in traffic volumes and speeds as outlined in this report.
2. **That Council notes that remedial works are required to be undertaken for the two identified devices along Brighton Parade at intersections with Ashley Court and Clarence Street.**

3. **That Council endorses additional works to be undertaken to improve the transitions of the four remaining devices identified along Brighton Parade, namely:**
   - Brighton Parade/Fern Road: Raised Intersection Plateau
   - Brighton Parade/Johnson Parade: Raised Intersection Plateau
   - Brighton Parade/Simla Parade: Raised Intersection Plateau
   - Brighton Parade (South of Alison Avenue) Road Hump

4. **That Council in principle supports the priority budget bid of $83,000 capital renewal funding for works during 2019/2020 to be considered at Budget Review 2 2019/2020.**

**BACKGROUND**

Brighton Parade is an urban collector road under the care and control of the City of Mitcham, is oriented in a North-South direction, and provides connection between Shepherds Hill Road and Cumming Street. Brighton Parade primarily services residential properties, with some commercial land uses located within close proximity at its Northern end, with St Johns Lutheran School, Blackwood Hill Reserve and Blackwood Football Club to the South-West at its Southern end.

On 8 November 2016 (Item 7.1, Decision 1) Full Council resolved in response to the presentation of the community consultation outcomes associated with the Blackwood South Traffic Review to approve progressing the installation of a series of traffic control devices along Brighton Parade (refer Figure 1).
(1) That Council notes the results of community consultation detailed in this report.

(2) That Council approves in the installation of traffic control devices along Brighton Parade and Coromandel Parade with the following as the preferred option:
   
   (a) Installation of raised platform treatments at the intersections of Brighton Parade with Garnet Avenue and Simla Avenue

   (b) Installation of six (6) flat top humps along Brighton Parade at suitable locations

(3) That the introduction of the turn bans (AM peak only) off Coromandel Parade into Brigalow Avenue and Johnson Parade not be implemented at this stage and be further reviewed once the treatments listed in (2) (a) and (2) (b) have been implemented and evaluated.

(4) That Council approves in principle a budget allocation of $250,000 for the installation of the traffic control devices highlighted in (2) (a) and (2) (b), for consideration at the second reconsideration of the 2016/2017 Capital Works Program budget (i.e. Budget Review 2).

(5) That Administration formally writes to the Department of Planning, Transport, and Infrastructure (DPTI) advising them of its decision and to request DPTI to investigate the issues relating to the Blackwood roundabout.

Figure 1: Item 7.1 - Full Council Meeting Minutes Extract (8 November 2016)

Following a second reconsideration of Council’s 2016/2017 Budget undertaken on 14 February 2017, it was identified that Item (4) of the Decision 1 resolution was not included for consideration as part of the budget review. A subsequent report was presented to Full Council on 14 March 2017 (Item 7.2) updating progress on the design documentation of the devices along Brighton Parade and additionally seeking approval for funding allocation as part of the 2016/2017 Capital Works Program at Budget Review 3 (refer Figure 2).

(1) That Council notes progress on the implementation of the traffic improvements on Brighton Parade, Blackwood as per Council’s resolution of 8 November 2016 Item 7.1.

(2) That Council approves the installation of the revised road hump/raised platform design (10 traffic control devices), in line with the detail design approved by the Department of Planning, Transport and Infrastructure (DPTI), as per Attachment A.

(3) That Council approves new funding of $290,000 in the 2016/17 Capital Works (Now) Budget for the installation of traffic improvements (as amended) on Brighton Parade to be noted at Budget Review 3.

Figure 2: Item 7.2 – Full Council Meeting Minutes Extract (14 March 2017)

As part of the design process progressed at the time of the report, it had been identified that due to the geometry and topography of Brighton Parade, the design and spacing of the combination of road humps and raised platforms would be non-standard and would require approval from the Department of Planning, Transport and Infrastructure (‘DPTI’).
The construction of the series of ten (10) traffic control devices were completed in late 2017.

At the Designated Informal Gathering held on 21 May 2019, Administration presented the findings of the post implementation to review to Council identifying six (6) devices requiring remedial works.

Following extensive further collaboration between DPTI and Administration, each of the six identified devices were individually assessed to comprehend the implications of the non-standard arrangements and the required extent of remedial works. This led to a reduction in the number of devices requiring further remedial works to a total of two (2) devices, which is less than that as presented previously.

This report has been prepared to present Council with an update on the post implementation review, undertaken to evaluate the traffic speeds and volumes following the installation of the traffic control devices along Brighton Parade, Blackwood. In addition, advise of any further works required to improve the performance effectiveness of the devices and seek approval on an agreed approach to proceed.

Attachments:

A. CIRQA Post Implementation Traffic Review
B. DPTI Approved Civil Documentation
C. Approved Electrical Documentation

STRATEGIC OBJECTIVES

Goal 1 Accessible & Connected Community

Objective 1.1 Our community is connected to places through a people friendly transport, cycling and pedestrian network which offers accessible, integrated and efficient transport options.

DISCUSSION

Following the construction of the series of road plateaus and road humps (ten in total) along the full length of Brighton Parade in late 2017, Administration engaged a traffic consultant (CIRQA) to undertake a post implementation review (‘CIRQA Review’) and geometric assessment to evaluate the performance effectiveness pre and post implementation of the installed traffic control devices.

A summary of the review is documented within this section of the report with a full copy of the review enclosed in Attachment A.

In early 2018, traffic counters were installed along Brighton Parade and adjoining side streets to gauge traffic data post implementation of the traffic control devices. This data in conjunction with historic traffic data, has subsequently been utilised to draw suitable comparisons between pre-implementation and post implementation conditions.
Functional Road Network Hierarchy:

For the purpose of the post implementation review, the subject area was generally defined as the area bounded by Shepherds Hill Road, Coromandel Parade, Sherbourne Road, Trevor Terrace and Cumming Street and is depicted in Figure 3.

Within the subject area;
- Brighton Parade, Gladstone Road, Brigalow Avenue and Johnson Parade (between Brighton Parade and Coromandel Parade) function as Collector Roads under the care and control of the City of Mitcham.
- All other roads within the subject area are considered as Local Roads under the care and control of the City of Mitcham.

External to the subject area;
- Shepherds Hill Road functions as a Sub-Arterial Road under the care and control of the Department of Planning, Transport and Infrastructure.
- Coromandel Parade functions as a Distributor Road under the care and control of the City of Mitcham.

Collector Roads by functional definition provide connections to distributor and arterial roads from local roads within and through a local area, as well as provide property access. Collector Roads within the City of Mitcham generally carry between 1,500 vehicles per day and 4,200 vehicles per day. It should be noted that some roads that are considered as Collector Roads might fall below the typical traffic volume range, however they have been classified as such due to their functional importance.

Local Roads by functional definition provide access to properties and within the City of Mitcham generally carry less than 2,500 vehicles per day.
Figure 3: Subject Area Locality Plan
Traffic Volume Assessment:

The Average Annual Daily Traffic (‘AADT’) is an industry measure that represents the total volume of traffic (the sum of traffic travelling in both directions on a two-way road) passing a roadside observation point over the period of a full year, divided by the number of days in the year, effectively indicating how much traffic a road would typically experience on an average day.

Drawing comparisons between the pre-implementation and post implementation conditions, the review demonstrated that the installation of devices along Brighton Parade had been effective in reducing the volumes along Brighton Parade. Figure 4 illustrates the pre and post implementation traffic volume changes and is additionally summarised in Table 1.

![Figure 4: Annual Average Daily Traffic Volume – Pre and Post Implementation Comparison (Source: CIRQA Post Implementation Traffic Review)](image-url)
<table>
<thead>
<tr>
<th>Road Name and Section</th>
<th>Traffic Volume (Pre-Implementation)</th>
<th>Traffic Volume (Post Implementation)</th>
<th>Increase / Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Vehicles per day</td>
<td>Vehicles per day</td>
<td></td>
</tr>
<tr>
<td><strong>Brighton Parade</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Between Shepherds Hill Road and Fern Road)</td>
<td>2383</td>
<td>2114</td>
<td>-11% (Over 3 Years)</td>
</tr>
<tr>
<td><strong>Brighton Parade</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Between Ashley Court and Simla Parade)</td>
<td>2311</td>
<td>1445</td>
<td>-37% (Over 3 Years)</td>
</tr>
<tr>
<td><strong>Brighton Parade</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Between Garnet Avenue and Clarence Street)</td>
<td>1456</td>
<td>928</td>
<td>-36% (Over 3 Years)</td>
</tr>
<tr>
<td><strong>Fern Road</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Between Woodleigh Road and Brighton Parade)</td>
<td>519</td>
<td>566</td>
<td>+9% (Over 16 Years)</td>
</tr>
<tr>
<td><strong>Gladstone Road</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Between Shepherds Hill Road and Brigalow Avenue)</td>
<td>3190</td>
<td>3441</td>
<td>+7% (Over 3 Years)</td>
</tr>
<tr>
<td><strong>Johnson Parade</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Between Brighton Parade and Adey Road)</td>
<td>582</td>
<td>723</td>
<td>+24% (Over 2 Years)</td>
</tr>
<tr>
<td><strong>Adey Road</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Between Johnson Parade and Simla Parade)</td>
<td>172</td>
<td>310</td>
<td>+80% (Over 16 Years)</td>
</tr>
<tr>
<td><strong>Simla Parade</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Between Brighton Parade and Adey Road)</td>
<td>744</td>
<td>804</td>
<td>+8% (Over 16 Years)</td>
</tr>
<tr>
<td><strong>Johnson Parade</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Between Cassia Street and Ashby Avenue)</td>
<td>348</td>
<td>685</td>
<td>+97% (Over 17 Years)</td>
</tr>
<tr>
<td><strong>Garnet Avenue</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Between Archibald Street and Brighton Parade)</td>
<td>431</td>
<td>292</td>
<td>-32% (Over 16 Years)</td>
</tr>
<tr>
<td><strong>Garnet Avenue</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Between Brighton Parade and Wolseley Road)</td>
<td>495</td>
<td>472</td>
<td>-5% (Over 22 Years)</td>
</tr>
<tr>
<td><strong>Cumming Street</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Between Archibald Street and Brighton Parade)</td>
<td>1360</td>
<td>944</td>
<td>-31% (Over 2 Years)</td>
</tr>
<tr>
<td><strong>Cumming Street</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Between Brighton Parade and Wolseley Road)</td>
<td>910</td>
<td>938</td>
<td>+3% (Over 19 Years)</td>
</tr>
</tbody>
</table>

Table 1: Annual Average Daily Traffic Volume Comparison Summary Table
Based on the data analysis, Brighton Parade experienced a reduction of traffic volumes in the order of approximately 270 vehicles per day at its northern end and 530 vehicles per day at its southern end, maintaining AADT volumes of approximately 2,114 and 928 vehicles per day in the Northern and Southern sections respectively.

In review of the surrounding roads;
- minor increases in volume were observed along Fern Road, Johnson Parade, Gladstone Road, Simla Parade and Cumming Street (East).
- minor to moderate decreases in volume were observed along Garnet Avenue (East), Garnet Avenue (West) and Cumming Street (West)

Moderate increases were experienced along Adey Road and Johnson Parade (between Ashby Avenue and Cassia Street) however it was noted that this increase was based on a significantly longer time period (16 – 17 years difference)

As alluded to within the CIRQA review, the impact on the adjacent side streets is less defined due to the variance in the age of the pre-implementation data. Some of the data was recorded in excess of 15 years ago and pre-date the completion of the relatively significant portions of the nearby Blackwood Park (Craigburn Farm) residential development and it is inconclusive to determine what proportion of the changes in daily traffic volumes (if any) is attributable to the recently installed devices.

Direct comparison can be drawn between pre and post implementation conditions along Gladstone Road, Johnson Parade (East) and Cumming Street (West) as relatively recent pre-implementation traffic data was collected within the past 3 years.

The results of these comparisons are detailed below;

- **Gladstone Road - 2018 AADT: 3,441 vehicles per day**
  Daily traffic volumes have increased by approximately 250 vehicles per day. This increase is comparable to the decrease experienced on the northern section of Brighton Parade. It is possible that a proportion of drivers who previously utilised Brighton Parade have diverted to Gladstone Road. Gladstone Road carries in excess of 3000 vehicles per day and functions as a collector road. Whilst a proportion of these movements are likely associated with the adjacent commercial uses (closer to the Shepherds Hill Road end), it is likely that a relatively high proportion of cut-through movements are still experienced on Gladstone Road.

- **Johnson Parade (East) – 2018 AADT: 723 vehicles per day**
  Daily traffic volumes have increased by approximately 140 vehicles per day. It is possible that a proportion of drivers have diverted to Johnson Parade and Adey Road to avoid traversing the road humps south of Johnson Parade. Nevertheless, volumes are still well within the level of traffic typically associated with Local Roads.
• **Cumming Street (West) – 2018 AADT: 944 vehicles per day**

Daily traffic volumes have reduced by approximately 415 vehicles per day on the section west of Brighton Parade (in just two years). This is a relatively significant reduction. Given the relatively limited data recorded on streets West of Brighton Parade, there are difficulties identifying where these movements have redistributed to (or whether other factors have influenced the reduction). 2018 data recorded on the section of Johnson Parade between Ashby Avenue and Cassia Street has however increased by approximately 340 vehicles per day however the time period between the most recent count and the count undertaken in 2018 was approximately 17 years making it difficult to specifically identify if this where the redistribution has occurred.

Given that there are roads within the area where direct comparison could not be drawn due to the unavailability of historic pre-implementation data, Administration have undertaken an assessment on the post implementation data to evaluate how these roads are performing with respect to their traffic volumes in comparison with the roads operational capacity.

The operational capacity of a road lane (mid-block) is defined as the maximum sustainable hourly rate at which vehicle can reasonably be expected to travel through a uniform section of a lane or roadway during a given time period.

The local roads within the subject area have road lanes that are occasionally occupied with parked vehicles and as such, can accommodate for up to 600 vehicles per hour. The collector roads within the subject area generally have road lanes that operate under clearway conditions due to the on-street parking controls and/or are adjacent parking lanes and can subsequently accommodate for a mid-block road capacity of up to 900 vehicles per hour in one direction.

The majority of roads within the area typically exhibit approximately 10% of the AADT volumes during the peak AM and PM hours, and therefore the operating capacity can be determined using these considerations. Based on the operational capacity and the traffic volume, the Volume to Capacity (V/C) ratio can be calculated providing a measure of the level of congestion on a road. A V/C ratio of 1.0 indicates that a road is operating at 100 percent capacity.

Roads operating up to 60% of the maximum capacity are defined as operating under free-flow conditions whereby vehicles are almost completely unimpeded in their ability to manoeuvre within the traffic stream. Roads operating above 90% of the maximum capacity are defined as approaching capacity indicating unstable flow causing issues with congestion.

Using this approach, it was determined that all of the roads reviewed within the area are all operating well within their respective capacities as shown in Figure 5 and in Table 2, noting Gladstone Road operating with the highest volume to capacity ratio within the subject area at 19%.

As expected, with the installation of any vertical deflection traffic control devices, there has consequently been an increase in traffic volumes on some
of the surrounding roads and whilst these road’s function varies from local to collector roads, they are all still operating well within the available capacity of each of the respective roads.

Figure 5: Operational Capacity Assessment (Volume – Capacity)
<table>
<thead>
<tr>
<th>Road Name and Section</th>
<th>Operational Capacity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brighton Parade (Between Shepherds Hill Road and Fern Road)</td>
<td>11.74%</td>
</tr>
<tr>
<td>Brighton Parade (Between Ashley Court and Simla Parade)</td>
<td>8.03%</td>
</tr>
<tr>
<td>Brighton Parade (Between Garnet Avenue and Clarence Street)</td>
<td>5.16%</td>
</tr>
<tr>
<td>Fern Road (Between Woodleigh Road and Brighton Parade)</td>
<td>4.72%</td>
</tr>
<tr>
<td>Gladstone Road (Between Shepherds Hill Road and Brigalow Avenue)</td>
<td>19.12%</td>
</tr>
<tr>
<td>Johnson Parade (Between Brighton Parade and Adey Road)</td>
<td>4.02%</td>
</tr>
<tr>
<td>Adey Road (Between Johnson Parade and Simla Parade)</td>
<td>2.58%</td>
</tr>
<tr>
<td>Simla Parade (Between Brighton Parade and Adey Road)</td>
<td>6.70%</td>
</tr>
<tr>
<td>Johnson Parade (Between Cassia Street and Ashby Avenue)</td>
<td>5.71%</td>
</tr>
<tr>
<td>Garnet Avenue (Between Archibald Street and Brighton Parade)</td>
<td>2.43%</td>
</tr>
<tr>
<td>Garnet Avenue (Between Brighton Parade and Wolseley Road)</td>
<td>3.93%</td>
</tr>
<tr>
<td>Cumming Street (Between Archibald Street and Brighton Parade)</td>
<td>5.24%</td>
</tr>
<tr>
<td>Cumming Street (Between Brighton Parade and Wolseley Road)</td>
<td>5.21%</td>
</tr>
</tbody>
</table>

Table 2: Operational Capacity Assessment (Volume-Capacity) Summary Table
Traffic Speed Assessment:

The 85th percentile speed is an industry measure to evaluate the frequency and extent of speeding and is defined by the Australian Standards as ‘the speed at or below which 85% of vehicles are observed to travel under free flowing conditions past a nominated point.

Drawing comparisons between the pre-implementation and post implementation conditions, the review similarly demonstrated that the installation of devices along Brighton Parade had been effective in reducing the average 85th percentile speeds along Brighton Parade. Specifically, Brighton Parade experienced 85th percentile speed reductions ranging between 7% and 32% at the Northern end (towards Shepherds Hill Road) and at the Southern end (towards Cumming Street) respectively.

Figure 6 illustrates the pre and post implementation traffic speed changes and is summarised in Table 3.

Figure 6: 85th Percentile Speed Assessment – Pre and Post Implementation Comparison
(Source: CIRQA Post Implementation Traffic Review)
<table>
<thead>
<tr>
<th>Road Name and Section</th>
<th>85th Percentile Speed (Pre-Implementation) km/hr</th>
<th>85th Percentile Speed (Post-Implementation) km/hr</th>
<th>Increase / Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brighton Parade</td>
<td>46</td>
<td>43</td>
<td>-7% (Over 3 Years)</td>
</tr>
<tr>
<td>(Between Shepherds Hill Road and Fern Road)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Brighton Parade</td>
<td>47.7</td>
<td>39.9</td>
<td>-16% (Over 3 Years)</td>
</tr>
<tr>
<td>(Between Ashley Court and Simla Parade)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Brighton Parade</td>
<td>49.9</td>
<td>34.1</td>
<td>-32% (Over 3 Years)</td>
</tr>
<tr>
<td>(Between Garnet Avenue and Clarence Street)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fern Road</td>
<td>47.5</td>
<td>43.4</td>
<td>-9% (Over 16 Years)</td>
</tr>
<tr>
<td>(Between Woodleigh Road and Brighton Parade)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gladstone Road</td>
<td>47.6</td>
<td>47.4</td>
<td>-1% (Over 3 Years)</td>
</tr>
<tr>
<td>(Between Shepherds Hill Road and Brigalow Avenue)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Johnson Parade</td>
<td>46.8</td>
<td>45.9</td>
<td>-2% (Over 2 Years)</td>
</tr>
<tr>
<td>(Between Brighton Parade and Adey Road)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adey Road</td>
<td>49.2</td>
<td>45.7</td>
<td>-7% (Over 16 Years)</td>
</tr>
<tr>
<td>(Between Johnson Parade and Simla Parade)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Simla Parade</td>
<td>49.4</td>
<td>46.5</td>
<td>-6% (Over 16 Years)</td>
</tr>
<tr>
<td>(Between Brighton Parade and Adey Road)</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Johnson Parade</td>
<td>42.3</td>
<td>42.9</td>
<td>+1% (Over 17 Years)</td>
</tr>
<tr>
<td>(Between Cassia Street and Ashby Avenue)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Garnet Avenue</td>
<td>49.2</td>
<td>46.7</td>
<td>-5% (Over 16 Years)</td>
</tr>
<tr>
<td>(Between Archibald Street and Brighton Parade)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Garnet Avenue</td>
<td>55.8</td>
<td>49.7</td>
<td>-16% (Over 22 Years)</td>
</tr>
<tr>
<td>(Between Brighton Parade and Wolseley Road)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cumming Street</td>
<td>47.2</td>
<td>51.8</td>
<td>+10% (Over 2 Years)</td>
</tr>
<tr>
<td>(Between Archibald Street and Brighton Parade)</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Cumming Street</td>
<td>62.3</td>
<td>46.6</td>
<td>-25% (Over 19 Years)</td>
</tr>
<tr>
<td>(Between Brighton Parade and Wolseley Road)</td>
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Table 3: 85th Percentile Speed Comparison Summary Table
Evaluation of the roads between Cumming Street to the South and Shepherds Hill Road to the North has shown a discernible reduction in 85\textsuperscript{th} percentile speeds indicating a general positive trend in driver speed behaviours with the exception of Cumming Street exhibiting an increase. As indicated by the CIRQA review, Cumming Street should have traffic data recaptured to determine if there is an underlying issue that requires resolution to reduce the 85\textsuperscript{th} percentile speed experienced along the road. Similarly, Gladstone Road, Simla Parade, Johnson Parade, Adey Road and Garnet Avenue should be monitored for the frequency and extent of speeding and further investigation into the implementation of pavement marking treatments to improve the road safety conditions.

It should be noted that the speed limit along all of the roads bounded by Coromandel Parade to the East, Shepherds Hill Road to the North and Cumming Street to the South are subject to a sign posted area speed limit of 40km/h. Whilst there has been notable reductions in 85\textsuperscript{th} percentile speeds within the area, the extent of speeding is still prevalent and will require and benefit from enforcement by SA Police to regulate motorists speed.

Council is not authorised to enforce speed limits or any offences involving moving vehicles, enforcement of speed limits is the responsibility of the SA Police. Further investigation and consideration of speed management traffic control devices is generally only warranted when the 85th percentile speeds are significantly in excess of the speed limit of the road or if there are any other contributing factors like crash history that may impair the road safety along the road.

The results of the traffic data have been submitted to SA Police road policing section for their information and investigation.

**Crash History Assessment**

Administration has reviewed the crash history in the subject area with data sourced from DPTI for the most recent 5 year period made available (2013-2017). As DPTI are still processing data for the 2018 year period, this assessment can only be undertaken in consideration of the pre-implementation conditions, however provides additional information on the surrounding area.

Based on the information reviewed, there is no relevant correlation of crash history to suggest that any improvement/implementation of traffic devices are warranted amongst the existing road infrastructure that would otherwise improve road safety in the area.
Road Lighting Assessment:

Prior to the commencement of the LED ‘P’ Category bulk lighting upgrade undertaken across the City, an independent audit evaluated the efficacy and adequacy of the road lighting configurations for all of the roads across the City of Mitcham against the requirements of the Australian Standard.

This assessment determined that the road lighting along Brighton Parade was not adequately illuminated to a road lighting category, commensurate to the function of road that it serves, and that the lighting requirements for two of the traffic control devices had not been achieved.

Engineering consultant, Wallbridge Gilbert Aztec, was engaged by Administration to prepare road lighting design documentation to provide the appropriate level of lighting with additional consideration of the design luminaire selection to contain the light spill within the road reserve and minimise the impact to adjacent properties. The design documentation for the lighting upgrades has been included with this report as Attachment C.

These upgrades undertaken by SA Power Networks were completed over the course of July and August 2019. Figure 7 and 8 have been prepared to show the significant improvement in the road lighting along Brighton Parade following the upgrade.

Figure 7: Road Lighting – Pre-Upgrade Conditions
Geometric Assessment:

Given the inherent steep longitudinal gradient of Brighton Parade, the implementation of vertical displacement traffic control devices conflicts with the requirements of the Department of Planning, Transport and Infrastructure (DPTI) for a standard device as horizontal deflection traffic control devices are the more suitable choice.

Whilst approval was previously sought from DPTI based on design documentation for the traffic control devices as currently installed, the complexities of constructing such devices in their current geographical locations posed significant challenges during the design and construction process. This resulted in significant departures from the original design documentation during construction.

During the construction process, it became apparent that modifications to the design were required to be made on site to ensure a safe traffic control device could be constructed. Numerous factors are required to be taken into consideration when constructing traffic control devices on roads with steep grades such as road type and width, horizontal and vertical alignment, camber, cross fall, vehicles types using the road, stormwater drainage and constructability.

A geometric assessment was undertaken to review whether the traffic control devices constructed met the appropriate vehicle clearance requirements following concerns raised by the local community relating to the ‘scraping’ of vehicles when travelling along and accessing Brighton Parade at certain traffic control devices.
From this assessment, it was determined that:

- The combination of the relatively steep grades along Brighton Parade and the changes in grade associated with the interface of the road and the ramps of the raised plateau result in abrupt transitions and potential for vehicles bottoming out and scraping the surface of the road and/or ramp.
- The raised intersection plateau at the intersection of Clarence Street and Brighton Parade has been verified to provide inadequate ground clearance for the standard vehicle travelling southbound to depart the device without scraping the surface of the road and/or ramp.
- six of the ten devices did not meet all of the specific elements of the requirements outlined in the DPTI Code of Technical Requirements, particularly at the intersection with side roads with respect to the layout of the plateau within the areas of the junctions and/or the length and gradient of the ramps. These are;
  - Brighton Parade/Fern Road: Raised Intersection Plateau
  - Brighton Parade/Johnson Parade: Raised Intersection Plateau
  - Brighton Parade/Ashley Court: Raised Intersection Plateau
  - Brighton Parade/Simla Parade: Raised Intersection Plateau
  - Brighton Parade/Clarence Street: Raised Intersection Plateau
  - Brighton Parade (South of Alison Avenue) Road Hump

**Traffic Control Device Remediation:**

The primary functional objective of the traffic control devices installed along Brighton Parade is to create vertical displacement to reduce the overall speed of motorists travelling along the roadway, whilst ensuring that the devices are able to be negotiated safely without any vehicle scraping or bottoming out. This is the determining factor that ultimately influences the speed at which vehicles travel along Brighton Parade, commensurate with being located within a 40km/h speed zone.

The fact remains that the combination of the road hump and raised intersection plateaus have achieved the desirable outcome of speed and volume reductions in principle albeit some of the devices had been identified as having elements that are non-standard in nature.

At the Designated Informal Gathering held on 21 May 2019, Administration presented the findings of the post implementation to review to Council identifying six (6) devices requiring remedial works.

Following this presentation, Administration engaged extensively with DPTI to individually assess each device on merit and to comprehend the implications of the non-standard arrangements. From this detailed review, it was determined that out of the six devices identified with non-standard arrangements, only the two devices identified below required further site specific modification treatment;

- Brighton Parade/Ashley Court: Raised Intersection Plateau
- Brighton Parade/Clarence Street: Raised Intersection Plateau

In collaboration with DPTI, Administration devised a remedial methodology to modify these two devices to enable them to be negotiated safely (without vehicle scraping and suitable for bus movements) while still achieving the functional objective of creating vertical displacement.
Based on this approach, Administration gained in principle approval and endorsement for the design methodology to achieve a practical, functional and constructible outcome by either extending/shortening of the length of a plateau and/or extending the length of the ramp(s).

Administration engaged engineering consultants, Walbridge Gilbert Aztec, to prepare civil design documentation based on the approved methodology ensuring that any departures from the DPTI and Australian Standards was adequately documented and undertaken strictly in accordance with the in principle approval provided by DPTI.

The remainder of the devices (including four of the previously identified six devices) were approved as not requiring any further treatment and the non-standard elements associated with these devices have been approved by DPTI:

- Brighton Parade – Road Hump (Adjacent #3 Brighton Parade)
- Brighton Parade – Road Hump (Adjacent #11 Brighton Parade)
- Brighton Parade/Fern Road – Raised Intersection Plateau
- Brighton Parade/Johnson Parade – Raised Intersection Plateau
- Brighton Parade/Simla Parade – Raised Intersection Plateau
- Brighton Parade – Road Hump (Adjacent #63 Brighton Parade)
- Brighton Parade – Road Hump (Between Garnet Avenue and Garnet Avenue)
- Brighton Parade – Road Hump (South of Alison Avenue)

The final design documentation associated with the 2 devices for modification has been resubmitted to DPTI and formal approval has been granted for the remedial designs. A copy of the final approved design documentation is attached in Attachment B.

Administration are now seeking Council support to proceed with the DPTI approved remedial works on the two (2) devices at:

- Brighton Parade/Ashley Court: Raised Intersection Plateau
- Brighton Parade/Clarence Street: Raised Intersection Plateau

Community Implications

The implementation of Traffic Control Devices along Brighton Parade has been a sensitive project that deeply affects the local community, and this is echoed by two separate petitions that have been received and presented to Council on separate occasions.

Option 1:

Should Council endorse this option to fund the remedial works in Budget Review 2, the residual risk of the occurrence of vehicle’s scraping will be eliminated in a shorter period than that of Option 2. This will assist in managing the expectations of the local community in addressing the issues associated with vehicle scraping and appease the concerns raised by the community, following the remedial construction works.
**Option 2:**

Should Council endorse this option, the construction works will be deferred, and the extent of the remedial works will be factored in as part of the renewal of the asset infrastructure of Brighton Parade and will be budgeted for as part of a future respective Capital Works Program in alignment with the Council’s Asset Management Plan. It should be noted that based on asset condition index rating, Brighton Parade (where these identified devices are located) is due to undergo road pavement asset renewal within the next 5 years.

Based on the level of sensitivity of the project, this option may not meet the needs and expectations of the local community. Concerns raised by the community may be viewed as ignored in lieu of the financial outlay of undertaking the works.

**Option 3:**

*Similarly to Option 1, this will assist in managing the expectations of the local community in addressing the issues associated with vehicle scraping, driver discomfort and appease the concerns raised by the community relating to traversing the devices, following the completion of both the remedial and the additional works.*

**Environmental / Heritage Implications**

This location is not located within any state or local heritage zones and subsequently not subject to any heritage requirements. Any environmental considerations and requirements will be taken under advisement and strictly adhered to prior to and during any infrastructure design or construction works.

**Cost Shifting Implications / Legislative Cost Imposts**

Nil.

**Impact on Budget including Lifecycle Costing**

In association with the post implementation review and associated detailed design documentation for civil and road lighting infrastructure, a total of $25,530 has been expended and has been detailed below;

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<th>Description</th>
<th>Cost</th>
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<tr>
<td>Post Implementation Review</td>
<td>$6,930</td>
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<tr>
<td>Detailed Design Documentation</td>
<td>$18,600</td>
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<tr>
<td>Total Consultancy Fees</td>
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Improvements to the road lighting along Brighton Parade had already been identified as being required as part of the LED Upgrade Program and as such, funds were allocated in the 18/19 Financial year to a value of $12,700 excl. GST from the LED Upgrade Budget Allocation to undertake these works.

Based on construction cost estimates prepared by the Engineering Consultant, factoring in respective contingencies, the amount required to facilitate the remedial civil infrastructure amounts to a total of $30,000 excl. GST.
Option 1:
Should Council endorse this option, the construction works will be deferred until Budget Review 2 for funding allocation. It should be noted that the cost estimate provides an indication of the magnitude of the cost required, and prior to Budget Review 2 will undergo the tendering process to establish fair price and best value for undertaking the works.

Option 2:
Should Council endorse this option, the construction works will be deferred and the extent of the remedial works will be factored in as part of the renewal of the asset infrastructure of Brighton Parade and will be budgeted for as part of a future respective Capital Works Program in alignment with the Council’s Asset Management Plan.

It should be noted that based on asset condition index rating, Brighton Parade (where these identified devices are located) is due to undergo road pavement asset renewal within the next 5 years.

Option 3:
*Based on construction cost estimates prepared by the Engineering Consultant for the remedial and the additional works for the six devices, the total amount required to facilitate the works amounts to a total of $83,000 excl.GST (factoring in respective contingencies). Similarly with Option 1, the cost estimate provides an indicative cost that will still need to undergo the tendering process to establish fair price and best value for undertaking the works prior to Budget Review 2.*

Risk Management / WHS Assessment
Concerns have been raised by the community in relation to the ‘scraping’ of vehicles along a number of the raised plateaus and road humps along Brighton Parade.

As previously advised, six of the ten constructed devices did not meet all of the specific elements of the requirements outlined in the DPTI Code of Technical Requirements due to reasons highlighted earlier in this report. However, it should be noted that eight of the ten devices have now been approved by DPTI.

The two remaining devices have been validated as providing inadequate ground clearance for the standard vehicle and are prone to vehicles bottoming out and scraping on the southbound departure sides, in their current configuration.

Whilst ground clearances are considered adequate for the remainder of the other traffic control devices along Brighton Parade, motorists traversing the traffic control devices may exhibit some level of discomfort and potential damage (to their vehicles) if the devices are approached at a speed higher than the advisory speed.
Option 1

Should Council endorse this option to fund the remedial works in the next available Budget Review, the residual risk of the occurrence of vehicle’s scraping will be eliminated in a shorter period than that of Option 2.

Through the geometric assessment and subsequent remedial design process, the objective has been to retain the beneficial aspects of the devices, whilst addressing their shortcomings. In this way, the general motorist should not notice any change in the basic structure apart from the fact that the devices will be able to be safely negotiated without the vehicle scraping, following the remedial construction works.

Any risks relating to the project delivery will be adequately documented through the project management framework to ensure that any potential risks are identified, controlled, eliminated and/or managed.

Option 2

Should Council endorse the approach to defer the remedial works to align with the asset renewal of Brighton Parade, the risk of potential damage to vehicles will be isolated to the two identified devices that inadequately provide an appropriate level of ground clearance.

Option 3

In addition to the same considerations as Option 1, the additional works will improve the road level transitions, minimise driver discomfort when traversing the traffic control devices whilst still meeting the functional objectives of the devices.

Legal / Policy Implications

Under Section 17 of the Road Traffic Act, Council has delegated approval to install traffic control devices so long as the conditions of the instrument have been met in full, and any non-standard treatments authorised and approved by the Commissioner of Highways (i.e. DPTI).

The previous design documentation (that led to the construction of the devices as they currently exist) prepared by an external designer and subsequently approved by DPTI was undertaken with the intention to minimize the non-standard nature of the devices given the vertical geometry of Brighton Parade. However, in consideration of the tight constraints and the respective tolerance levels of design and construction of the locality resulted in issues with the ability to construct the devices strictly in accordance with the documentation requiring modifications during construction.

Through this post implementation review and the collaborative effort between DPTI and Administration, the detailed assessment undertaken at each of the devices has resulted in the approval of eight of the ten devices along Brighton Parade as they currently exist. The remaining two devices located at the intersections of Ashley Court and Clarence Street with Brighton Parade...
respectively are currently unapproved by DPTI in their current state. Failing to comply with the requirements under the act, may result in the Commissioner of Highways issuing direction for DPTI to instruct Council to undertake the remedial works.

As discussed previously, the remedial design methodology extensively considered the practical constructability and has been strictly undertaken in accordance with the DPTI approval (for elements of the devices that did not meet the requirements) with all else produced to comply with all legislative requirements, relevant Australian, State Government, Industry and authority standards.

Once the remedial works are undertaken on the two identified devices (as per the DPTI approved design documentation), all of the ten devices will be in strict conformance (including the non-standard elements) with the approval provided by the Department of Planning, Transport and Infrastructure meeting Council’s obligation under Section 17 of the Act.

Option 1 and 3:

Consideration between Options; 1, 2 and 3 exhibit little difference from a legislative context as all options demonstrate the intention to correct the non-conformance, the key difference relates to the duration between when the works are to be undertaken.

Option 2:

Postponing the remedial works to align with the asset renewal of Brighton Parade (as proposed by this option) could allow for a more cohesive design and construction methodology that may allow for further improvement of the transitions from the roadway to the respective devices. However, in doing so, may leave Council potentially liable for any potential damages incurred specifically relating to any of the non-standard devices. As alluded to in previous discussion, Brighton Parade where the identified devices are located is due to have infrastructure asset renewal occur within the next 5 years.

Engagement

Administration will undertake community engagement with the directly affected residents and other key stakeholders prior to the commencement of any infrastructure works in conformance with Council’s Public Consultation Policy and subsidiary procedures and guidelines.
CONCLUSION

In 2017, the City of Mitcham installed a series of flat-top road humps and raised intersection plateaus along Brighton Parade, Blackwood to reduce vehicle speeds and the volume of cut-through traffic (avoiding traffic congestion and having to negotiate the roundabout at the intersection of Shepherds Hill Road and Main Road) in response to issues raised by the surrounding community.

Following the construction of the series of road plateaus and road humps (ten in total) along the full length of Brighton Parade in late 2017, Administration engaged traffic consultants, CIRQA, to undertake a post implementation review (‘CIRQA Review’) and geometric assessment to evaluate the performance effectiveness pre and post implementation of the installed traffic control devices.

In evaluation of the pre and post implementation conditions, it was concluded that the introduction of the traffic control devices had a significant effect in reducing the average annual daily traffic volume. As expected, with the installation of any vertical deflection traffic control devices, there has consequently been an increase in traffic volumes on some of the surrounding roads and whilst these road’s function varies from local to collector roads, they are all still operating well within the available capacity of each of the respective roads.

The road lighting along Brighton Parade was assessed and some modification works were required to improve the consistency and level of lighting of the road. These upgrade works have since been completed and have shown a significant improvement in the level of road lighting and road safety for night time users.

As part of this review, a geometric assessment was undertaken to determine whether the traffic control devices constructed met the appropriate vehicle clearance requirements following concerns raised by the local community relating to the ‘scraping’ of vehicles when travelling along Brighton Parade.

From this assessment it was determined that the combination of the relatively steep grades along Brighton Parade, the changes in grade associated with the interface of the road/ramps of the raised plateau result in abrupt transitions and potential for vehicles to bottom out and scrape the surface of the road and/or ramp for some of the devices.

Administration engaged extensively with DPTI to individually assess each device on merit and to comprehend the implications of the non-standard arrangements. From this detailed review, it was determined that out of the six devices identified with non-standard arrangements, only two devices required further site specific modification treatment.

In collaboration with DPTI, Administration devised a remedial methodology to modify the two unapproved devices to enable them to be negotiated safely (without any vehicle scraping and suitable for bus movements) while still achieving the functional objective of creating vertical displacement.
The final design documentation associated with the 2 devices for modification has been resubmitted to DPTI and formal approval has been granted for the remedial designs.

The remainder of the devices (including four of the previously identified six devices) were approved as not requiring any further treatment and the non-standard elements associated with these devices have now been approved by DPTI;

- Brighton Parade – Road Hump (Adjacent #3 Brighton Parade)
- Brighton Parade – Road Hump (Adjacent #11 Brighton Parade)
- Brighton Parade/Fern Road – Raised Intersection Plateau
- Brighton Parade/Johnson Parade – Raised Intersection Plateau
- Brighton Parade/Simla Parade – Raised Intersection Plateau
- Brighton Parade – Road Hump (Adjacent #63 Brighton Parade)
- Brighton Parade – Road Hump (Between Garnet Avenue and Garnet Avenue)
- Brighton Parade – Road Hump (South of Alison Avenue)

Administration are now seeking Council support to proceed with the DPTI approved remedial works on the two (2) devices at;

- Brighton Parade/Ashley Court: Raised Intersection Plateau
- Brighton Parade/Clarence Street: Raised Intersection Plateau
BRIGHTON PARADE, BLACKWOOD
TRAFFIC CONTROL TREATMENTS
POST-IMPLEMENTATION REVIEW
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APPENDIX A – ROAD HUMP AND RAISED PAVEMENT CONSTRUCTION PLANS
APPENDIX B – TRAFFIC VOLUME AND SPEED DATA
APPENDIX C – DETAIL AND LEVEL SURVEY
1. INTRODUCTION

In 2017, the City of Mitcham installed a series of road humps and raised plateaus along Brighton Parade, Blackwood. The humps and plateaus were installed to reduce vehicle speeds and the volume cut-through traffic along the street in response to issues raised by the surrounding community.

The City of Mitcham has engaged CIRQA to undertake a post-implementation review of the impacts of the traffic control treatments on conditions along Brighton Parade as well as adjacent side streets.

This report summarises the review undertaken of existing conditions, traffic data recorded both before and after the installation of the humps/plateaus and provides a high-level indication of the impacts and outcomes associated with the treatments.
2. BACKGROUND

2.1 SUBJECT ROAD

Brighton Parade is under the care and control of the City of Mitcham. The road is oriented north-south and provides connection between Shepherds Hill Road (an arterial road) and Cumming Street. The road primarily services residential properties, with the exception of commercial land uses at its northern end as well as a nearby school and recreation uses to the south-west of its southern end. Figure 1 illustrates Brighton Parade and the surrounding road network.

![Figure 1 - Brighton Parade and the surrounding road network](image)

Traffic data recorded by the City of Mitcham identifies volumes in the order of 930 (at its southern end) to 2,115 (at its northern end) vehicles per day are experienced on Brighton Parade. Such volumes indicate that Brighton Parade functions as a ‘collector road’. The traffic data also indicates 85th percentile vehicle speeds in the order of 34 to 43 km/h (depending on location) are experienced on Brighton Parade. The detailed traffic data provided by the City of Mitcham is discussed further in Section 2.2.

Brighton Parade includes a number of side street intersections as well as a level (rail) crossing (associated with the Belair Railway Line). The road also accommodates numerous crossovers providing direct access to residential...
properties fronting Brighton Parade. A bus service operates along Brighton Parade, between Shepherds Hill Road and Johnson Parade.

2.2 TRAFFIC CONTROL TREATMENTS

In 2017, the City of Mitcham installed a series of ‘flat top’ road humps and ‘raised pavement’ (intersection plateaus) along Brighton Parade. The devices were installed in response to community concerns in respect to perceived high levels of cut-through traffic and vehicle speeds on Brighton Parade. Of particular note, it was perceived that increasing congestion at the nearby ‘Blackwood roundabout’ (Shepherds Hill Road/Coromandel Parade/Main Road intersection) was resulting in increased cut-through movements along Brighton Parade between Shepherds Hill Road and Coromandel Parade/Cumming Street.

The construction plans for the humps and raised pavement treatments are included in Appendix A. The humps and raised pavement treatments have been installed as follows:

- the northern-most device has been installed approximately 78 m south of Shepherds Hill Road;
- the southern-most device has been installed approximately 66 m north of Cumming Street;
- the remaining devices have been spaced (from north to south) at 126 m, 123 m, 133 m and 151 m; and
- the devices north of Johnson Parade have been installed with ramps approximately 2.0 m long (to accommodate bus movements) with the remaining ramps generally 1.2 m long (albeit shorter ramps have been installed on some of the side street approaches to the raised pavements).

2.3 PREVIOUS STUDIES

The proposal to install the traffic control devices on Brighton Parade was the result of a number of studies undertaken within the Brighton South area as well as associated community consultation. The following relevant documents have been provided by the City of Mitcham and reviewed as part of this study.

2.3.1 2013 BLACKWOOD SOUTH TRAFFIC REVIEW

GTA Consultants prepared a review of traffic conditions within the Blackwood South area in 2013. The study was prepared to provide an integrated traffic management plan to address cut-through traffic and vehicles speeds within the area, with a particular focus on Brightor Parade.

The GTA study concluded that traffic volumes and speeds within the area were generally within typical levels for the nature and function of the subject streets.
The study also identified that there had been a low number of reported crashes within the study area. GTA recommended that road humps not be implemented on Brighton Parade (due to the street’s gradients) but that perimeter thresholds and driveway links could be considered to reduce volumes and speeds on the street.

2.3.2 2015 BLACKWOOD TRAFFIC REVIEW

In 2015, Tonkin Consulting were engaged by the City of Mitcham to further investigate traffic issues within the southern area of Blackwood. The study was prepared in response to ongoing complaints received from residents regarding traffic volumes and speeds experienced on Brighton Parade. Of particular note, the Tonkin study noted that the recommendations of the GTA (2013) study were generally not supported by the local community.

A review of available traffic speed data indicated that relatively high proportions of drivers were exceeding the posted 40 km/h speed limit (between 48% to 89% depending on location). The 85th percentile speeds ranged from 47.0 to 56.4 km/h.

The Tonkin study included an origin-destination (O-D) survey to identify the level of cut-through movements in Blackwood South between Shepherds Hill Road and Coromandel Parade. Based on the O-D results, Tonkin concluded that the level of cut-through traffic occurring on Brighton Parade was relatively high with 29% of northbound movements in the AM peak hour and 36% of southbound movements in the PM peak hour being associated with ‘cut-through’ movements.

Tonkin provided a detailed review of various traffic control options to reduce the level of cut-through movements including an assessment of advantages and disadvantages for each option. Tonkin stated “... it will be very difficult to have a meaningful impact on through traffic volumes along Brighton Parade, without very restrictive traffic control measures.”. The study concluded that until delays on the broader arterial road network (particularly at the ‘Blackwood’ roundabout) are reduced, the cut-through traffic demand along Brighton Parade would likely remain. Tonkin did however note that traffic speeds could more easily be influenced with traffic control treatments.

Tonkin recommended that the GTA driveway link proposal or flat-top humps should be considered for implementation on Brighton Parade. Tonkin noted that gradients along Brighton Parade were generally within acceptable levels for the implementation of humps and that where the desirable gradients were exceeded there was a sufficient sight distance provisions. Tonkin did not identify a preferred option but suggested further consultation with the community and DPTI be undertaken.
2.3.3 TRAFFIC IMPACT STATEMENT

As a result of the two traffic studies and associated community consultation, the City of Mitcham prepared a proposed traffic control treatment for Brighton Road comprising road humps and raised intersection plateaus. A traffic impact statement was prepared for the proposed treatments, given a number of aspects would not conform with DPTI’s “Code of Technical Requirements”, namely:

- the southern-most and northern-most humps were to be located greater than 50 m from the adjacent intersections (Cumming Street and Shepherds Hill Road, respectively);
- the spacing between four of the devices would exceed the maximum spacing of 120 m;
- the design of the raised pavement treatments would be “slightly” non-standard to minimise impact on stormwater and pedestrian access for adjacent side streets with an 80mm high platform; and
- the flat-topped humps would be longer than sought by the Code to minimise impacts on buses as requested by DPTI’s public transport representatives.

The TIS noted that it was “...anticipate that there [would] be improved amenity, road safety, [and] a reduction of traffic volumes in Brighton Parade as a result of the proposed traffic control devices and speeds”.

2.3.4 EXISTING CONDITION ROAD SAFETY AUDIT

Following installation of the traffic control devices (and as part of an initial stage of the post-implementation review), CIRQA undertook an ‘existing condition’ road safety audit of Brighton Parade, the installed traffic control devices and associated side street intersections.

A number of road safety issues were identified as part of the road safety audit. Of particular relevance to the post-implementation review, the following key findings and recommendations were made in relation to the humps and plateaus:

- the geometric layout of a number of the humps/plateaus appeared to be contributing to vehicles ‘bottoming-out’ or scraping the road surface (further review of the geometric layout for the devices is provided in Section 4);
- the thermoplastic linemarking installed on the concrete ramps of the humps/plateaus was in relatively poor condition and had dislodged in a number of locations; and
- street lighting in the vicinity of the hump between Garnet Avenue and Ashby Avenue did not appear adequate.
3. TRAFFIC IMPACTS

The City of Mitcham has provided daily traffic volume and 85\textsuperscript{th} percentile speed data recorded on a number of streets both prior to and following the installation of the traffic control devices in Brighton Parade. The pre-implementation data has been recorded over a number of years which impacts the ability to directly compare changes in conditions between the various streets. Nevertheless, the data does provide a general indication in the changes in conditions over time on the subject streets. Figure 2 illustrates the locations where data has been collated within the study area. The detailed data is provided in Appendix B.

![Traffic Impact Map](image)

Figure 2 - Data count locations within Blackwood South

3.1 TRAFFIC VOLUME REVIEW

Daily traffic volume data recorded by the City of Mitcham has been compared to review potential impacts associated with the implementation of the humps and plateaus. Figure 3 summarises the changes in traffic volumes recorded.
In relation to Brighton Parade, the difference between the ‘before’ and ‘after’ data is approximately three years. With the exception of the installation of the recent traffic control devices, there are no other apparent major changes in the road environment and/or conditions which would have had significant impact on traffic volumes. The data suggests that volumes on Brighton Parade have reduced by approximately 270 vehicles per day at its northern end and by approximately 530 vehicles per day at its southern end. The data suggests that the humps and plateaux have been effective in reducing traffic volumes on Brighton Parade.
The impact on the adjacent side streets is less defined due to the variance in the age of the ‘before implementation’ data. A number of the data points were recorded over 15 years ago and pre-date the completion of relatively significant portions of the nearby Blackwood Park (Craigburn Farm) residential land development. For these streets, it is unclear what proportion of the changes in daily traffic volumes (if any) is attributable to the recently installed devices.

Relatively recent ‘before’ data was, however, recorded on Gladstone Road, Johnson Parade (east) andCumming Street (east). The changes in traffic volume on these streets are summarised, as follows:

- **Gladstone Road** – daily traffic volumes have increased by approximately 250 vehicles per day. This increase is comparable to the decrease experienced on the northern section of Brighton Parade. It is possible that a proportion of drivers who previously utilised Brighton Parade (for instance, to avoid the ‘Blackwood’ roundabout) have diverted to Gladstone Road. Gladstone Road carries a relatively high volume (over 3,000 vehicles per day) in line with a function as a ‘minor collector road’. While a proportion of these movements are likely associated with the adjacent commercial uses (at its northern end), it is likely that a relatively high proportion of cut-through movements are experienced on Gladstone Road. It appears that the implementation of traffic control devices on Brightom Road may have worsened daily traffic volumes on Gladstone Road. Consideration of additional treatments on Gladstone Road may be worthwhile;

- **Johnson Parade (East)** – daily traffic volumes have increased by approximately 140 vehicles per day. It is possible that a proportion of drivers have diverted to Johnson Parade and Adey Road to avoid road humps south of Johnson Parade. Nevertheless, volumes are still well within the level of traffic typically associated with ‘local roads’ (less than 1,500 vehicles per day); and

- **Cumming Street (West)** – daily traffic volumes have reduced by approximately 415 vehicles per day on the section west of Brighton Parade (in just two years). This is relatively significant reduction. Given the relatively limited data recorded on streets west of Brighton Parade is difficult to identify where these movements have redistributed to (or whether other factors have resulted in the reduction). Data recorded on the section of Johnson Parade between Ashby Avenue and Cassia Street has, however, increased by approximately 340 vehicles per day. The ‘before’ data for this section of road is approximately 17 years old, so it is difficult to draw specific conclusions. However, it is possible that a proportion of drivers have diverted from utilising the southern section of Brighton Parade to using the western section of Johnson Parade and Trevor Terrace.
On the basis of the review of daily traffic volumes recorded within the study area, it appears that the recently installed humps and plateaus have been effective in reducing daily traffic volumes (and potentially ‘cut-through’ movements) on Brighton Parade. There appears to have been increases on adjacent side streets and alternative access routes as a result of the devices, however given the age of most of the ‘before’ data is difficult to specifically identify the impact of the devices on these streets. Nevertheless, volumes on the adjacent streets are generally still within the levels associated with local roads and the associated traffic impacts appear to have been spread throughout the surrounding network. The only street which warrants further review is Gladstone Road which carries relatively high volumes and is likely to accommodate a higher level of cut-through movements than the other streets reviewed.

3.2 TRAFFIC SPEED REVIEW

Based on the traffic (85\textsuperscript{th} percentile) speed data provided by the City of Mitcham, a comparison of pre-implementation and post-implementation 85\textsuperscript{th} percentile speeds has been undertaken. Figure 4 summarises the changes in traffic speeds recorded within the study area.
Figure 4 - Changes in 85th percentile speeds recorded within the study area

As with the traffic volume data, the speed data for a number of the adjacent side streets is relatively old. A number of pre-implementation data points were recorded prior to the implementation of the area’s 40 km/h speed limit in 2001. In addition, the general urban speed limit of 50 km/h was implemented in 2003. While the 50 km/h speed limit does not apply on the subject streets, it may have altered general driver behaviour in reducing vehicle speeds on local roads. It is therefore difficult to draw solid conclusions in relation to the impacts of the Brighton Parade traffic control devices on these side streets where data is over three
years old. Nevertheless, it is noted that 85\textsuperscript{th} percentile speeds have reduced on these streets (with relatively old pre-implementation data) which is a positive outcome (irrespective of the age of the data and the causal factors).

In fact, the data suggests that traffic speeds have reduced on all of the subject streets with the exception of the western section of Cumming Street (for which the recorded 85\textsuperscript{th} percentile speeds are approximately 10\% higher than 2 years ago). The factors relating to the increase on Cumming Street are not clear. It is noted that traffic volumes have reduced (fairly significantly) over the same period. Collection and review of further traffic data may be beneficial to review conditions in Cumming Street further and whether the data is a statistical anomaly/outlier.

In relation to the Brighton Parade, the data does suggest that the humps and plateaus have possibly reduced 85\textsuperscript{th} percentile speeds. The data indicates reductions in the 85\textsuperscript{th} percentile speeds of between 7\% and 32\% on Brighton Parade. The lowest reduction (7\%) was recorded at the northern end of Brighton Parade. This is not surprising given the vertical alignment is flatter and the humps/plateaus have more gradual ramps (to accommodate bus movements) with a reduced impact on vehicle speeds. Higher reductions are observed further south where the ramp gradients have not been reduced for bus movements and there is greater variation in the vertical alignment. In both the middle and southern sections of Brighton Parade, the post-implementation 85\textsuperscript{th} percentile speeds are below 40 km/h.

While it is difficult to wholly attribute the changes in vehicle speeds to the traffic control devices, it likely that they are the primary factor for the reduced speeds on Brighton Parade. Importantly, while volumes may have increased on some of the adjacent side streets following implementation of the devices, there has not been a notable increase in speeds on these streets (in fact, decreases in speeds have been noted on almost all side streets). On this basis, it is considered that the implementation of the traffic control devices is likely to have had a positive overall impact in relation to 85\textsuperscript{th} percentile vehicle speeds in the study area.
4. GEOMETRIC ASSESSMENT

A survey of the horizontal and vertical alignment of the road humps and plateaus has been prepared by Alexander Symonds for further review (refer Appendix C). The survey information has been utilised to compare the ‘as constructed’ conditions to the design plans and the requirements of DPTI’s “Code of Technical Requirements” and the Austroads’ “Guide to Traffic Management Part 8: Local Area Traffic Management”. It should be noted that the design requirements associated with road humps are more explicitly stated (in the Code), whereas the design of raised pavements is more flexible (in both the Code and the Austroads’ guide).

Geometric conditions identified at each device are summarised below in order of the treatments from north to south.

- **Device 1 (Hump)** – the geometric layout (Figure 5) of the hump is generally in line with the provisions of the Code (with the exception of the longer ramp for bus movements) and the design plans (minor variation from the design dimensions is within typical construction tolerances). A review of ground clearances for a B99 design vehicle along the device’s centre line indicates adequate clearance is provided.

![Device 1 layout](image)

*Figure 5 - Device 1 layout*

- **Device 2 (Hump)** – the geometric layout (Figure 6) of the hump is generally in line with the provisions of the Code (with the exception of the longer ramp for bus movements) and the design plans (minor variation from the design dimensions is within typical construction tolerances). A review of ground clearances for a B99 design vehicle along the device’s centre line indicates adequate clearance is provided.
Figure 6 - Device 2 layout

- **Device 3 (Raised Pavement)** – the device layout (Figure 7) is generally in accordance with the Code however has been constructed longer than shown on the design plan (it appears that the design has been altered to more appropriately accommodate a driveway on Brighton Parade). The side street ramp has been constructed as 1.5 m, not 2.0 m as shown on plan (albeit this is considered acceptable given buses do not utilise this section of the device). A review of ground clearances for a B99 design vehicle along the device’s centre line indicates adequate clearance is provided.

Figure 7 - Device 3 layout

- **Device 4 (Raised Pavement)** – the device layout (Figure 8) is generally in accordance with the Code and design plans, with the exception of the ramp on the Johnson Parade leg (which is approximately 1.0 m long, not 2.0 m as indicated on the plans). This ramp length is less than requested by DPTI to accommodate bus movements. While not specifically against the requirements of the Code or Austroads’ guide the gradient of this ramp is steeper than the desirable 1 in 12 ratio. A review of ground clearances for a
B99 design vehicle along the device's centre line indicates adequate clearance is provided.

**Figure 8 - Device 4 layout**

- **Device 5 (Raised Pavement)** – the device layout (Figure 9) is generally in accordance with the Code and design plans, with the exception of the ramp on the Ashley Court leg (which is approximately 1.0 m long, not 2.2 m as indicated on the plans). While not specifically against the requirements of the Code or Austroads' guide the gradient of this ramp is steeper than the desirable 1 in 12 ratio. A review of ground clearances for a B99 design vehicle along the device’s centre line indicates adequate clearance is provided.

**Figure 9 - Device 5 layout**
- **Device 6 (Raised Pavement)** – the device (Figure 10) does not extend into Simla Parade as far as the plan indicated and only has a 600 mm long ramp in Simla Parade. While not specifically against the requirements of the Code or Austroads’ guide the gradient of this ramp is steeper than the desirable 1 in 12 ratio. A review of ground clearances for a B99 design vehicle along the device’s centre line indicates adequate clearance is provided.

![Figure 10 - Device 6 layout](image)

- **Device 7 (Hump)** – the device (Figure 11) is shorter than proposed (6 m vs 7m) but within requirements of the Code. A review of ground clearances for a B99 design vehicle along the device’s centre line indicates adequate clearance is provided.

![Figure 11 - Device 7 layout](image)

- **Device 8 (Hump)** – the hump’s (Figure 12) 1.2 m long ramps are shorter than shown on the plan but within the requirements of the Code. A review of
ground clearances for a B99 design vehicle along the device's centre line indicates adequate clearance is provided.

Figure 12 - Device 8 layout

- **Device 9 (Raised Pavement)** – The device's (Figure 13) southern ramp on Brighton Parade is relatively long (approximately 2.4 m) – this flatter than that allowed for buses and would have reduced impact on vehicle speeds. The ramp in Clarence Street is short (580 mm) and steeper than the desirable gradient (vehicles may be more likely to bottom-out/scrape the device. The overall treatment also does not extend into Clarence Street as much as shown on the design plans. A review of ground clearances for a B99 design vehicle along the device’s centre line indicates that there is inadequate clearance on the southern ramp of the device (refer Figure 14).
**Figure 13 - Device 9 layout**

**Figure 14 - Ground clearance assessment for Device 9 (hump)**

- **Device 10 (Hump)** – The hump’s ramps are both approximately 1.5 m long (these are generally longer than the other ones south of Johnson Parade, however still conform with the Code). The hump has wide ‘edge ramps’ (from plateau to water table) (600 mm) which reduces the humps effectiveness. The vertical alignment is also poor – it does not appear that the full 100 mm height has been achieved and there is a localised low point on the plateau around the service pit lid. The resulting vertical alignment has a reduced impact on vehicles than that intended by the Code. A review of ground clearances for a B99 design vehicle along the device’s centre line indicates adequate clearance is provided.
Figure 15 - Device 10 layout
5. **SUMMARY**

A review of the traffic control devices (humps and raised pavements) has been undertaken based on available traffic data and survey information.

The review of daily traffic volumes has suggested that the devices have been effective in reducing traffic volumes on Brighton Parade. There appears to have been increases on a number of the adjacent side streets, albeit much of the side street data is relatively old and defined conclusions are difficult to draw. Nevertheless, the daily volumes on the adjacent side streets are well within the levels associated with local roads with the exception of Gladstone Road (which warrants further review).

In relation to 85th percentile speeds, the devices appear to have also been effective in reducing speeds along Brighton Parade. Speed reductions have also been observed on most other streets in the study area, albeit given the age of some of the data, the recently installed devices are likely to have been less of a factor (compared to the impact on Brighton Parade).

A review of the geometric layout of the humps has noted a number of non-conformances with either the design guidelines and/or the design plans. This may result in either reduced effectiveness of the devices or vehicles bottoming-out/scraping the devices (with associated longer-term maintenance issues). It may be desirable to consider altering the devices for which issues have been identified to minimise ongoing issues.
APPENDIX A
TRAFFIC CONTROL DEVICE PLANS
PROPOSED ROAD HUMPS / RAISED PLATFORMS

BRIGHTON PARADE, BLACKWOOD

DRAWING SCHEDULE

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<td>2</td>
<td>PROPOSED ROAD HUMPS / RAISED PLATFORMS - CH 00 - CH 400</td>
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<tr>
<td>3</td>
<td>PROPOSED ROAD HUMPS / RAISED PLATFORMS - CH 400 - CH 800</td>
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<tr>
<td>4</td>
<td>PROPOSED ROAD HUMPS / RAISED PLATFORMS - CH 800 - CH 1232.766</td>
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</tbody>
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APPENDIX B
TRAFFIC VOLUME AND SPEED DATA
BEFORE SPEED HUMPS WERE INSTALLED

- Date: 23/06/2015
  AADT: 2383
  85%: 46.00 km/h

- Date: 11/05/2016
  AADT: 582
  85%: 46.80 km/h

- Date: 06/05/2002
  AADT: 172
  85%: 49.20 km/h

- Date: 11/02/2015
  AADT: 2311
  85%: 47.70 km/h

- Date: 28/10/2002
  AADT: 519
  85%: 47.50 km/h

- Date: 23/06/2015
  AADT: 3190
  85%: 47.50 km/h

- Date: 21/10/2002
  AADT: 744
  85%: 49.40 km/h

- Date: 16/10/2001
  AADT: 348
  85%: 42.30 km/h

- Date: 29/04/2002
  AADT: 431
  85%: 49.20 km/h

- Date: 11/02/2015
  AADT: 1456
  85%: 49.90 km/h

- Date: 06/05/1996
  AADT: 495
  85%: 55.80 km/h

- Date: 11/05/2016
  AADT: 1360
  85%: 47.20 km/h

- Date: 20/04/1999
  AADT: 910
  85%: 62.30 km/h
AFTER SPEED HUMPS WERE INSTALLED

Date: 14/02/2018
AADT: 2114
85%: 43.00 km/h

Date: 14/02/2018
AADT: 3441
85%: 47.40 km/h

Date: 14/02/2018
AADT: 723
85%: 45.90 km/h

Date: 14/02/2018
AADT: 310
85%: 45.70 km/h

Date: 14/02/2018
AADT: 1445
85%: 39.90 km/h

Date: 14/02/2018
AADT: 802
85%: 46.50 km/h

Date: 14/02/2018
AADT: 292
85%: 46.70 km/h

Date: 14/02/2018
AADT: 928
85%: 34.1 km/h

Date: 14/02/2018
AADT: 472
85%: 46.70 km/h

Date: 14/02/2018
AADT: 944
85%: 51.60 km/h

Date: 14/02/2018
AADT: 938
85%: 46.60 km/h
APPENDIX C
DETAIL AND LEVEL SURVEY
9.5 ENHANCING OUR PARKS FOR PEOPLE AND DOGS OFF-LEASH
HANNAFORD PARK - SURVEY FINDINGS AND RECOMMENDATIONS

Report Author/Manager: Stephen Saffin
General Manager: Craig Harrison
(Meeting Date: 22 October 2019)
(Location: The Park Ward)
(Consultant Used: $6,000)

This report has been previously brought to Council as a Discussion Paper and is now provided as a Decision Report.

Changes to the previous report are highlighted in Bold Italics.

PROPOSAL

To advise Council of the findings of the “Enhancing Our Parks for People and Dogs Off-Leash – Hannaford Park – Survey” and to seek endorsement of the recommendations on enhancements to be implemented.

RECOMMENDATION – ITEM 9.5

DECISION 1

Option 1 (Staff Recommendation)

That Council receives the findings of the “Enhancing Our Parks for People and Dogs Off-Leash – Hannaford Park – Survey”

Option 2

That Council does not receive the findings of the “Enhancing Our Parks for People and Dogs Off-Leash – Hannaford Park – Survey”

DECISION 2

Option 1 (Staff Recommendation)

That Council endorses the following recommendations at Hannaford Park and proceed with implementation using existing budget from the Dog and Cat Management Budget lines.

Character of the Park

- Retain the existing rustic character and openness of the Park
- Retain the park as an off-leash, multi-purpose park

Minor enhancements

- A shelter (note: Blackwood Rotary Club has showed interest on funding the shelter. Final arrangements are still being worked through).
- A path leading to the shelter
• Relocate the water fountain away from the existing path to ease congestion on the path
• Reconfigure the entry/exist points on Laffers Road for greater safety
• Renew signage with messages about picking up after your dog and dog controls

Maintenance improvements

• **At this stage maintain existing maintenance, maintenance will be monitored and reviewed post enhancement implementation.**

Option 2

That Council endorses the following recommendations at Hannaford Park and bring back a further report to Council if implementation costs exceed the existing available budget from the Dog and Cat Management budget lines.

Character of the Park

• Retain the existing rustic character and openness of the Park
• Retain the park as an off-leash, multi-purpose park

Minor enhancements

• A shelter (note: Blackwood Rotary Club has showed interest on funding the shelter. Final arrangements are still being worked through).
• A path leading to the shelter
• Relocate the water fountain away from the existing path to ease congestion on the path
• Reconfigure the entry/exist points on Laffers Road for greater safety
• Renew signage with messages about picking up after your dog and dog controls

Maintenance improvements

• **At this stage maintain existing maintenance, maintenance will be monitored and reviewed post enhancement implementation.**

Option 3

That Council endorses the following recommendations for implementation at Hannaford Park and proceed with implementation using existing budget from the Dog and Cat Management Budget lines subject to the following changes:

Character of the Park

• Retain the existing rustic character and openness of the Park
• Retain the park as an off-leash, multi-purpose park
Minor enhancements

- A shelter (note: Blackwood Rotary Club has showed interest on funding the shelter. Final arrangements are still being worked through).
- A path leading to the shelter
- Relocate the water fountain away from the existing path to ease congestion on the path
- Reconfigure the entry/exist points on Laffers Road for greater safety
- Renew signage with messages about picking up after your dog and dog controls

Maintenance improvements

- At this stage maintain existing maintenance, maintenance will be monitored and reviewed post enhancement implementation.

(Council determines any changes to be made)

Option 4

That Council endorses no enhancements to occur at Hannaford Park.

BACKGROUND

Council endorsed the Dog and Cat Management Plan 2018-23 (DCMP) on the 8 May 2018 and it became operational on the 1 July 2018. The Plan has a number of key objective, strategies and measures to be actioned during its 5-year life.

In preparation and deliberations prior to Council endorsing the Dog and Cat Management Plan 2018-23 in 2018 it was a clear decision not to have a second dedicated dog park in the hills. This was based on two studies done by Balancing Act Adelaide in October 2016 – Dogs Off –Leash Study and February 2017 – Location Assessment: Dog Park Suitability and presented to Council.

Council final position was to enhance a number of off leash park/reserves rather than build a second dog park in the hills (reference on Dog Parks are contained the Dog and Cat Management Plan 2018-23 at 5.5 p18). If Council now had a different view in this regard they could do this by Council resolution.

This report concentrates on the following Key Objective:

Key objective in the DCMP being 6.2.7 (a) Develop Hannaford Park as an enhanced dog off leash area determined by further targeted consultation.

Council believed it was important to hear the views of the community and find out what they would like to see in the off-leash parks. A community engagement approach was developed to capture the thoughts and ideas of the community.
Attachments:


STRATEGIC OBJECTIVES

Goal 1 Accessible & Connected Community

Objective 1.3 Our community has access to high quality, vibrant, well serviced places and spaces to meet, learn and recreate.

Goal 4 Vibrant & Rich Culture

Objective 4.4 We have neighbourhoods that are well designed, sustainable, liveable and complement their local character.

DISCUSSION

Hannaford Park was the first park to trial this engagement approach; this is one of a number of Parks/Reserves identified in the current Dog and Cat Management Plan 2019 for enhancement consideration. Administration believes that the community engagement approach used for Hannaford Park has been successful and should be used when considering the other identified Parks/Reserves.

Hannaford Park community engagement consisted of an online survey (which ran for 28 days from 4-31 July 2019) and a “Meet n Greet” Day on Saturday 27 July 2019, plus a mail out to residents within 500m of the Park, Website information, message on hold and social media blogs. There was a total of 118 respondents to the survey and approximately 60-70 people attended the Park Day (a copy of Balancing Act Adelaide report “City of Mitcham – Enhancing our Parks for People and Dogs Off-Leash” Sept 2019 is contained in Attachment A).

Summary of Findings and Recommendations

The community engagement process was well received and findings revealed that the majority of respondents were locals, dog owners and supported minor enhancements to Hannaford Park.

The most common issue raised in the community engagement findings related to fencing and barriers. Some wanting fencing and gates for the creation of a dog park and others were opposed to a fenced dog park as they wanted to retain the park’s existing openness, rustic character and shared use (it should be noted at this point that Council had previously received a petition “Save Hannaford Reserve from becoming a Fenced Dog Park” with 192 signatures in 2018, which Council acknowledged and took into account when developing the Dog and Cat Management Plan 2018-23).
The recommendations for Hannaford Park include:

**Character of Park**

- Enhance Hannaford Park with *minor* improvements i.e. Low key
- Retain the existing rustic character and openness of the park
- Retain the park as an off-leash, multi-purpose park
- Do not develop the park into a designated Fenced Dog Park. The petition “Save Hannaford Reserve from becoming a Fenced Dog Park” with 192 signatures and the scope of this study was a key consideration in this decision.

**Minor enhancements to consider:**

- A shelter
- Locate the shelter away from the existing shared path to ease the congestion on the path
- A dog bag dispenser and bin located around the middle of the shared path
- A path leading to the shelter
- Path material to be a suitable surface where kids can also ride their bikes
- Locate the water fountain away from the existing path to ease congestion on the path
- Reconfigure the entry/exist points on Laffers Road for greater safety e.g. zig-zag or chicane
- Improve drainage around the water fountain
- Indent parking on Laffers Road (to be referred to Engineering for consideration and timing within existing works program. *This was considered the best way to deal with this matter. Most park users are local and walk to their park, it is different for a dedicated dog park, where parking is important. Whilst some improvements to the parking on Laffers Road has been recorded during the consultation this is seen as more of a traffic management issue than a dog off leash enhancement requirement*).
- Remove faded signs
- New signage with messages about picking up after your dog and dog controls.

**Turf Maintenance Program reviewed**

- *At this stage maintain delivery, existing maintenance to be monitored and reviewed post enhancement implementation.*

**Decision 1**

**Option 1 (Staff Recommendation)**

This staff recommendation provides the opportunity for Council to receive the findings of the survey and “Meet n Greet” information.
Option 2

This option provides Council the opportunity not to receive the findings of the survey and “Meet n Greet” information.

Decision 2

Option 1 (Staff Recommendation)

This provides a list of recommendations for implementation at Hannaford Park under the headings of Character of Park, Minor Enhancements and Maintenance Improvements. If Council was to endorse this option administration would action them as listed within the existing budget lines for Dog and Cat Management. Administration support all the listed recommendations as contained in this option.

Option 2

This provides a list of recommendations for implementation at Hannaford Park under the headings of Character of Park, Minor Enhancements and Maintenance Improvements. If Council were to endorse this option, administration would bring back a further report to Council if implementation costs exceed the existing available budget from the Dog and Cat Management budget lines.

Option 3

This option is the same as Decision 2, Option 1, however this gives the opportunity to Council to determine what they consider should be implemented. Council could either remove some recommendations or add some new one as they saw appropriate.

Option 4

This option provides Council with the opportunity not to endorse any enhancements at Hannaford Park.

Community Implications

The “Enhancing Our Parks for People and Dogs Off-leash – Survey” was undertaken as part of the actions outlined in the current City of Mitcham, Dog and Cat Management Plan 2018 -23 (6.2.7) and as an opportunity to better inform Council in their future decision making on Animal Management matters. Any implementation flowing from the findings would only improve animal management for our Community.

Environmental / Heritage Implications

The works proposed will be undertaken in a manner which doesn’t impact upon the existing local heritage place situation within Hannaford Reserve/
Cost Shifting Implications / Legislative Cost Imposts

Not Applicable – action being implemented as identified in Council’s Dog and Cat Management Plan 2018-23

Impact on Budget including Lifecycle Costing

In the first instance, it is intended to manage the impact on the budget within the existing Dog Management budget. It is a requirement that all funds raised through the Dog and Cat Management Act are required to be spend on animal management activities. Further information would be presented to Council as part of the budget process for any additional works that cannot be funded through the existing program. Dog and Cat Management currently has $30k in 2019/20 budget for implementation of actions associated with the Dog and Cat Management Plan 2018-23 such as 6.2.7.

The majority of the enhancement costs will be capital with some ongoing operational costs. These costs have not yet been determined until final endorsed recommendations are known. However preliminary assessment indicates costing for enhancements as contained in recommendations would be within existing budgets.

Risk Management / WHS Assessment

Not Applicable

Legal / Policy Implications

Not Applicable

Engagement

In accordance with the Communication and Engagement Plan Council conducted its Community Engagement and Community Survey, this was undertaken during the 4-31 July 2019.

A total of 118 respondents replied to the survey and approximately 60-70 people attended the “Meet n Greet” Park Day.

CONCLUSION

This report advises Council of the findings of the “Enhancing Our Parks for People and Dogs Off-Leash – Hannaford Park – Survey” and to seek endorsement/direction of the recommendations on enhancements to be implemented. The recommendations for implementation at Hannaford Park have been based on the survey findings which were mostly local respondents, dog owners and supportive of enhancements to Hannaford Park.
ENHANCING OUR PARKS FOR PEOPLE & DOGS OFF-LEASH

Prepared by Balancing Act Adelaide
City of Mitcham
Sept 2019
ACKNOWLEDGEMENTS

Prepared by Fiona De Rosa
Balancing Act Adelaide | pet friendly planning
www.balancingactadelaide.com.au

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City of Mitcham | Enhancing our Parks for People and Dogs Off-Leash

Document History Status

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04 September 2019
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EXECUTIVE SUMMARY

In 2018, the City of Mitcham Dog and Cat Management Plan 2018-2023 proposed the enhancement or improvement of several off-leash areas in the Council area. Off-leash areas range from single-use parks such as CC Hood Fenced Dog Park at Panorama to multi-use parks that are shared with other activities such as playgrounds, sporting ovals and recreation tracks such as Randall Park, Bealor; Hewett Sports Ground, Blackwood; and Kanyia Reserve, Eden Hills.

This study has examined the enhancement of multi-purpose off-leash parks for people and dogs and specifically excludes fully fenced areas for dogs or fenced dog parks.

Council believed it was important to hear the views of the community and find out what they would like to see in the off-leash parks. A community engagement approach was developed to capture the thoughts and ideas of the community.

Hannaford Park was the first park to trial the engagement approach which included an online survey and a Meet n' Greet Park Day on Saturday 27 July 2019. There was a total of 118 respondents to the survey and approximately 60-70 people attended the Park Day.

Hannaford Park

The community engagement findings revealed that most of the respondents were locals, dog owners and supported enhancements to Hannaford Park. The question is: What form should the enhancement take?

The most common responses raised in both the online survey and park day consultation related to barriers and fencing and car parking. Some respondents wanted fencing and gates for the development of a fenced dog park while others were opposed to a fenced dog park as they wanted to retain the park’s existing openness, rustic character and shared use. Car parking comments included parking issues in surrounding streets and a need for indented parking bays on Laffers Road to improve safety. The other consideration that’s been addressed in this study is the 2018 petition ‘Save Hannaford Reserve from becoming a Fenced Dog Park’ with 192 signatures.

Recommendations

The recommendations for Hannaford Park include:

Character of park

- Retain the existing rustic character and openness of the park
- Retain the park as an off-leash, multi-purpose park
- Do not develop the park into a designated fenced dog park
- Enhancements to be minor i.e. low key.

Minor enhancements

- A shelter with picnic table and seating
- A dog bag dispenser and bin located near the entry/exit point of Rokewood Ave
- A path to the shelter
- Improve drainage around the water fountain or relocate the water fountain away from the path to ease congestion on the path
- Realign the entry/exit point on Laffers Road for greater safety
- Remove old faded signs and replace with new signage with messages about picking up after your dog and dog controls
- Indent parking on Laffers Road.

Maintenance improvements

- Review the turf maintenance program.

The recommendations appear in full on page 14.
1. INTRODUCTION

Off-leash parks come in various shapes and sizes. They range from single-use parks such as CC Hood Fenced Dog Park at Panorama to multi-use parks that are shared with other activities such as playgrounds, sporting ovals and recreation tracks such as Hewlett Sports Ground, Blackwood and Karinya Reserve, Eden Hills.

In 2018, Council developed a new Dog and Cat Management Plan 2018-2023 which identifies several off-leash areas for possible enhancement. These parks are listed on page 33 of the Dog and Cat Management Plan.

This study has examined the enhancement of multi-purpose off-leash parks for people and dogs and specifically excludes fully fenced areas for dogs or fenced dog parks².

The aims of this study were:
- To develop a community engagement approach to assist in gathering the communities’ views and ideas on the possible enhancement of off-leash parks
- To pilot the community engagement approach on Hannaford Park, Belair.

The key steps in this project included:
- Site visits - documenting the listed off-leash parks amenities and infrastructure
- Community engagement - developing a community engagement process that can be applied to all the listed off-leash parks in the Dog and Cat Management Plan
- Pilot site - applying the engagement approach to Hannaford Park.

Hannaford Park

Hannaford Park is a multi-use off-leash park located on Leffers Road, Belair. It currently accommodates an old building, a dual drinking fountain, a picnic table, dog bag dispensers and bins at the main entry/exit points and a few benches.

The site is partially fenced and abuts residential properties with some residents having direct access to the park through their private gates.

Refer to Appendix A for the site visit notes.

What is a Multi-use Off-Leash Park?

A multi-use off-leash park is where:
- Dogs can be off-leash provided they are under effective control
- If a dog does not return to the owner when called or the owner has difficulty in controlling the dog’s behaviour around other dogs and people, then the dog should remain on-leash
- These parks may, in some instances, be fully or partially fenced, but are not designated fenced dog parks.

Multi-use parks are shared places.

² Dog parks are not in the scope of this project.
2. COMMUNITY ENGAGEMENT

The community engagement included an online survey and a Meet ‘n’ Greet Park Day that incorporated consultation posters.

Online Survey
An online survey was available from 4 July to 31 July 2019 on Council’s website. A total of 118 responses were received from the survey. The findings revealed that the majority of respondents were locals, dog owners and supported a range of amenities in the park including dog poo bags and dispensers, waste bins, drinking water fountains, seats and shelters.

Meet ‘n’ Greet Park Day
The Meet ‘n’ Greet Park Day was held on Saturday 27 July from 10:30am to 12:30pm at Hannaford Park.

The Meet ‘n’ Greet Day aimed to engage residents on their turf – in their local park. This session provided residents with an opportunity to have informal conversations with Council staff, Elected Members and the Consultant (Balancing Act Adelaide) about what they would like to see at Hannaford Park.

On the day, there was a steady flow of people, and many stayed around to chat with Council staff and their neighbours. There were approximately 60-70 people who attended the session, and some even brought their furry companions.

The most common response centred on the issues of barriers and fencing followed by car parking. Some respondents wanted fencing and gates for the creation of a dog park and others were opposed to a fenced dog park as they wanted to retain the park’s existing openness, rustic character and shared use. Car parking comments related to the perceived lack of car parking in surrounding streets and a need for greater safety along Laffers Road.

It was interesting to note that the top issues raised in both the online survey and park day were the same i.e. barriers and fencing and car parking.

Consultation Posters
Consultations posters were developed to capture people’s ideas and show the sorts of things that could be included in an enhancement project.

The consultations posters are contained in Appendix B.

Promotional Materials
The community was notified about the engagement activities in the following ways:

- A newspaper advertisement in the Messenger - Mitcham Community News
- Council web page - Have your Say Hannaford Park
- Social media - Facebook posts
- Letterbox drop – 531 letters were distributed including residents, Vets and MP’s.
Survey
A summary of the key findings is described below.

Postcode details

<table>
<thead>
<tr>
<th>Postcode</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>5050</td>
<td>3</td>
</tr>
<tr>
<td>5051</td>
<td>24</td>
</tr>
<tr>
<td>5052</td>
<td>88</td>
</tr>
<tr>
<td>Other</td>
<td>3</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>118</strong></td>
</tr>
</tbody>
</table>

Of the respondents, over 97% were from the local area.

Question 1: Are you a dog owner?

<table>
<thead>
<tr>
<th>Dog owner</th>
<th>Number</th>
<th>Percent (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>85</td>
<td>72%</td>
</tr>
<tr>
<td>No</td>
<td>33</td>
<td>28%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>118</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

Of the respondents, 72% were dog owners.

Question 2: How would you describe your interest in Hannaford Park?

<table>
<thead>
<tr>
<th>Interest in Hannaford Park</th>
<th>Number</th>
<th>Percent (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local resident who lives adjacent to the park</td>
<td>17</td>
<td>14%</td>
</tr>
<tr>
<td>Local resident who lives in surrounding streets</td>
<td>81</td>
<td>68%</td>
</tr>
<tr>
<td>Other</td>
<td>20</td>
<td>17%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>118</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

83% of respondents were from the local area.

Question 3: How do you currently use the park?

The common responses to this open-ended question included:

- Exercising dogs
- Family and children activities including kids riding bikes and playing ball games
- Walking through the park to other destinations such as the Belair National Park
- Socialising with neighbours including picnics, BBQ’s and drinks
- CFS training
- Cycling through the park.
City of Mitcham | Enhancing our Parks for People and Dogs Off-Leash

**Question 4:** Would you like Council to enhance Hannaford Park?

<table>
<thead>
<tr>
<th>Support</th>
<th>Number</th>
<th>Percent (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>100</td>
<td>85%</td>
</tr>
<tr>
<td>No</td>
<td>18</td>
<td>15%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>118</td>
<td>100%</td>
</tr>
</tbody>
</table>

85% of respondents supported the enhancement of Hannaford Park.

**Question 5:** What type of features or amenities would you most like to see at Hannaford Park in the future?

Respondents rated the degree to which they supported the following park features.

<table>
<thead>
<tr>
<th>Feature</th>
<th>Support</th>
<th>Neutral</th>
<th>Do not support</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drinking water</td>
<td>99</td>
<td>7</td>
<td>2</td>
</tr>
<tr>
<td>Poo bags &amp; dispensers</td>
<td>103</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Waste bins</td>
<td>102</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>Surfaces</td>
<td>61</td>
<td>49</td>
<td>8</td>
</tr>
<tr>
<td>Barriers &amp; fences</td>
<td>77</td>
<td>28</td>
<td>13</td>
</tr>
<tr>
<td>Seats</td>
<td>92</td>
<td>25</td>
<td>1</td>
</tr>
<tr>
<td>Paths</td>
<td>68</td>
<td>39</td>
<td>11</td>
</tr>
<tr>
<td>Shelter</td>
<td>84</td>
<td>26</td>
<td>8</td>
</tr>
<tr>
<td>Plantings</td>
<td>86</td>
<td>27</td>
<td>5</td>
</tr>
<tr>
<td>Dog nooks</td>
<td>65</td>
<td>38</td>
<td>15</td>
</tr>
<tr>
<td>Education</td>
<td>76</td>
<td>34</td>
<td>8</td>
</tr>
<tr>
<td>Rules and regulations</td>
<td>66</td>
<td>33</td>
<td>19</td>
</tr>
</tbody>
</table>

As per the table above, there is support for each of the features. The top 10 features in order of priority included:

1) Poo bags and dispensers (87%)
2) Waste bins (86%)
3) Drinking water (83%)
4) Seats (78%)
5) Plantings (73%)
6) Shelter (71%)
7) Barriers and fencing (65%)
8) Education (64%)
9) Paths (58%)
10) Rules and regulations (56%).
Question 6: Are there any other features you would like to see included in Council’s enhancement program for Hannaford Park?  

Responses to this open-ended question are summarised in the table below. The findings have been sorted according to the same categories as per question 5. The number in the brackets indicates the number of responses.

<table>
<thead>
<tr>
<th>BARRIERS AND FENCING (31)</th>
<th>Character of Park</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Keep as a shared area for people and dogs</td>
</tr>
<tr>
<td></td>
<td>• Retain rustic all-purpose nature of park and recreation for general use</td>
</tr>
<tr>
<td></td>
<td>• Keep open space for families to play and cycle track</td>
</tr>
<tr>
<td></td>
<td>• Less is more, no need to clutter</td>
</tr>
<tr>
<td></td>
<td>• Don’t want to see ugly high fencing with gates enclosing the area</td>
</tr>
<tr>
<td></td>
<td>• Park for residents where children play. A dog park would hamper our children to enjoy the space</td>
</tr>
<tr>
<td></td>
<td>• No canine play</td>
</tr>
<tr>
<td></td>
<td>• I do not support any infrastructure for dogs</td>
</tr>
</tbody>
</table>

**Gates and Fencing**

- Add gates at the entry points
- Complete fencing so dogs can be off-leash
- Separate areas for small and large dogs
- Extend fence line along western side of park and add gates
- Dog equipment in fenced area
- If not fenced, you can’t claim it’s a multi-purpose park

**PARKING (5)**

- Parking areas along Laffers Road to improve safety
- Parking is an issue along Lindsay Tce where it bends
- Some of the park should be sacrificed for parking

**SURFACES (5)**

- Improved maintenance including cutting of grass on regular basis
- Better drainage
- Keep grass

**PLANTINGS (3)**

- More flowering bushes, not trees along Laffers Road fence
- Indigenous local plants for plantings

**SEATS (3)**

- Picnic tables
- Seats are old

**SHELTER (2)**

- Shelter for use of people using the park

**POO BAGS (2)**

- Bag dispensers
- Park has enough poo bag dispensers

**WASTE BINS (1)**

- Compostable waste bags and green bins

**PATHS (1)**

- Don’t have seats and shelters close to pathways as people tend to congregate around them making it hard for other users to pass

**DRINKING WATER (1)**

- Enough water fountains

**EDUCATION (1)**

- Signs explaining acceptable dog and owner behaviour

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3 Three emails were received, and this information has been added to Question 6.
### OTHER ISSUES
- Lighting for evening walks, dog play
- Children’s playground
- BBQ
- Public toilets
- Get rid of the wire mesh enclosure
- Old building into coffee kiosk
- Continue access for CFS brigades for training
- Events and food trucks

**Question 7: Do you have any other comments or ideas for the enhancement of Hannaford Park?**

Responses to this question were similar to the findings found in Question 6 and the Meet 'n' Greet Park Day including:
- Parking issues on Laffers Road, Lindsey Terrace and Rokewood Avenue
- Fencing the area for a dog park versus no fully fenced area for a dog park
- Retaining the existing character
- Improve safety along Laffers Road including a gating system and crossing facility
- Drainage issues on the site
- Use for old building
- Improved lighting on site
- Remove wire cage or fill in hole
- Events in the park.

Refer to the detailed responses on pages 9 and 11.
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**Meet 'n' Greet Park Day**

The table below (column 1) is a verbatim record of the responses at the Meet 'n' Greet Park Day. The number in the brackets indicates the number of responses.

<table>
<thead>
<tr>
<th>BARRIERS AND FENCING (27)</th>
<th>KEY CONSIDERATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Character of Park</strong></td>
<td></td>
</tr>
<tr>
<td>• Keep the area open as much as possible to enhance the versatility of the park and its endearing rustic nature</td>
<td>Retain existing character</td>
</tr>
<tr>
<td>• Fencing that fits in with the rural feel. Some people have replicated the farm fencing to keep the rural character</td>
<td>Consider reconfiguring Laffers Road entry/exit point for greater safety</td>
</tr>
<tr>
<td>• Rural fencing, fence fits in, open and don’t want manicured looking park</td>
<td>No fall fencing for a dog park. Refer to existing petition “Save Hannaford Reserve from becoming a fenced dog park” with 192 signatures (submitted to Council, Jan. 2018)</td>
</tr>
<tr>
<td>• I hope you are paying attention to what has been said before about all of this - Derek Miller, the petition, ditto (No designated dog park)</td>
<td></td>
</tr>
<tr>
<td>• Park works well now</td>
<td></td>
</tr>
<tr>
<td>• Don’t fix what ain’t broken – ditto</td>
<td></td>
</tr>
<tr>
<td>• Was intended to be a park for public use</td>
<td></td>
</tr>
<tr>
<td>• If replace fencing not chainmesh (otherwise look like a fenced dog park)</td>
<td></td>
</tr>
<tr>
<td>• Keep fence on Laffers Road. Has a delightful rural look and is effective</td>
<td></td>
</tr>
<tr>
<td>• Park is a gathering spot for residents</td>
<td></td>
</tr>
<tr>
<td><strong>Gates</strong></td>
<td></td>
</tr>
<tr>
<td>• Entry/exit points use to have gates on Laffers Road (approx 10 yrs. ago)</td>
<td></td>
</tr>
<tr>
<td>• Kids and dogs go near Laffers Road end. Is there some way you can reconfigure the entry/exit points to be safer?</td>
<td></td>
</tr>
<tr>
<td>• Reconfigure the entry points for safety</td>
<td></td>
</tr>
<tr>
<td>• Fencing at Laffers Road end and reconfigure entry in zig-zag</td>
<td></td>
</tr>
<tr>
<td>• No double gates as this will restrict ease of access for bike riders</td>
<td></td>
</tr>
<tr>
<td>• Double gates for entry/exit safety</td>
<td></td>
</tr>
<tr>
<td>• Gates please</td>
<td></td>
</tr>
<tr>
<td><strong>Fencing</strong></td>
<td></td>
</tr>
<tr>
<td>• Fencing along Laffers Rd and other sides to keep dogs in</td>
<td></td>
</tr>
<tr>
<td>• Fencing for dogs and kids</td>
<td></td>
</tr>
<tr>
<td>• Fence off the path so dog park is separate with a gate</td>
<td></td>
</tr>
<tr>
<td>• Separate dogs off-leash areas from footpath</td>
<td></td>
</tr>
<tr>
<td>• Separate small dog area</td>
<td></td>
</tr>
<tr>
<td>• Secure fencing area for dogs to run off-leash and not be able to escape</td>
<td></td>
</tr>
<tr>
<td>• More secure fencing at cul-de-sac</td>
<td></td>
</tr>
<tr>
<td>• Fenced off area</td>
<td></td>
</tr>
<tr>
<td>• Separate areas for dogs and children</td>
<td></td>
</tr>
<tr>
<td>• My dog likes jumps and tunnels e.g. Aberfoyle Park Dog Park, agility stuff</td>
<td></td>
</tr>
</tbody>
</table>
## PARKING (13)

<table>
<thead>
<tr>
<th>Laffers Road</th>
<th>KEY CONSIDERATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Investigate parking issues on Lindsay Tce. and Rokewood Ave</td>
</tr>
<tr>
<td></td>
<td>Investigate indented parking bays on Laffers Road</td>
</tr>
<tr>
<td></td>
<td>There is no car parking</td>
</tr>
<tr>
<td></td>
<td>More parking more people to park</td>
</tr>
<tr>
<td></td>
<td>Carpark off-street is fine</td>
</tr>
<tr>
<td></td>
<td>No car park please, ditto</td>
</tr>
<tr>
<td></td>
<td>No car parking diminishes character of area,</td>
</tr>
<tr>
<td></td>
<td>Needs some parking bays on Laffers Road but not a large car parking space</td>
</tr>
<tr>
<td></td>
<td>Off road parking – not intrusive to residents</td>
</tr>
<tr>
<td></td>
<td>Cut out parking so don’t have to park on the verge. Laffers Road</td>
</tr>
<tr>
<td></td>
<td>Extra parking will be needed if the park is improved (off Laffer’s Road)</td>
</tr>
<tr>
<td></td>
<td>No car park – widen road to footpath for cars to safely park instead</td>
</tr>
<tr>
<td></td>
<td>Need a car park on the reserve</td>
</tr>
<tr>
<td>Lindsay Terrace</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Lindsay Tce. needs parking – yellow line on one side</td>
</tr>
<tr>
<td>Cul-de-sac</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cul-de-sac parking is a problem: parked cars block local residents’ access to driveway and passing cars can’t turn around</td>
</tr>
<tr>
<td>Access</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Many people walk to the park</td>
</tr>
</tbody>
</table>

## RULES AND REGULATIONS (7)

<table>
<thead>
<tr>
<th>RULES AND REGULATIONS (7)</th>
<th>KEY CONSIDERATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>More signage for picking up after your dog</td>
<td>Remove old faded signage</td>
</tr>
<tr>
<td>Signage that indicates that it is a multi-purpose park</td>
<td>Consider new signage for picking up after your dog, and dog controls</td>
</tr>
<tr>
<td>Dog control signs at entry/exit points indicating whether off-leash or on-leash</td>
<td></td>
</tr>
<tr>
<td>Signs near cul-de-sac very faded and need replacing</td>
<td></td>
</tr>
<tr>
<td>Signs out of date</td>
<td></td>
</tr>
<tr>
<td>Fines to be given to dog owners who don’t follow rules</td>
<td></td>
</tr>
</tbody>
</table>

## PATHS (5)

<table>
<thead>
<tr>
<th>PATHS (5)</th>
<th>KEY CONSIDERATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paths for kids on bikes, prams etc.</td>
<td>Retain bike path</td>
</tr>
<tr>
<td>Want bike path for our kids to continue to use</td>
<td>Consider a new path leading to shelter. New path surface to be suitable for kids’ bikes</td>
</tr>
<tr>
<td>Paths to seating area would be good</td>
<td></td>
</tr>
<tr>
<td>Path to shelter only and suitable for kids with bikes</td>
<td></td>
</tr>
</tbody>
</table>

## SHELTER (5)

<table>
<thead>
<tr>
<th>SHELTER (5)</th>
<th>KEY CONSIDERATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shelter would be good</td>
<td>Consider installing a shelter with table and seating</td>
</tr>
<tr>
<td>Shelter with place to sit</td>
<td></td>
</tr>
<tr>
<td>More shelter would be good</td>
<td></td>
</tr>
<tr>
<td>Shelters at each end please</td>
<td></td>
</tr>
<tr>
<td>Several people mentioned that they liked the shelter type on the consultation poster</td>
<td></td>
</tr>
</tbody>
</table>
### DRINKING WATER (3)
- People congregate near the water fountain and this makes it hard for people to pass on the path
- Drainage issues around water fountain
- Well cemented around water fountain (for Golden Retrievers that love mud)

**KEY CONSIDERATIONS**
- Investigate drainage issues near water fountain

### POO BAGS AND DISPENSERS (3)
- There are bags and bins at ends of the park, but nothing around middle
- Poo bags and compostable bags and bins
- Poos bags around the middle of park near cul-de-sac side

**KEY CONSIDERATIONS**
- Consider an additional dog bag dispenser and bin around middle of shared path

### SURFACES (3)
- Remove thorns from grass – painful for dogs
- Maintenance of grass – broad leaf – regular mowing
- How will grass be maintained?
- Water during winter and drainage issues

**KEY CONSIDERATIONS**
- Review maintenance program
- Investigate drainage issues

### WASTE BINS (2)
- More bins
- Bins near cul-de-sac side

**KEY CONSIDERATIONS**
- Consider an additional bin near entry/exit point of Rokewood Ave (see poo bags and dispensers)

### EDUCATION (X2)
- Don’t want educational signage in our park like on the photo sheet
- Don’t need educational signage in this park

**KEY CONSIDERATIONS**
- Don’t want large educational signage as shown on the consultation poster

### SEATS (1)
- More seats

**KEY CONSIDERATIONS**
- Consider the installation of new seats/benches (also see Shelter)

### PLANTINGS (1)
- Bottlebrush and native bushes

**KEY CONSIDERATIONS**
- Investigate new plantings

### OTHER AMENITIES
- BBQ please
- Toilet maybe
- A playground would be nice, a fenced nature playground
- Remove wire cage – ditto
- Improvements to old dairy building

**KEY CONSIDERATIONS**
- Information to be forwarded to relevant section in the City of Mitcham for further consideration

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City of Mitcham | Enhancing our Parks for People and Dogs Off-Leash
3. CONCLUSIONS

This study has examined the enhancement of multi-purpose off-leash parks for people and dogs and specifically excludes fully fenced parks for dogs or “fenced” dog park. The report has summarised the community’s views and suggestions regarding the possible improvement of Hannaford Park, Belair.

Based on the community engagement findings most of the respondents were supportive of enhancing Hannaford Park as an off-leash area. Given this study excludes the development of fenced dog parks there is strong support to retain the existing rustic character and openness of the park, and not to develop a fenced dog park. It was interesting to note that the top issues raised in both the online survey and park day were the same i.e. barriers and fencing and car parking.

Recommendations
This study suggests the following recommendations for Hannaford Park.

Character of park
- Enhance Hannaford Park with minor improvements i.e. low key
- Retain the existing rustic character and openness of the park
- Retain the park as an off-leash, multi-purpose park
- Do not develop the park into a designated fenced dog park. The 2018 petition ‘Save Hannaford Reserve from becoming a Fenced Dog Park’ with 192 signatures and the scope of this study was a key consideration in this decision.

Minor enhancements
- A shelter with picnic table and seating
  - Shelter on concrete pad
  - Shelter to be located on free-draining soil away from the existing shared path to ease congestion on the path
- A dog bag dispenser and bin located near the entry/exit point of Rokewood Ave
  - Consider locating the dispenser and bin to minimise the distance that staff have to travel to refill dispenser and empty bins
- A path to the shelter
  - Path material to be of a suitable surface where children can also ride their bikes
- Improve drainage around the existing water fountain or relocate the water fountain away from the shared path to ease congestion on the path
- Realign the entry/exit point on Laffers Road for greater safety e.g. zigzag or chicane barriers
  - Ensure barriers are compliant with Ausroads Guides
- Indent parking on Laffers Road
- Remove faded signs and replace with new signage with messages about dog waste and picking up after your dog and dog controls i.e. dogs can be off-leash provided they are under effective control. Refer to what is a multi-use off-leash park? on page 5
  - Signage to be compatible with existing character of the park
  - Refer to pages 15-16 for a map of the proposed layout of minor enhancements and examples for the shelter, path, signage and realignment of entry/exit point.

Maintenance improvements
- Review the turf maintenance program.

Other community issues highlighted in this report should be noted by the City of Mitcham and passed to the relevant section for further consideration.
HANNAFORD PARK
MINOR ENHANCEMENTS

City of Mitcham | Enhancing our Parks for People and Dogs Off-Leash

Existing amenities:
1. Existing water fountain
2. Existing bench
3. Existing picnic table and seating
4. Existing fence

Proposed enhancements:
5. Shelter with picnic table and seating
6. Dog bag dispenser and bin
7. Path to shelter
8. Signage to replace existing
9. Realign entry/exit point on Laffers Road
10. Intent parking on Laffers Road

Note: Final locations and product selection to be determined by Council.
City of Mitcham | Enhancing our Parks for People and Dogs Off-Leash

Shelter

Path

Signage

Realignment of entry/exit point
APPENDIX A: SITE VISIT NOTES

Hannaford Park, Laffers Road, Belair

<table>
<thead>
<tr>
<th>Features</th>
<th>Observations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barriers</td>
<td>Partially fenced (fenced on three sides)</td>
</tr>
<tr>
<td></td>
<td>✓ Perimeter fencing (farm fencing and variety of residential fences on boundary). Some homes have open fences looking into the park and gates accessing the park. Partial fencing and main entry/exit points</td>
</tr>
<tr>
<td>Signs</td>
<td>Off-leash/ On-leash signs</td>
</tr>
<tr>
<td></td>
<td>X No signage for dog controls i.e. Off-leash at all times with effective control</td>
</tr>
<tr>
<td>Dog bags</td>
<td>Located at main entry/exit points 'bin &amp; bag'</td>
</tr>
<tr>
<td>Bins</td>
<td>Waste bins</td>
</tr>
<tr>
<td></td>
<td>✓ Bins at both entry/exits</td>
</tr>
<tr>
<td>Drinking water</td>
<td>All-in-One water fountain/bowl</td>
</tr>
<tr>
<td></td>
<td>✓ Dog water bowl (flip bowl) with drinking fountain, tep and refill station</td>
</tr>
<tr>
<td>Seats</td>
<td>Seat</td>
</tr>
<tr>
<td></td>
<td>✓ Picnic table and bench (x1)</td>
</tr>
<tr>
<td></td>
<td>Seat with back (x2)</td>
</tr>
<tr>
<td>Vegetation</td>
<td>Trees</td>
</tr>
<tr>
<td></td>
<td>✓ Mature trees for shade</td>
</tr>
<tr>
<td>Shelter</td>
<td>Shelter</td>
</tr>
<tr>
<td></td>
<td>X No shelter structure</td>
</tr>
<tr>
<td>Ground surfaces</td>
<td>Grass/turf</td>
</tr>
<tr>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>Paths/trails</td>
<td>Walking trails</td>
</tr>
<tr>
<td></td>
<td>X Shared path running north/south</td>
</tr>
</tbody>
</table>

Context

- District Park
- Old Dairy building
- Off-leash area shared with other activities - Multi-use park
- Dogs allowed off-leash at all times
- Site is partially fenced
- Access to park via three (3) entry/exit points/roads
City of Mitcham | Enhancing our Parks for People and Dogs Off-Leash

Hannaford Park

[Images of Hannaford Park]
APPENDIX B: CONSULTATION POSTERS

- Map
- Park amenities
- Precedents or examples
ENHANCING OUR PARKS FOR PEOPLE AND DOGS OFF LEASH
HANNAFORD PARK
ENHANCING OUR PARKS FOR PEOPLE AND DOGS OFF LEASH
HANNAFORD PARK

Hannaford Park is a multi-use off-leash park. This means dogs can be off-leash provided they are under effective control.

A multi-use park is not exclusively for dogs and their owners. It is shared with other users and activities.

BENEFITS OF OFF-LEASH AREAS
Multi-use off-leash parks can provide many benefits for dogs, their owners and the community:

**DOG**
- Physical and mental exercise for dogs.
- Socialisation for dogs.
- Environment for dogs to sniff and explore.

**DOG OWNERS**
- Outlet for dog owners to socialise.
- Exercise for owners.
- Social well-being and mental health.

**COMMUNITY**
- Educated community on good dog etiquette.
- Affordable recreation options.
- Place for people to meet.

**PLANTINGS**
Provides trees for shade, shrubs to screen and plants to sniff.

**DOG NOOKS**
Provides areas for dogs to sniff, explore and linger.

**EDUCATION**
Provides community information on good dog etiquette.

**RULES AND REGULATIONS**
Delivers on-lead and off-lead areas.

**DRINKING WATER**
Ensures accessible water points for dogs and people.

**POO BAGS AND DISPENSERS**
Ensures a clean and tidy park.

**WASTE BINS**
Allows for disposal of poo bags and waste.

**SURFACES**
Ensures surfaces are gentle on dogs paws.

**BARRIERS AND FENCES**
Provides safety for dogs.

**SEATS**
Ensures places for people to sit and relax.

**PATHS**
Encourages people to walk with their dogs.

**SHELTER**
Provides protection from sun and rain.

City of Mitcham | Enhancing our Parks for People and Dogs Off-Leash
## Enhancing Our Parks for People and Dogs Off-Leash

### Hannaford Park

<table>
<thead>
<tr>
<th>Category</th>
<th>Images</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drinking Water</td>
<td><img src="image1" alt="Images of Drinking Water" /></td>
</tr>
<tr>
<td>Poo bags and Dispensers</td>
<td><img src="image2" alt="Images of Poo Bags" /></td>
</tr>
<tr>
<td>Waste Bins</td>
<td><img src="image3" alt="Images of Waste Bins" /></td>
</tr>
<tr>
<td>Surfaces</td>
<td><img src="image4" alt="Images of Surfaces" /></td>
</tr>
<tr>
<td>Barriers and Fences</td>
<td><img src="image5" alt="Images of Barriers and Fences" /></td>
</tr>
<tr>
<td>Seats</td>
<td><img src="image6" alt="Images of Seats" /></td>
</tr>
<tr>
<td>Paths</td>
<td><img src="image7" alt="Images of Paths" /></td>
</tr>
<tr>
<td>Shelter</td>
<td><img src="image8" alt="Images of Shelter" /></td>
</tr>
<tr>
<td>Plantings</td>
<td><img src="image9" alt="Images of Plantings" /></td>
</tr>
<tr>
<td>Dog Nooks</td>
<td><img src="image10" alt="Images of Dog Nooks" /></td>
</tr>
<tr>
<td>Education</td>
<td><img src="image11" alt="Images of Education" /></td>
</tr>
<tr>
<td>Rules and Regulation</td>
<td><img src="image12" alt="Images of Rules and Regulation" /></td>
</tr>
</tbody>
</table>
9.6 ENDORESEMENT OF RENEWED 'LIVING WELL' PUBLIC HEALTH AND WELLBEING PLAN FOR THE CITY OF MITCHAM (DRAFT)

Report Author/Manager: Cathy Isbester / Stephen Saffin
General Manager: Craig Harrison
(Meeting Date: 22 October 2019)
(Location: Council Wide)
(Consultant Used: $12,000)

PROPOSAL

To provide Council with the renewed ‘Living Well’ Public Health and Wellbeing Plan for the City of Mitcham (draft) for endorsement prior to community consultation.

RECOMMENDATION – ITEM 9.6

Option 1 (Staff Recommendation)

Council endorses the renewed ‘Living Well’ Public Health and Wellbeing Plan for the City of Mitcham (draft) for community consultation, with minor amendments delegated to the Chief Executive Officer.

Option 2

Council endorses the renewed ‘Living Well’ Public Health and Wellbeing Plan for the City of Mitcham (draft) for community consultation with the following changes, with minor amendments delegated to the Chief Executive Officer.
(Council include changes as determined)

Option 3

Council does not endorse the renewed ‘Living Well’ Public Health and Wellbeing Plan for the City of Mitcham (draft) for community consultation.

BACKGROUND

The Cities of Mitcham and Unley previously committed to regional planning for the public health and wellbeing of our communities, in accordance with the requirements of the South Australian Public Health Act 2011 (section 51). A plan was adopted by the two Councils during 2014 and reported against biennially as required by legislation. The last report was presented 27 November 2017, item 10.4 – entitled report to Council – Living Well Regional Public Health Wellbeing Plan for the City of Mitcham and Unley.

Councils are required to review their plans every five years and a review of the Plan is due at the end of November 2019. Mitcham and Unley Councils agreed to review and prepare their new Plans separately.

The ‘Living Well’ Public Health and Wellbeing Plan for the City of Mitcham (‘Living Well’ Plan) has been reviewed with the assistance of consultants, Healthy Environments. A draft plan has been prepared and endorsement by Council is sought prior to embarking on consultation.
The preparation of the draft “Living Well” Plan has followed a similar process used for the initial Plan as it provided ample opportunity for Community and Council input prior to finalisation. Consultation has been prepared in anticipation of occurring in October to allow Council to meet required reporting to SA Health prior to the end of this year.

Attachments:

A. Draft 'Living Well' Public Health and Wellbeing Plan

STRATEGIC OBJECTIVES

Goal 1 Accessible & Connected Community

Objective 1.1 Our community is connected to places through a people friendly transport, cycling and pedestrian network which offers accessible, integrated and efficient transport options.

Objective 1.3 Our community has access to high quality, vibrant, well serviced places and spaces to meet, learn and recreate.

Objective 1.4 Our community is strong, healthy, resilient and is supported in building connections amongst people, pursuing pathways to lifelong learning and personal growth.

Goal 2 Sustainable City

Objective 2.1 Our biodiversity within open spaces, waterways, reserves and streetscapes is protected and enhanced.

Objective 2.3 Water sensitive urban design, and the use of alternative water sources to keep our natural and built environment green, is maximised.

Objective 2.5 Our community is resilient to climate change and the impacts of natural disasters.

Goal 4 Vibrant & Rich Culture

Objective 4.2 We recognise, embrace and celebrate social and cultural diversity in our vibrant community.

DISCUSSION

The purpose of renewing the ‘Living Well’ Plan has been to prepare a new health and wellbeing plan in accordance with provisions of the South Australian Public Health Act 2011 (section 51) that:

- aligns with the new State Public Health Plan 2019-24 (as outlined in Attachment A - 3.2)
- identifies public health risks and priorities for Mitcham that are responsive to the status of health and wellbeing
- Outlines strategies required to address those priorities and promote the public health of Mitcham.
Given the breadth of Council’s public health effort and to ensure the plan represents a ‘whole of Council’ approach, an Advisory Group was established. Membership comprised staff from eleven different areas of Council who had an understanding of their workgroups strategic direction and goals.

In addition to feedback from the Advisory Group, review of the Plan has been guided by State and National public health priorities and population health data. The City of Mitcham Population Health Profile contains a selection of indicators of public and population health and their determinants, drawn from data published in the Social Health Atlas. In general, Mitcham has a lot to celebrate. The following are examples of the way in which the community outperforms Metropolitan Adelaide:

- lower rate of socio-economic disadvantage
- higher percentage of tertiary education
- lower percentage of unemployment
- higher percentage of young people earning or learning
- higher rates of volunteering
- higher percentage of people who feel very safe/safe walking in the local area after dark
- higher percentage of fruit consumption
- lower percentage of type 2 diabetes
- lower rate of potentially avoidable hospitalisations.

The draft ‘Living Well’ Plan proposes a range of strategies to sustain community health and wellness and respond to priority issues and health inequities in priority populations. There are segments of the Mitcham community who differ for various reasons such as health status, socio-economic reasons or culture. This evidence-based planning approach will enable progress towards agreed goals and outcomes to be evaluated in the longer term.

The draft ‘Living Well’ Plan contains four themes that establish the context of health and wellbeing goals and outcomes:

<table>
<thead>
<tr>
<th>Theme 1</th>
<th>Goal</th>
<th>Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Promoting Creativity and Culture – Fostering Wellbeing</td>
<td></td>
</tr>
<tr>
<td>A culture and environment where people feel included and are able to participate</td>
<td>There is access for all abilities, ages and socio-economic groups to places and spaces that promote wellbeing</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Community voice and diversity is represented in community initiatives including events, programs, places and spaces</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Reported satisfaction and sense of connection and belonging to places and spaces (built and natural) in the City of Mitcham</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Theme 2</th>
<th>Goal</th>
<th>Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Feeling Connected and Supported – Promoting Mental Health</td>
<td></td>
</tr>
<tr>
<td>People are well connected and supported</td>
<td>Decrease in reported levels of psychological distress and isolation</td>
<td></td>
</tr>
</tbody>
</table>
Subject to the endorsement of the draft plan by Council, consultation is planned to commence on approximately 23 October 2019. The plan is currently being stylised by a graphic designer so that it can be presented in a form that is readily interpreted and understood.

The ‘Living Well’ Plan will be presented again to Council following community consultation for final endorsement on 10 December 2019.

An email was also sent to Elected Members on 2 October inviting feedback on this draft Report along with a draft copy of the ‘Living Well’ Plan, previous Information Report to Council November 2018, some feedback has been received.

Community Implications

Physical health, mental health and wellbeing have the potential to impact one another when one is adversely affected. For example, people with a chronic health condition are at greater risk of experiencing a mental health issue. Physical or mental health issues can limit opportunity for social interaction. A lack of connection with other people due to social isolation can be a risk factor for physical illness such as dementia. An all-encompassing approach to public health provides an opportunity to have far reaching benefits for the health and wellbeing of the Mitcham community. Feedback from our Community will further assist Council in making future decisions in this area.

Environmental / Heritage Implications

Research demonstrates that access to good quality green spaces (ie: parks and public spaces) that are well connected and attractive have significant benefits to individuals and communities including: reduced pollution and heat; opportunities for social interaction; reduced stress levels; and opportunities to be more physically active. The draft ‘Living Well’ Plan addresses these elements of the natural environment, which benefits both health and environment.

Cost Shifting Implications / Legislative Cost Imposts
There is no direct cost shifting implications and the legislative cost imposts have not increased since the introduction of the *South Australian Public Health Act 2011*.

**Impact on Budget including Lifecycle Costing**

Annual planning for implementation of the ‘Living Well’ Plan will correspond with Annual Business Planning processes. Most strategies will be addressed by continuation or redesign of existing services and partnerships. No additional funding is required for the implementation of the “Living Well Plan”. If any new projects are developed and require additional resources then a separate report will be presented to Council for consideration.

**Risk Management / WHS Assessment**

None apparent.

**Legal / Policy Implications**

Section 51(19) of the *South Australian Public Health Act 2011* states:

*A regional public health plan must be reviewed at least once in every 5 years.*

There are implications if Council’s selects option 3 and the renewed plan is not endorsed for consultation. Firstly, Council will not have fulfilled the above obligation given that the first public health plan was finalised mid-2014. The Act does not provide local councils the opportunity to seek dispensation or an extension of time. Furthermore, implementation of the Plan will be considerably delayed as the planning cycle for the 2020-21 budget cycle will be missed.

**Engagement**

The *South Australian Public Health Act 2011* confers obligations on Council to undertake consultation with the general public and other specified entities. Key stakeholders prescribed by the Act include the Minister for Health, Chief Public Health Officer, hospitals operating within the Council area and the public. Various methodology will be employed to encourage interest and feedback from broad segments of the community.

An email was also sent to Elected Members on 2 October inviting feedback on the draft Report along with a draft copy of the ‘Living Well’ Plan, previous Information Report to Council November 2018, some feedback has been received.

A Communications Plan will be provided to Council out of session for information.

**CONCLUSION**

An evidence-based health and wellbeing plan for the City of Mitcham has been drafted with input from various work groups of Council whose efforts
contribute to public health. The draft plan requires Council's endorsement prior to consulting with the community. Finalisation of the Plan by the end of December 2019 will satisfy Council’s regional public health planning obligations of the *South Australian Public Health Act 2011*(s 51). The consultation process meets the required Council consultation and engagement Policy. The feedback received will be the subject of a further report (anticipated for 10 December) when Council’s final endorsement will be sought.
‘Living Well’ Public Health and Wellbeing Plan
City of Mitcham
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6. Implementation and Evaluation 36

7. References 37

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1. Welcome to Council’s ‘Living Well’ Public Health and Wellbeing Plan

Suggested - Photo and quote from community member
- photo something including nature and people
(what is health and wellbeing) – obtain this from a community member

1.1 Introduction

When we as individuals are healthy and well, our ability to work, learn, socialise, recreate, contribute and participate expands. We feel connected to the important people in our lives as well as our local community and natural environment. As a result, our quality of life improves and our communities and natural environment are safer and stronger.

Mitcham City Council is committed to supporting the health and wellbeing of its whole community, including those who live, work, study and recreate in the City. The Council’s ‘Living Well’ Health and Wellbeing Plan supports its vision of a City that is vibrant, accessible, sustainable, connected, dynamic and prosperous. The Plan plays a key role in guiding Council’s public health actions with a focus on creating the conditions and environments that enable health and wellbeing.

This Plan recognises and builds upon the current activities of the Council that influence public health and wellbeing. The role of the Council will depend on the significance of the issue, the functions of other stakeholders, available resources and funding and legislative responsibilities.

The Plan seeks to ensure that every person in the City of Mitcham, regardless of gender, age, culture, ability, faith, economic or social position, enjoys the same opportunities to live healthy and fulfilling lives.

‘Having the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition’.

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1 Adelaide Statement on Health in All Policies. WHO, Government of South Australia, Adelaide 2010
1.2 Defining Public Health and Wellbeing

Health and wellbeing means different things to different people as they transition through life stages and circumstances, but the commonly accepted definitions are:

*Health:* ‘A complete state of physical, mental and social wellbeing, not merely the absence of disease or illness’.\(^5\)

*Wellbeing:* ‘The condition or state of being well, contented and satisfied with life. Wellbeing has several components, including physical, mental, social and spiritual. Wellbeing can be used in a collective sense to describe how well a society satisfies people’s wants and needs’.\(^6\)

‘Public health is what we do collectively as a society to create the conditions and environments that enable health and wellbeing’.\(^7\)

The *South Australian Public Health Act 2011* defines public health as: ‘the health of individuals in the context of the wider health of the community’.

There are many ways that people in Mitcham can remain physically and mentally healthy as well as enjoy a feeling of wellbeing. During Council’s consultations with community members, people spoke about their enjoyment of utilising infrastructure such as local walking and cycling paths as well as sporting grounds, accessing nature through parks, open spaces and playgrounds and accessing information and participating in activities at community facilities including libraries.\(^8\)

Community responses demonstrate that the factors that contribute to health and wellbeing on a daily basis are many and varied. Council has a role in shaping the conditions which help to promote healthier lifestyles. These conditions include social, economic and environmental factors and collectively are known as the social determinants of health.

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\(^8\) City of Mitcham Strategic Plan
Figure 1 – Social Determinants of Health
2. A Collective Approach to Public Health and Wellbeing in Mitcham

Health and wellbeing is everyone’s responsibility. From individuals to communities, a range of stakeholders play a role in shaping the public health in the region including: service organisations, businesses, schools and local and state government. This Plan recognises the scope of local government’s role in promoting public health alongside partners and community.

2.1 Council’s Role in Public Health

The City of Mitcham plays an important role in supporting the community to respond to their own health and wellbeing needs where they live, work, learn and play. Broadly this role includes: the provision of information and programs that allow people to participate in and contribute to community life, maintaining and creating healthy built and natural environments, protecting the community from public and environmental health risks and the creation of systems and structures that support public health.

While many Mitcham City residents enjoy a high standard of living there are some groups within the City that have fewer socio-economic resources to draw upon. People with the lowest social and economic position in communities tend to experience poorer health outcomes. Councils have a role in influencing the quality and distribution of resources that ensure that everyone in the community, regardless of socio-economic status, can improve their health and wellbeing.

Under the South Australian Public Health Act 2011 Councils are required to prepare and maintain Regional Public Health Plans to guide their work.

The City of Mitcham fulfils a broad range of roles and functions to promote community health and wellbeing, as described below:

- **Leader** - Council leading the community or the local government sector by example, setting directions to meet community needs.

- **Service Provider** - Council managing the community’s assets and funding and delivering the service.

- **Partner** - Council contributing funds and/or other resources towards a service or initiative that is delivered with other partners.

- **Facilitator** - Council bringing other people together to achieve outcomes.

- **Advocate** - Council making representations on behalf of the community.

---

Regulator - Council fulfilling a particular role as determined by legislation.

There are many community assets, services and activities in the City of Mitcham that shape public health. Public health is promoted and protected through various aspects of what Council does, such as:

- services and programs at libraries and community centres
- community gardens
- footpaths
- walking and cycling trails
- the way our communities are planned
- events that bring the community together
- disability inclusion services
- recreation facilities and sports grounds
- parks and shaded playgrounds
- skate parks and dog parks
- transport routes, shared paths and connected cycling ways
- climate and risk management planning
- pollution control and environmental management
- services that celebrate and promote cultural diversity
- regulating the provision of safe food
- immunisation services
- volunteering and community involvement
- wastewater management
- health information and education programs
- supporting smoke and alcohol free environments.
Figure 2 – What Public Health Includes (Source: The State Health Plan)
2.2 Partners and Community

Achieving health and wellbeing will be different for people depending on their age, culture and individual circumstances. This means that many people and organisations need to be involved and must work together to support and improve health and wellbeing within the Mitcham community. Potential partners include other levels of government, non-government and voluntary organisations, educational establishments, hospitals, community health services, neighbouring Councils, as well as private industry. Just as importantly, individuals, families and communities play a critical role in supporting and improving health and wellbeing. Everyone has a role to play.

Possible image illustrating Council working in partnership with another organisation
3. Developing the Plan

3.1 The Planning Process

This Plan aims to maintain the good work that is already happening to promote public health and wellbeing in Mitcham. The Plan builds on the strengths of current priority areas and utilises an action-focused framework to manage Council’s commitment towards public health and wellbeing over the next five years.

The Plan has been informed by:

- Data analysis – analysis of the state of public health and wellbeing in Mitcham based on available data on the social determinants of health.
- Progress review – review of Council’s progress against the previous Public Health Plan, Council’s Strategic Management Plan and other relevant Council Strategies.
- Consultation
  - Feedback from staff on organisational strengths and opportunities relating to health and wellbeing as well as oversight by a cross-disciplinary Council team (Appendix A)
  - Public consultation (a review of feedback from recent community consultation as well as draft Plan review)
  - Partner consultation on the draft Plan.
- Policy context review – Review of National, State and Regional policy and priority issues relating to public health ensuring a line of sight between Mitcham’s Plan and broader health priorities.

**Figure 3 – The Planning Process**
3.2 Planning Frameworks and Principles

Public Health Planning in South Australia

Council’s ‘Living Well’ Public Health and Wellbeing Plan has been developed to meet the requirements of the *South Australian Public Health Act 2011*. The Act provides a framework for State and Local Government to plan for new and emerging public health issues and for all of us to work together to:

- protect the public health of the community.
- prevent illness, disease and injury.
- promote conditions to support community well-being.

Under the Act Council is required to develop a Regional Public Health Plan, which has regard to issues identified in the State Public Health Plan and responds to local priorities.

The State Public Health Plan 2019-2024 establishes a vision for a ‘healthy, liveable and connected community for all South Australians’. The Plan calls for coordinated action across four priorities:\(^{11}\):

1. **Promote** – build stronger communities and healthier environments.
2. **Protect** – protect against public and environmental health risks and respond to climate change.
3. **Prevent** – prevent chronic disease, communicable disease and injury.
4. **Progress** – strengthen the systems that support public health and wellbeing.

Council’s Public Health and Wellbeing Plan ensures a connection to these four priorities of the State Public Health Plan, whilst recognising that there are overlaps between them. Tackling some topics benefits from a cross-sector approach\(^ {12}\).

Planning Concepts

Council’s Plan embraces the following concepts:

Population Health Approach

Population health aims to improve the health of the entire population whilst reducing health inequities. It acts upon the broad range of social, economic, environmental and physical factors and conditions that influence our health – collectively known as the ‘social determinants of health’.

---


Health in All Policies

Health in All Policies is an approach underpinned by an assumption that health is not merely the product of health care activities, but is influenced by a wide range of sectors. The South Australian Health in All Policies initiative works across government to better achieve public policy outcomes.

A Health in All Policies approach in the local government context can incorporate a number of strategies to improve community health and wellbeing, and strategically link areas not traditionally recognised for delivering ‘public health’ value. In this approach, local government contributes to public health outcomes using its sphere of control to integrate health objectives and outcomes within policy and planning.13

Council is committed to ‘Health in All Policies’ through integrating health considerations across functional areas. There is a role for all staff to play in supporting the health of our community.

Life Course and Place-based Approaches

The ‘life-course approach’ considers the assumption that throughout life, individuals are likely to experience multiple changes in health and these changes may be influenced by the places people spend their time. A deep understanding of the interaction of place and life stage on health and wellbeing can be used to design and deliver both placed-based and life-stage specific initiatives that address the key pillars of active ageing including: health, lifelong learning, participation and security.

---

4. A Snapshot of Our City

The location of the City of Mitcham and its proximity to the hills, sea and city is enormously valued by residents. Mitcham is a thriving City, known for its avenues of street trees, its beautiful parks, reserves and gardens, its historic homes and unique historical areas and its magnificent views from the hills.

Proclaimed in May 1853 under the District Councils Act 1852, the City of Mitcham is one of the oldest councils in South Australia taking its name from Mitcham Village which was settled in 1840 on the banks of Brown Hill Creek.

The Council comprises an area of 75.7 square kilometres extending into the beautiful Mitcham Hills, stretching from Cross Road in the north, to the Sturt River in the south and from Mount Barker Road in the east to South Road in the west.

Today there are over 66,000 people living in the City of Mitcham which is projected to increase to 70,000 by 2031. There are approximately 5,000 registered businesses operating in our local council area generating over 28,000 local jobs and $3.05 billion in Gross Regional Product.

Our suburbs include the State Heritage listed Colonel Light Gardens, which is Australia’s most complete example of an early 1900s “garden suburb”, and historic Belair, a unique suburb surrounded on three sides by parks including South Australia’s oldest, Belair National Park.

Our City has a vibrant education sector, home to over 65 high quality educational institutions including kindergartens, schools, colleges and universities such as the Waite Institute and Flinders University, with many local and international students living within the Council area. We have world-class medical and research facilities, including Flinders Medical Centre, Flinders Centre for Innovation in Cancer, Flinders Private Hospital and the Repatriation General Hospital within our City.

The majority of properties located in the City of Mitcham are residential with most commercial premises located along or near Belair Road, Goodwood Road, South Road and Main Road (Blackwood and Belair). Most industrial premises are located along the western boundary of the Council area immediately adjoining South Road.

The City of Mitcham boasts a diverse range of unique natural habitats, trees and native vegetation that form part of a significant green corridor across the western slopes of the Mount Lofty Ranges. The hills contain one of the largest remnant stands of endangered Grey Box Grassy Woodland in South Australia and are the home of many threatened native plants and animals.

The City is also well served by many tourist attractions including Carrick Hill Estate, Belair National Park, Brown Hill Creek Reserve, Waite Arboretum, Wittunga Botanic Gardens, Sturt River Linear Trail, reserves and numerous walking trails through the historic Mitcham Village Precinct, St Marys, Lower
Mitcham, Brown Hill Creek and Colonel Light Gardens, as well as a network of shared use trails.

**Overview of City of Mitcham – convert into an infographic**

- Population – 67, 235
- Compared to Metropolitan Adelaide the City of Mitcham has:
  - more people in the 10-19 year age group
  - less people in the 25-39 year age group
  - more people over the age of 74, especially females aged 85 years and over
- Compared to Metropolitan Adelaide the City of Mitcham has:
  - Lower rate of socio-economic disadvantage
  - Higher percentage of tertiary education
  - Lower percentage of unemployment
  - Higher percentage of young people earning or learning
  - Higher rates of volunteering
- People of Aboriginal and Torres Strait Islander background - 0.6%
- Rates of young people ‘learning or earning’ - 93%
- People who provide unpaid assistance to others – 12.9%
- People with a profound or severe disability living in the community - 4.1%
- 14.7% of people speak a language other than English at home
- Couple families with children – 34%
- Lone person households – 23.2%
- 67.4% of employed people travel to work by car and 4.7% by bus

**Priority Populations**

While the City of Mitcham compares well to Metropolitan Adelaide, there are segments of the community that differ. The following priority populations will be considered when implementing public health strategies to reduce health inequities:

- people over the age of 74, especially females aged 85 years and over
- HACC clients who live alone
- young people aged 15-24 years in the Belair/Bellevue Heights/Blackwood region at higher risk of premature death. Suicide and road accidents were the leading causes.
- the Panorama region due to higher rates of:
  - people living with profound or severe disability
  - developmentally vulnerable children
  - admissions to hospital caused by potentially avoidable conditions
- clients of community mental health services
- household crowding.

- also in the Panorama region there are higher proportions of:
  - people born overseas in a predominantly non-English speaking country
  - people born overseas reporting poor proficiency in English
  - family migrants and skilled migrants
  - disability support pension & unemployment recipients
  - long term unemployed
  - people experiencing mortgage and rental stress
  - households with no motor vehicle.

The regions referred to above relate to statistical Populations Health Areas (PHA) within the City of Mitcham local government area (LGA). From here, the Population Health Area of Panorama will be referenced in the Plan as ‘the west of Mitcham’ to avoid confusion with the suburb of Panorama.
5. **Health and Wellbeing Priorities**

The health and wellbeing priorities for the City of Mitcham have been informed by themes arising from recent consultations, staff feedback and policy contexts at State and National level.

Council’s plan has been structured into four overall themes, which each connect to the State Public Health Plan priorities and consider the needs of priority populations.

**Table 1 – City of Mitcham Themes and the State Public Health Plan**

<table>
<thead>
<tr>
<th>City of Mitcham Theme</th>
<th>State Health Plan Priority</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Promoting Creativity and Culture - Fostering Wellbeing</td>
<td>Promote</td>
</tr>
<tr>
<td>2 Feeling Connected and Supported - Promoting Mental Health</td>
<td>Promote</td>
</tr>
<tr>
<td>3 Healthy Living - Preventing Chronic Disease</td>
<td>Progress Prevent</td>
</tr>
<tr>
<td>4 Protecting Health and Preventing Illness and Injury</td>
<td>Protect Prevent</td>
</tr>
</tbody>
</table>

Progressing and strengthening the systems that support public health and wellbeing is featured across all sections of the Plan.

Specific health and wellbeing priorities for the City of Mitcham are further discussed under the corresponding theme.

In structuring the strategies across each theme, Council has considered the key elements needed to promote healthy behaviours. That is ‘what is needed to promote positive behaviours’?

Behaviour change theory is an integral part of population health and health promotion strategies. Recently the World Health Organisation developed a new global action plan to help countries develop policy actions to promote physical activity that reflects the principles of behaviour change strategy. The four objectives contained within this framework are:

1. Create active societies (social norms and attitudes)
2. Create active environments (spaces and places)
3. Create active people (programs and opportunities)
4. Create active systems (governance and policy enablers).\(^{14}\)

In order to create a document that is action oriented and reflects best practice in health promotion and population health practice, a similar structure has been adopted for the actions of this plan. Council actions address the following elements:

---

1. **Promote**: Create awareness about healthy behaviours through information, education and advocacy that address social norms and attitudes.

2. **Enable**: Deliver or support the delivery of programs and opportunities for participation and skill development.

3. **Environments**: Maintain or develop spaces and places within the built and natural environments that support health and wellbeing.

4. **Structures**: Strengthen and integrate policy and partnership that support health and wellbeing.
5.1 Theme 1: Promoting Creativity and Culture - Fostering Wellbeing

The connections we share with others have a big influence on our mental health and wellbeing. Social connections comprise the people we know; the family we belong to, the friends we confide in and the neighbourhoods and communities we live in. Strong social networks make us feel cared for, valued and can encourage adoption of healthier lifestyles and behaviours\(^\text{15}\).

The City of Mitcham is valued for its strong sense of community:

- 90% people positively rate the range of community groups available in the area\(^\text{16}\).
- 40% of locals volunteer on a regular basis through an organisation or group.
- 90% of the community positively rate their neighbours for friendliness and willingness to help.
- 94% of people positively rate the environment in terms of planning and open spaces and lack of pollution.

The Council also supports community infrastructure, such as local libraries, that provide a safe supportive environment.

Supporting community wellbeing means ensuring that everyone, of all cultural backgrounds, feels included. The City of Mitcham has an estimated 1.8% of people born overseas reporting poor proficiency in English. However, the Council has a high percentage of non-English speaking clients (15.4%), who seek services through the Community Home Support Program (CHSP). In the west of Mitcham, 24.5% of clients are non-English speaking. A concerning 3.6% of people in Mitcham disagree or strongly disagree with acceptance of other cultures.

Focus on the following concepts is recommended to foster community wellbeing:

- diversity and inclusion
- participation and engagement
- place making
- volunteering
- arts and culture
- environmental sustainability.

---


\(^{16}\) Community Strengths Survey 2013
Goal

1. A culture and environment where people feel included and are able to participate.

Outcomes

1. There is access for all abilities, ages and socio-economic groups to places and spaces that promote wellbeing.
2. Community voice and diversity is represented in community initiatives including events, programs, places and spaces.
3. Reported satisfaction and sense of connection and belonging to places and spaces (built and natural) in the City of Mitcham.

Related State Public Health Plan Priorities

1. **Promote** – build stronger communities and healthier environments.
2. **Progress** – strengthen the systems that support public health and wellbeing.

Objectives

1. Promote opportunities and wellbeing benefits of participation in civic life, volunteering, joining local interest groups and caring for the environment (sustainability) for all people of diverse needs/backgrounds. Celebrate and recognise community efforts.
2. Enable the community in all its diversity and ability to participate and take the lead in arts, culture, civic and environmental programs/activities.
3. Maintain and develop physical environments that foster a connection to place and showcase built, natural and cultural heritage.
4. Develop and refine integrated policy and partnerships that support participation, social tolerance and environmental sustainability.

<table>
<thead>
<tr>
<th>Strategies</th>
<th>Existing, New, Redesign</th>
<th>SMP Ref</th>
<th>Measures</th>
</tr>
</thead>
</table>
| 1          | 1a. Embed health messages, information about opportunities for participation across Council. Share stories of participation and recognise/reward volunteer and community contribution | Redesign | Goal 1: Objectives 1.3 & 1.4 | - Number of settings and community members receiving relevant information
- Implementation of initiatives that celebrates and recognises volunteers |
<p>| 2          | 2a. Integrate opportunities for engagement, participation and leadership in all Council functions ensuring diversity of community members. 2b. Support or provide | Redesign | Goal 1: Objectives 1.6 &amp; 4.1 | - Number of cultural/environmental sustainability programs in all Council regions including those |</p>
<table>
<thead>
<tr>
<th>Strategies</th>
<th>Existing, New, Redesign</th>
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</thead>
<tbody>
<tr>
<td>programs that promote connection and wellbeing. 2c. Share stories of experience, celebrate and reward success.</td>
<td>New</td>
<td>4.2 &amp; 4.3</td>
<td>that are vulnerable</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Proportion of participation by marginalised and diverse communities (e.g. CALD, disabled, LGBTQI, women) in cultural/environmental/wellbeing activities, civic life, volunteering and public programs.</td>
</tr>
<tr>
<td>3</td>
<td>3a. Support urban biodiversity to promote wellbeing 3b. Recognise Aboriginal cultural heritage and Kaurna connection in parks and places</td>
<td>Existing, New</td>
<td>Goal 2: Objective 2.1</td>
</tr>
<tr>
<td>4</td>
<td>4a. Ensure that the following cross-cutting themes for promoting wellbeing are integrated into Council Plans and Strategies: - Diversity and inclusion - Engagement and participation - Nature, biodiversity and wellbeing - Across the life span</td>
<td>New</td>
<td>Goal 1: Objectives 1.3, 1.4 &amp; 1.6 Goal 2: Objective 2.1 Goal 4: Objective 4.1, 4.2 &amp; 4.3</td>
</tr>
</tbody>
</table>

**Relevant Council Plans, Strategies and Policies**

- City of Mitcham Strategic Management Plan 2017-2027
- Public Art Policy
- Access and Inclusion Plan 2015-2020,
- Partnering to Build an Age Friendly Environment and Community Regional Strategy
- Spatial Vision for the City of Mitcham (Draft)
- Tree Strategy
- Sports Facility Strategy
- Community Garden Policy
- Public Consultation Policy
- Volunteer Policy
- Environment and Sustainability Strategy (draft)
- Youth Plan – lapsed

**Key Resources**

- Parks and Leisure Australia, Health and Wellbeing Position Paper
- Healthy Parks Healthy People SA
5.2 Theme 2: Feeling Connected and Supported - Promoting Mental Health

Mental health and wellbeing are fundamental to our collective and individual ability as humans to think, emote, interact with each other, earn a living and enjoy life.

Levels of mental wellbeing and prevalence of mental illness vary according to socio-demographic and socioeconomic factors, with disadvantaged and marginalised population groups having a higher risk of experiencing mental illness and poor mental wellbeing.

Mitcham as a whole has rates of welfare participation below that seen in Adelaide, South Australia and Australia. However, the rates of welfare participation and signs of housing stress in the west of Mitcham exceed that of the rest of Mitcham and approach or exceed the percentage rates for Adelaide and South Australia.

While mental wellbeing and mental illness are considered to be distinct concepts, many factors that promote mental wellbeing are also factors that may protect against mental illness. These factors include resilience and social connection. Council can provide opportunities for community connections and support programs that build community capacity and resilience.

The City of Mitcham has an abundance of open spaces and parks, including Belair National Park. Mitcham’s natural assets provide opportunities for people to connect with nature and to support their health and wellbeing. Mitcham parks are visited by locals as well the wider community and tourists. Research demonstrates that access to good quality green spaces (i.e., parks and public spaces) that are well-connected and attractive, have significant benefits to individuals and communities. From an environmental perspective such spaces help to reduce air pollution, noise and excessive heat, all of which can impact health and wellbeing. From a social perspective, such spaces create opportunities for social interaction with family and friends or opportunities to connect with other people and potentially animals and wildlife. Green spaces help people to relax, reduce their stress levels and provide opportunities to be more physically active; all of which may directly influence better self-reported mental health.

Mental health and wellbeing needs to be a focus across all age groups. In the City of Mitcham:

- the number of children and young people who are clients of Child and Mental Health Services (CAMHS), is less than the state and national average, yet still 735 children experience significant mental illness
• 18.5% of children are developmentally vulnerable\textsuperscript{17}. This increases to 25.9% in the west of Mitcham, which exceeds South Australian and Australian averages.

• the percentage of people with high to very high levels of psychological distress is estimated at 9.7% but 12% in the west of Mitcham, exceeding the Australian average.

• premature mortality from suicide is a rate of 10.8 per 100,000 persons aged 0-74 years. This is marginally less than the Australian rate of 11.5, however the rate of 11.7 for the Belair/ Bellevue Heights/Blackwood region is comparable.

• the percentage of aged pension and pensions concession card holders is 56% and 27.2% respectively. Aged pension recipients increases to 66% in the west of Mitcham.

• 65% feel safe walking around at night but that means that 35% don’t feel safe.

• rental stress in the Council area is on par with levels across Adelaide and South Australia at 28.5%. However, at 32.5% in the west of Mitcham, the South Australian and Australian rates are surpassed.

• 5.8% of the community experiences mortgage stress, increasing to 8.4% in the west of Mitcham.

• 40% of older residents who access community home services live alone. In the Colonel Light Gardens / Mitcham region this increases to 42.4% which exceeds South Australian and Australian averages.

Everyone has a right to be safe and to be treated with dignity and respect. At a National level, addressing family violence (especially violence against women and their children) is a priority\textsuperscript{18}. With an ageing community, the Council has identified education and awareness to prevent elder abuse as a priority issue. Whilst local prevalence statistics are difficult to obtain the prevalence statistics from Australian studies indicate a range of between 2.2% to 5.4% of persons over 65 experience elder abuse.

At a national and State-wide level, tackling risky behaviours which impact on physical and mental health is a priority. Drug dependence and gambling addiction can have a significant impact on a person’s mental and physical health. Dependence can cause social and economic harm among individuals, families and communities\textsuperscript{19}.

Goal

1. People are connected and supported in their mental health and wellbeing.

Outcomes

\textsuperscript{17} Children who score below the 10th percentile (in the lowest 10 per cent) of the national AEDC population are classified as ‘developmentally vulnerable’. These children demonstrate a much lower than average ability in the development competencies in that domain.


\textsuperscript{19} Commonwealth of Australia as represented by the Department of Health 2017 National Drug Strategy 2017-2026.
1. Decrease in reported levels of psychological distress and isolation.
2. Increase in sense of social connection.

**Related State Public Health Plan Priorities**

1. **Promote** – build stronger communities and healthier environments.
2. **Progress** – strengthen the systems that support public health and wellbeing.

**Objectives**

1. Promote activities to support mental health and resilience, encourage help seeking and reduce stigma.
2. Advocate for community programs that improve mental health in Council settings where people live, work, recreate and study.
3. Create spaces and places where people can connect socially and which harness natural environments and gardens as a place of positive mental health.
4. Strengthen organisational capacity to support people to engage in help seeking and activities that increase mental health.

<table>
<thead>
<tr>
<th>Strategies</th>
<th>Existing, New, Redesign</th>
<th>SMP Ref</th>
<th>Measures</th>
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</thead>
<tbody>
<tr>
<td>1 1a. Embed health messages/resources into Council settings and online platforms that increase awareness and knowledge about mental health and supports with a focus on:</td>
<td>New</td>
<td>Goal 1: Objective 1.2, 1.3 &amp; 1.4</td>
<td></td>
</tr>
<tr>
<td>- Mental Illness and Suicide</td>
<td></td>
<td>Goal 3: Objective 3.2</td>
<td></td>
</tr>
<tr>
<td>- Family Violence</td>
<td></td>
<td>Number of settings and community members receiving relevant information with a focus on vulnerable populations. Increase in awareness and knowledge by community members about mental health and supports available. Increase in awareness</td>
<td></td>
</tr>
<tr>
<td>Strategies</td>
<td>Existing, New, Redesign</td>
<td>SMP Ref</td>
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</tbody>
</table>
| 2a. Deliver or support the delivery of social support programs particularly in higher risk Council areas that cater to a wide and diverse range of community members. | New                      | Goal 1: Objective 1.2, 1.3, 1.4 & 1.6 | Number of programs targeting different age ranges across Council regions with a focus on vulnerable regions – higher risk Council areas and priority groups (Non English speaking, disabled, LGBTQI, elderly, youth and carers)  
- Staff know how to recognise and respond appropriately to mental health needs in the community.  
- Number of programs that build community resilience after a disaster |
| 2b. Capacity build Council staff to know how to recognise mental health concerns and respond appropriately | Redesign                 |         |                                                                                                                                          |
| 2c. Deliver, partner or support programs that facilitate community continuity following a local disaster | Redesign                 |         |                                                                                                                                          |
| 2d. Share stories of experience, celebrate and reward success.              | New                      |         |                                                                                                                                          |
| 3a. Ensure accessibility of public infrastructure that increases mental health. | Existing                 | Goal 1: Objective 1.1 | Design of infrastructure reflects access and inclusion and diversity principles. Policies and |
| 3b. Activation of parks and outdoor spaces as places for mental health      | Existing                 | Goal 3: Objective 3.5 |                                                                                                                                          |
| 3c. Support places/spaces for                                             | New                      |         |                                                                                                                                          |
### Strategies

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</thead>
<tbody>
<tr>
<td>community small and home based business support and networking</td>
<td></td>
<td>Goal 4: Objective 4.4 &amp; 4.5</td>
<td>plans reflect the benefits of natural places to mental health and wellbeing. Venues and opportunities for business connections</td>
</tr>
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</table>

4. Develop, refine and integrate Council plans and partnerships that relate to mental health

<table>
<thead>
<tr>
<th>4</th>
<th>New</th>
<th>Goal 1: Objective 1.1, 1.2, 1.3, 1.4 &amp; 1.6</th>
<th>-</th>
<th>Policies, plans and partnerships are in place that support mental health and the social determinants that impact on mental health</th>
</tr>
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<tbody>
<tr>
<td></td>
<td></td>
<td>Goal 3: Objective 3.2, 3.3 &amp; 3.5</td>
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<td></td>
<td></td>
<td>Goal 4: Objective 4.4 &amp; 4.5</td>
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</tbody>
</table>

### Relevant Council Plans, Strategies and Policies

- City of Mitcham Strategic Management Plan 2017-2027
- Access and Inclusion Plan 2015-2020,
- Spatial Vision for the City of Mitcham (Draft)
- Tree strategy 2016-2025
- Sports Facility Strategy
- Community Garden Policy
- Health and Wellbeing Policy
- Environment and Sustainability Strategy (draft)
- Youth Plan – lapsed
- Trails Strategy - lapsed

### Key Resources

- Youth Strategy – Office for Youth
- National Family and Domestic Violence Strategy
- National Drug Strategy
- SA Health Elder Abuse Prevention Campaign
- Parks and Leisure Australia, Health and Wellbeing Position Paper
- Healthy Parks Healthy People SA
- Adelaide Case Study – Urban Design for Wellbeing and Mental Health
- Gambling Prevalence in South Australia
5.3 Theme 3: Healthy Living - Preventing Chronic Disease

Increasing participation in physical activity has health, social and economic benefits including improved physical health, reduced risk of chronic disease, reduced risk of becoming overweight or obese, the development of stronger social connections and improved mental wellbeing.

Healthy eating and access to affordable nutritious food is vital to health and wellbeing. Promoting healthy eating initiatives helps our community understand the importance of good nutrition and maintaining a healthy weight.

Chronic diseases such as cancer, cardiovascular diseases, and musculoskeletal conditions contributed the most burden in Australia in 2015. It is estimated that 38% of the burden could have been prevented by removing exposure to risk factors such as tobacco use, overweight and obesity, and dietary risks²⁰.

It is reported that among Australians aged 65 years and over, almost one in ten may have dementia, while those aged 85 and over, the number is closer to three in ten. Certain health and lifestyle factors play a role in a person’s risk of dementia. People with high blood pressure have an increased risk as do those who are less physically and mentally active²¹.

Preventing chronic disease needs to be addressed through promoting healthy behaviours such as physical activity and healthy eating and minimising harmful habits such as tobacco smoking.

In the City of Mitcham:

- the rate of fruit consumption in children and young people is relative to Adelaide and Australia
- whilst better than the average, only 52% of adults eat sufficient fruit as an indicator of healthy eating.
- 61% of adults are considered inactive. Nationally physical activity rates are an issue.
- 75% of people drive to work
- obesity rates in 2-17 year olds is lower than the averages for Adelaide as a whole, yet it is still prevalent at about 4.5%
- obesity rates in adults are better than the national average though 20.7% of men and 23.5% of women are still considered obese.
- smoking rates (9.3%) are less than state and national averages

²¹ Dementia Australia (https://www.dementia.org.au/)
• At 3.4% rates of diabetes are lower in Mitcham than state and national averages.

Unfortunately many of these personal health and wellbeing indicators rate poorly in the west of Mitcham, demonstrating the interrelationship with other determinants of health.

The Mitcham area offers many assets which support healthy lifestyles: sporting facilities, pathways, natural places, cycling trails, walking trails, gardens and a train line into the City.

There is opportunity to improve access to public transport, e.g. park and ride, and making sure that facilities are accessible to all abilities. Data on diet (vegetable consumption/fast food) for priority communities is limited. There is opportunity to enhance food knowledge, skills and culture within schools, workplaces, clubs and the wider community. With an ageing community the prevention of Dementia and awareness of this chronic illness is a priority.

Goal

1. People are able to make choices and engage in actions to improve health outcomes and reduce the risk of chronic disease.

Outcome:

1. Reduction in rates of chronic disease and increase in healthy behaviours in the City of Mitcham population.

Related State Public Health Plan Priorities

1. Promote – build stronger communities and healthier environments.
3. Progress – strengthen the systems that support public health and wellbeing.

Objectives

1. Promote healthy lifestyle actions for people of all ages, gender, ability and cultural background
2. Enable the community in all its diversity and ability to participate in healthy living programs where they live, work, study and recreate.
3. Create physical environments and infrastructure that support healthy choices and activities
4. Strengthen policy and partnerships that support healthy lifestyles

<table>
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<tr>
<th>Strategies</th>
<th>Existing, New, Redesign</th>
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</thead>
<tbody>
<tr>
<td>1a. Embed health messages/resources across Council that promotes awareness and knowledge about healthy lifestyles in relation to physical activity</td>
<td>New</td>
<td>Goal 1: Objective 1.2 &amp; 1.4</td>
<td>Number of promotional settings and community members receiving relevant</td>
</tr>
<tr>
<td>Strategies</td>
<td>Existing, New, Redesign</td>
<td>SMP Reference</td>
<td>Measures</td>
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</tbody>
</table>
| - healthy eating  
- smoking  
- alcohol and other drugs  
- diabetes  
- dementia  
- other relevant diseases across the life span. | | | information with a focus on vulnerable populations |

2  
2a. Deliver, partner or support healthy living programs across Council that cater to a wide and diverse range of community members.  
2b. Share stories of experience, celebrate and reward success.  

| | Redesign | New | Goal 1: Objective 1.2 & 1.4 | Number of healthy living programs targeting different age ranges across Council regions including those that are vulnerable  
Proportion of participation by marginalised and diverse communities in healthy living programs (e.g. CALD, disabled, women)  
Participants report a change in motivation and/or positive behaviours as a result of participating in initiatives.  
Initiatives supported/developed to recognise and reward success. |

3  
3a. Apply healthy by design principles through the implementation of Council’s Spatial Vision, Key Precinct Structure Plan and transport planning.  
3b. Keep abreast of state level planning reforms and participate in training in relation to health, social and universal housing design principles  

| | Existing | Existing | Goal 1: Objective 1.3  
Goal 4: Objective 4.4 | Design of infrastructure reflects access and inclusion and diversity principles  
Policies and plans reflect the benefits of natural places to health and wellbeing |
<table>
<thead>
<tr>
<th>Strategies</th>
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</thead>
<tbody>
<tr>
<td>3c. Ensure accessibility of public infrastructure that increases physical health and movement for play, transportation or fitness</td>
<td>Existing Redesign</td>
<td></td>
<td>- Demonstrations of healthy by design in place making</td>
</tr>
<tr>
<td>3d. Activation of parks, facilities, reserves and outdoor spaces as places for physical health</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4a. Develop, refine and integrate Council plans and partnerships that relate to healthy lifestyles</td>
<td>New</td>
<td>Goal: 1.7, 1.3 1.4 &amp; 1.5</td>
<td>- Policies, plans and partnerships are in place that support healthy lifestyles. - Demonstrations of housing design to support ageing in place.</td>
</tr>
<tr>
<td>4b. Integrate healthy by design considerations into all Council plans and policies.</td>
<td>New</td>
<td>Goal: 4 Objective 4.4</td>
<td></td>
</tr>
<tr>
<td>4c. Advocate for the application of universal housing design principles in the Council area</td>
<td>New</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Relevant Council Plans, Strategies and Policies**

- City of Mitcham Strategic Management Plan 2017-2027
- Access and Inclusion Plan 2015-2020,
- Dog and Cat Management Plan 2018-2023
- Spatial Vision for the City of Mitcham (draft)
- Tree Strategy 2016-2025
- Tree Policy
- Sports Facility Strategy
- Integrated Transport Plan 2016-2036
- Community Garden Policy
- Health and Wellbeing Policy
- Partnering to Build an Age Friendly Environment and Community Regional strategy
- Youth Plan - lapsed
- City of Mitcham Resilient South Local Action Plan 2016-2018 - lapsed
- Trails Strategy 2005 - lapsed

**Key Resources**

- Parks and Leisure Australia, Health and Wellbeing Position Paper
- Healthy Parks Healthy People SA
• Creating Healthier Local Food Environments – A Guide for Local Government
5.4 Theme 4 - Protecting Health and Preventing Illness and Injury

Major advancements to public health have been achieved through the provision of basic sanitation such as clean water and availability of immunisation. To sustain the high standard of living we enjoy, it is essential that these services continue in the background of our everyday life.

Council plays an important role in shaping local environments to protect the community from public and environmental health risks and injury. Various sections of Council have a role to play including: emergency management; environmental health; environmental management; urban planning; engineering; and waste management teams. Protecting the community’s public health involves many approaches including education, planning and regulatory enforcement.

Immunisation is a simple, safe and effective way of protecting people against harmful diseases before they come into contact with them. Immunisation not only protects individuals, but also others in the community, by reducing the spread of preventable diseases. In the City of Mitcham, immunisation rates at 1 and 5 years were similar to rates in Adelaide and Australia at 93.4% and 93.9% respectively. Nationally, the aim is to achieve an immunisation coverage rate of 95%.

Compared to similarly developed nations, Australia has higher rates of food-borne disease caused by Campylobacter and Salmonella. The rate is increasing and the Australian Government and the States and Territories are committed to reversing this trend. This will involve a focus on the food service sector given it is associated with 63% of all food poisoning outbreaks.

Responsible waste management and resource recovery facilitates sanitation and clean environments which are supportive to public health. Council’s waste management services are built on the principles of ecologically sustainable development and the waste management hierarchy, whereby sending waste to landfill is the least preferred option. A detailed kerbside bin audit in 2015 identified our landfill diversion rate as 56.3%. Overall, the diversion rate for the City of Mitcham has been consistent for several years and remains below the Green Industries of SA Waste Strategy municipal solid waste landfill diversion target of 70%. The National Waste Policy sets a national goal for Australia to produce less waste and look at waste as a resource that can generate economic, environmental and social benefits

It is especially important to consider public health protection priorities in the context of a changing climate. Climate change is a critical issue for the community, where societies and ecosystems are highly vulnerable to even modest levels of climate change. For the City of Mitcham this means a general warming and drying trend, posing an increased threat to the frequency and severity of heatwaves and the risk of bushfire. By 2070:
- annual temperature is projected to continue to increase by nearly 3°C compared to the period 1980-1999
- the number of days where the maximum temperatures exceeds 40°C is projected to increase from periods of up to three consecutive days in 1980-1999 to periods of up to five consecutive days
- average annual rainfall is projected to decrease by about 13%
• whilst annual rainfall is projected to decrease, the frequency and intensity of rainfall causing flooding is projected to increase
• extreme fire danger days is projected to increase from two per year in 1980-1999 to six per year and a longer fire danger season is projected.

The Council is working to minimise the threats posed by emergency events through participation in local emergency management alongside neighbouring councils.

Goal

1. The community is protected from public and environmental health risks and injury.

Outcomes

1. Reduced incidence of preventable illness and injury.
2. The frequency, scale and harm resulting from emergency events (bushfire, flooding, heatwave) is reduced/minimised.
3. Housing, infrastructure and assets are suitable for projected changes in climate (climate ready).

Related State Public Health Plan Priorities

1. **Protect** – protect against public and environmental health risks and respond to climate change.
2. **Prevent** – prevent chronic disease, communicable disease and injury.
3. **Progress** – strengthen the systems that support public health and wellbeing.

Objectives

1. Promote awareness of measures to protect health, prevent illness and injury (such as food safety, public health protection, immunisation and bushfire and climate readiness)
2. Deliver services and programs to support the protection of public health and prevention of illness and injury
3. Create built places and spaces which support health protection, safety and climate and emergency preparedness
4. Strengthen policy, planning and partnerships for health protection and climate and emergency preparedness

<table>
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<tr>
<th>Strategies</th>
<th>Existing, New, Redesign</th>
<th>SMP Ref</th>
<th>Measures</th>
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<tbody>
<tr>
<td>1.</td>
<td>1a. Embed health messages/resources across Council that promotes awareness of: - food safety</td>
<td>Existing</td>
<td>Goal 1: Objective 1.2 &amp; 1.4, - Number of settings and community members receiving relevant measures</td>
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<tr>
<td>Strategies</td>
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| - environmental health protection  
- immunisation  
- climate adaptation  
- emergency management  
- injury management (falls prevention)  
- animal management | | information with a focus on vulnerable populations |
| 2 | 2a. Deliver environmental health and public safety regulation in accordance with performance frameworks for risk assessment, inspection and enforcement.  
2b. Deliver, partner or support environmental health protection, public safety and climate readiness programs across Council that cater to a wide and diverse range of community members.  
2c. Integrate public health into Council’s emergency management arrangements  
2d. Deliver community and school-based immunisation clinics as well as promotion of other available immunisation services. | Existing | Goal 1: Objective 1.2 & 1.4 | - Premises and activities assessed based on risk  
- Target inspection frequencies met  
- Level of compliance  
- Number of healthy living programs targeting different age ranges across Council regions including those that are vulnerable  
- Council’s emergency management plans and procedures are amended  
- Immunisation coverage rates in the City of Mitcham (note: national childhood immunisation coverage target is 95%) |
| 3 | 3a. Create environments which protect public health such as:  
- Smoke free places and events  
- Climate suitable green and built infrastructure and housing  
- Safe transport networks  
3b. Apply a climate risk management lens to the development of new plans, policies and strategies as well as the implementation of vulnerability assessments on infrastructure and assets (built and natural). | Redesign | Goal 2: Objective 2.1, 2.2, 2.3, 2.4, 2.5 & 2.6 | - Level of compliance  
- Plans, policies, strategies and infrastructure projects reviewed for climate risk management  
- Plans, policies, strategies and projects implemented |
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<td>4</td>
<td>4a. Strengthen policy and regional and multi-agency partnerships to support Resilient South Climate Ready programs (eg: in partnership with Red Cross), emergency management and priority environmental health and public safety issues (eg: hoarding and squalor).</td>
<td>Existing</td>
<td>Goal 1: Objective 1.2 &amp; 1.4, Goal 2: Objective 2.1, 2.2, 2.3, 2.4, 2.5 &amp; 2.6, Goal 3: Objective 3.3, Goal 4: Objective 4.4</td>
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**Relevant Council Plans, Strategies and Policies**

- Bushfire Management Plan
- Mitcham Incident Response Command Plan
- Southern Adelaide Zone Emergency Management Plan
- Sturt Community Emergency Risk Management Plan
- Dog and Cat Management Plan 2018-2023
- Business Continuity Plan
- Outdoor Dining Policy
- Waste Management Strategy
- Integrated Transport Plan 2016-2036
- Tree Strategy 2016 – 2025
- Smart Water Strategy 2019
- Stormwater Management Plan - Brownhill Creek
- Stormwater Management Plan – Sturt Creek
- Resilient South Sector Agreement for Climate Change Adaptation for the Southern Adelaide Region (2018-2020)
- City of Mitcham Resilient South Local Action Plan 2015–2019 - lapsed
Key Resources

- The South Australian Government’s Climate Change Adaptation Plan
- South Australian State Emergency Management Plan
- SA Health Public Health Emergency Management Plan
- South Australia’s Waste Strategy 2015-2020
6. **Implementation and Evaluation**

The Community Health and Wellbeing Plan outlines the strategic health and wellbeing goals that Council will work towards over the next five years.

Monitoring, reporting and evaluation are required to understand effectiveness, identify areas for improvement and learning and to enhance the evidence for current and future work in this space.

Council’s reporting framework will outline the measures that will be used to monitor and evaluate the Plan against the four themes and the State Public Health Plan priorities.

A Community Health and Wellbeing Reference Group consisting of cross-disciplinary representatives will work in partnership strategically in the implementation and evaluation of the Community Health and Wellbeing Plan. The Reference Group will:

- Guide implementation and facilitate biennial reporting as required by the Act.
- Recommend actions for an agreed timeframe (e.g. 12 months).
- Ensure that the 12-month Public Health Action Plan is endorsed by the Executive Leadership Group to ensure alignment with Strategic Management Plan priorities and appropriate resourcing.
7. References

9. City of Mitcham. Mitcham Incident Response command plan
30. Department for Environment and Water, 2016. Healthy Parks Healthy People SA
36. Heart Foundation. Healthy Active By Design
41. SA Health. Local Government Relations and Policy Team Creating Healthier Local Food Environments – A Guide for Local Government
42. SA Health Elder Abuse Prevention Campaign.
46. URPS, 2016. Partnering to build an age friendly environment and community. Regional strategy and action plans. Cities of Holdfast Bay, Marion and Mitcham.
   Available https://www.who.int/about/who-we-are/constitution.
   Geneva.
8. Glossary

**Action-focused framework**: Refers here to a structured method that can be used to directly guide the efforts (things that can be done) that will improve health and wellbeing for the community.

**Burden of disease**: The burden of disease is a measurement of the gap between a population’s current health and the optimal state where all people attain full life expectancy without suffering major ill-health). Burden of disease analysis enables decision makers to identify the most serious health problems facing a population.

**Cross Disciplinary /Cross sector** – Working with people from different professional groups, areas, sections or fields of work towards a common goal.

**Diverse population** refers here to the need to embrace all population groups and respecting cultural diversity, gender diversity and engaging people of all ages and abilities.

**Enable**: Here refers to the actions associated with supporting individuals to participate in opportunities that enhance health and wellbeing. Opportunities here refers to things such as programs, events, clubs, groups and use of facilities.

**Empowerment**: Supporting peoples ability to take ownership and control to improve their health.

**Health Education**: Health education comprises consciously constructed opportunities for learning involving some form of communication designed to improve health literacy, including improving knowledge and developing life skills which are conducive to individual and community health.

**Healthy by Design Principles**: Principles to guide designing walkable, and ultimately more liveable, communities. The Heart Foundation have developed Healthy by Design resources designed to help planners, urban designers and related professionals design built environments that promote healthy and active communities.

**Health indicator**: A health indicator is a characteristic of an individual, population, or environment which is subject to measurement (directly or indirectly) and can be used to describe one or more aspects of the health of an individual or population (quality, quantity and time).

**Health Inequity**: Health inequities are systematic differences in the health status of different population groups. “There is ample evidence that social factors, including education, employment status, income level, gender and ethnicity have a marked influence on how healthy a person is. In all countries – whether low-, middle- or high-income – there are wide disparities in the health status of different social groups. The lower an individual’s socio-economic position, the higher their risk of poor health.”

[https://www.who.int/features/factfiles/health_inequalities/en/](https://www.who.int/features/factfiles/health_inequalities/en/)
Live work, study and play: The Social-ecological model of health acknowledges the reciprocal relationship between health-related behaviours and the environments (built and natural) in which people live, work and play (settings).

Promote: Here refers to the actions that create awareness and increase knowledge about health and wellbeing so that people may make informed choices about the best way to look after their own health and wellbeing.

Public Health as defined by the SA Public Healthy Act 2011, is the health of individuals in the context of the wider community.

Mental wellbeing is a state of well-being in which every individual realises his or her own potential, can cope with the normal stresses of life, can work productively and fruitfully, and is able to make a contribution to her or his community.

Mental illness as defined by the American Psychiatric Association is disturbances of mood or thought that can affect behaviour and distress the person or those around them, so the person often has trouble functioning normally. Examples include anxiety disorders, depression, psychosis, schizophrenia and others as defined in the American Psychiatric Association.

Resilience is a person’s capacity to overcome significant challenges or negative life events and successfully return to their previous level of function, avoiding mental ill-health. High levels of resilience are associated with a lower risk of mental health problems and an improved sense of mental wellbeing.

Social capital describes the benefits that arise as a consequence of social connections. Developing positive social connections and relationships is essential for optimal development and provides a wide range of positive physical and mental health outcomes.

Social norms: The ideas, values or beliefs that are common or dominant in a society or community.

Systems and structures that support public health refers here to the administrative elements such as policies, plans, partnerships and regulations that support health and wellbeing initiatives.


Universal Housing Design Principles: Universal housing refers to homes that are practical and flexible, and which meet the needs of people of different ages and abilities over time.
Wellness: Wellness is the optimal state of health of individuals and groups. There are two focal concerns: the realisation of the fullest potential of an individual physically, psychologically, socially, spiritually and economically, and the fulfilment of one’s role expectations in the family, community, place of worship, workplace and other settings.

Vulnerable population: Refers here to people who are subject to “Social, economic or biological status, behaviours or environments which are associated with or cause increased susceptibility to a specific disease, ill health, or injury.
Appendix A – Advisory Group

Membership and Terms of Reference

1. An Advisory Group is to be established to assist with the review and update of the City of Mitcham Public Health Plan, which will outline the breadth of Council’s public health effort for the next five years.

2. The purpose of the Advisory Group is to:
   a. Contribute key information from Council work groups on current initiatives and functions as well as new opportunities related to community health and wellbeing.
   b. Keep your relevant work groups informed and updated about the public health planning process and outcomes.
   c. Provide input into the draft Plan.

3. The membership of the Advisory Group will comprise personnel who have an understanding of their work groups strategic direction and goals.

4. The Advisory Group will meet on at least two occasions to participate in half-day workshops that will aim to:
   a. Map existing Council strategies and plans which align with the new State Public Health Plan
   b. Draft strategies and targets for the City of Mitcham Public Health Plan

5. The Advisory Group will be invited to review and comment on the draft Public Health Plan prior to it being released for community consultation.

6. It is anticipated that the Advisory Group will be activated during April 2019 and will conclude by September 2019.

Membership:

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<tr>
<th></th>
<th>Name</th>
<th>Position</th>
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<tbody>
<tr>
<td>1</td>
<td>Abraham Mackay</td>
<td>Environmental Health</td>
</tr>
<tr>
<td>2</td>
<td>Jo Salter</td>
<td>Community Safety, Animal Management, Bushfire Prevention</td>
</tr>
<tr>
<td>3</td>
<td>Ben Leonello</td>
<td>Environmental Sustainability</td>
</tr>
<tr>
<td>4</td>
<td>Jose Baker/Gemma Chambers</td>
<td>Waste Management</td>
</tr>
<tr>
<td>5</td>
<td>Russell George</td>
<td>Community Wellbeing</td>
</tr>
<tr>
<td>6</td>
<td>Ulus Fuat</td>
<td>Community Development</td>
</tr>
<tr>
<td>7</td>
<td>Ursula Hickey</td>
<td>Library Services</td>
</tr>
<tr>
<td>8</td>
<td>Ashni Kumar</td>
<td>Traffic Management</td>
</tr>
<tr>
<td>9</td>
<td>Justin Sexton</td>
<td>Natural Environments</td>
</tr>
<tr>
<td>10</td>
<td>Virginia Fisher</td>
<td>Strategic Planning</td>
</tr>
<tr>
<td>11</td>
<td>Alexa Carr</td>
<td>Planning and Development</td>
</tr>
</tbody>
</table>
9.7 CONSENT FOR RESCISSION OF LAND MANAGEMENT AGREEMENT
Report Author/Manager: Tegan Lewis & Cassia Byrne / Tim Pride
General Manager: Craig Harrison
(Meeting Date: 22 October 2019)
(Location: Craigburn Ward)
(Consultant Used: $Nil)

PROPOSAL

For Council to resolve to rescind the Land Management Agreement (LMA) registered to whole of land comprised Certificate of Title Register Book Volume 5282 Folio 664 (1A View Road, Blackwood).

RECOMMENDATION – ITEM 9.7

Option 1 (Staff Recommendation)

(1) That Council agrees to rescind the Land Management Agreement over the whole of the land in Certificate of Title Register Book Volume 5282 Folio 664 (1A View Road, Blackwood) subject to a dwelling application being lodged, assessed and approved and the commencement of the construction of the approved dwelling.

(2) That all costs associated with rescinding of the Land Management Agreement are entirely born by the owner.

(3) That Council authorises the Chief Executive Officer to execute all documents required to give effect to the rescission of the Land Management Agreement, and where required, the Council authorises the Mayor and Chief Executive Officer to affix the Common Seal of the Council to all required documents to give effect to Council’s resolution in this matter.

Option 2

(1) That Council agrees to rescind the Land Management Agreement over the whole of the land in Certificate of Title Register Book Volume 5282 Folio 664 (1A View Road, Blackwood).

(2) That all costs associated with rescinding of the Land Management Agreement are entirely born by the owner.

(3) That Council authorises the Chief Executive Officer to execute all documents required to give effect to the rescission of the Land Management Agreement, and where required, the Council authorises the Mayor and Chief Executive Officer to affix the Common Seal of the Council to all required documents to give effect to Council’s resolution in this matter.

Option 3

The Council does not agree to the rescission of the Land Management Agreement registered to the whole of the land comprised in Certificate of Title
Register Book Volume 5282 Folio 664 (1 View Road Blackwood) and the conditions of the deed remain unaltered.

BACKGROUND

The original development application for land division (DA 080/D070/92) was lodged on 6 November 1992 and was refused by Council's Planning & Building Committee, at the meeting held on 18 January 1993 for the following reasons:

- The proposed land division would be detrimental to the character and amenity of the locality;
- The proposed allotments will be considerably smaller than that in the locality;
- The siting of a dwelling on the subject allotment will result in overlooking adjoining premises; and
- The surrounding land uses are high traffic and noise generators and as a consequence will have a detrimental impact on a residential building sited on this allotment.

An appeal was then lodged with the Planning Appeal Tribunal on the 16 March 1993, where a compromise was reached between the Applicant and Council, subject to a Land management Agreement (LMA) being entered into. This compromise was accepted by the Planning and Building Committee at the meeting held on the 19 April 1993.

The LMA was entered into on the 3 September 1993, for the purposes agreed to in the compromise by both parties during the course of the appeal to the Tribunal. The Land Management Agreement over the site requires the following:

- Any dwelling erected on the site must be within the designated ‘building envelope’;
- Ensure the retention of trees outside the building envelope and within (where possible); and
- Ensure the adequate disposal of stormwater.

Following consideration of a request by a previous owner of the site, Council resolved on the 23 September 2014 to vary Condition 5.1 of the LMA registered to the whole of the land. The previous owner of the site did not formalise the variation.

The subject land was subsequently sold and the new owner has requested Council rescind the LMA.

A copy of the LMA is provided at Attachment A of this report.

Attachments:

A. Attachment A - Land Management Agreement
B. Attachment B - Indicative Site Plan
STRATEGIC OBJECTIVES

Goal 4 Vibrant & Rich Culture

Objective 2.1 Our biodiversity within open spaces, waterways, reserves and streetscapes is protected and enhanced.

Goal 2 Sustainable City

Objective 2.6 Developments in our City are sustainable and complement the natural environment.

DISCUSSION

The intention of the LMA registered to the whole of the land comprised Certificates of Title Register Book Volume 5282 Folio 664 (1 View Road, Blackwood) is to maintain amenity within the locality by designating a building envelope away from non-residential uses, retaining trees where possible and appropriately managing stormwater from the site.

Clause 5.1 of the LMA states that during the continuance of the Agreement:

5.1 the owner shall not without the prior written approval of the Council cause permit nor allow the erection of a detached dwelling (or any part thereof including any eaves or verandah thereof) on proposed Lot 2 other than wholly within the area designated “building envelope” within that allotment as depicted in “A”.

Therefore any proposal to erect a detached dwelling outside the designated building envelope is at variance with Clause 5.1 of the LMA and requires the written consent of Council.

Whilst a formal Development Application for the proposed dwelling has not been submitted to Council, the owner has submitted an indicative site plan, as provided at Attachment B of this report.

Option 1 – Council agrees to rescind the Land Management Agreement subject to a dwelling application being lodged, assessed and approved and the commencement of the construction of the approved dwelling.

It can be considered that the conditions of the LMA are irrelevant.
Proximity to non-residential uses

The location of the subject land in relation to adjacent non-residential land uses is shown below.

![Location of subject land in relation to adjacent non-residential land uses](image)

Location of subject land in relation to adjacent non-residential land uses

Given that there is another allotment between the subject land and the surrounding non-residential land uses, impacts to the subject site from the non-residential land uses would not be of an unreasonably nature. Furthermore there are alternative design solutions to address the intention to buffer from these adjacent land uses, such as buffer plantings, fencing, split level design and building materials.

Vegetation

The vegetation on the site have been inspected by Council arborists. The result of this assessment is that of the trees identified, the trees located within the LMA's designed building envelope are healthy and contribute to the amenity to the locality, while the trees located outside of the LMA's designated building envelope are species that are not as desirable, have lower life expectancy and contribute less to the desired amenity of the locality. It is also noted that irrespective of any proposed development, the trees outside of the LMA's building envelope are not considered to be sustainable irrespective of any proposed development activities within the allotment. As such, the intent of the LMA is not achieved through the current building envelope, with an alternative building location desirable.
Stormwater

The condition relating to the disposal of stormwater is a requirement of Development Approval regardless of the LMA being in place. Even with the LMA, a dwelling will be constructed on the site. This will entail a thorough assessment of stormwater management and disposal will be undertaken. The LMA has no site specific stormwater management requirements and just reaffirms requirements of other pieces of legislation and Australian standards. As such, it is considered that this part of the LMA is an improper purpose.

The intent of option 1 is to maintain the purpose of the LMA to ensure that an appropriate dwelling is sited and developed on the site. By requiring that an approved dwelling commence construction, this provides Council with the certainty of delivery of approved outcomes.

In conclusion, the intent of the LMA will be satisfied by planning provisions and requirements contained in the Council's Development Plan.

Option 2 - Council agrees to rescind the Land Management Agreement

As detailed in option 1, the same reasons apply to the complete rescission of the LMA without the restriction of the approval and construction of the dwelling. This option is the desired option of the owner/applicant as it provides an unencumbered means to negotiate the development of the land through the appropriate processes.

Option 3 – Council does not agree to vary the Land Management Agreement

Council has the option to refuse to allow any variation to the LMA. It can be considered that as the existing allotment is at variance to the desired character of the Residential Hills Zone and there has been no formal Development Application lodged with Council.

Refusing to allow any variation to the provisions of the LMA would thereby result in the requirement to develop the land in accordance with the Agreement.

Community Implications

It is considered that the options presented have no impact given the request involves private property.

Environmental / Heritage Implications

It is considered that relocating the proposed building envelope will allow the retention of trees that provide an important contribution to the locality. These trees are considered to play an important part of the localities bio-diversity.

Cost Shifting Implications / Legislative Cost Imposts

It is considered that the proposed development options are not a result of cost shifting from State or Federal Government.
Impact on Budget including Lifecycle Costing

It is considered that the proposed development options have no impact on the budget of Council. The applicant is responsible for any costs associated with variation to the Land Management Agreement and any subsequent development application costs.

Risk Management / WHS Assessment

There are no associated risk management issues and/or WHS assessment considerations in relation to the proposed development options.

Legal / Policy Implications

There are no policy implications. The LMA legally obliges the owner of the land to retain the tree in good health at all times, with potential enforcement and legal proceedings required should a breach of the LMA occur.

Engagement

The extent of community involvement is limited to the owners of the property other than what may be necessary as part of any development application process.

CONCLUSION

As the sustainable trees on site are located within the designated building envelope, the potential impacts from the commercial land uses on a future dwelling can be mitigated and any stormwater from the site will have to be disposed of appropriate, it can be considered the LMA has been rendered invalid. It is also noted that some of the LMA seeks to control aspects that should appropriately be considered and dealt with under alternative legislation and processes.

Additionally, the process of rescinding the LMA has minimal cost to Council, with the only cost being staff time. This cost is considered to be ordinary business of the assessment of a Development Application. Also the retention of the LMA has an on-going administration cost attributed to it.
TO: THE REGISTRAR GENERAL

CITY OF MITCHAM of 131 Belair Road Torrens Park in the State of South Australia 5062 DOTH pursuant to the provisions of Section 61(5) of the Planning Act 1982 (as amended) HEREBY APPLY FOR THE REGISTRATION of the attached Land Management Agreement pursuant to the provision of Section 61(2) of the said Act which said Land Management Agreement is dated the 3rd day of September, 1993 and made between the CITY OF MITCHAM of the one part and NIGEL PETER TURNER of 1 View Road Blackwood in the State of South Australia 5051 Administration Manager of the other part which agreement binds the whole of the LAND comprised in certificate of title register book volume 5133 folio 454.

THE COMMON SEAL OF the CITY OF MITCHAM was hereunto affixed in the presence of:-

Mayor

Chief Executive Officer

SIGNED SEALED AND DELIVERED by the said NIGEL PETER TURNER in the presence of:

By a Justice of the Peace in and for the State of South Australia.

NOTE: This form may be used only when no panel form is suitable.
AUSTRALIA AND NEW ZEALAND SAVINGS BANK LIMITED A.C.N.

having a registered interest in the subject land as
Mortgagee pursuant to Memorandum of Mortgage No. 5276604
HEREBY CONSENTS to the registration of the within Agreement
pursuant to Section 61(5) of the Planning Act 1982 (as
amended)
MEMORANDUM OF LAND MANAGEMENT AGREEMENT pursuant to Section 61 of the Planning Act 1982 as amended (hereinafter called "the Act") dated the 3rd day of September, 1993.

BETWEEN:

THE CITY OF MITCHAM whose municipal offices are situate at 131 Belair Road Torrens Park in the State of South Australia 5062 (hereinafter called "the Council") of the one part and NIGEL PETER TURNER of 1 View Road Blackwood in the said State 5051 Administration Manager (hereinafter called "the present owner") of the other part.

WHEREAS:

A. The present owner is the sole registered proprietor of an estate in fee simple in the whole of the land comprised and described in Certificate of Title Register Book Volume 5133 Folio 452 being portion of allotment 57 of the sub-division of portion of Section 936 laid out as Blackwood Park Estate (hereinafter referred to as "the subject land");

B. Save and except for the present owner as at the date of entering into this Agreement, no other person or persons have any legal or equitable interest in the said land;

C. The present owner has pursuant to Development Application No. 080/D070/92 applied to the Council pursuant to the provisions of the Planning Act 1982 ("the Act") for consent (hereinafter called "the application") to divide the subject land into two allotments;

D. The said land is situated within a residential 1C within the area of the Council described in the Development Plan authorised by the said Act;
E. The Council is prepared to grant its consent to the application (as amended in accordance with the proposal plan attached hereto and marked "A") pursuant to the provisions of the Act on the condition that this agreement be entered into.

F. The present owner in consideration of the Council being prepared to grant its consent to the application and in further consideration as hereinafter recited have agreed to the terms relating to the development of the said land;

**NOW THIS AGREEMENT WITNESSETH** and in consideration of the foregoing premises and further in consideration of the sum of **ONE DOLLAR ($1.00)** (if demanded) being paid by the Council to the present owner at the time of the execution of this agreement the present owners and the Council agree as follows:-

1. In the construction of this agreement unless inconsistent with or repugnant to the context:-

1.1. "the owner" shall if the owner be a company include its successors, assigns and transferees and when the owner is a person include his or her heirs, executors, administrators and transferees and where the owner consists of more than one person or company all and every two or more such persons or companies jointly and each of them severally and their respective successors, assigns, heirs, executors, administrators and transferees of the companies or persons being registered or entitled to be registered as the proprietor of an estate in fee simple to the land subject however to such encumbrances, liens and interests as are registered and notified by memoranda lodged with the Registrar General and proper for entry upon
a Certificate of Title appearing in the Register Book that includes the present owners;

1.2. words and phrases used in this agreement which are defined in the Act shall have the meanings as defined in that Act;

1.3. words importing the singular number or plural number shall include the plural number and singular number respectively;

1.4. words importing any gender shall include all genders;

1.5. the expression "person" shall include a body corporate;

1.6. a reference herein to any statute shall include all statutes amending, consolidating or replacing the statute referred to.

2. The present owners and the Council acknowledge the correctness of the recitals which shall comprise and form a part of this agreement.

3. The owner shall notify the Council of any change of ownership of the said land.

4. The owner shall give to any intending purchaser of the said land a notice of this agreement.

5. The terms and the conditions relating to the development, the subject of this agreement, of the said land are as follows:-

5.1. the owner shall not without the prior written approval of the Council cause permit nor allow the erection of a detached dwelling (or any part thereof including any eaves or verandah thereof) on proposed Lot 2 other than wholly within the area designated "building envelope" within that allotment as depicted in "A";
5.2. the owner shall not kill, destroy nor remove any tree, whose height shall exceed five (5) metres, located on the said Lot 2 (other than within the area depicted "building envelope") without the prior written approval of the Council;

5.3. the owner shall, where possible, make all reasonable efforts to retain any tree, whose height shall exceed five (5) metres located on the said Lot 2 within the area depicted "building envelope" unless the removal of such tree is incidental to the lawful erection of a building or other structure thereon;

5.4. the owner shall to the reasonable satisfaction of the Council make such provision as may be reasonably required for safe and adequate disposal of stormwater from the subject land.

6. The requirements of this agreement are at all times to be construed as additional to the requirements of the Act and any other legislation affecting development of the said land.

7. The Council and any employee or agent of the Council authorised by the Council may at any reasonable time enter into and upon the said land for the purpose of:
   (a) inspecting the said land and any building on the said land;
   (b) exercising any other powers of the Council under this agreement.

8. If the owner is in breach of this agreement the Council may by notice in writing served on the owner require the owner to remedy the breach within such time as nominated by the Council in the notice (being not less than twenty-eight (28) days
of the date of service of the notice) and if the owner fails to so remedy the breach the Council or its servants or agents may carry out the requirements of the notice and in so doing may perform any necessary works upon the land and recover any costs thereby incurred from the owner.

9. If in a notice referred to in the next preceding paragraph the Council requires the removal of anything from the land which may include but shall not be limited to a building or material of any kind the Council and its servants or agents are hereby authorised and empowered by the owner to remove the said things from the land and to disposes of them in any manner determined by the Council PROVIDED THAT if these things shall have any monetary value then the Council shall use its best endeavours to realise that monetary value and shall after the disposal account to the owner and pay to it the realised value less all expenses incurred.

10. The Council may delegate any of the Council's powers under this agreement to any person.

11. A notice shall for the purposes of this agreement be properly served on the owner if it is:

(a) posted to the owner's address last known to the Council; or

(b) affixed to a prominent position on the said land.

12. This agreement will be submitted for registration at the Lands Titles Office and the cost of registration and the cost of stamping of this agreement shall be borne by the present owner.
13. The costs and incidental to the preparation of this agreement shall be borne by the present owner.

14. Each party hereto, insofar as they may achieve the same, shall do all things necessary to ensure that this agreement is registered and a memorial thereof entered on the Certificate of Title for the said land pursuant to the provisions of Section 61(5) of the Act.

15. This agreement contains the whole of the agreement between the parties in respect of the matters referred to in this agreement and any variation in the agreement shall be in writing and attested to by the parties in writing.

IN WITNESS WHEREOF the parties hereto have executed this agreement the day and year hereinbefore written.

THE COMMON SEAL of
THE CITY OF MITCHAM

was hereunto affixed in the presence of:-

SIGNED SEALED AND DELIVERED by the said

NIGEL PETER TURNER of
1 View Road Blackwood in

the presence of:-

A Justice of the Peace in and
for the State of South Australia.
CITY OF MITCHAM hereby consents to and requests the registration of this agreement pursuant to Section 61(5) of the Planning Act as amended.

[Signature]
for and on behalf of the
CITY OF MITCHAM

The present owner hereby consents to and requests the registration of the within agreement pursuant to Section 61(5) of the Planning Act as amended.

[Signature]
NIGEL PETER TURNER of 1 View Road Blackwood

JMCE/61706.1/chg/300893.1132(D)
9.8 RATING REVIEW PROJECT SCOPE

Report Author/Manager: Luke Harris
General Manager: Wade Reynolds
(Meeting Date: 22 October 2019)
(Location: Council Wide)
(Consultant Used: $Nil)

PROPOSAL

To seek Council direction concerning the scope and timing of the Rating Review operating project.

RECOMMENDATION – ITEM 9.8

Option 1 (Staff Recommendation)

That Council endorses the Rating Review Project based on the following scope inclusions:

a. Main principles of taxation
b. Rating structures of other councils
c. Rating mechanisms available:
   i. valuation method
   ii. fixed charge or minimum rate
   iii. differential rating – land use, location and current relativities
   iv. separate and service rates and charges
   v. capping
   vi. discretionary rebates
d. Specific policy areas covering:
   i. vacant land / commercial differential rate
   ii. seniors / pensioners rebate
   iii. separate / special rates charges
   iv. discount for the payment of the full year's rates
   v. rates notice wording and layout

e. Options to adjust rating policy settings to achieve closer alignment to taxation principles.

Option 2

That Council endorses the Rating Review Project based on the following scope inclusions:

a. Main principles of taxation
b. Rating structures of other councils
c. Rating mechanisms available:
   i. valuation method
   ii. fixed charge or minimum rate
   vii. differential rating – land use, location and current relativities
   iii. service and special rates and charges
   iv. capping
   v. discretionary rebates
d. Specific policy areas covering:
   i. vacant land / commercial differential rate
ii. seniors / pensioners rebate  
iii. separate / special rates charges  
iv. discount for the payment of the full year’s rates  
v. rates notice wording and layout

e. Options to adjust rating policy settings to achieve closer alignment to taxation principles.

With the following amendments:

[insert amendments]

1. The development of a five year rating strategy and implementation plan based on Elected Member workshops and community consultation, with the following amendments:

[insert amendments]

BACKGROUND

The City of Mitcham raises around $56 million of revenue from rates, which accounts for over 85% of total operating revenue to deliver services. The raising of rates, by its very nature, directly or indirectly impacts nearly all members of the community.

Council’s powers to raise rates are stated in Chapter 10 of the Local Government Act 1999 (“the Act”). The Act provides the framework within which Council must operate, but also leaves room for Council to make a range of policy choices on how it chooses to levy rates.

The Rating Policy (Attachment A), adopted annually, sets out Council’s current rating structure, the principles underpinning the policy and the rates in the dollar required fund recurrent services for the upcoming financial year. Over the past eight years the following minor (in structure not necessarily in dollar value) changes to the rating structure have been:

- Introduction of a vacant land differential rate (equivalent to the commercial rate in the dollar)
- An increase of the relativity of the commercial rate in the dollar as compared to the residential rate in the dollar.

A substantial review of Council’s rating structure, in particular how it applies to the principles of taxation, has not been undertaken for some time.

Council at its meeting on 8 October 2019, endorsed the commencement of a Rating Review as part of its 2019/20 operating project budget allocation.

Attachments:

A. Rating Policy 2019/20
STRATEGIC OBJECTIVES

Goal 1 Accessible & Connected Community

Objective 1.6 Our community is actively encouraged and supported to have a voice and to participate in a meaningful way in shaping our City.

Goal 5 Continuous Organisation Improvement Strategy

Objective 5.1 Excellence in Customer Service to better meet customer needs and improve customer experience.

DISCUSSION

The main purpose of any government tax system, including council rates, is to raise revenue to fund public services. Sometimes the design of a tax and how it is applied by a government can have unintended consequences and costs on the community. To minimise these unintended consequences and costs, several commonly used principles guide good tax design. Those most relevant to rating include efficiency, equity, simplicity and sustainability.

Efficiency
Rates should not significantly distort decisions around property ownership, usage and development. For example, stamp duties are often considered inefficient as they may prevent property buyers from locating close to work, family, suppliers, or customers.

Equity
The tax burden should fall appropriately across different types of ratepayers. Where the distribution of benefits is not uniform, those who benefit more should contribute more.

Those ratepayers with greater economic means should contribute more to rates and taxpayers in similar circumstances should be treated in a similar way.

Simplicity
The system should be practical and cost-effective to administer and enforce. The system should also be simple to understand and comply with.

Sustainability
The system should generate reliable revenues for Council on an ongoing basis. Rates should be durable and flexible in changing conditions (that is, they can adequately withstand volatility).

There are several rating mechanisms permissible under the Act that councils can use to change how the distribution of rates collected align with the taxation principles outlined above. These are as follows:

- Valuation method – site, capital or annual value
- Fixed charge or minimum rate
- General or differential rating by land use and / or location
- Separate and service rates and charges
• Rates capping
• Discretionary rebates

It is proposed the rating review project scope includes the following deliverables:

Development of a Rating Discussion Paper that details:
1. How well the current policy aligns to the following principles of taxation:
   • Efficiency
   • Equity
   • Simplicity
   • Sustainability

2. Other Council’s rating structures

3. How changing the following rating mechanisms in various ways might effect the distribution of rates collected and the taxation principles:
   • Valuation method
   • Fixed charge or minimum rate
   • General or differential rating – land use and / or location
   • Separate and service rates and charges
   • Capping
   • Discretionary rebates

4. Areas of concern / interest raised by Elected Members and the community and how changes to or introduction of these might influence the principles of taxation:
   • Vacant land / commercial differential rate
   • Seniors / pensioners rebate
   • Separate / special rates charges
   • Discount for the payment of the full year’s rates
   • Rates notice wording and layout

5. Options to adjust rating policy settings to achieve closer alignment to taxation principles.

Development of a Draft Rating Strategy and implementation plan based on:
1. Feedback on the discussion paper from Elected Members
2. Recommended Rating Policy changes based on the discussions held through workshops with Elected Members and their financial impacts on the community
Community consultation on the Draft Rating Strategy

Endorsed Rating Strategy based on feedback from community consultation

The following table provides a proposed project outline and timeline.

<table>
<thead>
<tr>
<th>Project Stage</th>
<th>Key Task/Outcome</th>
<th>Indicative timeframe / status</th>
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<tbody>
<tr>
<td>Stage 1: Project Scope</td>
<td>• Outline:</td>
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<td>• Agree on principles</td>
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<td>• Outline any further specific policy issues to address</td>
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<td>• Impact of various rating mechanisms</td>
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<td>• Policy options</td>
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<td>Stage 3: Proposed Policy Changes</td>
<td>• EM Workshop 1: Present discussion paper and receive preliminary feedback</td>
<td>May 2020 – July 2020</td>
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<td>• Model policy changes and financial impacts</td>
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<td>• EM Workshop 2: Present policy changes and receive further feedback</td>
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<td>• Final modelling of policy changes</td>
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<td>Stage 4: Draft Rating Strategy 2020-2025</td>
<td>• Develop Draft Rating Strategy based on feedback and policy modelling</td>
<td>September - 2020</td>
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<td>• Endorse Draft Rating Strategy for consultation</td>
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<td>Stage 5: Consultation</td>
<td>• Distribution of Draft Rating Strategy with the Mitcham News</td>
<td>October 2020 – November - 2020</td>
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<td>• Public notices and advertisements in The Advertiser, local paper and Council website</td>
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<td>• Development of a consultation webpage based on the “YourSay” pages</td>
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<td>• Provision of a “How would my rates change?” tool, where ratepayers could insert their rates assessment number and see the potential impact of Council proposals on their specific property;</td>
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<td>• Option to lodge a formal submission electronically, via a YourSay, as well as in writing via post or email;</td>
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<td>• Online focus groups involving key groups (resident ratepayers, non-resident ratepayers, ratepayers association, business)</td>
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<td>• Community engagement sessions at venues</td>
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around the community
• Opportunity to register to address a public meeting at a sitting of Council

| Stage 6: Endorsement | • Present consultation | • Decide on final policy mix | • Endorse Draft Rating Strategy and associated rating policy | December 2020 – January 2021 |

It is important to note that a range of other Elected Member workshops and community consultations will be undertaken in the first half of 2020. These include the Strategic Directions update, Annual Business Plan and Long-Term Financial Plan (enhanced to align with the recent Strategic Management Plan and four year horizon) and new planning reforms.

There will be a lot of community engagement, briefings and work occurring across these and many more topics in the first half on 2020 and therefore, most of the workshops and the consultation in relation to the rates review is proposed to be undertaken mid to late 2020 and thus any rating changes brought on by the review will go in to effect in the 2021/22 rating year.

Any proposed changes to the rates structure require consultation on their modelled effects and not just on the concept(s), so Council is unable to simply consult on an idea to change the rate structure and then include in the following budget.

If there are any changes to the rate structure that Council considers cannot await the above proposed timeline and project plan, in order to have them considered for the 2020 budget decision (including the consultation required) they would need to be pulled out separately from this policy review and modelled in isolation.

Given the large number of other matters currently topical and active over the coming months, those proposed changes would also have to be kept small in number and complexity and would still carry the risk that they are being considered in isolation rather than in the context of the whole policy review.

Community Implications

The Rate Review is an opportunity for the community to better understand and provide feedback on how rates are raised.

It is expected that some sections of the community will pay less rates and others will pay more as a result of changing the current rating structure as part of this review.

Environmental / Heritage Implications

Not applicable.

Cost Shifting Implications / Legislative Cost Imposts

Not applicable.
Impact on Budget including Lifecycle Costing

The project is expected to cost $10,000, primarily in consultation with the research and preparation of the review done in-house in between business as usual and other project priorities. This is budgeted in the operating projects budget 2019/20.

Rating policy changes to be considered will have a net zero impact on Council's budget.

Risk Management / WHS Assessment

Risks include:
- Not engaging the community effectively on any proposed changes to rates
- Not ensuring the community has enough time to provide feedback
- Not considering the whole rating policy environment before implementing any change.

All of which could lead to unintended outcomes.

Legal / Policy Implications

Local Government Act 1999 Section 151 - 166

Engagement

Before Council can change the basis of rating, Council must follow its adopted consultation policy, in particular:
- Prepare a report on the proposed change
- Publish a notice, in a newspaper circulating within the area of the Council
- Invite interested persons to make submissions within a period (being at least 28 days)
- Organise a public meeting.

CONCLUSION

Following Council approving the commencement of the Rating Review as part of its 2019/20 operating project budget allocation the proposed project scope is presented for Council's consideration and endorsement.
APPENDIX 2 – RATING POLICY 2019/20

1. PREAMBLE

Council’s powers to raise rates are found in Chapter 10 of the Local Government Act 1999 (“the Act”). The Act provides the framework within which the Council must operate, but also leaves room for the Council to make a range of policy choices. Council is required to comply with the requirements of the Act and in particular Section 123.

Rates are not fees for services. They constitute a system of taxation for Local Government purposes; Local Government functions are defined broadly in the Act. All systems of taxation try to balance various principles of taxation.

In addition to rates, Council also raises some revenue through:

- Statutory Charges;
- Optional user charges (eg hire of community facilities);
- Expiation fees (eg for parking infringements);
- Grants, subsidies and contributions; and
- Investment Income;

2. PURPOSE

To set out Council’s rating structure and policy for the financial year and the principles used by Council in determining the rating policy for the 2019/20 financial year.

3. SCOPE

All land within the Council area, except for land specifically exempt (eg Crown Land, Council occupied land and other limited categories as set out at Section 147 of the Act) is rateable.

4. DEFINITIONS

This Policy represents the Council’s commitment to balancing the five main principles of taxation:

i. Capacity to pay: This principle suggests that a person who has less capacity to pay should pay less and that persons of similar means should pay similar amounts.

ii. Benefits received (ie services provided, or resources consumed): Reliance on this principle suggests that (all other things being equal) a person who receives more benefits should pay a higher share of tax. This is not to suggest that the benefit must be equivalent to the tax paid. The tax paid by an individual is not a ‘fee for service’. To some extent, every action of Council affects the amenity of life of individual taxpayers; however, the totality of services provided by Council act to maintain and enhance the value of all properties in the Council area.

iii. Administrative simplicity: This principle refers to the costs involved in applying and collecting the tax and how difficult it is to avoid.

iv. Economic efficiency: This refers to whether or not the tax distorts economic behaviour.

v. Policy consistency: This principle is that taxes should be internally consistent and based on transparent, predictable rules that are understandable and acceptable to taxpayers.

5. PRINCIPLES

To ensure the fair and equitable assessment and collection of Council rates from ratepayers.
6. POLICY STATEMENT

In determining its rating structure Council has taken into account the impact on Council's Strategic Management Plans, Annual Business Plan and Long Term Financial Plan and:

- the competing demands of community priorities identified through the consultation process, (ie the imperative of maintaining existing infrastructure);
- its role as custodian of significant community assets held and managed on behalf of the local community and future generations;
- the need for significant capital works to replace and upgrade infrastructure assets;
- the obligation to operate as effectively and efficiently as possible;
- the need to reassess the use and viability of community facilities; and
- the impact of rates on all sectors of the community (householders and businesses) based on factors, such as:
  ➢ the broad principle that the rate in the dollar should be the same for all properties, except where there is either a different level of services available to ratepayers, or some other circumstance exists which warrants variation from the broad principle. Council has addressed this through the application of differential rates on commercial, industrial and vacant land uses — refer to the section entitled “Differential Rates”;
  ➢ the fact that community surveys undertaken over the last 10 years show a clear preference that service levels not be reduced in order to contain rate increases; and
  ➢ that while Council is committed to minimising rate increases, its priority is striking a rate which maintains community assets and existing services in an equal or better condition.

6.1. Valuation

Method of Valuation

Council may adopt one of three valuation methodologies to value land in its area. They are:

- Capital Value: the value of the land and all improvements on the land.
- Site Value: the value of the land and any improvements which permanently affect the amenity of use of the land, such as drainage works, but excluding the value of buildings and other improvements.
- Annual Value: valuation of the rental potential of the property.

The Council has decided to continue to use capital value as the basis for valuing land within the Council area. The Council considers that this method of valuing land provides the fairest method of distributing the rate burden across all ratepayers, on the following basis:

- the equity principle of taxation requires that ratepayers of similar wealth pay similar taxes and ratepayers of greater wealth pay more tax than ratepayers of lesser wealth;
- property value is a relatively good indicator of wealth and capital value, which closely approximates the market value of a property and provides the best indicator of overall property value; and
- the distribution of property values throughout the Council area is such that few residential ratepayers will pay an increase significantly greater than the increase in average rates.

Adoption of Valuations

Council proposes to adopt the rate in the dollar based on valuations made by the Valuer-General as provided to Council on Sunday, 09 June 2019. If a ratepayer is dissatisfied with the valuation made by the Valuer-General, the ratepayer may object to the Valuer-
Appendix 2 – Rating Policy

General in writing, within 60 days of receiving the notice of the valuation, explaining the basis for the objection, provided they have not:

a) previously received a notice of this valuation under the Act, in which case the objection period is 60 days from the receipt of the first notice; or

b) previously had an objection to the valuation considered by the Valuer-General.

It is to be noted, however, that regardless of the 60 day limitation period for lodging an objection to the valuation, the Valuer-General may, for good reason, determine to accept an objection lodged outside this time period.

The address of the Office of the Valuer-General is:

State Valuation Office
GPO Box 1354
ADELAIDE SA 5001

Email: lsgobjections@sa.gov.au
Phone: 1300 653 345

Please note that Council has no role in this process. It is also important to note that the lodgement of an objection does not change the due date for the payment of rates.

Notional Values

Certain properties may be eligible for a notional value under the Valuation of Land Act 1971 where the property is the principal place of residence of a ratepayer. This can relate to certain primary production land or where there is State heritage recognition. A notional value is generally less than the capital value and this will result in reduced rates, unless the minimum amount payable by way of general rates already applies. Application for a notional value must be made to the State Valuation Office.

6.2. Council’s Revenue Raising Powers

All land within the Council area, except for land specifically exempt (e.g. Crown land, Council occupied land and other land prescribed in the Act (Section 147), is rateable. The Act provides for the Council to raise revenue for the broad purposes of the Council through a general rate, which applies to all rateable properties, or through differential general rates, which apply to classes of properties.

In addition, Council can raise separate rates for specific areas of the Council. It can also raise service rates or charges for specific services. Council also raises revenue through fees and charges that are set in consideration of the cost of the service provided and any equity issues.

The list of applicable fees and charges is available at the City of Mitcham offices, the Mitcham Library and the Blackwood Library.

Consideration of Issues of Consistency and Comparability Across Council Areas

Insofar as relevant, Council, in setting its rates, has considered the levels of rates in the Adelaide metropolitan area and particularly in neighbouring council areas such as Unley, Burnside and Marion.

Land Against Which Rates May Be Assessed

Rates are assessed as follows:

- against any piece or section of land subject to separate ownership or occupation;
- against all land subject to separate occupation (e.g. tenancy apportionments in a shopping centre or units) will be subject to a separate assessment;
- against any aggregation of contiguous land subject to the same ownership or occupation; and / or
against all contiguous land (ie a house with an adjoining allotment used as part of the residential property or two shops being used as one) will be assessed as being contiguous and therefore will not attract a minimum rate.

Council relies on information from the Valuer-General for this process.

6.3. Differential Rates

The Act allows the Council to ‘differentiate’ rates based on the use of land, the locality of land, the use and locality of the land combined or on some other basis determined by Council. The City of Mitcham applies different rates on the basis of land use.

Additionally, Council has reviewed the differential rates to apply for 2019/20 and is proposing that the rate increase applicable to commercial/industrial properties and vacant land, remains consistent with the general rate at 3.67%. Capping provisions of 12.9% apply to all eligible properties.

The following differential general rates will apply for 2019/20:

- 0.285333 cents in the dollar on the capital value of rateable land of Residential, Primary Production and Other land uses.

Land use, as determined in the Local Government (General) Regulations 2013 under the Act is used as the factor to apply differential rates. Land that has been identified (coded) by the Valuer-General as vacant land, and is contiguous to a residential dwelling, will be rated at the general rate applied to residential properties if it is owned by the same owner and occupied by the same occupier. Vacant land that is contiguous to a non-residential property will be rated according to the predominant use of the whole of the land.

If ratepayers believe that a particular property has been incorrectly classified as to its land use, then they may object (to Council) to that land use within 60 days of being notified. A ratepayer may discuss the matter with a Rates Officer on 8372 8886 in the first instance. Council will provide, on request, a copy of Section 156 of the Act, which sets out the rights and obligations of ratepayers in respect of objections to a land use classification.

Objections to Council’s decision may be lodged with the Chief Executive Officer, City of Mitcham, PO Box 21, Mitcham Shopping Centre, Torrens Park, SA 5062. The objection must be made within 60 days of receiving notice of the land use classification and must set out the basis for the objection and details of the land use classification that (in the opinion of the ratepayer) should be attributed to that property.

Council also may, for good reason, accept an objection to a land use attribution outside of the 60 day period.

Council will make a decision on the objection as it sees fit and will then notify the ratepayer.

A ratepayer also has the right to appeal against Council’s decision to the Land and Valuation Court. It is important to note that the lodgement of an objection does not change the due date for payment of rates.

6.4. Minimum Rate

Section 158 of the Act provides that the Councils may fix a minimum amount payable by way of rates (a minimum rate).

Council believes that the adoption of a minimum rate recognises that each rateable property within the Council area benefits from a minimal level of service and should therefore make a minimum level of contribution.
The minimum rate is levied against the whole of an allotment (including land under a separate lease or licence) and only one minimum rate is levied against two or more pieces of adjoining land owned by the same owner and occupied by the same occupier. The reasons for imposing a minimum rate are that Council considers it appropriate that all rateable properties make a contribution to:

- the cost of administering the Council’s activities; and
- the cost of creating and maintaining the physical infrastructure that supports and underpins the value of each property.

Council has adopted a policy of setting its minimum rate at a level not exceeding 65% of the average rate of all rateable properties. The minimum rate for 2019/20 has been set at $1,077.00. With an average rate of all rateable properties for 2019/20 of $1,921.42 the minimum rate represents 56% of the average rate of all rateable properties.

The minimum rate will affect 13.4% of rateable properties, which is within the legislated limit of 35%.

6.5. Natural Resources Management Levy

The Council is in the Adelaide and Mount Lofty Ranges Natural Resources Region and is required under the Natural Resources Management Act 2004 to fund the operations of the Adelaide and Mount Lofty Ranges Natural Resources Management Board. For 2019/20 the Board has advised Council that the amount of $1,732,697 is required to be collected from ratepayers. The Council will do so by imposing a separate rate of 0.00983 cents in the dollar against all rateable properties in the Council area. Council is operating as a revenue collector for the Adelaide and Mount Lofty Ranges Natural Resources Management Board in this regard and does not retain this revenue.

6.6. Business Impact Statement

Council considers the impact of rates on all businesses in the Council area. In doing so, Council considers and assesses the following matters:

- the demand made on Council services by commercial and industrial users as a proportion of rate revenue;
- Council’s Strategic Management Plan and those priorities relating to business development mentioned above;
- specific Council projects for the coming year that will solely or principally benefit businesses;
- preference for local suppliers where price, quality and service provision are comparable to suppliers outside the Council area;
- current local, state and national economic conditions and expected changes during the next financial year. The expectation is that relatively low rates of inflation and current levels of interest rates will prevail; and
- changes in the valuation of commercial and industrial properties in comparison to residential properties.

6.7. Rebates, Capping and Postponement of Rates Rate Rebates

The Act requires Council to rebate rates payable on specific uses of land. Further information is set out in Attachment 3 to this Policy.

Rate Capping

Rate Capping provides relief against what would otherwise amount to a substantial change in rates payable from one year to the next, due to rapid changes in valuation or changes in Council policy. A rate capping rebate will be applied to all properties under...
Section 166(1) (l) of the Act. The rate capping rebate will be applied either by Council of its own initiative, where the Council is in possession of sufficient information to determine entitlement to the rebate, or otherwise on application to Council.

A rebate will be granted, subject to the eligibility criteria below, such that the increase in rates payable in any one year is limited to a maximum of 12.5%. Rate capping rebates will not be subject to a formal application and will be deducted from the first rate notice. If ratepayers believe they are eligible for a rate capping rebate and it has not been automatically granted, an application can be made by 31 December 2019 for the 2019/20 financial year.

The rate capping rebate will not apply, and therefore the full rates amount will be payable, where:

- any such increase in general rates is due or partly due to an increase in valuation of the land in the assessment because of significant capital improvements on the property (development) worth more than $25,000;
- any such increase in general rates is due or partly due to a change in land use for the land in the assessment between that declared for the 2019/20 financial year and that declared for the prior financial year;
- the ownership of the rateable property has changed since 1 July 2018.

The Capping Rebate will not apply where a Mandatory or Discretionary rebate has already been applied.

Rate capping for residential properties (subject to certain criteria) recognises that in some circumstances residents have no control over increases in property valuations. Where a significant valuation increase is as a result of market forces and not as a result of purchasing the property, the rates levied as a result of that valuation increases should be capped at a level that minimises the impact to a reasonable level.

For Vacant Land, the rate capping rebate will not apply and, therefore, the full rates amount will be payable, where the Vacant Land has not been rated previously, (ie new land division).

The rate capping rebate will be calculated based on the amount of general rates payable in 2018/19 (inclusive of any capping) and will exclude the Natural Resources Management Levy and any Separate rates applicable.

The rate capping strategy addresses the following objectives:

- Improves equity in rate distribution across the community
- Prevents inequitable shifts in rate responsibility
- Minimises the impact of property valuation movements
- Ranks highly against the principles of taxation.

The rate capping rebate will be applied automatically to properties that can be readily identified as being eligible. Where this rebate is not applied automatically, ratepayers who consider they could be eligible for the rate capping rebate may lodge an application form, which will be assessed against the eligibility criteria. Council rebates or remissions are not included in the capping calculation process. The application must be lodged by 31 December 2019.

Vacant Land Rebate (Discretionary Rebate)

Council has agreed to apply a rebate on Vacant Land, where the land use has changed in any given financial year from Residential land use to Vacant Land. The rebate will apply within the first 12 months to the residential rate in the dollar adopted for properties that become vacant land and will be applied either by Council of its own initiative, where the
Council is in possession of sufficient information to determine entitlement to the rebate, or otherwise on application to Council.

Under Section 166 (1) (a) of the Act, and for the purpose of securing the proper development of the area, a discretionary rebate of general rates for the 2019/20 financial year will be granted in respect of an Assessment attributed as vacant land where:

- The Land Use is noted as Residential or Primary Production by the Valuer-General in the current year following a sub-division/development and the Council attributed the land use as Residential or Primary Production.
- The actual use of the land has changed to Vacant Land and the Valuer-General has determined a Vacant Land use code to the land in the following year and the Council has also attributed a rate in the dollar for Vacant Land.
- The principal rate-payer applies in writing prior to 31 December 2019 for a rebate the current year, confirming that the property will be their principal place of residence on completion of any development. The Council may consider any application received after 31 December 2019 for the 2019/20 financial year, but reserves its right to refuse to consider applications received after this date.
- The rebate will only apply for a maximum period of 12 months in the (same) financial year.
- The property will be re-assessed the following financial year - If the use of the land is still classified as Vacant Land by the Valuer-General and the Council also attributes this land use, then the rate in the dollar for Vacant Land will apply.
- Refer to the Residential Construction Rebate beyond the first 12 months.

Residential Construction on Vacant Land (Discretionary Rebate)

Under Section 166 (1) (a) of the Act, and for the purpose of securing the proper development of the area, a discretionary rebate of general rates for the 2019/20 financial year will be granted in respect of an Assessment classed as vacant land where the:

- Principal Ratepayer of the Assessment applies to the council, in writing, for the rebate prior to 30 June 2020;
- Foundations or slab have been laid on the property by 30 June 2020, proof of the date the footings were laid must accompany the application;
- Principal Ratepayer has confirmed, in writing, that the property will be their principal place of residence upon completion.

Land which has been subdivided in the current financial year will not be eligible for the rebate

The amount of the rebate will be based on:

- The difference between the general rate in the dollar applicable to Vacant land, and the general rate in the dollar applicable to Residential land; and
- The number of days remaining between 1 July 2019 and 30 June 2020 from the date footings are poured for a residence on the land. The rebate will not fall below the Minimum Rate.

Remission of Rates

Section 182 of the Act permits Council, on the written application of a ratepayer, to partially or wholly remit rates and charges, fines and interest or to postpone rates on the basis of hardship. Where a ratepayer is suffering hardship in paying rates he/she is invited to contact the Senior Rating Services Officer on 6372 8166 to discuss the matter. Such enquiries are treated confidentially by the Council.
Flexible Rate Payments Scheme

Any ratepayer who may, or is likely to experience difficulty in meeting the standard payment arrangements of Council, is invited to contact a Rating Services Officer to discuss alternative payment arrangements. Late payment fines and interest may apply. All such enquiries will be treated confidentially by Council.

Rate Deferral Scheme

Section 182(1)(a) and (2) of the Act provides for the postponement of rates if Council is satisfied that the payment of these rates would cause hardship.

Council may, on written application and subject to a ratepayer substantiating the hardship to the satisfaction of Council, consider granting a postponement of payment of rates in respect of an assessment on the condition that a ratepayer agrees to pay interest on the amount affected by the postponement at the "prescribed percentage" as defined in the Act and that the ratepayer also satisfies the following criteria:

a) the property is the principal place of residence of the ratepayer and is the only property owned by the ratepayer; and

b) the property has been owned by the ratepayer:
   i. for a minimum of 10 years; or
   ii. for a minimum of five years with an immediately previous continuous ownership within the City of Mitcham of five years as the principal place of residence; and

c) the ratepayer is able to satisfy one of the following:
   i. produce a Pension Card from Centrelink; or
   ii. produce a Pension Card from Veteran Affairs; or
   iii. produce a TPI Pension Card from Veteran Affairs; or
   iv. can demonstrate to Council that he/she is a self-funded retiree and is earning less than $25,000 per annum.

Postponement of Rates Scheme for State Seniors Card Holders

Section 182A of the Act provides for postponement of rates on the principal place of residence by seniors who meet the eligibility criteria, make application and hold a current Seniors Card. The amount which can be postponed is any amount greater than $500 ($125 per quarter). In accordance with Section 182A (12) of the Act, interest will accrue on the postponed balances at a rate which is 1% above the cash advance debenture rate. The accrued debt is payable on the disposal or sale of the property. Further information is set out in Attachments 1 and 2 to this policy.
6.8. Payment of Rates

Frequency of Payment of Rates
Council rates are due quarterly on:
15 September 2019,
15 December 2019,
15 March 2020, and
15 June 2020.
Council offers a discount of 1%, off the amount general rates, for the payment of the full year’s rates by 15th of September 2019.

Electronic Rate Notices
Rate Notices can now be received electronically through your financial institution by registering for BPAY View. There is no obligation to pay through BPAY. Ratepayers should contact their bank for further information. A paper bill will not be issued should they choose this option.

Methods of Paying Rates

- **BPAY**
  Payment may be made by phone or the internet through a bank, Credit Union or Building Society. A financial institution must be contacted to make this payment from cheque, savings or credit card accounts.

- **Australia Post**
  Payment may be made at any Australia Post Office with a “One Stop Bill Pay” service. Ratepayers should present the notice at the Post Office.

- **Centrepay**
  Centrepay is a direct bill paying service offered to customers receiving payments from Centrelink. The rate payment is deducted from the ratepayer’s Centrelink payment before it goes into their bank. The minimum payment amount is $10 per fortnight. Ratepayers should call Centrelink on their normal payment number or register online. Forms are also available from Council.

- **Telephone**
  Payment may be made by calling 1300 303 201 for an Interactive Voice Response (IVR) Service. This payment option is by credit card only.

- **Internet**
  Payment may be made via the internet by accessing Council’s website at www.mitchamcouncil.sa.gov.au, selecting “Payments” on the home screen, then selecting “Rates Payment” and following the prompts. This payment option is by credit card only.

- **Mail**
  By Cheque only, made payable to: City of Mitcham and marked ‘Not Negotiable’. Ratepayers should attach the tear off slip and send to:
  City of Mitcham
  PO Box 21
  Mitcham Shopping Centre
  TORRENS PARK  SA  5062
  Receipts will not be issued unless requested.
In Person

Ratepayers should present the rate notice at the Customer Service Centre:

City of Mitcham
131 Belair Road
TORRENS PARK SA 5062

EFTPOS and credit card facilities are available at the Council Office. Debit Cards, Visa and MasterCard may be used, however, no cash out facility is available.

Any ratepayer who may, or is likely to, experience difficulty with meeting the standard payment arrangements is invited to contact Rating Services to discuss alternative payment arrangements. Such enquiries are treated confidentially by Council.

Late Payment of Rates

The Act provides that the Council imposes a penalty of a 2% fine on any payment for rates, whether instalment or otherwise, that is received late. A payment that continues to be late is then charged a prescribed interest rate, set each year according to a formula in the Act for each month the rates remain unpaid.

The purpose of this penalty is to act as a genuine deterrent to ratepayers who might otherwise fail to pay their rates on time and enables the Council to recover the administrative cost of following up unpaid rates and any interest payable because the rates have not been received.

Council allows a further three working days following the due date for payment as a grace period. Fines are payable under the Act but Council will remit this amount if payment is received within the three days grace period. Thereafter, fines for late payment are fully imposed.

Council is prepared to remit penalties for late payment of rates where ratepayers can demonstrate hardship. Applications to remit penalties must be in writing.

Council issues a final notice for payment of rates when rates are overdue (i.e. unpaid) by the due date. Should rates remain unpaid more than 21 days after the issue of the final notice, then Council refers the debt to a debt collection agency. The debt collection agency charges collection fees recoverable from the ratepayer.

When Council receives a payment in respect of overdue rates, the Council applies the money received as follows:

- first – to satisfy any costs awarded in connection with court proceedings (which may include legal fees);
- second – to satisfy any interest costs;
- third – in payment of any fines imposed; and
- fourth – in payment of rates, in chronological order (starting with the oldest account first).

Sale of Land for Non-Payment of Rates

The Act provides that the Council may sell any property where the rates have been in arrears for three years or more. Council is required to notify the owner of the land of its intention to sell the land, provide the owner with details of the outstanding amounts, and advise the owner of its intention to sell the land if payment of the outstanding amount is not received within one month.
Appendix 2 – Rating Policy

Overpayment of Rates
Council is required, pursuant to provisions in the Act to refund balances that are in credit as a result of an overpayment of rates. In some instances interest may be calculated on these credit balances.

Council will not refund amounts less than $20 due to the administrative costs associated with processing refunds. In these instances the credit balance will be applied against the next instalment of rates. If a request for refund is sought based on grounds of hardship, the refund will be made irrespective of the minimum ($20) balance requirement.

6.9. Changes to Assessment Records
All changes to the postal address of a ratepayer/owner and changes of ownership of a property must be notified promptly to Council in writing.

6.10. Application of the Policy
Where a ratepayer believes that Council has failed to properly apply this Policy it should raise the matter with the Council. In the first instance the ratepayer should contact the Senior Rating Services Officer on 8372 8156 to discuss the matter. If, after this initial contact, a ratepayer is still dissatisfied they should write to Mr Matthew Pears, Chief Executive Officer, City of Mitcham, PO Box 21, Mitcham Shopping Centre, Torrens Park SA 5062.

6.11. Applications for Review of the Financial Impact of the Declaration of Rates
In accord with Section 270 of the Act ratepayers may seek a review of the impact of Council’s declaration of rates. In accord with Council’s ‘Internal Review of a Council Decision Policy’. If Council receives an application for a review of a decision concerning the financial impact of Council rates, these will be dealt with as a matter of priority.
Where circumstances warrant, Council may consider financial relief or the granting of concessions in line with the provisions of Section 166 of the Act.

An application for review must be in writing and set out the reasons for applying for the review. Although Council can be expected to have information and material relevant to the matter under review, an application for review may also include new, relevant information or evidence to support the application.

All applications for a review of a decision concerning the financial impact of the declaration of Council rates should be titled “Internal Review Request on the Financial Impact of the Declaration of Rates” and submitted to:

Senior Rates Officer
City of Mitcham
PO Box 21
Mitcham Shopping Centre
TORRENS PARK SA 5062

Or emailed to: mitcham@mitchamcouncil.sa.gov.au

6.12. Disclaimer
A rate cannot be challenged on the basis of non-compliance with this Policy and must be paid in accordance with the required payment provisions.

7. APPENDICES
Rating Policy Appendix 2.1 – Postponement of Rates Scheme - for State Seniors Card Holders
Rating Policy Appendix 2.2 – Application for Postponement of rates for seniors
Rating Policy Appendix 2.3 – Rate Rebates
APPENDIX 2.1 – POSTPONEMENT OF RATES SCHEME FOR STATE SENIORS CARD HOLDERS

Information Sheet (LGA 32018)

Over the past several years significant and, in some areas, uneven movement in property values has caused a substantial redistribution of council rates amongst ratepayers within some council areas. In response, councils have implemented flexible payment arrangements and where appropriate rate capping measures. However some seniors, many of whom are pensioners, have found it difficult to pay their council rates. Even though they own property and are “asset rich”, their low income means they are “cash poor”.

The Act (as amended) provides the option for State Seniors Card Holders to apply to postpone on a long-term basis part of their council rates. The deferred amount is subject to a monthly interest charge, with the accrued debt being payable on the disposal or sale of the property. However, the debt may be paid earlier at the ratepayer’s discretion.

Who is eligible to apply for postponement of rates?

A ratepayer who holds or is in the process of applying for a State Seniors Card may apply for postponement of a portion of the council rates payable on property they own or are buying if it is their principal place of residence (that is, the place lived in most of the time) and if no other person other than their spouse has an interest as owner of the property.

How much equity do I need to have in the property?

If you have a current mortgage over the property, which was registered prior to 25 January 2007, you are required to have at least 50% equity in your property. If you currently have any mortgages or encumbrances on the property registered before that date you will need to obtain a statement from your financial institution, which indicates the maximum credit limit secured by the mortgage to include with this application form.

If you have a mortgage that was registered after 25 January 2007 there is no restriction on the level of equity held.

How much of the total rates can be postponed?

At least $500 of the total council rates bill must be paid, but an application can be made for any amount in excess of $500 to be postponed. You may pay the amount due in four quarterly instalments in the same way that the total amount of annual rates are payable. An example follows.

<table>
<thead>
<tr>
<th>Total rates amount</th>
<th>$1,500.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum amount payable</td>
<td>$ 500.00</td>
</tr>
<tr>
<td>Amount of rates postponed</td>
<td>$1,000.00</td>
</tr>
</tbody>
</table>

What is the interest rate?

Interest is calculated and compounded monthly on the postponed rate debt. The interest rate is prescribed in the Act and is set annually on 1 July, and may vary from year-to-year. By way of example, during the 2018/19 rating period the charge would be based on an interest rate of 4.6% per annum.
Appendix 2. – Postponement of Rates Scheme

A simple example of how the charge is applied.

Mr and Mrs Senior’s total council rates amount for the rating period is $1,500.00. That means they will pay $500.00 and postpone the remaining balance of $1,000.00.

Mr and Mrs Senior then pay the $500.00 over four quarterly instalments.

The total charge on the $1,000.00 rates postponed for the rating period will be 4.6% per annum or 0.3833% monthly (that is, 4.6% divided by 12). Interest will be compounded on a monthly basis, included any subsequent year’s outstanding rates, until all outstanding rates have been paid in full.

You can talk to the Rating Officer at Council for an explanation of how your quarterly payments and monthly charge would be calculated on the amount of rates you wish to postpone, and the exact amount of charges that would apply.

How do I keep track of what I owe to Council in postponed rates?

You will receive a statement with each rates notice which sets out:

- the amount or postponed rates;
- the interest accrued; and

advice of your ongoing entitlement to postpone future rates, or to pay off the debt at any time prior to the disposal or sale of the property.

The statement may be in the form of a separate notice or may be included on your quarterly rates notice.

You may also talk to the Council’s Rating Officer at any time if you have any queries or want additional information.

Can payment of Council rates be postponed year after year?

Payment of your council rates may be postponed for one year only, or for any number of future years. Postponement of your council rates will continue automatically in each subsequent year after your initial application is approved, until either the property is sold or disposed of, you no longer meet the eligibility criteria for postponement, or you advise Council that you do not want to continue with the arrangement to postpone rates.

Council may issue an annual declaration form with the annual rates notice to check you are still eligible and that you wish to continue to postpone future rates.

You may choose to pay off all or any portion of the postponed rates debt at any time if your financial circumstances change.

How does my eligibility change, and what do I need to do then?

Your eligibility changes if you move out of your home, or are no longer entitled to have a State Seniors Card.

When your eligibility changes you must inform the Council in writing within six months. In these circumstances you are no longer entitled to postpone future rates. However, the postponed amount and accrued interest is not payable until the date of disposal of the property.

The agent or broker who is organising the sale, disposal and settlement of your property will ask you to sign a form, which advises of the requirement to, and authorises payment of all outstanding Council rate charges at the time of settlement.
Appendix 2. – Postponement of Rates Scheme

Is there anything else I need to know?

The rates debt and interest accrued will decrease the value of your equity in the property at the time of disposal or sale.

Seniors are encouraged to seek independent financial advice prior to making the decision to postpone rates. You may also like to discuss the option with a family member, beneficiaries or another person you trust.

Remember, you can choose to pay off the postponed rates debt and accrued interest at any time if your financial circumstances change.

How do I apply for postponement of rates?

You will be required to complete an application form to enable Council to assess your application and to verify your eligibility.

Please contact the Senior Rating Officer at the Council office to arrange a convenient time and place to discuss your application and lodge your application form. This will provide an opportunity for you to obtain more information about the Postponement of Rates Scheme, the conditions that will apply, and for any questions or concerns you might wish to discuss.
APPENDIX 2.2 - APPLICATION FORM: POSTPONEMENT OF RATES SCHEME FOR STATE SENIORS CARD HOLDERS

Ratepayers who hold a State Seniors Card are now able to apply to Council to postpone payment of council rates on their principal place of residence. This application form will enable Council to assess your eligibility to postpone the payment of your rates. Please also refer to the explanatory notes overleaf.

Please contact the Council office to arrange a convenient time and place to discuss your application and lodge your application form.

Applicant’s Name: ........................................................................................................................................
(if different to the Contact Name)

Contact Name: ........................................................................................................................................
(if different to the Applicant Name)

Telephone: ................................................................................................................................................

Appointment date and time: ...........................................................................................................................

Place: .........................................................................................................................................................

Name of State Seniors Card Holder: ............................................................................................................... 

State Seniors Card Number: ............................................................................................................................

Property Address for Postponement of Rates: ...................................................................................................

Postal Address: ..............................................................................................................................................

Telephone: ....................................................................................................................................................

Mobile: ...........................................................................................................................................................

Are there currently mortgages over the property registered prior to 25 January 2007? (Please tick ☑ the relevant box).

☐ Yes

If Yes, please attach a statement from the financial institution indicating the maximum credit limited secured by the mortgage.

☐ No

If No, please attach a copy of the Certificate of Title.
Appendix 2.2 – Application Form: Postponement of Rates Scheme

Declaration
It is an offence for a person or body to make a false or misleading statement or representation in an application or to provide false or misleading information or evidence in support of an application made (or purporting to be made) under the Act.

Please complete the declaration below to affirm that the information provided on the application is correct.

- I declare that the above property is the principal place of residence of the State Seniors Card Holder and/or spouse (that is, the property lived in most of the time).
- I declare that I am either the State Seniors Card Holder or his/her spouse.
- I declare that no person other than the State Seniors Card Holder and/or his/her spouse has an interest as an owner in the property.
- I declare that I have been informed and understand the conditions which apply to the postponement of rates scheme.
- I declare that the information I have provided on this application form, to the best of my knowledge, is true and correct.

Owner / Applicant's Name: 

Signature: 

Date:

Witness Name (optional): 

Signature: 

Date:

Explanatory Notes
You are eligible for postponement of rates if:

- You are a State Seniors Card Holder (or have applied for the card); and
- The property is your principal place of residence (where you live most of the time); and
- No other person, other than your spouse, has an interest as an owner of the property.
- If you have a current mortgage over the property, which was registered prior to 25 January 2007, you are required to have at least 50% equity in your property. If you currently have any mortgages or encumbrances on the property registered before that date you will need to obtain a statement from your financial institution, which indicates the maximum credit limit secured by the mortgage to include with this application form.
- A minimum amount of $500 of the annual rates must be paid.
- The interest rate which will apply to the amount of rates postponed is prescribed in the Local Government Act 1999 (as amended) Section 182A(12). Interest will be charged and compounded monthly on the total amount postponed, until the debt is paid.
- The accrued debt including interest is payable at the time of disposal or sale of the property. However, you have the discretion to pay all or any part of the debt at an earlier time.

You must inform Council in writing within six months if your eligibility changes. For example, if you move out of your home or are no longer entitled to have a State Seniors Card.

Note: A $5,000 maximum penalty applies for failure to inform Council in writing within six months of the change in eligibility [Local Government Act 1999 Section 182A(8)].
Appendix 2.2 – Application Form: Postponement of Rates Scheme

Council will provide information about the postponed rates debt, and the interest accrued with future rate notices.

Note: It is unlawful to make a false or misleading statement in your application. A $10,000 maximum penalty applies [Local Government Act 1999 Section 182A(9)].

Assessment of Your Application

Your application will be assessed and if approved, arrangements for the postponement of a portion of your council rates will be confirmed in writing to you and all owner/s of the property. If your application is denied, you will be advised in writing of the reasons for the denial. In this event, you will have the right to ask for a review of Council’s decision.
APPENDIX 2.3 - RATE REBATES

Council is required to rebate rates on specific land. This policy will assist Council as a decision making function and is intended to provide guidance to the community as to the matters that Council will take into account in deciding an application for a rebate.

Specific provisions are made for land used for health services, community services, religious purposes, public cemeteries, the Royal Zoological Society and educational institutions.

The policy also sets out the type of land use for which Council must grant a mandatory rebate of rates and the percentage amount applicable, and those types of land use where Council has the ability to grant a discretionary rebate of rates. Rebates will only be available when the applicant satisfies the requirements under both the Act and, where appropriate, the requirements of this policy.

Note: It is unlawful to make a false or misleading statement in your application. A $5,000 maximum penalty applies [Local Government Act 1999 Section 159 (2)]

Mandatory Rebates

Mandatory rate rebates will be granted by Council at the prescribed rate in accordance with Sections 159 to 165 of Act.

- S160: Health Services 100% Rebate
- S161: Community Services 75% Rebate (this section now applied to Housing Associations and Cooperatives)
- S162: Religious Purposes 100% Rebate
- S163: Public Cemeteries 100% Rebate
- S164: Royal Zoological Society of SA 100% Rebate
- S165: Educational Purposes 75% Rebate

Where Council is satisfied from its own records, or from other sources, that a person or body meets the necessary criteria for a mandatory rate rebate, Council will grant the rebate accordingly.

Where Council is not satisfied it will require the person or body to lodge an application in accordance with this policy.

Where a person or body is entitled to a mandatory rate rebate of 75% only, Council may increase the rebate up to a further 25%.

Council may grant this further 25% rebate upon application.

Discretionary Rebates

Council may apply discretionary rebates under Section 166 of the Act.

Council currently provides discretionary rebates for Council owned land that is leased or licensed by sporting bodies and various community organisations.

Council may also provide a discretionary rebate to community service organisations that occupy land that would otherwise be exempt or non-rateable.

Eligibility for a rebate is based on the provision of evidence, to Council’s satisfaction, that significant community service has been, and continues to be provided to the community by that organisation.

Applications for a discretionary rebate by community services organisations under Section 161 of the Act must be in writing and require the following information and documentation to be provided:

- A Statutory Declaration signed by an officer of the organisation, who has the appropriate delegated authority, attesting to eligibility under the Act. Council has Statutory Declarations prepared in a specific format and these must be used when applying for a rebate. These forms will be supplied upon application to Council’s Senior Officer – Rating Services on 8372 8156.
Appendix 2.3 – Rate Rebates

- A copy of the organisation’s Constitution.
- A set of financial statements or documentation that confirms the applicant provides community services without charge or for a charge that is below the cost to the body of providing the services – eg an auditor’s letter of confirmation.
- Any other documentation applicable to support the application.

Council, having addressed issues of equity arising from circumstances where ratepayers claim to provide or maintain infrastructure that might otherwise be provided or maintained by the Council, has decided there will be no adjustment to the rates payable unless exceptional circumstances can be demonstrated.

In this context, infrastructure provided by retirement villages for the use of their residents upon the land owned and/or occupied by the villages will, therefore, generally not be eligible for a rebate of rates.

Council will advise an applicant for a rebate of its determination of that application in due course, after receiving the application and receiving all information requested by the Council. The advice will state if the application has been granted, the amount of the rebate, or if the application has not been granted, the reasons why.

With regard to prescribed discretionary rate rebates Council will take into account, in accordance with Section 156(1a) of the Act, the following matters:

- The nature and extent of Council services provided in respect of the land for which the rebate is sought, in comparison to similar services provided elsewhere in the Council’s area;
- The community need that is being met by activities carried out on the land for which the rebate is sought;
- The extent to which activities carried out on the land, for which the rebate is sought, provides assistance or relief to disadvantaged persons; and
- Such other matters as Council considers relevant.

Council may take into account other matters considered relevant by Council including, but not limited to, the following:

- Why there is a need for financial assistance through a rebate;
- The level of rebate (percentage and dollar amount) being sought and why it is appropriate;
- The extent of financial assistance, if any, being provided to the applicant and/or in respect of the land by Commonwealth or State agencies;
- Whether the applicant has made or intends to make applications to another Council;
- Whether, and if so to what extent, the applicant is or will be, providing a service within the Council area;
- Whether the applicant is a public sector body, a private not-for-profit body or a private for profit body;
- Whether there are any relevant historical considerations that may be relevant for all or any part of the current Council term;
- The desirability of granting a rebate for more than one year;
- Consideration of the full financial consequences of the rebate for Council;
- The time the application is received;
- The availability of any community grant to the person or body making the application;
- Whether the applicant is in receipt of a community grant; and
Appendix 2.3 – Rate Rebates

- Any other matters and policies of Council, which Council considers relevant.

Council may grant a rebate of rates on such conditions as Council thinks fit.

Council may, for proper cause, determine that an entitlement to a rebate of rates under the Act no longer applies.

The Chief Executive Officer has delegated authority from Council to assess all applications for rebates or remissions. The Chief Executive Officer advises Council of his assessment of each application and prepares an annual report of all applications.
10. CONFIDENTIAL REPORTS

Please be advised that due to the need to have an external legal adviser present to respond to Elected Member questions on Confidential Item 10.1, it is recommended Council reschedule the agenda to enable this item to be considered as close to 8pm as possible.

10.1 LOT 101 PORT LINCOLN BOULEVARD, PASADENA
Report Author/Manager: John Valentine & Thuyen Vi-Alternetti
General Manager: Craig Harrison
(Meeting Date: 22 October 2019)
(Location: Babbage Ward)
(Consultant Used: $10,000)

PROPOSAL

For Council to consider the condition of land at Lot 101 Port Lincoln Boulevard, Pasadena, to consider legal advice received and Council’s next actions in relation to the land.

BACKGROUND

Pursuant to Section 83(5) of the Local Government Act 1999, the Chief Executive Officer confirms that this item may be discussed in confidence under the provisions of Section 90(2) and 90(3)(h).

DISCUSSION

The Chief Executive Officer recommends that this report be considered in confidence under Chapter 6, Part 3 of the Local Government Act 1999 as this item considers matters relating to.

RECOMMENDATION – ITEM 10.1

That pursuant to Section 90(2) of the Local Government Act 1999, the Council orders the public be excluded with the exception of staff present and Stuart Henry QC from Carrington Chambers Barristers for Agenda Item 10.1 Lot 101 Port Lincoln Boulevard Pasadena on the basis that the Council considers it necessary and appropriate to act in a meeting closed to the public in order to receive, discuss or consider in confidence legal advice in relation to this matter.

That Council is satisfied that pursuant to Section 90(3)(h) of the Local Government Act 1999, the information to be received, discussed or considered in relation to this Agenda Item is legal advice that is subject to legal professional privilege.

The Council is satisfied that the principle that the meeting should be conducted in a place open to the public has been outweighed in the circumstances because it will allow Council to consider and discuss the legal advice given including options in order to progress the matter further.
10.2 AUDIT COMMITTEE - TUESDAY, 15 OCTOBER 2019

Reports pertaining to the recommendations of the Audit Committee meeting of 15 October 2019 can be found in the Agenda which has previously been provided as a hard copy or electronic copy to all Elected Members.

Members are requested to bring their copies to the Full Council Meeting.

The public can access the Audit Committee Agenda at:

Information Only items were received under delegation by the Audit Committee.

BACKGROUND

Pursuant to Section 83(5) of the Local Government Act 1999, the Chief Executive Officer confirms that this item may be discussed in confidence under the provisions of Section 90(2) and 90(3)(d)(i)&(ii).

DISCUSSION

The Chief Executive Officer recommends that this report be considered in confidence under Chapter 6, Part 3 of the Local Government Act 1999 as this item considers matters relating to .

RECOMMENDATION – ITEM 10.2

DECISION 1 – TO GO INTO CONFIDENCE

That pursuant to Section 90(2) of the Local Government Act 1999, the Council orders the public be excluded with the exception of staff present for Agenda Item 10.2 Audit Committee – Tuesday 15 October 2019 on the basis that the Council considers it necessary and appropriate to act in a meeting closed to the public in order to receive, discuss or consider in confidence the information in this report.

The Council is satisfied that pursuant to section 90(3)(d)(i)&(ii) of the Local Government Act 1999, the information to be received, discussed or considered in relation to the item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or may confer a commercial advantage on a third party; and would, on balance, be contrary to the public interest as the information to be considered in relation to this agenda item includes costings and other financial information, the disclosure of which may prejudice the commercial position of tenderers.
11. DISCUSSION ITEMS FOR FUTURE DECISION

11.1 PUBLIC POLICY REVIEW

Report Author/Manager: Kate O’Neill
General Manager: Kate O’Neill

(Meeting Date: 22 October 2019)
(Location: Council Wide)

Due to the complexity of this issue and community interest, a draft report has been attached for discussion prior to a final report being presented to a future meeting.

PROPOSAL

To continue to progress the review of Council’s public policies.

Attachments:

1. Draft Report - Public Policy Review
   A. Attachment to Draft Report - Bus Stop Shelters
   B. Attachment to Draft Report - Charity Sponsorships Policy
   C. Attachment to Draft Report - Collection for Charity Policy
   D. Attachment to Draft Report - Commemoration of Services to the Community
   E. Attachment to Draft Report - Footpath Levels
   F. Attachment to Draft Report - Infrastructure Maintenance
   G. Attachment to Draft Report - Laneway Policy
   H. Attachment to Draft Report - Library Closure on Public Holidays
   I. Attachment to Draft Report - Maintenance of Roadside Reserves
   J. Attachment to Draft Report - Major Vegetation Pruning or Trimming
   K. Attachment to Draft Report - Minor Works for School Ovals
   L. Attachment to Draft Report - Nominations of Outside Persons to External Bodies
   M. Attachment to Draft Report - Petitions Requiring Signatures Policy
   N. Attachment to Draft Report - Private Use of Goods and Services
   O. Attachment to Draft Report - Unincorporated Bodies
   P. Attachment to Draft Report - South Road Streetscaping
   Q. Attachment to Draft Report - Streetscapes and Undergrounding of Services
   R. Attachment to Draft Report - Sturt Gorge Management

RECOMMENDATION – ITEM 11.1

That the report be received for information only.
PUBLIC POLICY REVIEW  
Report Author/Manager: Kate O'Neill  
General Manager: Kate O'Neill  
(Meeting Date: 12 November 2019)  
(Location: Council Wide)  
(Consultant Used: $Nil)

PROPOSAL

To continue to progress the review of Council’s public policies.

RECOMMENDATION – ITEM

DECISION 1 – PUBLIC POLICIES RECOMMENDED TO BE REVOKED

Option 1 (Staff Recommendation)

That Council revokes the Public Policies set out in Table 1: Public Policies to be Revoked of this report.

Option 2

That Council revokes the Public Policies set out in Table 1: Public Policies to be Revoked of this report, with the following exceptions:

- [Name of Policy]

DECISION 2 – PUBLIC POLICIES RECOMMENDED TO BE AMENDED

Option 1 (Staff Recommendation)

That all current Public Policies be amended to include the following clause:

Policy Review  
This Policy will be subject to review every four (4) years or sooner at the discretion of the relevant General Manager.

The CEO has delegated authority to endorse any amendments to the Policy that do not vary the intent of the policy.

Option 2

That all Public Policies continue to be presented to Council on a case by case basis.

BACKGROUND

A policy is a statement of principles or position that is intended to direct decision-making and operations that supports the achievement of the Council’s vision and responsibilities.

Policies support the achievement of quality outcomes and reduce risk by establishing consistent and transparent standards and accountabilities.
A number of policies are required under legislation, others are recommended to provide a consistent and transparent direction / position in relation to a particular matter and in response to community need.

The City of Mitcham has two categories of policies:

- **Public Policy**: Externally focused that clearly state Council’s position on a particular topic or issue for the achievement of desired community outcomes, which are endorsed by Council and made available for public inspection on the Council’s website.
- **Management Policy**: Internally focused providing direction to staff on the core business of Council, which are endorsed by the Chief Executive Officer (CEO) and are made available to employees on the Council intranet.

Council is required under Section 59 of the *Local Government Act 1999* to keep Council's policies under review to ensure that they are appropriate and effective.

To assist in this process, Administration routinely reviews policies to ensure they are current, relevant and consistent with Council’s strategic direction, legislation and other Council policies.

In reviewing policies, consideration is given to the following principles:

- Policies will be relevant and transparent in its intent and meaning;
- Policies will be compliant with legislative requirements;
- Policies will be effective and able to be resourced;
- Duplication and reproduction of similar policies will be minimised to improve access and readability for both the community and staff;
- Operational or procedural information will not be included in policy documents unless prescribed by legislation; and
- Policies are grouped by function to assist with accessibility.

Following a significant review and revocation process commencing in January 2018, Council’s Public Policy Register has decreased from 183 policies to 109 Policies (excluding Codes - 5, Charters - 2, Procedures - 3), with a further 18 Policies recommended to be revoked in this report.

This report is provided in the context of continual review / improvement of Council’s public policies.

Council’s public policies are available on the Council website:


**Attachments:**

A. Bus Stop Shelters
B. Charity Sponsorships Policy
C. Collection for Charity Policy
D. Commemoration of Services to the Community
E. Footpath Levels
F. Infrastructure Maintenance
G. Laneway Policy
H. Library Closure on Public Holidays
I. Maintenance of Roadside Reserves
J. Major Vegetation Pruning or Trimming
K. Minor Works for School Ovals
L. Nominations of Outside Persons to External Bodies
M. Petitions Requiring Signatures Policy
N. Private Use of Goods and Services
O. Unincorporated Bodies
P. South Road Streetscaping
Q. Streetscapes and Undergrounding of Services
R. Sturt Gorge Management

STRATEGIC OBJECTIVES

Goal 5 Continuous Organisation Improvement Strategy

Objective 5.3 Efficient and Effective Organisation with a culture of positive change, process improvement and productivity gains.

DISCUSSION

Council at its meeting on 25 June 2019, endorsed a set of Key Performance Indicators (KPIs) for the Chief Executive Officer for the 2019 / 2020 financial year. Included in this set of CEO KPIs was the following in relation to Policies:

Administration report to Council twice a year on the status of legislatively required policies and an action plan to achieve compliance

This report is scheduled to be provided to Council in November and May annually.

The legislative polices include:
- Code of Practice – Access to Meetings & Documents
- Code of Practice – Meeting Procedures
- Prudential Policy
- Procurement Policy
- Public Consultation Policy
- Elected Members Allowances & Expenses
- Elected Members Training & Development Policy
- Informal Gatherings Policy
- Rating Policy
- Road and Public Place Names Policy
- Making of Orders Policy
- Internal Review of Council Decisions Policy
- Complaint Handling Policy
- Request for Services Policy
- Caretaker Policy
- Public Interest Disclosures Policy and Procedures
- Disposal of Land and Assets Policy
• Elected Member Code of Conduct – Complaint Handling Procedures
• Food Truck Location Procedures

Public Policies Under Review

Administration is currently progressing the review of the following Public Policies.
• Budget Framework
• Efficiency and Effectiveness Framework
• Independent Review of a Council Decision
• Internal Controls Policy
• Order Making Policy
• Procurement Policy

These Public Policies will be brought to Council at sometime in the near future for endorsement and will incorporate the suggested improvements outlined under the “Policies to be Amended” heading of this report.

Public Policies recommended to be revoked

Following the review undertaken by Administration, the following public policies are recommended for revocation (Table 1), with an explanation of the purpose of the policy and why it is recommended for revocation.

Table 1: Public Policies recommended to be revoked

<table>
<thead>
<tr>
<th>Policy Title (A-Z)</th>
<th>Purpose / Reason for Revocation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Bus Stop Shelters (Attachment A)</td>
<td>The purpose of this policy is to provide direction in relation to the installation of bus shelters. This policy was last endorsed by Council (Environment Services Committee) in 1997. This policy is recommended for revocation because requests for new bus shelters are assessed based on community need and patronage data supplied from the Department of Planning, Transport and Infrastructure and no policy is required regarding this process.</td>
</tr>
<tr>
<td>2. Charity Sponsorships Policy (Attachment B)</td>
<td>The purpose of this policy is to provide a process for requests from charities or not-for-profit community organisations to include promotional materials in Councils rates notice. The policy was last reviewed / endorsed by Council in 1998. This policy is recommended for revocation because the decision to include promotional material in rates notices will be addressed as part of the communication strategy currently being undertaken.</td>
</tr>
<tr>
<td>Policy Title (A-Z)</td>
<td>Purpose / Reason for Revocation</td>
</tr>
<tr>
<td>-------------------</td>
<td>--------------------------------</td>
</tr>
<tr>
<td>3. Collection for Charity Policy (Attachment C)</td>
<td>The purpose of this policy is to provide delegation to the Chief Executive Officer to consider all requests, on merit, for collections throughout the area for various registered charitable projects. No date is provided in the policy as to when it was last reviewed / endorsed by Council. This policy is recommended for revocation because it is no longer relevant and required.</td>
</tr>
<tr>
<td>4. Commemoration of Services to the Community (Attachment D)</td>
<td>The purpose of this policy is to identify when Council mementos are awarded. This policy was last reviewed / endorsed by Council in 2000. This policy is recommended for revocation as it is out of step with current practices.</td>
</tr>
<tr>
<td>5. Footpath Levels (Attachment E)</td>
<td>The purpose of this policy is to provide direction to the Chief Executive Officer in relation to dealing with requests for footpath leveling. This policy was last endorsed by Council in 1997. This document is recommended for revocation because Council does not store footpath level data – adjacent property owners can undertake surveys required and therefore, no policy is required.</td>
</tr>
<tr>
<td>6. Infrastructure Maintenance (Attachment F)</td>
<td>The purpose of this Policy is define Council’s commitment to the maintenance of safe public infrastructure and describe a system. This Policy was last reviewed by Council in 2001. This document is recommended for revocation, as it is an operational service level not a policy.</td>
</tr>
<tr>
<td>7. Laneway Policy (Attachment G)</td>
<td>This purpose of this policy is to provide direction in relation to developments which relies on access to existing laneways. This policy was last reviewed by Council in 2005. This Policy is recommended for revocation as it is an extract from the Development Plan and therefore it not needed as a separate document.</td>
</tr>
<tr>
<td>Policy Title (A-Z)</td>
<td>Purpose / Reason for Revocation</td>
</tr>
<tr>
<td>-------------------</td>
<td>--------------------------------</td>
</tr>
<tr>
<td>8. Library Closure on Public Holidays <em>(Attachment H)</em></td>
<td>The purpose of this policy is to enable the closure of the Council’s libraries on South Australian and national public holidays. This policy was last reviewed / endorsed by Council in 2010. This policy is recommended for revocation, as the closure on public holidays is now custom and practice for the community and has been incorporated into the relevant Enterprise Bargaining Agreement for staff.</td>
</tr>
<tr>
<td>9. Maintenance of Roadside Reserves <em>(Attachment I)</em></td>
<td>The purpose of this policy is to provide direction in relation to the maintenance of roadside reserves to maximise infiltration of water and minimise run-off. No date is provided in the policy as to when it was last reviewed / endorsed by Council. This policy is recommended for revocation as it is an operational service level agreement, not a policy.</td>
</tr>
<tr>
<td>10. Major Vegetation Pruning or Trimming <em>(Attachment J)</em></td>
<td>The purpose of this policy is to provide direction in relation to the communications to be undertaken when major pruning or trimming of vegetation along streets or in parks and reserves through a specific area of the City. This policy was last endorsed by Council on 1995. This document is recommended for revocation, as it is to be merged into separate vegetation policy being updated.</td>
</tr>
<tr>
<td>11. Minor Works for School Ovals <em>(Attachment K)</em></td>
<td>The purpose of this Policy is to provide authority for minor works to be performed for Schools (covering cricket pitches etc.) subject to the availability of machinery, at the cost of the schools. This Policy was last adopted by Council prior to 1989. This document is recommended for revocation, as it is an operational service level not a policy.</td>
</tr>
</tbody>
</table>
| 12. Nominations of Outside Persons to External Bodies *(Attachment L)* | The purpose of this policy is to provide direction to Council in making considered decisions when nominating outside persons as possible representatives on external bodies. This policy was last reviewed / endorsed by Council in 2004. This policy is recommended for revocation as all decisions regarding appointments to outside boards are presented to Council with the relevant selection criteria / desired skills and experience (as put forward by the
<table>
<thead>
<tr>
<th>Policy Title (A-Z)</th>
<th>Purpose / Reason for Revocation</th>
</tr>
</thead>
<tbody>
<tr>
<td>13. Petitions Requiring Signatures Policy (Attachment M)</td>
<td>The purpose of this policy is to provide direction to the Chief Executive Officer when considering display petitions requiring the collection of signatures should be referred to the Chief Executive Officer for a decision. This policy was last reviewed / endorsed by Council in 1999. This policy is recommended for revocation because it is an operational matter, which can be determined by the Chief Executive Officer (or delegate) on a case by case basis.</td>
</tr>
<tr>
<td>14. Private Use of Goods and Services (Attachment N)</td>
<td>The purpose of this policy is to provide direction to ensure Council resources are used in an effective, efficient, accountable and ethical manner by all officers. No date is provided in the policy as to when it was last reviewed / endorsed by Council. This policy is obsolete as it is covered by various Codes of Conduct.</td>
</tr>
<tr>
<td>15. Unincorporated Bodies (Attachment O)</td>
<td>The purpose of this policy is to provide direction as to when authority of any nature is given to any unincorporated body. This policy was last reviewed / endorsed by Council in 1997. This policy is recommended for revocation as it goes not meet current governance standards and all such decision are a matter for the Council on a case by case basis or dealt with under the Council’s volunteer framework.</td>
</tr>
<tr>
<td>16. South Road Streetscaping (Attachment P)</td>
<td>The purpose of this policy is to provide direction to improve the appearance of South Road between Clarence Gardens and Bedford Park where there is an opportunity. This policy was last endorsed by Council in 2003. This policy is recommended for revocation as it is no longer required following the recent upgrade to South Road –</td>
</tr>
<tr>
<td>17. Streetscapes and Undergrounding of Services (Attachment Q)</td>
<td>The purpose of this policy is to provide guidelines on the undergrounding of services. This Policy was last updated by the Environment Committee in 1997. This policy is recommended for revocation because Council will not contribute to the private undergrounding of services other</td>
</tr>
</tbody>
</table>
### Policy Title (A-Z) | Purpose / Reason for Revocation
--- | ---
 | than to assess applications for access to Council land to undertake the work as per the *Local Government Act 1999*.

| 18. Sturt Gorge Management (Attachment R) | The purpose of this Policy is to provide direction when considering proposals from the Sturt Gorge Residents Group. This policy was last considered by Council prior to 1989. This policy is recommended for revocation because it is an operational service level and not a policy. |

Administration will continue to review its Council Policy Register and bring future reports to Council where there is an identified need to revoke a policy.

### Policies recommended to be Amended

In addition, Council at its meeting on 26 March 2019 resolved:

*That Administration investigates and reports on the quantum and nature of the reports brought to Full Council Meetings and make recommendations with a view to streamlining meeting agendas while ensuring that Elected Members and the community have adequate and appropriate opportunity to be informed and participate in decision making within the City of Mitcham.*

As part of this review it has been identified that a number of policies, which are operational / administrative in nature or are subject to minor review / updating (without changing the intent of the policy) are brought to Council for endorsement.

As part of the review it has also been noted that Public Policies have an inconsistent review cycle (where not dictated by legislation) ranging from annually, 2 years and 3 years.

To assist in streamlining Council meetings and improving consistency, it is recommended that all current Public Policies be amended to include the following clause:

**Policy Review**

*This Policy will be subject to review every four (4) years or sooner at the discretion of the relevant General Manager.*

*The CEO has delegated authority to endorse any amendments to the Policy that do not vary the intent of the policy.*

In delegating this authority to the Chief Executive Officer, Elected Members will be advised of any amended policies, which would be available to Elected Members and the community via the City of Mitcham Website.

Moving forward, this clause will be included in all policies that are developed or presented to Council for endorsement.
Community Implications

Policies provide Elected Members, the community and Administration with clear direction in relation to matters relevant to the community, setting clear boundaries and expectations.

Environmental / Heritage Implications

Not applicable.

Cost Shifting Implications / Legislative Cost Imposts

Not applicable.

Impact on Budget including Lifecycle Costing

Not applicable.

Risk Management / WHS Assessment

In many cases, policies are provided to manage risks to the community and Council. Revoking policies reduces the risk of Council being in contravention of current legislative requirements or working against their own internal procedures.

Legal / Policy Implications

Local Government Act 1999

Engagement

Community engagement is not required in relation to this report.

Council Public Policies are available for inspection on Council’s website.

CONCLUSION

This report is provided to Council following an initial review by Administration to revoke a number of policies, which have been deemed no longer relevant or required.
Infrastructure

BUS STOP SHELTERS

PURPOSE
Provide public transport commuters with protection from the elements.

POLICY STATEMENT
The need for bus shelters at Public Transport Board (PTB) bus stops will be assessed by Council, on receipt of a written request, with patronage data supplied by PTB.

Where justification exists for a shelter, PTB may install a shelter or Council will consider providing a shelter subject to available finances.

RESPONSIBLE OFFICER/DEPARTMENT
Alex Ouslinis - Technical Services

ADDITIONAL CROSS REFERENCES
[cross reference to Delegations Manual, relevant Acts, specific procedure manuals etc]

FILE NUMBER
[for records]

Key Words: (To enable a word search)

COMMITTEE: Environment Committee 21 July 1997
ADOPTED BY COUNCIL: Date ratified by Council
UPDATED: Date of Amendments
REVIEW DATE: Date Policy to be Reviewed
Financial Management 07.24

SPONSORSHIP - CHARITY

PURPOSE

To have a mechanism in place for handling promotional requests from charities or not-for-profit community organisations.

POLICY STATEMENT

Application

Council may agree to insert promotional material for charities or not-for-profit community organisations with its rate notices on the proviso that:

- They are a registered charity or organisation serving a substantial proportion of the community within the City of Mitcham
- They meet the full costs of such an insertion
- They do not ask Council to establish any systems for collection
- If Administration believes that any request warrants an exemption to this policy a separate report be produced for Council's consideration.

RESPONSIBLE OFFICER/DEPARTMENT

Director, Corporate Services

ADDITIONAL CROSS REFERENCES

[cross reference to Delegations Manual, relevant Acts, specific procedure manuals etc]

FILE NUMBER

[for records]

COMMITTEE: Policy, Finance and Administration 6 July 1998

ADOPTED BY COUNCIL: 3 August 1998

UPDATED:
Community Relations

COLLECTIONS FOR CHARITABLE PROJECTS

PURPOSE

Council approval for charitable collections in the Mitcham Council area.

POLICY STATEMENT

The Chief Executive Officer has delegated authority to consider all requests, on merit, for collections throughout the area for various registered charitable projects such as Red Cross Calling, Red Shield, Down Every Street etc.

RESPONSIBLE OFFICER/DEPARTMENT

Allan Golding, Asset Management

ADDITIONAL CROSS REFERENCES

Delegations Manual

FILE NUMBER

FF.01.2107

Key Words: collections charity fund raising door knocking

COMMITTEE:  (date of resolution)

ADOPTED BY COUNCIL:  (date of ratification)

UPDATED:  (amendments)
COMMEMORATION OF SERVICE TO THE COMMUNITY

PURPOSE
To identify when Council mementos are awarded.

POLICY STATEMENT
The Council grants the following mementos:-

To Members Of Organisations Of Mitcham Community:
A wall plaque, suitable engraved, to be awarded following a Council resolution.

VIP Visitors and Overseas Guests:
(a) Council tie/scarf and/or badge, as appropriate.
(b) Wall plaque, at the discretion of the Mayor.

RESPONSIBLE OFFICER/DEPARTMENT
[List the department/s and/or officer/s responsible for the implementation of the policy]

ADDITIONAL CROSS REFERENCES
[cross reference to Delegations Manual, relevant Acts, specific procedure manuals etc]

FILE NUMBER
[for records]

Key Words: plaque, memento

COMMITTEE: Admin & General Purpose, 18 August 1989

ADOPTED BY COUNCIL:

UPDATED: Corporate and Community Services, 12 September 2000

REVIEW DATE:
FOOTPATH LEVELS

PURPOSE
[the purpose/reason for the policy]

POLICY STATEMENT
The Chief Executive Officer shall supply abutting property owners or occupiers when requested, with footpath levels within a few days of the receipt of the request unless it is impracticable to grant the request.

RESPONSIBLE OFFICER/DEPARTMENT
[List the department/s and/or officer/s responsible for the implementation of the policy]

ADDITIONAL CROSS REFERENCES
[cross reference to Delegations Manual, relevant Acts, specific procedure manuals etc]

FILE NUMBER
[for records]

Key Words:  (To enable a word search)

COMMITTEE:

ADOPTED BY COUNCIL:  3 March 1997

UPDATED:

REVIEW DATE:
Infrastructure

14.11

INFRASSTRUCTURE MAINTENANCE

PURPOSE

To clearly define Council's commitment to the maintenance of safe public infrastructure and describe a system.

POLICY STATEMENT

A. Council will take all necessary measures to safeguard the public from any injury, damages or loss resulting from poorly maintained infrastructure to the extent reasonably and practicably possible.

B. Council will maintain an effective system of complaints and/or requests for action, receive service and progress tracking.

C. All Council Staff are to be alert to any obvious maintenance needs that they may observe during the course of their employment and report accordingly.

D. Local Area (Precinct) Based maintenance work programs are to provide flexibility which allow workcrews to effect repairs and/or report the need for repair that may be required within the respective area of operation that may have not previously been identified and programmed for repair.

E. Administration will routinely monitor the condition state of Council's infrastructure assets and maintain an updated asset condition rating.

F. A system of independent assessment of the quality of maintenance outcomes will be undertaken.

G. Council will provide a 24 hour emergency maintenance response capability supported by a risk managed and prioritised program maintenance service.

H. All maintenance repairs and activities will conform to appropriate industry standards of maintenance as applicable to the needs of Mitcham.

I. Council recognises that its ability to respond to the demand for infrastructure maintenance will to a varying extent be constrained by legislation; availability of materials and skilled labour; budgets; resident sensitivity; OHS&W; and competing or conflicting responsibilities or commitments.

RESPONSIBLE OFFICER/DEPARTMENT

Director, Engineering and Environmental Services

ADDITIONAL CROSS REFERENCES

[cross reference to Delegations Manual, relevant Acts, specific procedure manuals etc]
FILE NUMBER

[for records]

Key Words: (To enable a word search)

COMMITTEE: 9 October 2001

ADOPTED BY COUNCIL: 23 October 2001

UPDATED:

REVIEW DATE:
LANEWAY POLICY

PURPOSE

To guide future development which relies on access to existing laneways.

POLICY STATEMENT

New development which comprises a carport or garage dependent on access to an adjoining rear laneway is restricted to the following circumstances:

(a) the proposed access point to serve the proposed garage or carport will be to a laneway that already has a bitumen sealed surface.

(b) vehicular access to a public road cannot be provided for the on-site parking area due to the positioning of existing buildings on the allotment on which the development is proposed.

(c) vehicular access to the laneway is necessary because of the inability to provide any safe and convenient access point from the site to the adjoining public road.

(d) the site immediately abuts one of the utility laneways in Colonel Light Gardens comprising Lot 654 and 655

RESPONSIBLE OFFICER/DEPARTMENT

Senior Policy Planner

ADDITIONAL CROSS REFERENCES

n/a

FILE NUMBER

FF.01.2368

Key Words: (To enable a word search)

COMMITTEE: Strategic Development Committee, 6 November 2001

ADOPTED BY COUNCIL: 27 November 2001
23 August 2005

UPDATED: 23 August 2005

REVIEW DATE:

City of Mitcham Policy Manual
Social, Cultural and Community Services 17.08

LIBRARY CLOSURES ON PUBLIC HOLIDAYS

PURPOSE
To enable the closure of the Council’s libraries on South Australian and national public holidays.

POLICY STATEMENT
That the Mitcham Library, Blackwood Library and Toy Libraries be closed on all South Australian and national public holidays, including those that fall on a weekend and the day after Good Friday and Easter Sunday.

RESPONSIBLE OFFICER/DEPARTMENT
Manager Library Services / Libraries and Community Development

ADDITIONAL CROSS REFERENCES
[cross reference to Delegations Manual, relevant Acts, specific procedure manuals etc]

FILE NUMBER
FF.01.2638

Key Words: opening hours

COMMITTEE: Finance & Policy, 22 March 1983
ADOPTED BY COUNCIL: April 1993
UPDATED: Corporate & Community Services, 9 February 2010
REVIEW DATE:
MAINTENANCE OF ROADSIDE RESERVE

PURPOSE
Manage maintenance of roadside reserves to maximise infiltration of water and minimise run-off.

POLICY STATEMENT
Council, where practicable, and in appropriate areas, shall maintain roadside reserves in a largely natural condition, and surface materials and techniques of gutter and path construction which maximise infiltration of water and minimise run-off, shall be selected.

RESPONSIBLE OFFICER/DEPARTMENT
[List the department/s and/or officer/s responsible for the implementation of the policy]

ADDITIONAL CROSS REFERENCES
See also Policy on Roadside - Significant Vegetation.

FILE NUMBER
[for records]

Key Words: (To enable a word search)

COMMITTEE: Date of Committee Resolution
ADOPTED BY COUNCIL: Date ratified by Council
UPDATED: Date of Amendments
REVIEW DATE: Date Policy to be Reviewed
Infrastructure 14.14

MAJOR VEGETATION PRUNING OR TRIMMING

PURPOSE

[the purpose/reason for the policy]

POLICY STATEMENT

Where Council needs to undertake major pruning or trimming of vegetation along streets or in parks and reserves through a specific area of the City, a notice is to be placed in the Messenger Press and/or Community News to notify residents of the proposed work.

The notice is to include the streets/area affected, the reasons for and the scheduling of the work.

The Councillors for the Ward are to be advised of the proposals prior to the notice being placed in the appropriate paper.

RESPONSIBLE OFFICER/DEPARTMENT

[List the department/s and/or officer/s responsible for the implementation of the policy]

ADDITIONAL CROSS REFERENCES

[cross reference to Delegations Manual, relevant Acts, specific procedure manuals etc]

FILE NUMBER

[for records]

Key Words: (To enable a word search)

COMMITTEE:

ADOPTED BY COUNCIL: 3 January 1995

UPDATED:

REVIEW DATE:
MINOR WORKS FOR SCHOOL OVALS

PURPOSE

[the purpose/reason for the policy]

POLICY STATEMENT

Council authorise minor works to be performed for Schools (covering cricket pitches etc.) subject to the availability of machinery.

Schools will be required to pay for the cost of machinery hire. Where school oval facilities are made available to residents, however, labour costs will not be charged.

RESPONSIBLE OFFICER/DEPARTMENT

[List the department/s and/or officer/s responsible for the implementation of the policy]

ADDITIONAL CROSS REFERENCES

[cross reference to Delegations Manual, relevant Acts, specific procedure manuals etc]

FILE NUMBER

[for records]

Key Words: (To enable a word search)

COMMITTEE:

ADOPTED BY COUNCIL: Prior to 1989

UPDATED:

REVIEW DATE:
Governance

9.11

NOMINATION OF OUTSIDE PERSONS TO EXTERNAL BODIES

PURPOSE

To assist Council in making considered decisions when nominating outside persons as possible representatives on external bodies.

POLICY STATEMENT

When considering nominating a community member for a possible position on an external body, the following criteria apply.

The nominee should:

- be respected and prominent in their field of expertise;
- have a good knowledge of local government;
- have a good understanding of the issues facing local government.

To assist in the decision making:

1. The nominator should provide reasons supporting the nomination.

2. A full written resume from the nominee including written references should be circulated to Elected Members during the week before the meeting at which the nomination is to be considered.

3. The potential nominee should be prepared to give a short presentation (about 5 minutes) to the Committee and/or Council prior to a decision being made.

RESPONSIBLE OFFICER/DEPARTMENT

CEO’s office

ADDITIONAL CROSS REFERENCES

n/a

RELATIONSHIP TO STRATEGIC PLAN

n/a

FILE NUMBER

FF.01.2829

Key Words: nomination, LGA, board

COMMITTEE: n/a

ADOPTED BY COUNCIL: 28 September 2004

UPDATED: Date of Amendments

City of Mitcham Policy Manual
PETITIONS REQUIRING SIGNATURES

PURPOSE

To provide a venue for access to information in order to enable free and open participation by the community in matters which impact upon it.

The display of such petitions should not be seen as an endorsement by Council.

POLICY STATEMENT

All requests to display petitions requiring the collection of signatures should be referred to the Chief Executive Officer for a decision.

Approval will not be given for petitions which:

- are pornographic, offensive or objectionable
- offend Federal, State or Local laws and regulations
- embarrass or harass (sexually or otherwise) another person
- are defamatory, abusive, sexist, racist or otherwise illegal
- constitute partisan political material and/or

RESPONSIBLE OFFICER/DEPARTMENT

Chief Executive Officer

ADDITIONAL CROSS REFERENCES

[cross reference to Delegations Manual, relevant Acts, specific procedure manuals etc]

FILE NUMBER

[for records]

Key Words: (To enable a word search)

COMMITTEE: Corporate & Community Services 4 November 1999

ADOPTED BY COUNCIL: 16 November 1999

UPDATED:
PRIVATE USE OF GOODS & SERVICES

PURPOSE
To ensure that Council resources are used in an effective, efficient, accountable and ethical manner by all officers.

POLICY STATEMENT
No request for the supply of goods and services for private use, or for use not authorised by enabling Acts, is to be entertained by Council or its officers.

RESPONSIBLE OFFICER/DEPARTMENT
All Directors

ADDITIONAL CROSS REFERENCES
Employee Code of Conduct

FILE NUMBER
[for records]

Key Words: (To enable a word search)

COMMITTEE: Date of Committee Resolution
ADOPTED BY COUNCIL: Date ratified by Council
UPDATED: Date of Amendments
# UNINCORPORATED BODIES

**PURPOSE**

[the purpose/reason for the policy]

**POLICY STATEMENT**

Council when giving authority of any nature to any unincorporated body (except those bodies appointed pursuant to Section 199 or 200 of the Local Government Act) does so only by giving that authority to such members of the Committee as individuals, i.e. a resolution authorising volunteers to perform work on a reserve would read "that authority be given to Messrs. A, B, C and D members of the "Name" Reserve Committee to develop a reserve at "Place" subject to the supervision and direction of the Director Engineering & Environmental Services".

**RESPONSIBLE OFFICER/DEPARTMENT**

[List the department/s and/or officer/s responsible for the implementation of the policy]

**ADDITIONAL CROSS REFERENCES**

[cross reference to Delegations Manual, relevant Acts, specific procedure manuals etc]

**FILE NUMBER**

[for records]

---

Key Words: (To enable a word search)

**COMMITTEE:** Date of Committee Resolution

**ADOPTED BY COUNCIL:** Date ratified by Council

**UPDATED:** 7 October 1997
Infrastructure

14.05

SOUTH ROAD STREETSCAPING

PURPOSE

To improve the appearance of South Road between Clarence Gardens and Bedford Park where there is an opportunity.

POLICY STATEMENT

It is acknowledged that there are severe constraints to improving the aesthetic appeal of South Road due to the fact that:

- underground services are concentrated on the eastern side of the road which inhibits the planting of street trees on this side of the road.
- Transport SA will not allow trees to be planted on the median strip of South Road.

Given these constraints, the following initiatives are recommended:

1. Planning approvals for new developments along South Road to provide landscaping in accordance with Development Plan provisions relating to the relevant zone and, as relevant, policy area.

2. Council to approach suitable properties along the eastern side of South Road with an offer to plant trees and other plants on the condition that the owner maintains the plants - as per the industrial landscaping proposal of the City West Action Plan

3. Council to plant mature trees where possible along South Road and close to intersections of Council roads with South Road

RESPONSIBLE OFFICER/DEPARTMENT

Senior Horticulturalist

ADDITIONAL CROSS REFERENCES

[cross reference to Delegations Manual, relevant Acts, specific procedure manuals etc]

FILE NUMBER

FF01.2368

Key Words: amenity, tree planting, arterial road, development, City West

COMMITTEE: Corporate and Community Services, 11 February 2003
ADOPTED BY COUNCIL: 25 February 2003
UPDATED: Date of Amendments
REVIEW DATE: Date Policy to be Reviewed

City of Mitcham Policy Manual
STREETSCAPES AND UNDERGROUNDING OF SERVICES

PURPOSE

Provide guidelines on the undergrounding of services.

POLICY STATEMENT

1. Mitcham Council will not contribute towards the cost of undergrounding power in residential streets, but will take note of residents who, by Memorial or other method provided for in the Local Government Act, agree to bear such costs themselves.

2. Where all residents in a street indicate that they wish to have ETSA mains undergrounded, at their cost, this wish will be conveyed to ETSA for action.

3. Where appropriate, Council will apply to PLEC for subsidies for undergrounding of power lines.

4. Where major road upgrading by the Department of Transport is to occur, such as has happened along South Road and Cross Road, the opportunity should be taken to underground overhead services. In such cases, the opportunity will be taken as appropriate, to replace unsuitable trees with advanced species, of types which will grow to a substantial size.

5. Council undertakes to improve the streetscape and amenity of nature strip/verge areas abutting business premises, wherever appropriate, and particularly on main roads. Sourcing of funds for this activity is to be pursued through such agencies as Greening Australia and Better Cities.

6. The installation of telecommunication cable services from the street to buildings are to be underground.

RESPONSIBLE OFFICER/DEPARTMENT

Manager, Technical Services.

ADDITIONAL CROSS REFERENCES

[cross reference to Delegations Manual, relevant Acts, specific procedure manuals etc]

FILE NUMBER

[for records]

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Key Words: (To enable a word search)

COMMITTEE:

ADOPTED BY COUNCIL:

UPDATED: Environment, 21 July 1997

REVIEW DATE:
STURT GORGE MANAGEMENT

PURPOSE
[the purpose/reason for the policy]

POLICY STATEMENT
The proposals of the Sturt Gorge Residents Group for the complementary management of Mitcham Council reserves with a proposed Sturt Gorge Conservation Park, involving control of weed species and run-off water shall be supported by the City of Mitcham provided it is considered with other commitments and priorities.

RESPONSIBLE OFFICER/DEPARTMENT
[List the department/s and/or officer/s responsible for the implementation of the policy]

ADDITIONAL CROSS REFERENCES
[cross reference to Delegations Manual, relevant Acts, specific procedure manuals etc]

FILE NUMBER
[for records]

Key Words: (To enable a word search)

COMMITTEE:

ADOPTED BY COUNCIL: Prior to 1989

UPDATED:

REVIEW DATE:
11.2 KINGSWOOD OVAL CLUBROOM REDEVELOPMENT

Report Author/Manager: Hayley Ashworth & John Valentine / Thuyen Vi-Alternetti
General Manager: Craig Harrison
(Meeting Date: 22 October 2019)
(Location: Boorman Ward)

Due to the complexity of this issue and community interest, a draft report has been attached for discussion prior to a final report being presented to a future meeting.

PROPOSAL

To seek a decision on whether Council wants to provide in principle landlord support and a funding contribution for the redevelopment of the existing building (with new extensions) at Kingswood Oval to enable the Kingswood Sports and Social Club to seek further grant funding from the State Government’s Office for Recreation, Sport and Racing’s Grassroots program.

Attachments:

1. Draft Report - Kingswood Oval Clubroom Redevelopment
A. Attachment to Draft Report - Proposed Site Plan
B. Attachment to Draft Report - Support Letters for project

RECOMMENDATION – ITEM 11.2

That the report be received for information only.
0.0 KINGSWOOD OVAL CLUBROOM REDEVELOPMENT
Report Author/Manager: Hayley Ashworth & John Valentine / Thuyen Vi-Alternetti
General Manager: Craig Harrison
(Meeting Date: 12 November 2019)
(Location: Boorman Ward)
(Consultant Used: $Nil)

PROPOSAL
To seek a decision on whether Council wants to provide in principle landlord support and a funding contribution for the redevelopment of the existing building (with new extensions) at Kingswood Oval to enable the Kingswood Sports and Social Club to seek further grant funding from the State Government’s Office for Recreation, Sport and Racing’s Grassroots program.

RECOMMENDATION – ITEM 0.0

DECISION 1 – In Principle Landlord Support & Council Funding

Option 1 (Staff Recommendation)

1. That Council advise the Kingswood Sports and Social Club that it supports the development of more appropriate facilities at Kingswood Oval.

2. That at this stage Council does not provide in principle landlord support to the Kingswood Oval Clubroom Development for the plans dated 9 September 2019.

3. That Council in principle allocate $25,000 (to be decided at a future budget review) to undertake design, structural engineering and quantity surveying investigations based on the existing option estimated to cost $2,100,000.

4. That the outcome of the design, structural engineering and quantity surveying investigations be reported back to Council for consideration.

Option 2 (Club’s request)

1. That in principle landlord support be granted to the Kingswood Oval Clubroom Redevelopment

2. That Council manage the project to deliver the design, construction and commissioning stages of the redevelopment.

3. That Council provides in principle support for the allocation of $500,000-$750,000 (to be considered at a future budget review), subject to the project successfully receiving all remaining external funds

4. A report to be brought back to Council confirming a receipt of all funding received
5. That the Chief Executive Officer be authorised to execute the funding agreement between Council and the Kingswood Sports and Social Club to enable the delivery of the project.

Option 3 (Enabling grant application for November 13)

That Council provides in principle landlord support and an allocation of $750,000 (to be considered at a future budget review) for the Kingswood Oval Clubroom redevelopment, subject to:

1. Council managing the project to deliver the design, construction and commissioning stages of the redevelopment.

2. Council allocating $25,000 (to be considered at a future budget review) to undertake design, structural engineering and quantity surveying investigations based on the existing option estimated to cost $2,100,000.

3. The project successfully receiving all remaining external funds to create a project fund of $2,100,000.

4. That the Chief Executive Officer be authorised to execute the funding agreement between Council and the Kingswood Sports and Social Club to enable the delivery of the project.

5. That the outcome of the design, structural engineering and quantity surveying investigations be approved by Council.

BACKGROUND

Kingswood Oval is located on Belair Road, Kingswood and comprises an oval, clubroom building and playground. The oval and building is used as a home ground by the Unley Football Club and Unley Cricket Club which forms the Kingswood Sports and Social Club (The Club).

As part of the May 2019 Federal election the Club received a commitment of $500,000 towards improved facilities from the Federal Government. The Club has also previously secured $100,000 from the State Government.

Since being advised of the Federal funding, the Club have worked to consider options for redeveloping the facilities at Kingswood Oval. The Club are looking at an option to refurbish the existing 2 storey building and add an extension to include toilets and change rooms.

The Club’s preferred option has an estimated order of cost of $2.1 million. These estimates are based on very basic concepts as the time frames involved have not allowed any design and cost refinement.

The Club is looking to lodge an application with the Office for Recreation Sport and Racing for $738,000 and they are seeking a contribution from Council of $750,000.
The City of Mitcham Sports Facility Strategy (November 2016) envisaged development at Kingswood Oval consistent with what is proposed by the Kingswood Sports and Social Club (the Club).

Currently at this site there are over 1100 active users which includes individuals from the following groups:

- Unley Football Club
- Unley Cricket Club
- Mercedes Old Scholars Association (MOSA) Soccer Club
- AFL 9’s
- Reclink Annual Football Cup
- Mercedes College Senior Boys Football teams
- Highgate School
- St Joseph’s School, Kingswood
- Mitcham Girls High School
- Unley High School
- Woolies Blasters and Master Blasters Cricket
- Kenny’s Commando’s Friday Football Fitness Group
- St Johns Ambulance Football Teams
- Sturt Football Club Girls Football Competition

The Club have clearly demonstrated the need to redevelop the current clubroom/changeroom facility at Kingswood Oval to meet the demands of increased participation at the site.

Attachments:

A. Proposed Site Plan
B. Support Letters for project

STRATEGIC OBJECTIVES

Goal 1 Accessible & Connected Community

Objective 1.3 Our community has access to high quality, vibrant, well serviced places and spaces to meet, learn and recreate.

Goal 4 Vibrant & Rich Culture

Objective 4.1 We have special places, spaces and stories that create a strong sense of place and great experiences for our community.

DISCUSSION

The City of Mitcham’s Sports Facilities Strategy (November 2016) identified the following in relation to Kingswood Oval:

- The existing club users should continue to be supported including in their endeavours to improve the clubroom facilities
- The building is rated at an asset service level 2, which states that there should be a good sized building with club amenities (usually 300m2 to 500m2)
• Ongoing building improvements to address health and safety including possible expansion of the building towards Belair Road
• Upgrades to the building will be necessary.

The existing facility at Kingswood oval is two storey and does not meet existing Cricket Australia and Australian Football League facility guidelines which includes female facility guidelines. The current facility was constructed in the 1970's for football and cricket clubs with senior male members only, and 1-2 teams each. Since then both clubs have grown in membership numbers and as of 2019 the combined number of football and cricket senior and junior teams is approximately 40. The sheer growth in participation numbers has led to the existing facility being unable to cope with the demands of recently increased participation. From season 2017 to season 2019 the Unley Football Club grew female participation by 720% to now host 82 female participants, however these participation levels of females across the main two user clubs has been hindered by small, antiquated, run-down and generally female unfriendly facilities.

Another issue that arises from the current facility is that although it is two storey there is no lift or access ramp and therefore there is restricted access to the second floor for those with mobility issues.

An identified project in South Australian Cricket Association’s South Australian Cricket Infrastructure Strategy identified the following “Work with the City of Mitcham and Unley Cricket Club to redevelop Kingswood Oval clubrooms and changerooms.”

The Club have been liaising with the South Australian National Football League (SANFL), the South Australian Cricket Association (SACA), Ausco Modular and Council Administration to develop a plan for the site which complies with the current facility guidelines. After consulting with their members the Club are proposing to refurbish and extend the existing facility. The clubs have chosen this option for several reasons including that the:

• Upper level provides elevated views of the oval
• Existing balcony can be extended and interior social area refurbished
• Extended balcony would provide a permanent undercover BBQ area
• Extended balcony also provides undercover spectator area
• This design does not impinge on the oval playing surface
• Existing building complements the adjacent high school

This proposed option also provides the following:
• An increase in 200m² of the current footprint
• Two accessible toilets
• Two additional change areas
• One additional changeroom
• An extended balcony area
• An additional store room

Due to the time constraints the Club have managed to consider their requirements and generate a broad concept for the project being $2,100,000. The cost estimates, at this stage, do not allow for a number of costs
associated with a project of this scale and with facilities that need to be
designed and constructed for a 40 to 50 year timeframe.

Costs that need to be considered for a project of this nature include:

- Professional fees – architect, structural engineer, services engineer,
  interior design, quantity surveyor; generally professional fees will cost
  some 10 to 12% of the project budget
- Design and construction contingencies, with no refined design the
  contingency will need to be in the order of 15% at this stage of the
  project
- Services augmentation, without a review of the existing electricity,
  water, sewer and gas supply at the site it is not possible to state that
  there will not be an augmentation charge
- Potential costs associated with housing The Club’s activities during
  the approximately 12 month construction period
- Furniture and fit-out for the redeveloped building
- Compliance with Disability Discrimination Act, including the
  installation of a lift.
- Suitability of the existing building for redevelopment.

Subject to the Club’s application to the Office for Recreation Sport and
Racing’s (ORSR) Grassroots Sports fund for $738,000, and if Council
resolves to commit $750,000, there will be a project funding pool of
$2,100,000.

Both options 1 & 3 require an allocation of $25,000 by Council to enable
architectural, structural engineering and quantity surveying investigations to
develop a concept design and cost estimate demonstrating the condition of
the existing building and what can be achieved within a $2,100,000 project
budget.

Irrespective of which option Council wishes to pursue the investigations
referred to above (at a cost of $25,000) need to be undertaken. The
investigations would confirm the suitability of the existing building for
redevelopment and what can be achieved with a $2,100,000 project budget.

To successfully deliver the project within $2,100,000 and have a fit for
purpose facility to meet user needs the above described professional fees,
design and building contingency, allowance for services augmentation and
temporary accommodation will need to be achieved within the $2,100,000.
The City of Mitcham with its project, finance, property and contracts
management resources and experience, and as the owner of the land and
building, would best placed to project manage the delivery of the project.

This will require Council to work closely with the Club to ensure that the final
project meets their needs and is fit for purpose for the next 40 to 50 years.

The Club is now seeking in principle landlord support and requesting a
funding contribution from the City of Mitcham to apply for the remaining costs
$750,000 of the project through a grant application to Round 2 of Office for
Recreation, Sport and Racing’s Grassroots Football, Cricket and Netball
Facility Program which closes on 13 November 2019 therefore a decision from Council is time sensitive.

Proposed funding of the project as per the table below includes:

<table>
<thead>
<tr>
<th>Funding Amount</th>
<th>Proposed Source</th>
<th>Funding Source</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>$90,000</td>
<td>State Government</td>
<td></td>
<td>Confirmed - $10,000 expended on developing designs</td>
</tr>
<tr>
<td>$500,000</td>
<td>Federal Government – Election Funding Commitment</td>
<td></td>
<td>Confirmed once additional funding is sourced</td>
</tr>
<tr>
<td>$20,000</td>
<td>Unley Football Club</td>
<td></td>
<td>Confirmed</td>
</tr>
<tr>
<td>$2,000</td>
<td>Unley Cricket Club</td>
<td></td>
<td>Confirmed</td>
</tr>
<tr>
<td>$750,000</td>
<td>City of Mitcham</td>
<td></td>
<td>Not confirmed – requested by Club (subject to this report)</td>
</tr>
<tr>
<td>$738,000</td>
<td>State Government</td>
<td></td>
<td>Not confirmed – to be sourced through grant funding</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td><strong>TOTAL $2,100,000</strong></td>
</tr>
</tbody>
</table>

The major risks and benefits of the 3 Options are considered to be:

<table>
<thead>
<tr>
<th>Risks</th>
<th>Benefits</th>
</tr>
</thead>
</table>
| **Option 1** | External funding of $1,338,000 not secured for the project  
Project cannot proceed | $25,000 Council funded study determines building suitability and project scope for a $2,100,000 budget |
| **Option 2** | Council funding of $750,000 is required  
No certainty that building can be modified or that budget of $2,100,000 is sufficient  
$750,000 of Council’s finite funding capacity is diverted from other strategic initiatives of Council. | External funding of $1,338,000 could be secured for the project  
Project can proceed |
| **Option 3** | Council funding of $750,000 is required  
$750,000 of Council’s finite funding capacity is diverted from other strategic initiatives of Council. | External funding of $1,338,000 could be secured for the project  
Project can proceed  
$25,000 Council funded study determines building suitability and project scope for a $2,100,000 budget |

**Community Implications**

The redevelopment of the current facility at Kingswood Oval will provide the Unley Football Club and Unley Cricket Club with a facility that meets both
SACA and SANFL Facility Guidelines. The upgrade and extension of the existing building will provide a functional facility that has an increase in changeroom and toilet facilities to be able to meet the increase in participation at the site.

The upgraded facility will also benefit the following user groups:

- Unley Football Club
- Unley Cricket Club
- Mercedes Old Scholars Association (MOSA) Soccer Club
- AFL 9’s
- Reclink Annual Football Cup
- Mercedes College Senior Boys Football teams
- Highgate School
- St Joseph’s School, Kingswood
- Mitcham Girls High School
- Unley High School
- Woolies Blasters and Master Blasters Cricket
- Kenny’s Commando’s Friday Football Fitness Group
- St Johns Ambulance Football Teams
- Sturt Football Club Girls Football Competition

Environmental / Heritage Implications

The refurbished building and extension would be designed and constructed to minimize its energy needs and to reduce its on-going power and water costs.

Cost Shifting Implications / Legislative Cost Imposts

Not Applicable

Impact on Budget including Lifecycle Costing

The cost to redevelop and extend the current facility is $2,100,000 with preliminary costings provided by Ausco Modular.

Kingswood Sports and Social Club have sourced significant external funding totaling $622,000, comprising:

- $500,000 Federal Government
- $100,0000 State Government
- $20,000 Unley Football Club
- $2,000 Unley Cricket Club

Kingswood Sport and Social Club seeks Council funding of $750,000 towards the project.

If Council approves a funding contribution of $750,000 the borrowing costs would be $57,000 per annum which equates to 0.1% of rates.
Risk Management / WHS Assessment

The cost estimates, at this stage, do not allow for a number of costs associated with a project of this scale, (as detailed above). If Council approves an allocation of $25,000 for architectural, structural engineering and quantity surveying investigations a concept plan and cost estimate could be developed to determine what can be achieved with a $2,100,000 budget.

The project would be project managed by Council and will work with Kingswood Sports and Social Club to determine a funding agreement and mechanisms to manage the project.

Legal / Policy Implications

Fees and responsibilities will be in accordance with Council’s Leasing and Licensing of Sports Facilities Policy and City of Mitcham’s Sports Facility Strategy.

Engagement

Kingswood Sports and Social Club have led the broad concept development in liaison with their members, South Australian Cricket Association, South Australian National Football League and Council Administration. Council staff have provided input into the plan.

CONCLUSION

This report seeks a decision on whether Council provide in principle landlord support for the redevelopment of the facilities at Kingswood Oval.

The report also seeks a decision on whether Council allocate funding of $750,000 towards the project.

The redevelopment of this facilities will provide upgraded and expanded amenities for the multiple user groups at this site and will support the increase in female participation at Kingswood Oval.
ITEM 11.2 - ATTACHMENT A

The Jets Football Club

143m²

54m²

Design Office: Edwina
Kingswood Sports and Social Club Incorporated

4 October 2019

Kingswood Sports and Social Club Submission to the City of Mitcham re: Kingswood Oval Redevelopment

Our Request

The Kingswood Sports and Social Club (the Club), incorporating the Unley Football Club and Unley Cricket Club, seeks support from the City of Mitcham, the South Australian National Football League, and South Australian Cricket Association, to proceed with the redevelopment of the Kingswood Oval facilities.

The Club and other stakeholders mentioned above met on 12 September 2019, and particularly discussed various preliminary budget pricing options and designs as presented by AUSCO (copies attached). It is a fair reflection of the meeting, in the Club’s submission, that options 2 and 3 were the primary options deserving of serious consideration, but subject to ongoing discussions as to final costs and design. The Club has been asked to identify its preferred option and outline the reasoning behind why that option ought to be supported by the City of Mitcham and the other stakeholders.

Given the limited time available between the meeting on 12 September 2019 and the need to present a submission to the City of Mitcham as part of their imminent planning and budgetary processes, the Club has not been able to revisit any detailed costings or designs with AUSCO, and particularly as there has been the absence of key parties involved in the process. It is also understandable that AUSCO are reluctant to engage in a more expensive and expensive design process without any guarantees as to payment, or protection of their current intellectual property in the event the development proceeds without them being involved. In the circumstances, the Club has worked essentially with the information already provided.

While the Club has continued to work within the parameters of the costings and designs already presented, the Club has taken on board issues raised at the meeting on 12 September 2019, particularly with respect to:

1. why the Club would prefer one option over another (and where the two options are of a similar cost);

2. what the Club might do to help reduce the overall cost of the redevelopment project (or the respective monetary contribution of the various likely funders of the project); and

3. where we might find changes to the proposed square meterage of the redevelopment project, to assist in achieving an overall cost reduction to the project, but also remain within appropriate stakeholders’ compliance guidelines.

The Club seeks support from the City of Mitcham for the redevelopment of the Kingswood oval facilities, by agreeing to approve the redevelopment of its facility and an appropriate budgetary allowance made to proceed with option 3 as now presented.

While the Club is primarily putting forward this request for the redevelopment funding commitment, previous support for government grant funding has been received from other local community organisations and groups, including the three local high schools, several local primary schools, other users of the grounds (soccer, Reclink Cup, AFL 9’s), and appropriate State and City level sporting bodies, who all stand to benefit from the redevelopment. Letters and Forms of support can be provided if requested.
Funding Status

Currently, both options 2 and 3 as presented (and generally agreed as the most feasible options all round) run to costs of approximately $2 million.

State and Federal government funding commitments (as per attached correspondence) currently provide for $590,000.00 (total sum unexpended) towards the redevelopment costs. Access to possible Grassroots Facility Program funding is soon to be available through the State government. A commitment from the City of Mitcham over the next two budget cycles at an amount of between $500,000.00 and $750,000.00 would allow for a Grassroots funding commitment of perhaps a maximum $660,000.00 (and which is below the top line of funding previously made available to other organisations through this funding source).

A funding commitment from the City of Mitcham along the above lines, if also met by the Grassroots funding process, would allow for an achievable redevelopment project to be undertaken in accordance with the preliminary costing and designs provided by AUSCO, but also understanding that alternative funding would continue to be explored by the Club as the project is approved and proceeds, including:

1. a current commitment to cash funding by the Unley Football Club and Unley Cricket Club, who had previously allowed for such a contribution to the amount of $22,000.00 (documentation attached) in pursuing an earlier government funding opportunity;

2. future cash fundraising initiatives implemented by the Club (through the football and cricket clubs), such as establishing a dedicated building fund – which inevitably are successful when a real endpoint to efforts is seen by potential contributors;

3. a set recurring commitment from Mercedes Old Scholars Association (as part of its ongoing relationship with the Unley Football Club senior team, the Unley Mercedes Jets) specifically directed towards the ongoing maintenance and upkeep of the facility as redeveloped;

4. in-kind support from various trades persons associated with the Club, whether by way of its members, players or supporters, both in the initial strip out of the existing facility, and in the fit out of the new facility;

5. the securing of funding from the relevant State sporting organisations when budgeting permits.

Why option 3

Members of the constituent bodies of the Club have been consulted over the proposed redevelopment of the Kingswood Oval facilities for the best part of a decade.

A strong preference has always been expressed for the Club to pursue refurbishment and extension of the existing facility, rather than the wholesale levelling and reconstruction of a new facility.

Previous surveying of the Club's members has identified the following to be of importance:

- maintaining the uniqueness and history of the current facility, and its elevated viewing opportunity for spectators, rather than being replaced by a perceived less than unique, bland, one size fits all outcome;

- expanding the social areas of the clubrooms by way of enhanced interior refurbishment and expansion of the existing balcony, to permit for greater social usage of the site (given there are now in excess of 1,000 members of the combined Unley Football Club and Unley Cricket Club);

- improving upstairs access by way of the provision of a lift, to fit within community standards and expectations as to proper and safe access to the facility;

- the provision of a permanent and safer undercover barbeque area;

- improvement of the upstairs facilities, not the least by way of the provision of toilet facilities; and
as has been obvious for many years now, and most importantly, the need for compliant, modern, expanded unisex changerooms and associated facilities – where the existing structure fails to meet current facility guidelines, and is wholly inappropriate for female usage.

The Club also submits that pursuing option 3 allows for the following to be achieved:

- the maintenance of a building that continues to blend in with the local built environment (Mitcham Girls High School), and lessens the overall impact on the streetscape;

- the undertaking of the refurbishment of the existing footprint, and addition of the low-level AUSCO style designed extension, would allow for the redevelopment to occur over several budget cycles (if required by the City of Mitcham);

- the compartmentalisation of the redevelopment in accordance with option 3 would allow for a significant part of the facility to be used while the other part of the facility is being built or refurbished. This would eliminate the need for the placement of temporary changerooms on another part of the Kingswood Oval site, and avoid the subsequent costs associated with placement of the alternative facilities and connection of the various utilities to the area concerned;

- the refurbishment of the existing structure is intended to achieve a significant replacement of existing infrastructure, including old and outdated wet areas, plumbing, electrical and other fixtures and fittings, and thereby helping contain future maintenance costs. In effect, the existing structure will be utilised as a shell, noting that the building of itself remains fit for purpose and is a solid structure;

- a new roof and solar panels will also contribute to the reduced need for ongoing maintenance, costs and the risks in operation of the facility;

- at the same time, the existing bar and kitchen facilities will remain in situ, and additional cost thereby avoided of having a whole of site redevelopment effectively reconstituting such facilities;

- the footprint of the two options being considered needs to take account of the possible impact on the playing surface/area of Kingswood Oval. Between the two options, option 2 presents a significant possible impact on the size and shape of the playing surface, where it will create several pinch points within an unreasonable proximity of the existing playing surface. The existing playing surface is already one of the smallest AFL type grounds in the Adelaide area, and to encroach on that any further would be detrimental to both the Unley Football Club and Unley Cricket Club;

- by way of example, the current building footprint is 233 square metres (466 square metres over 2 floors). Pursuing option 2 would leave a footprint of a single storey building over 725 square metres. Pursuing option 3 would leave a footprint of 433 square metres (861 square metres over 2 floors);

- put another way, option 2 represents 31.1% of the original footprint, while option 3 by comparison is only 18.5% of the existing footprint, but allows for 150 square metres of extra floor space;

- to avoid the possibility of option 2 impacting on the playing surface of Kingswood Oval would mean either shifting the entire footprint in a westerly direction, which would impact on street frontage, or in a southerly direction, and therefore overlaying the existing utility service points (and cause additional cost) and encroaching on to Kyre Avenue. In the event the latter occurs, this would significantly delay the project, as it would necessitate the closing off of part of Kyre Avenue, and the associated need to pursue a process of public notification and gazetting of any changes to the road. It would also affect the available car parking as used by other community members and the adjacent school, and have a flow on effect with on-street parking, impacting on local residents;

- the existing facility, when utilised for social events, has proven to be effective with noise abatement to the local environment, and it is not clear if a prefabricated AUSCO type structure would allow for the same outcome;

- the comfort of spectators and the ability for them to utilise the interior of the facility, but also remain focused on the activities on the sporting ground itself, is enhanced by the design of option 3, with its expanded
balcony are. Whereas option 2 would only allow for a limited viewing area for spectators at the front of the facility, and any spectators intending on viewing the sporting activities from within the clubrooms would have their view obscured by those on the outside;

- the enhanced viewing provided by option 3, with its expanded balcony, would provide for undercover spectator viewing, and protection from the various weather elements, which would not be afforded to any significant degree by option 2 where more than several dozen supporters might wish to view the playing ground from in front of the clubrooms.

**Options for modification**

On the understanding option 3 in a basic sense is the preferable, then the Club recognises some “give and take” as to the size of the proposed redevelopment might need to be considered, to contain costs within budgetary expectations.

Having now been provided with preliminary budget pricing at what might be described as the “top end”, cost savings could be achieved by considering the reduction of certain of the areas of the facility, including:

1. reducing the social space area by 50 square metres;
2. reducing the gym area by 10 square metres;
3. reducing the office area by 10 square metres;
4. possibly reducing the storeroom area somewhat, but perhaps on an understanding that the existing storage sheds on the northern side of Kingswood Oval might, as part of the overall redevelopment and as a last step, be extended to allow for more effective storage in that area – noting that currently the Unley Cricket Club is forced to incur the cost of external storage for part of its equipment.

In looking to reduce the footprint in the above respects, it is also understood that there might need for variation to the size of the changerooms from 40 square metres to 45 square metres, to fit within AFL Facility Guidelines.

The Club remains open to further discussions with the City of Mitcham in relation to the above proposal, but otherwise looks forward to a positive response to the Club’s submission.

If there are any queries that arise from the above submission, then please contact the undersigned.

Mark Keam  
Grants Officer  
Unley Football Club Inc. (for and on behalf of KSSC)  
0414 155 692
To whom it may concern,

The Unley Cricket Club would be looking at contributing $2,000 towards the redevelopment at Kingswood Oval.

Kind Regards,

Oliver Smith

Unley Cricket Club President
The Hon Michael McCormack MP

Deputy Prime Minister
Minister for Infrastructure, Transport and Regional Development
Leader of The Nationals
Federal Member for Riverina

Mr David Heaslip
President
Unley Mercedes Jets Football Club
Kingswood Oval
Cnr Belair Road and Halsbury Ave
KINGSWOOD SA 5062

07 AUG 2019

Dear Mr Heaslip

I am writing to confirm the Australian Government’s commitment to provide up to $500,000 for the Kingswood Oval Club Rooms project (the Project).

The commitment will be delivered by the Department of Infrastructure, Transport, Cities and Regional Development through the Community Development Grants Programme (CDG).

The Australian Government is committed to supporting local communities to prosper and grow. Local infrastructure projects are critical if we want to boost economic growth and improve local amenities and facilities.

A Departmental Officer will contact you shortly to discuss the next steps. You will be required to provide sufficient information for the Department to undertake an assessment of the project before final funding approval and negotiation of a Deed of Agreement. Whilst this letter confirms the commitment to your project, funding of $500,000 is contingent upon the execution of a Deed of Agreement.

I recommend that you do not enter into financial commitments or begin work on the project until such time a Deed of Agreement has been signed with the Australian Government. Please note that the contents of this letter should be kept confidential until a Deed of Agreement is signed with the Australian Government.

I wish you every success and look forward to seeing the project completed.

Yours sincerely

Michael McCormack
In reply please quote: 2018/14045/01

Mr Rod Stuart  
President  
Unley Football Club Incorporated  
PO Box 863  
Mitcham Shopping Centre  
TORRENS PARK SA 5062

Dear Mr Stuart

Re: 2017-18 Special Purpose Grants – Grant Offer

I am pleased to offer you a grant of $100,000 (plus GST) ('Grant') on behalf of the Minister for Recreation, Sport and Racing for the following purpose:

<table>
<thead>
<tr>
<th>Purpose:</th>
<th>Redevelop facilities at Kingswood Oval to support improved training areas and unisex change rooms</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amount of Grant:</td>
<td>$100,000 (plus GST) for the 2017-18 financial year</td>
</tr>
</tbody>
</table>

The details of the Grant are set out in Attachment 1.

This offer is subject to your acceptance of the contents of this Letter of Offer, the Grant Details set out in Attachment 1, the Grant Terms and Conditions set out in Attachment 2, and the Expenditure Declaration provided as Attachment 3.

To accept this offer, you must complete/sign the Acknowledgement and Acceptance of Offer and return it to the Office for Recreation, Sport and Racing, at this address:

Funding Services  
Office for Recreation, Sport and Racing  
Reply Paid 219  
BROOKLYN PARK SA 5032

Or

Email to: ORSgrants@sa.gov.au

Please return the Acknowledgement and Acceptance of Offer no later than 20 June 2018.
This offer will lapse if your acceptance is not received by 29 June 2018.

If you accept this offer, the following documents will make up the Grant Agreement:

- The Letter of Offer;
- Your signed acceptance of this offer;
- The Grant Details (Attachment 1);
- The Grant Terms and Conditions (Attachment 2); and
- The Expenditure Declaration (Attachment 3).

If you have any queries regarding this offer, please do not hesitate to contact Funding Services on 1300 714 990.

Yours faithfully

Peter Cornish
MANAGER, FUNDING SERVICES
Office for Recreation, Sport and Racing

j 6 June 2018

Enclosure:
- Acknowledgment and Acceptance of Offer
- Attachment 1: Grant Information
- Attachment 2: Grant Terms and Conditions
- Attachment 3: Final Income and Expenditure Declaration
11.3 HAWTHORNDENE OVAL CHANGEROOM DEVELOPMENT
Report Author/Manager: Hayley Ashworth & John Valentine / Thuyen Vi-Alternetti
General Manager: Craig Harrison
(Meeting Date: 22 October 2019)
(Location: The Park Ward)

Due to the complexity of this issue and community interest, a draft report has been attached for discussion prior to a final report being presented to a future meeting.

PROPOSAL

To seek a decision on whether Council provide in principle landlord support and a funding contribution to enable the Coromandel Ramblers Cricket Club to seek further grant funding from the State Government’s Office for Recreation, Sport and Racing’s Grassroots program to build a changeroom facility at Hawthorndene Oval.

Attachments:

1. Draft Report - Hawthorndene Oval Changeroom Development
   A. Attachment to Draft Report - New Facility Floorplan
   B. Attachment to Draft Report - Previous Design
   C. Attachment to Draft Report - Letter confirming funding contribution from State Member for Waite, Sam Duluk MP

RECOMMENDATION – ITEM 11.3

That the report be received for information only.
0.0 HAWTHORNDENE OVAL CHANGEROOM DEVELOPMENT
Report Author/Manager: Hayley Ashworth & John Valentine / Thuyen Vi-Alternetti
General Manager: Craig Harrison
(Meeting Date: 12 November 2019)
(Location: The Park Ward)
(Consultant Used: $Nil)

PROPOSAL

To seek a decision on whether Council provide in principle landlord support and a funding contribution to enable the Coromandel Ramblers Cricket Club to seek further grant funding from the State Government’s Office for Recreation, Sport and Racing’s Grassroots program to build a changeroom facility at Hawthorndene Oval.

RECOMMENDATION – ITEM 0.0

DECISION 1 – In Principle Landlord Approval & Council Funding

Option 1 (Staff Recommendation)

1. That Council advise the Coromandel Ramblers Cricket Club that it supports the development of facilities at Hawthorndene Oval.

2. That at this stage Council does not provide in principle landlord support for the plans dated 25 February 2019 (Attachment A).

3. That Council allocate $5,000 towards a precinct planning exercise including a compliance and infrastructure services review, and a review of the footpath and trail network and the location of the facility.

4. That Council affirms its commitment of $65,000 already budgeted for this project at the 14 November 2017 Council meeting.

5. A further report be provided on the outcomes of the precinct planning exercise.

Option 2 (Clubs request)

1. That in principle landlord support be granted for the development of changerooms with associated amenities, public toilet, umpires’ room and canteen (as per Attachment A).

2. That Council manage the project to deliver the design, construction and commissioning stages of the project, noting that development approval will be required.

3. That Council provides in principle support for the allocation of $157,000 new capital, (to be considered at a future budget review), in addition to the $65,000 already committed, subject to the project successfully receiving all remaining external funding.
4. That the Chief Executive Officer be authorised to execute the funding agreement between Council and Coromandel Ramblers Cricket Club to enable the delivery of the project

Option 3 (enabling grant application for November 13)

That Council grant in principle landlord support and an allocation of $157,000 new capital (to be considered at a future budget review) in addition to the $65,000 previously committed for the development of changerooms with associated amenities, public toilet, umpires’ room and canteen (as per Attachment A), subject to:

1. Council managing the project to deliver the design, construction and commissioning stages of the project, noting that development approval will be required.

2. Council allocating $5,000 towards a precinct planning exercise including a compliance and infrastructure services review, a review of the footpath and trail network and the location of the facility.

3. The project successfully receiving all remaining external funding to make a project fund of $744,000.

4. Council authorises the Chief Executive Officer to execute the funding agreement between Council and Coromandel Ramblers Cricket Club to enable the delivery of the project.

BACKGROUND

Hawthorndene Oval is located at Watahuna Avenue, Hawthorndene. The oval is currently used for formal recreation by the Coromandel Ramblers Cricket Club (the Club), the SANFL Schools Saturday Football (Auskick), junior cricket, and at times by schools including St Johns Grammar School. Additionally the oval is used for informal recreation by the broader community.

The Coromandel Ramblers Cricket Club are the main user of the site and were established in 1926. The Club currently have five senior male teams, six junior teams and a Woolworths Junior Blasters Program of approximately 25 kids each year.

The Club are looking to establish change rooms, toilets, an umpires’ room and a canteen to support sports played at the oval. The Club have secured part funding from the State Government of $80,000 and Council has previously resolved to contribute $65,000 (as detailed in this report). The club have raised $70,000 towards the cost of the project. The order of cost for the project is $744,000. The Club is seeking a commitment of $157,000 from Council, (in addition to the $65,000 previously approved by Council) which will enable them to apply to the State Government’s Office for Recreation, Sport and Racing’s Grassroots program for $372,000, giving a total project funding pool of $744,000.

The City of Mitcham Sports Facility Strategy (November 2016) envisaged the development of amenities at Hawthorndene Oval consistent with that proposed by the Coromandel Ramblers Cricket Club.
At Council’s meeting of 14 November 2017, Council endorsed:

**Decision 1 – Landlord Approval**

1. That landlord approval be granted to the Hawthorndene Oval – small clubroom and community facility (as provided at Attachment A of the report), with minor variations if required for development approval (noting development approval would be required).

2. That landlord approval is granted on the condition that should access be required to the stormwater drain, the Coromandel Ramblers Cricket Club is responsible for any costs associated with removal and replacement of building decking.

**Decision 2 – Council Funding**

1. That Council contributes $20,000 from the Community Facilities Grant, subject to full funding of the project being obtained.

2. That Council in principle supports the priority budget bid of $45,000 Net Capital New Expenditure in the 2018/19 Capital Works Program budget to be considered as part of the 2018/2019 Annual Business Plan and Budget.

3. That Administration negotiates with the Coromandel Ramblers Cricket Club to determine a funding agreement and mechanisms that will be put in place to manage and deliver project and associated risks.

4. That the Hawthorndene Oval – small clubroom and community facility is included as a State Election Priority Project

The original design which was presented to Council in 2017 was a smaller footprint to cater for the constraints at the site however this did not meet Cricket Australia’s Facility Guidelines and therefore this impacted the success of their grant application for Round One (1) of Office for Recreation, Sport and Racing’s Grassroots Football, Cricket and Netball Funding Program.

A meeting was held in September with club representatives, the South Australian Cricket Association (SACA) and Council Administration where SACA highlighted that the Club would need to meet Cricket Australia Facility guidelines for their grant application to be successful. Therefore the Club have developed a new plan and with the second round of Grassroots funding open and closing on 13 November 2019 the club are wishing to submit another grant application.

**Attachments:**

A. New Facility Floorplan
B. Previous Design
C. Letter confirming funding contribution from State Member for Waite, Sam Duluk MP
STRATEGIC OBJECTIVES

Goal 1 Accessible & Connected Community

Objective 1.3 Our community has access to high quality, vibrant, well serviced places and spaces to meet, learn and recreate.

Goal 4 Vibrant & Rich Culture

Objective 4.1 We have special places, spaces and stories that create a strong sense of place and great experiences for our community.

DISCUSSION

The City of Mitcham Sport Facilities Strategy (November 2016) identified the following in relation to Hawthorndene Oval:

- The building is rated at an asset service level 1, which states that there should be a smaller building (usually 150m²)
- Build a new club facility which has a small footprint and could includes toilets, a kiosk and changerooms
- Improving the oval facilities should alleviate pressures on other grounds
- Increase the usability and value of Hawthorndene Oval for sport by providing moderate amenities.

In conjunction with the South Australian Cricket Association, the Club engaged Ausco Modular to design a new plan which is a moderate size to ensure they meet the Cricket Australia guidelines and Council’s Sports Facilities Strategy recommendation to “Establish a club facility (of moderate size).”

The previous drawings presented to Council in November 2017 were 14m x 6m and included a clubroom facility with a liquor license. A development application for these plans was lodged and went out for community consultation. Concerns were received around the incorporation of the clubroom and liquor license and subsequently the club have revised their plans by deleting the clubroom element and they are not applying for a liquor license. The revised plans are consistent with Mitcham’s Sports Facility Strategy and complies with SACA guidelines.

The new proposed drawings provide a moderate size building of approximately 25.4m x 6.2m, plus viewing veranda, including:

- A publicly accessible unisex/disabled toiled and parents room which will replace the existing public toilet that is located by the oval and is in poor condition and inaccessible for wheelchairs
- A storage room with roller door access for all sporting groups to use to store equipment
- Two changerooms each with two toilets and showers
- A canteen with kitchen and basic food preparation
- A viewing veranda
This new facility will allow Club’s members to have a home base. The Club has highlighted that they would allow other sporting and recreational groups to hire the facility however they will not allow it to be hired out for private events such as birthdays and engagement parties.

The current floorplan of the building only allows for a small canteen and large change room space and there is no provision in the design for a clubroom to hold social events. At this stage the Club are not looking at applying for a liquor license but this may be something that they consider in the future. If a liquor licence is sought it would only be for Thursday and Saturday Evenings.

The Club’s proposed location of the building was previously selected to:

- Provide a location that will fit in with the precinct and not be prominently visible from Watahuna Avenue and Apex Park precinct
- Provide minimal impact on the residential properties on Wattle Avenue
- Provide accessibility from the existing gravel carpark on the corner of Watahuna Avenue and Wattle Avenue
- Provide minimal impact on regulated trees and vegetation
- Ensure that the building avoids existing services (power) and meets the required distance from the oval boundary. It is noted that there is an underground stormwater drain that will be beneath the building deck. The deck has been designed so that should access to the stormwater drain be required into the future, the deck can be removed and replaced.
- Provide viewing to the oval.

Whilst the club’s proposal is consistent with the City of Mitcham Sport Facilities Strategy it is considered that further refinement of the location of the amenities is required. The Sports Facility Strategy was developed without the benefit of an engineering services review of the proposed location of the amenities site. The site is problematic due to the distance and height difference between the site and required engineering services (electricity, water and sewer). Furthermore the proposed site is problematic in relation to retaining walls and for DDA access and the cost involved in achieving DDA compliance.

It is recommended that Council undertake a precinct planning exercise to determine the best possible location for the amenities. This exercise would include a review of all required engineering services (electricity, water and sewer), and DDA compliance. A precinct planning exercise could also review the siting of the amenities in relation to existing footpaths / trails.

The cost estimate for the building aspect of the project does not allow for costs associated with the following elements, particularly in the current proposed location at the oval:

- Service connections for electricity, water and sewer, this will be a major cost due the level of the site and the distances to these services
- Retaining walls
- Cleared / level site preparation
- Stormwater disposal
- Disability Discrimination Act compliant car parking, path to the facility and into the building
- Demolition of the existing public toilets

Without a detailed review of the above elements it is considered that a provisional sum of $200,000 will be required for these matters. These costs can be included in the application to the Office for Recreation Sport and Racing’s Grassroots funding program which, if successful, would contribute 50% of these costs. However a precinct planning exercise could potentially identify a more appropriate site with lower engineering, DDA compliance and related costs.

Refer to Attachment A for the revised building floorplan.

Total estimated cost of the project is as follows:

<table>
<thead>
<tr>
<th>Scope of Works</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ausco Building</td>
<td>$504,000</td>
</tr>
<tr>
<td>Service connections, retaining walls, site preparation, DDA access</td>
<td>$200,000</td>
</tr>
<tr>
<td>Design and construction contingency (20%) for services, DDA etc</td>
<td>$ 40,000</td>
</tr>
<tr>
<td><strong>Total estimated cost of project</strong></td>
<td><strong>$744,000</strong></td>
</tr>
</tbody>
</table>

It is important to note that these figures are preliminary to allow The Club to apply for grant funding which closes on November 13 2019.

The Club have fundraised and received funding from the State Government to contribute to the development and are intending to submit a grant application to Round 2 of Office for Recreation, Sport and Racing’s Grassroots Football, Cricket and Netball Facility Program. The Club are also requesting that the previous contribution from Council which was endorsed at the Council Meeting on 14 November 2017 remains the same, as well as additional funds to cover the increased cost of the new design.

Proposed funding of the project comprises:

<table>
<thead>
<tr>
<th>Funding Amount</th>
<th>Proposed Source</th>
<th>Funding Source</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>$70,000</td>
<td>Coromandel Ramblers Cricket Club</td>
<td>Confirmed</td>
<td></td>
</tr>
<tr>
<td>$80,000</td>
<td>State Government</td>
<td>Confirmed</td>
<td></td>
</tr>
<tr>
<td>$20,000</td>
<td>City of Mitcham</td>
<td>Endorsed 14 November 2017 - Community Facilities Grant subject to full funding</td>
<td></td>
</tr>
<tr>
<td>$45,000</td>
<td>City of Mitcham</td>
<td>Endorsed 14 November 2017 - Net Capital New Expenditure in the 2018/19 Capital Works Program</td>
<td></td>
</tr>
<tr>
<td>$157,000</td>
<td>City of Mitcham</td>
<td>Not Confirmed – subject to this report</td>
<td></td>
</tr>
</tbody>
</table>
ITEM 11.3 - ATTACHMENT 1

<table>
<thead>
<tr>
<th>$372,000</th>
<th>State Government – Office for Recreation, Sport and Racing</th>
<th>Not confirmed - grant application to be submitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTAL $744,000</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The major risks and benefits of the 3 options are considered to be:

<table>
<thead>
<tr>
<th>Risks</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Option 1</strong></td>
<td></td>
</tr>
<tr>
<td>External funding of $522,000 not secured for the project</td>
<td>$5,000 Council funded study determines engineering services, compliance, retaining walls etc</td>
</tr>
<tr>
<td>Project cannot proceed</td>
<td></td>
</tr>
<tr>
<td><strong>Option 2</strong></td>
<td></td>
</tr>
<tr>
<td>Council funding of $157,000 is required (plus existing commitment of $65,000)</td>
<td>External funding of $372,000 could be secured for the project, ($150,000 is from other external funding)</td>
</tr>
<tr>
<td>$157,000 of Council’s finite funding capacity is diverted from other strategic initiatives of Council.</td>
<td>Project can proceed</td>
</tr>
<tr>
<td><strong>Option 3</strong></td>
<td></td>
</tr>
<tr>
<td>Council funding of $157,000 is required (plus existing commitment of $65,000)</td>
<td>External funding of $372,000 could be secured for the project, ($150,000 is from other external funding)</td>
</tr>
<tr>
<td>$157,000 of Council’s finite funding capacity is diverted from other strategic initiatives of Council.</td>
<td>Project can proceed</td>
</tr>
<tr>
<td></td>
<td>$5,000 Council funded study determines engineering services, compliance, retaining walls etc</td>
</tr>
</tbody>
</table>

Community Implications

The development of a moderate size changeroom facility will provide the Coromandel Ramblers Cricket Club with a home facility to use on training nights and game days. It will also be available for other sporting user groups to hire. It’s also important to note that the proposed changeroom facility will not include a clubroom and will not be hired out for social events. Currently there are no facilities at Hawthorndene Oval (except for the rundown public toilet), and the new building will provide the following benefits for the community:

- Viewing area for the oval
- Canteen facility
- Storage facility
- Changing, parents room and toilet facility

Environmental / Heritage Implications

The current site location identifies the possibility of three trees for removal that will require both Council and Planning approval.

Should Council provide landlord approval of the building, the trees will be included on the monthly ‘Trees to be Removed Report’ to Council, and following this, a Development Application lodged.
Cost Shifting Implications / Legislative Cost Imposts

Not Applicable.

Impact on Budget including Lifecycle Costing

Option 1 – $5,000 is able to be accommodated within existing budget allocation

Option 2 & 3 – In principle support at this stage subject to securing grant funding. Budget decision to occur at a future budget review

The order of cost for the project is $744,000 comprising buildings ($504,000) service connections, retaining walls, DDA access, site preparation, demolition of existing toilets ($200,000) with a contingency allowance of 20% ($40,000) for engineering services, DDA compliance, retaining walls.

The required cost to fund a Council contribution of $157,000 (over and above the already endorsed $65,000) would be: $12,000 per year or (0.02% of Rates).

Risk Management / WHS Assessment

Council Administration would project manage the delivery of the project. Negotiations would be held with the Coromandel Ramblers Cricket Club to determine a funding agreement to transfer funds already committed to the project.

Legal / Policy Implications

Fees charged to user groups and maintenance responsibilities will be in accordance with Council’s Leasing and Licensing of Sports Facilities Policy.

Engagement

The Coromandel Ramblers Cricket Club have led the design development, in liaison with the other sporting user groups, South Australian National Football League, South Australian Cricket Association, Office for Recreation, Sport and Racing and Council Administration. Council staff have provided input into the plans, ensuring that the facilities provided are consistent with Council’s Sports Facilities Strategy.

The project is identified in Council’s endorsed Sports Facilities Strategy, which was consulted on in 2016. Further consultation would occur as required through the development assessment process.

CONCLUSION

This report seeks a decision on whether Council provides in principle landlord approval for the development of moderate size changeroom facility at Hawthorndene Oval to enable the Coromandel Ramblers Cricket Club to seek
further grant funding through the Office for Recreation, Sport and Racing’s Grassroots Football, Cricket and Netball Funding Program.

The report also seeks a decision on whether Council provide in principle funding allocation towards the project of $157,000, in addition to the $65,000 already committed. The project would include provision of a new public toilet as part of the building, to replace the existing public toilet block (which would be demolished).

The development of a new moderate amenities facility will provide multiple sporting user groups and other community groups with appropriate facilities to support their continued recreational use at Hawthorndene Oval.
ITEM 11.3 - ATTACHMENT B

N/E ELEVATION
scale 1:100

N/W ELEVATION
scale 1:100

S/E ELEVATION
scale 1:100

S/W ELEVATION
scale 1:100

SCHEDULE OF COLOURS/MATERIALS:

- Roof: Colorbond custom orb (colour: Pale Eucalypt)
- Gutters/downpipes: Colorbond Pale Eucalypt
- Acc. walls: Colorbond Pale Eucalypt
- Door/window frames: Silver anodised aluminium
- Raked doors: Colorbond OR30
- Handrail, balustrade & decking: Colorbond custom orb (colour: Pale Eucalypt)
- Tmr end views: Colorbond custom orb (colour: Pale Eucalypt)

domain building group
PO Box 295, BELAIR S.A. 5052
office & fax (08) 8379 3796 mobile 0412 821 283

For Landlord Approval

Proposed Clubhouse at Hawthorndene Oval, Hawthorndene for The Coro Ramblers

Elevations

DBG150729B-S3
Scale 1:100
Draft by LDB

No. Description Date

5/04/17
Reference no. 180212

Mr Matt Smith
President
Coromandel Valley Ramblers Cricket Club
442b Main Road
COROMANDEL VALLEY SA 5051

By email: president@coromandelramblers.com.au

Dear Mr Smith,

I am writing regarding the State Liberal Party’s 2018 election commitment to contribute $80,000 to fund new facilities at Hawthorndene Oval.

The Coromandel Valley Ramblers Cricket Club have had a long-standing commitment to this project, and your Club’s fund-raising activities have been outstanding. I am very proud that the Marshall Liberal Government will deliver the additional funding needed to get this project up and running.

The new facilities and clubrooms will provide enormous benefit in accommodating the club’s growing membership and supporter base, as well as benefiting local residents and families.

I have written to the Minister for Recreation and Sport, the Hon Corey Wingard MP, to initiate the process, and I will continue to keep you informed of our progress.

Yours sincerely,

Sam Duluk MP
Member for Waite

5 April 2018
11.4 MITCHAM RESERVE HERITAGE TREE CONSERVATION - FOOTPATH REALIGNMENT

Report Author/Manager: Tim Johnson
General Manager: Daniel Baker
(Meeting Date: 22 October 2019)
(Location: Boorman Ward)

Due to the complexity of this issue and community interest, a draft report has been attached for discussion prior to a final report being presented to a future meeting.

PROPOSAL

To seek Council support to relocate two sections of footpath in Mitcham Reserve to improve growing conditions for River Red Gum trees and to reduce risk to reserve patrons.

Attachments:

1. Draft Report - Mitcham Reserve Heritage Tree Conservation - Footpath Realignment
   A. Attachment to Draft Report - Mitcham Reserve Tree Audit 2019

RECOMMENDATION – ITEM 11.4

That the report be received for information only.
0.0 MITCHAM RESERVE HERITAGE TREE CONSERVATION - FOOTPATH REALIGNMENT

Report Author/Manager: Tim Johnson / Rick Hennig
General Manager: Daniel Baker
(Meeting Date: 12 November 2019)
(Location: Boorman Ward)
(Consultant Used: $2790)

PROPOSAL

To seek Council support to relocate two sections of footpath in Mitcham Reserve to improve growing conditions for River Red Gum trees and to reduce risk to reserve patrons.

RECOMMENDATION – ITEM 0.0

Option 1 (Staff Recommendation)

That Council:

(1) Supports increased mulching around trees 7 and 51 and the realignment and upgrade of approximately 135m of footpath, and
(2) In principle supports the priority budget bid of $40,000 for the replacement of the footpaths to be considered at 2019/2020 Budget Review 2.

Option 2

That Council:

(1) Supports increased mulching around trees 7 and 51 and the realignment of approximately 60 m of footpath
(2) In principle supports the priority and budget bid of $18,000 for the replacement of the footpaths to be considered at 2019/2020 Budget Review 2.

Option 3

That Council supports realignment of the footpaths around trees 7 and 51, with works to be postponed until major maintenance or asset renewal becomes necessary due to deteriorating footpath condition.

Option 4

That Council does not approve footpath relocation from beneath Mitcham Reserve’s River Red Gum trees.

BACKGROUND

A report discussed by Council on 28 February 2017 raised concern with deteriorating health and increasing risk associated with several River Red Gum trees at Mitcham Reserve. The report followed a previous report on this matter dated 12 April 2016, which Council received for information only.
Options considered to address the tree health and risk concerns were:

- to undertake detailed tree examinations to inform pruning specifications for risk mitigation, and
- mulching the root zones of the trees (an area of approximately 1430m$^2$) to enhance tree health and to reduce the risk associated with falling branches (mulch deters occupancy as patrons prefer to recreate on turf areas, thus reducing exposure to tree-related risk).

Following consideration of the report of 28 February 2017 Council resolved as follows:

1. That Council notes:
   a. the updated independent arborist’s report dated 14 December 2016 (refer Attachment B1 – B 13)
   b. the Mitcham Reserve Heritage Tree Protection Plan (refer Attachment C1)

2. That Council supports mulching an area of approximately 1430m$^2$ around five significant River Red Gums and two dead habitat trees at Mitcham Reserve as detailed in Mitcham Reserve Heritage Tree Protection Plan (Attachment C1).

3. That Council supports the planting of additional River Red Gums in Mitcham Reserve to reinforce heritage values.

Mulching was completed in May 2017. Companion planting of indigenous understorey plants and additional trees including some River Red Gums, was completed in autumn 2018. Further tree planting opportunities, including the potential for community involvement in planting on Mitcham Reserve for Arbour Day 2020, are currently being developed and will be presented for Council’s consideration in the future.

The River Red Gums in Mitcham Reserve continue to be audited independently to inform ongoing health and risk management. A recent audit identified potential further tree health improvement and risk mitigation options. Due to the high community interest in and significance of these trees which dominate Mitcham Reserve this report seeks Council direction on next steps.

Attachments:

A. Mitcham Reserve Tree Audit 2019

STRATEGIC OBJECTIVES

Goal 2 Sustainable City

Objective 2.1 Our biodiversity within open spaces, waterways, reserves and streetscapes is protected and enhanced.

Goal 4 Vibrant & Rich Culture

Objective 4.1 We have special places, spaces and stories that create a strong sense of place and great experiences for our community.
DISCUSSION

The suggestion of mulching around Mitcham Reserve’s mature River Red Gums resulted in considerable discussion of anticipated aesthetic impacts of reducing the turf area. Council supported mulching the root zones to sustain the trees and manage risk. The resulting amenity and enhanced biodiversity of the native gardens established in the mulch, as shown in Figures 1 and 2, have been well received by the community.

The mulch continues to improve soil condition, which is helping to restore tree health and vigour. Most reserve visitors use the Reserve’s facilities and lawns in preference to the mulch areas, so the mulch provides the additional benefit of reducing their exposure to risk from branch failure. Fallen branches have been retained in the mulch areas, as can be seen in Figures 2 and 5.

![Figure 1: Increasing foliage density indicates the health of the mulched trees is improving.](image)

The trees within Mitcham Reserve are independently audited at intervals not exceeding three years to manage their health and community safety. Findings of the most recent audit, dated 2 January 2019, are attached (Attachment A).

Many of the recommendations included in the recent audit have been addressed over recent months to ensure that tree-related risk in Mitcham Reserve remains low. Not all recommendations in independent reports are progressed urgently, however. An independent arborist may recommend trees for replacement if they are predisposed to developing structural flaws, for example, but where they present a low risk Council’s staff may retain and monitor them to preserve the benefits the trees currently provide. By reviewing independent arborists’ recommendations in this manner, Council’s staff ensure that resulting works comply with Council’s Tree Policy and that tree removal is minimised without compromising public safety.
Figure 2: The amenity of planted areas beneath the gums has been well received by the community; reduced occupancy of these areas reduces risk.

**Attachment A** recommends a long-term strategy to continue to improve tree health and risk management at Mitcham Reserve. Council’s attention is drawn to the final two dot points on page 19 of the tree audit report (**Attachment A**), which recommend the relocation of footpath sections from beneath the canopies of trees 7 and 51 (Figures 3, 4, 5 and 6).

Consistent with recommendations of the independent arborist’s report, Council’s Staff support the relocation of the sections of path from beneath the canopies of trees 7 and 51, with new paths to be built to the south of each tree, as shown in Figures 4 and 6. Doing this will improve growing conditions for the trees, reduce tree-related risk to pedestrians, increase opportunities for planting of local provenance plants, and reduce future tree root impacts on paths.

Relocating the path further south of tree 7 will provide an opportunity to marginally increase the mulch area to the south of this tree, as indicated in Figure 4. This increase in mulched/planted area will total approximately 80m². The extent of mulch beneath tree 51 will remain unchanged, with additional mulch to be applied only in the area where the current path intersects the existing mulch area (Figure 6).
To avoid introducing a patchy aesthetic to Council's premier urban park, replacement of the full section of the paths beneath trees 7 and 51 is recommended (Option 1). The extent of each path recommended for realignment and replacement is shown in Figure 7. Option 1 (staff recommendation) proposes to replace 135 metres of footpath as indicated by the solid and dashed yellow lines in Figure 7. Option 2 proposes a reduced scale of path replacement totalling 60 metres, as indicated by the solid yellow lines in Figure 7.
Impervious asphalt paving is highly prone to root damage and rarely attains its full asset life-cycle when in close proximity to trees. The condition of the path beneath tree 7 is fair, with some minor areas lifted by tree roots. The path beneath tree 51 is in good condition. To obtain the maximum value from the existing footpaths the proposed works could be postponed (Option 3). Postponement is not recommended as it would provide less than optimal tree health and risk mitigation benefits.

Pervious pavements are less prone to tree root damage than sealed pavements, as summer drying of the soil beneath them prevents shallow root
development. Pervious asphalt will not deviate from the aesthetic specified in the Mitcham Village Heritage Implementation Plan (Hamnett & Associates 2009) and will provide additional benefits. Pervious asphalt will be used when the paths in Mitcham Reserve are replaced.

This also represents an excellent opportunity to incorporate this type of footpath to maximise the previous area of the reserve.

![Figure 7](image)

**Figure 7.** The existing footpath location is indicated by the dashed white lines; Option 1 proposes to replace the full section of each path as indicated by the solid and dashed yellow lines while Option 2 proposes reduced works indicated by the solid yellow line.

**Community Implications**

The proposal will have minimal impact on the recreational use of Mitcham Reserve, but it will improve community safety. The recommended footpath deviations will provide a more interesting path route meandering around these feature trees.

**Environmental / Heritage Implications**

As the River Red Gums are Mitcham Reserve’s dominant visual features, enhancing the health of these trees and reducing community risk associated with these natural assets is fundamental to their conservation. Environmental and heritage values of the Reserve and the trees individually will be preserved by the recommended works. The mulch areas beneath the trees support biodiversity conservation and habitat creation through the planting of local provenance plants. Plantings to date have utilised hardy, colonising species; further planting as soil conditions improve over coming years will establish a more diverse range of understorey species.
Cost Shifting Implications / Legislative Cost Imposts

Nil

Impact on Budget including Lifecycle Costing

Option 1 proposes to replace the full length of the path sections beneath trees 7 and 51, a total length of 135 metres. This is estimated to cost approximately $40,000. These footpaths have served approximately half of their expected service life and renewal is not scheduled within the next decade, but asset management practices do not consider the interaction of the paths with the adjacent trees. Premature replacement of the footpath assets is justified on the basis of tree health and risk mitigation.

Option 2 presents the minimal footpath realignment necessary to remove the paths from beneath the tree canopies (28 m of path from beneath tree 7 and 32 m from beneath tree 51). This is estimated to cost approximately $18,000.

Should Council resolve to implement Options 1 or 2, then impacts on the adopted budget will be considered during Budget Review 2.

Options 3 and 4 have no impact on the adopted budget, with no cost likely to be incurred within the next decade.

Risk Management / WHS Assessment

The recommendation (Option 1) represents an ideal approach to tree risk management whilst maintaining and preserving these iconic heritage trees. Standard operating procedures will ensure work health and safety requirements are met during these works.

Legal / Policy Implications

Council’s obligation to exercise due diligence and duty of community care will be met through taking the recommended action. The recommendation is consistent with Infrastructure Policy 14:30 Tree Policy:

*General Principle 5: Best Practice, Research, Innovation and Leadership.* Council will demonstrate a highly professional approach to arboriculture through strict adherence to accepted best practices and standards.

*Reserve Trees 1.6:* Appropriate tree cover will be sustained on reserves to conserve local indigenous tree types, habitat and natural amenity

*Tree Maintenance 4.1:* Council will develop and implement standards which integrate accepted best practices into tree planting and maintenance programs. The standards will focus on delivering customer and staff satisfaction through tree establishment, long and safe tree life expectancy, and ensuring public and staff safety.
Engagement

There has been no engagement or communication regarding this proposal to relocate the two footpath sections around trees 7 and 51.

CONCLUSION

Mitcham Reserve’s iconic River Red Gum trees have high cultural, aesthetic and environmental value, but they can also present risks to the community. Mulching beneath their canopies and planting of indigenous understory plants has been shown to improve tree health and effectively manage risk by reducing occupancy beneath tree canopies. Realigning the two sections of footpath as recommended will further reduce risk associated with the River Red Gums and will enhance the health of these specimen trees.
TREE SURVEY REPORT

Mitcham Reserve

Prepared for:
Chris Tozer
Horticultural Officer – Trees
City of Mitcham
PO Box 21 Mitcham Shopping Centre
Torrens Park SA 5062

2 January 2019

Prepared by:
Michael Palamountain
Consulting Arborist
Tree Environments Pty Ltd
Tree Survey at Mitcham Reserve – January 2019

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Appendix 1 – Tree Survey Data
Appendix 2 – Site plan with tree numbers
Tree Survey at Mitcham Reserve – January 2019

Summary

83 trees were assessed in Mitcham Reserve. Species diversity is limited to one locally indigenous tree species, 3 Australian native species and 9 exotic ornamental tree species. Nine trees qualify as regulated trees and thirteen trees qualify as significant trees under the Development Act 1993. The majority of trees are in average to good health and have an average to good structure. 39 trees have a life expectancy in excess of 50 years and 39 trees have a life expectancy of less than 50 years. Eleven trees are unlikely to see the next decade out. The majority of trees pose a low risk to the users of the site, with one tree posing a moderate risk, and no trees posing a high risk. A range of tree management guidelines are presented, including the removal of four trees and pruning of 21 trees. Fifteen trees require mulching to be applied, or mulches topped up. Modifications to the target zone beneath 3 trees is recommended. Additional tree plantings are recommended on a small but regular basis to improve age and species diversity and natural biodiversity.
Tree Survey at Mitcham Reserve – January 2019

Introduction

I originally carried out a survey of 84 trees in Mitcham Reserve in August 2015 following a request from Chris Tozer, Horticultural Officer – Trees at the City of Mitcham. I was requested to carry out an audit of all trees to assess condition, risk and life expectancy in order to determine maintenance requirements to maintain tree health and acceptable levels of risk at the site. A range of recommendations were made to manage various trees and target zones beneath selected trees. The majority of these recommendations were implemented.

I have since been requested to carry out a follow up assessment of the trees to assess their current condition and risk to determine current maintenance requirements to maintain tree health and acceptable levels of risk at the site. The current tree survey was carried out in November 2018.

Qualifications

I have based this report on my education, experience, ongoing training, site observations and the information provided to me. I have 20 years’ experience in the field of arboriculture, both as a practicing (climbing) and consulting arborist. I have climbed and pruned in excess of 1,000 mature trees and assessed in excess of 10,000 trees. A summary of my qualifications includes:

- Bachelor of Science (Botany and Ecology) – University of Sydney (1994)
- Diploma of Horticulture (Arboriculture) (2005)
- I am a registered consulting arborist with Arboriculture Australia. I have maintained Continuing Professional Development with this certification.
- I have an Australian Arborist Industry Licence - Tier 1 (AL1153)
Tree Survey at Mitcham Reserve – January 2019

Scope of this survey

This report is concerned with an audit of all trees within Mitcham Reserve, bound by the following:

- Norman Walk to the north.
- Old Belair Rd to the east.
- Evans Ave to the south and south west.
- The boundary fence common with Scotch College to the west.
Tree Survey at Mitcham Reserve – January 2019

Survey method

I carried out the survey at the site on the 6th and 20th November 2018. I had full access to the trees in question and observations were from what was visible from within the Reserve boundaries. I carried out a level 2 assessment of the trees and all my observations were visual from ground level. All dimensions are estimates unless otherwise indicated.

The tree survey collected the following information on the subject trees.

Tree number

The tree number in the survey data table corresponds with the tree locations marked on the aerial image attached at the end of the document.

Tree species

Tree names are given as botanical names and common names. Most names are given to species level while a small number are noted only to generic level where species is uncertain.

Trunk circumference

Trunk circumference is measured 1m above natural ground level. The trunk circumference class is noted as follows:

- <2m
- 2.0-3.0m - Regulated Trees under the Development Act 1993
- 3.0m+ - Significant Trees under the Development Act 1993

Please note that some exemptions apply to certain tree species in certain circumstances. These exemptions have been noted in the survey data.

Tree height

Tree height is noted in the following classes:

- Small tree (<10m)
- Medium tree (10-20m)
- Large tree (20m+)

Age estimate

The age of trees are estimated to within ±10 years for younger trees and ±20 years for older trees. Tree age may not be accurate as growing conditions vary at each planting site and the trees may be younger or older than reflected by their actual size. Tree age may be determined more accurately from reliable historical data where available.
Tree Survey at Mitcham Reserve – January 2019

Tree health

Tree health and vitality are determined by assessing such factors as foliage colour, distribution and density, annual extension growth, the level of epichloric regrowth, the number, size and location of dead branches, the presence and severity of dieback, the presence of pests and diseases in the crown, the presence and level of borer activity, the rate of wound closure and wood production in the trunk/scaffold limbs, the presence of soil contaminants or compacted soils, the presence of fungal fruiting bodies, evidence of root disturbance, or changes in soil levels. The following list outlines the range of health and vitality classes used.

- **Good**: Actively growing. Minor pest activity, few dead branches, good growing conditions.
- **Average**: Moderate growth rate, moderate number of pests and diseases, moderate number of dead branches, presence of epichloric shoots, minor crown dieback and other signs of stress. Trees in this category have the capacity to respond to improved growing conditions or other treatments.
- **Below average**: Reduced growth rate, significant pest or diseases issues present or evidence of past activity present, foliage may be thinning, terminal dieback may be present, and an excessive number of dead branches may be present within the crown.
- **Poor**: Poor growth rate, poor foliage colour, distribution and density, moderate to high levels of pest infestation, severe dieback, excessive epichloric shoots present and other signs of severe stress. Trees in this category are unlikely to have the capacity to respond to improved growing conditions or other treatments.
- **Dead**: No live parts remaining. NOTE: Locally indigenous trees may still have value in the landscape even though they are dead.

Tree Structure

Tree structure is recorded using the following classes.

- **Good structure**: The tree has a stable form. Branch attachments are free of defects. Some minor structural defects or concerns may be present. Maintenance pruning or other treatments are capable of improving tree structure with minimal input and without adversely impacting tree health or appearance.

- **Average structure**: For a tree to qualify in this category it will have one or more of the following structural issues; average form with an irregular crown, co-dominant stems with minor bark inclusions, minor bark inclusions in the primary or secondary branch attachments, a leaning trunk, a history of poor pruning (such as lopping), minor trunk wounds and/or decay, over-extended stems or branches with moderate leverage, poorly tapered stems or branches, a history of small branch failures or rubbing limbs, minor root damage. Maintenance pruning or other treatments may be capable of improving tree structure with moderate input, however there may be adverse impacts on tree health and/or appearance.

- **Below average**: For a tree to qualify in this category it will have one or more of the following structural issues; co-dominant stems or main branches with major bark inclusions (bark inclusions are likely to be accompanied by signs of instability), a strongly leaning trunk, a history of poor pruning, major trunk wounds and/or decay, over-extended stems or branches with excessive leverage, or limbs may be poorly tapered. Maintenance pruning or other treatments have limited potential to provide a means of improving tree structure without adverse impacts on tree health and/or appearance. Planning for long term removal may be required.
Tree Survey at Mitcham Reserve – January 2019

- **Poor structure** – For a tree to qualify as having poor structure it will have one or more of the following significant structural issues: Poor form, very irregular crown, co-dominant stems or main branches with a major bark inclusion and signs of instability, a severely leaning trunk, severely over-extended stems or branches with excessive leverage, poorly tapered branches, a history of very poor pruning, major trunk wounds, large open cavities and areas of decay, a history of significant branch failure, major damage to the root crown or an unstable root system. Pruning or other treatments are unlikely to improve tree structure without major adverse impacts to tree health and/or appearance. Removal may be required.

**Surrounding environment**

Comment is made of the tree in relation to its surrounding environment. This may include any number of the following:

- Overhang to important structures, footpaths, roadways, driveways, car parking areas, seating areas, lawn areas, adjacent property, play areas etc.
- Interference with signs, structures, lighting, visibility, power lines.
Tree Survey at Mitcham Reserve – January 2019

Tree risk assessment

I have used the ISA Tree risk assessment method to determine the risk posed by the trees to persons and property over the coming 12 months under normal weather conditions.


Tree risk is calculated in 2 steps:

Part 1- Likelihood matrix

\[ \text{The likelihood of a failure occurring} \times \text{The likelihood of the failure impacting a target} \]

Factors taken into account include the location of targets relative to the tree condition of concern as identified in our visual tree assessment, surrounding site factors, tree age, health & vigour, species profile, response growth, loads on the defect and the likelihood of failure, the target frequency & mobility, fall characteristics and target protection.

The likelihood matrix below is used to determine the likelihood of a branch failure impacting the various targets.

<table>
<thead>
<tr>
<th>Likelihood of failure</th>
<th>Likelihood of impacting target</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Very low</td>
</tr>
<tr>
<td>Imminent</td>
<td>Unlikely</td>
</tr>
<tr>
<td>Probable</td>
<td>Unlikely</td>
</tr>
<tr>
<td>Possible</td>
<td>Unlikely</td>
</tr>
<tr>
<td>Improbable</td>
<td>Unlikely</td>
</tr>
</tbody>
</table>

When considering the occupancy rates of the various targets that the trees in Mitcham Reserve overhang, the following factors have been considered. This is based on my observations during the current tree survey, the conversations on park usage with Chris Tozer from the City of Mitcham, and my experiences as a parent who has used the park for various gatherings over the years on weekends.

- Mitcham Reserve is a high-profile Reserve, well known to the local community and the broader population of Adelaide.
- The park is used on a daily basis by parents with toddlers as a daytime play activity for up to a couple of hours at a time (occasional use).
- The park is used on a daily basis by some parents and school children who walk along paths and through the Reserve to attend the nearby Scotch College Adelaide Junior School and ELC, generally before school and after school. This is typically for short
Tree Survey at Mitcham Reserve – January 2019

periods of time (occasional use). Many other families do not walk through the Reserve and access the school other ways.

- Members of the general public walk through the Reserve, exercise in/through the Reserve, use seating in the Reserve etc. on a daily basis. This is typically for short periods of time (occasional use).
- Structures including play equipment, BBQs and the uncovered and covered picnic tables are permanent non-mobile structures beneath some of the trees (constant use).
- There are large open lawn areas used by families during good weather and on weekends for family gatherings. These families can be present for several hours at a time and may contain large numbers of people. These gatherings occur less frequently during weekdays, during colder months and during unpleasant weather. These gatherings are less likely to occur during adverse weather. On average, per day, over the entire year, these gatherings occur on an occasional basis, not forming a large proportion of the day. However, to err on the side of caution, the occupancy rate during peak periods is considered to be frequent use.
- In general, when the weather is favourable, more people are likely to use the Reserve for longer periods of time. It is also during more favourable weather that branch failures are less likely to occur.
- In contrast, during adverse weather conditions, the Reserve is less likely to be used and for shorter periods of time. It is during adverse weather that branch failures are more likely to occur.
- The risk assessment in this survey considers normal weather conditions. This risk assessment cannot determine a risk outcome during adverse weather conditions.
- Old Belair Road is a busy road and passes on the eastern side of Mitcham Reserve. This road carries 23,400 vehicles per day. The traffic is heavily concentrated during peak hours. Traffic is less frequent during ‘work/school hours’ and even less frequent outside these times. Overall, the occupancy rate is considered frequent.
- Structures and vehicles provide some level of protection to people from small and medium branch failures.
- Following the recommendations from the previous tree survey report of 2015, the area beneath the crowns of the large veteran River red gums has been modified, with the inclusion of mulches and planting of native plants. This reduces the frequency and duration of human occupation beneath these trees, as well as improving tree health and growth rates.
Tree Survey at Mitcham Reserve – January 2019

Part 2 – Risk rating matrix

The likelihood of failure and impact
(carried over from part 1)

x

The consequences of the failure

The consequences from the failure are determined by a complex of all the variable factors at the site. These include the size of the tree part, fall characteristics, factors that may protect the target, the level of damage or injury that could be expected and the significance of the target value, be it monetary or otherwise.

The risk rating matrix is used to assign an overall tree risk rating.

<table>
<thead>
<tr>
<th>Likelihood of failure &amp; impact</th>
<th>Consequences</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Negligible</td>
</tr>
<tr>
<td>Very Likely</td>
<td>Low</td>
</tr>
<tr>
<td>Likely</td>
<td>Low</td>
</tr>
<tr>
<td>Somewhat likely</td>
<td>Low</td>
</tr>
<tr>
<td>Unlikely</td>
<td>Low</td>
</tr>
</tbody>
</table>

The overall tree risk rating for each tree is presented in the survey data table.

Life expectancy

The useful life expectancy is an estimate of the number of years a tree can reasonably be expected to remain healthy with acceptable levels of risk in the current growing conditions. Consideration should also be given to site use and the way tree structure and risk interact with the cost of maintenance. Simply remaining alive is not sufficient in the majority of cases. Trees should continue to provide amenity and other benefits. For some trees, habitat value may contribute to or increase a tree’s useful life expectancy.

Management recommendations

A variety of appropriate risk mitigation options are possible depending on circumstances. Whether a client chooses to mitigate risk depends on their perception of risk and what level of risk they find acceptable, as well as the cost, aesthetics and inconvenience of mitigation.

Management recommendations are provided in the survey data that I believe are most appropriate to mitigate risk. Following these recommendations the residual risk may be reduced to a lower level.

These recommendations may include;

- ☐ Pruning
- ☐ Target management
- ☐ Tree removal
- ☐ Cabling & bracing

Managing trees in the urban landscape
Tree Survey at Mitcham Reserve – January 2019

In addition, some management recommendations may be provided, irrespective of tree risk. Where the risk posed by the tree is considered to be low, pruning works may not be necessary to reduce risk. However, some tree pruning works could be considered in an effort to maintain an acceptable level of risk. The recommended works will vary depending on circumstances and species and may include maintenance pruning designed to improve tree form and reduce the impact of the tree on its surroundings.

Management priority

The priority for the management recommended is given. The suggested time frames are as follows.

- □ Urgent          As soon as reasonably practical
- □ High           Within 6 months
- □ Medium         Within 2 years
- □ Low            As funds allow

Tree management timeframes are typically shorter where a risk issue is identified.

In some cases, tree management may also have a shorter time frame, irrespective of the current risk rating. This may be the case where the management of a tree now is necessary to avoid an elevated risk issue developing at some time in the future. A good example is the formative pruning of young trees, which is very cost effective and typically reduces or eliminates potential risk issues in the future.
Tree Survey at Mitcham Reserve – January 2019

Observations

Site description

Mitcham Reserve was the original village green, the centre of colonial life in the Mitcham Village. Today this Reserve is a popular place for picnics and events. Brownhill Creek runs through the Reserve and there are sheltering trees, playground equipment, public toilets, electric barbecues, and seating.

Tree data

The data collected on the trees is compiled in a table attached at the end of the report.

Tree numbers

A total of 83 trees were surveyed (4 have been removed). Several trees formed a group with similar qualities amongst them. These groups were given 1 tree number but may include 2 or more trees.

Tree species

The site consists of a large number of a single species of locally indigenous trees, a small number of Australian native trees and a large number of exótic ornamental trees, some of which have weed potential in a riparian environment. Tree species in the Reserve including;

<table>
<thead>
<tr>
<th>Locally indigenous (x37)</th>
<th>Australian native (x4)</th>
<th>Exotic (x42)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eucalyptus camaldulensis</td>
<td>Callistemon sp.</td>
<td>Fraxinus ‘Raywood’</td>
</tr>
<tr>
<td>River Red Gum (x37)</td>
<td>Bottlebrush (x1)</td>
<td>Claret Ash (x3)</td>
</tr>
<tr>
<td></td>
<td>Corymbia citrodonia</td>
<td>Lagunaria patersonia</td>
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<tr>
<td></td>
<td>Lemon Scented Gum (x2)</td>
<td>Norfolk Island Hibiscus (x1)</td>
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<tr>
<td></td>
<td>Fig Tree (x1)</td>
<td>Olea europaea</td>
</tr>
<tr>
<td></td>
<td>(possibly Port Jackson Fig)</td>
<td>Olive (x2)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Pinus halepensis</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Aleppo Pine (x1)</td>
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<tr>
<td></td>
<td></td>
<td>Populus nigra ‘Italica’</td>
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<td>Lombardy Poplar (x1)</td>
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<td>Salix babylonica</td>
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<td></td>
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<td>Willow (x1)</td>
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<td></td>
<td>Schinus aneira</td>
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<td></td>
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<td>Peppercorn (x10)</td>
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<tr>
<td></td>
<td></td>
<td>Ulmus minor (syn. procera)</td>
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<tr>
<td></td>
<td></td>
<td>English Elm (x9)</td>
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<tr>
<td></td>
<td></td>
<td>Ulmus parvifolia</td>
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<td></td>
<td></td>
<td>Chinese Elm (x14)</td>
</tr>
</tbody>
</table>

Just outside the Reserve, but within the Brownhill Creek environment are several Desert Ash (Fraxinus angustifolia subsp. Oxycarpa) which have high weed potential in a creek environment.
Tree Survey at Mitcham Reserve – January 2019

There are several large, remnant River Red Gums (*Eucalyptus camaldulensis*) in the Reserve, that provide a link to our pre-European heritage of the land and that also provide very important ecological and environmental values. These remnant trees have been reduced in number since European settlement of Adelaide.

They have been augmented by tree plantings of various themes over the decades. Aerial imagery of 1949 (below) shows some early tree plantings in the Reserve included many exotic tree species (indicated by their darker foliage when compared to the local River Red Gums) and are likely to have included Willows, Elms, Poplars, Ash, Pines, Peppercorns, Olives and others, many of which remain in the Reserve today. These have altered the character and ecological values of the Reserve from its pre-European days.

In more recent years, attempts have been made to plant Australian native and locally indigenous tree species, to varying success. Just outside the site, downstream to the west along Brownhill Creek are numerous other exotic tree species, including Desert Ash and English Elm.
Tree Survey at Mitcham Reserve – January 2019

Trunk circumference

A breakdown of the trunk circumference on site is as follows;

- There are 52 trees with a trunk circumference below 2m (non-regulated trees)
- There are 15 trees with a trunk circumference between 2.0 and 3.0m
  - 9 of these qualify as regulated trees under the Development Act 1993
  - 6 of these are exempt trees (dead trees or exempt species)
- There are 16 trees with a trunk circumference of 3.0m or greater
  - 13 of these qualify as significant trees under the Development Act 1993
  - 3 of these are exempt trees (dead trees or exempt species)

Tree height

A breakdown of the tree height on site is as follows;

- 44 small trees and shrubs below 10m
- 28 medium trees between 10-20m
- 11 large trees greater than 20m tall

Age class

The age distribution of the current tree population within the Reserve is as follows:

- 16 trees <10 years old
- 22 tree 10-20 years old
- 12 trees 20-40 years old
- 7 trees 40-60 years old
- 10 trees 60-80 years old
- 2 trees 80-100 years old
- 1 tree 100+ years old
- 12 trees 150+ years old

Tree health

The majority of trees on site are in average to good health. A breakdown of tree health is as follows;

- 48 trees are in good health
- 27 trees are in average health
- 1 tree in below average health
- 2 trees are in poor health (tree 64 - Ficus and tree 75 – Eucalyptus camaldulensis)
- 4 trees are dead (all locally indigenous Eucalyptus camaldulensis)
Tree Survey at Mitcham Reserve – January 2019

Tree structure

The majority of trees on site have an average to good structure. Many trees have a history of recent pruning to manage parts or all of their crowns. A breakdown of tree structure is as follows;

- 39 trees have a good structure
- 39 trees have an average structure
- 5 trees have a poor structure
  - Young trees that are loose in the ground – trees 28, 31 and 60
  - Regrowth from a cut stump – tree 26
  - A tree with poor form and limited growing space – tree 73

There are approximately 12 remnant River red gums scattered across the site, closer to Brownhill Creek. Many of these trees have evidence of past branch failures and several habitat hollows. Some of these are dead.

Surrounding environment

Comment on the various targets present beneath these trees and their estimated occupancy rate have been presented in the survey methodology.

Risk

Explain risk issues at site:

- No trees present an extreme risk to the users of the site
- No trees present a high risk to the users of the site
- One tree presents a moderate risk to the users of the site (tree 42 – large dead branches overhanging Old Belair Rd)
- 82 trees present a low risk to the users of the site

Life expectancy

The estimated life expectancy of the trees are as follows:

- <10 years = 11 trees
- 10-20 years = 7 trees
- 20-50 years = 21 trees
- 50+ years = 30 trees
- 100+ years = 9 trees
- No life left (dead trees) = 4 trees
Tree Survey at Mitcham Reserve – January 2019

Tree management

The trees surveyed have management recommended as follows;

<table>
<thead>
<tr>
<th>Action and Priority</th>
<th>Not regulated</th>
<th>Regulated</th>
<th>Significant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Remove – High</td>
<td>80</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Within 6 months</td>
<td></td>
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<tr>
<td>Remove – Medium</td>
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<tr>
<td>Within 2 years</td>
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<td></td>
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<tr>
<td>Remove – Low</td>
<td>63, 73, 75</td>
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<tr>
<td>As funds allow</td>
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</tr>
<tr>
<td>Remove and replant</td>
<td>28, 31, 60</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prune – High</td>
<td>25, 38, 47, 70</td>
<td>7, 42</td>
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</tr>
<tr>
<td>Within 6 months</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prune – Medium</td>
<td>3, 4, 5, 15, 20, 39, 45, 46, 64, 69, 77</td>
<td>40, 55</td>
<td>41, 53</td>
</tr>
<tr>
<td>Within 2 years</td>
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<tr>
<td>Prune – Low</td>
<td>81</td>
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<td>X38 trees</td>
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<td></td>
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<tr>
<td>Manage target zone</td>
<td>47</td>
<td>7, 51</td>
<td></td>
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<tr>
<td>– low risk trees</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mulch around trees</td>
<td>10, 27, 29, 30, 32, 33, 34, 35, 36, 45, 46, 50, 62, 64, 76</td>
<td></td>
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</tr>
<tr>
<td>Elm Leaf Beetle</td>
<td></td>
<td>19, 55</td>
<td></td>
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<td>treatment every 2-3 years</td>
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</tbody>
</table>
Tree Survey at Mitcham Reserve – January 2019

Appraisal

Overall condition of trees

Mitcham Reserve is a popular public Reserve, valued by the local community for its open lawn areas for family gatherings, play equipment and it’s ‘natural’ environment.

The current tree survey assessed 83 trees in the Reserve. Only nine qualify as regulated trees and another thirteen qualify as significant trees. The vast majority are trees less than 80 years of age, many of which are not regulated.

The majority of the trees are in average to good health and have average to good structure. There is evidence that the majority of these trees have been pruned in recent years.

The survey identified that the majority of trees present a low risk to the users of the site, with only one tree posing a moderate risk (tree 42 with large dead branches that overhang Old Belair Rd).

The life expectancy of this tree population varies widely, with 38 trees with a life expectancy in excess of 50 years and 39 trees with a life expectancy of less than 50 years. Sixteen trees are unlikely to see the next decade out.

Species diversity

In terms of species diversity, Mitcham Reserve has a limited range of tree species. There are 37 trees (forming one species – Eucalyptus camaldulensis) that are indigenous to the locality. These trees provide high levels of habitat and biodiversity value (particularly the older veteran trees) but are vulnerable in that they only form the one species. Additional planting of locally indigenous trees and large shrubs should occur. There has been some recent planting of locally indigenous small shrubs and ground covers beneath several of the larger remnant River red gums, which will improve species diversity and habitat value in the coming years.

Another 4 trees (3 species) are of Australian origin, with the remaining 42 trees (forming 9 species) that originate overseas. Overall, the tree diversity does not provide adequate levels of species and habitat diversity in a Reserve with far greater potential. Higher levels of species diversity provides greater resilience and sustainability on the longer term and provides improved habitat values in the Reserve as a whole.

In addition, some of the exotic trees have weed potential in a creekline situation where seed or vegetative parts can freely float downstream and re-establish new undesirable exotic trees, particularly the Olives, Desert Ash (just outside the Reserve) and remaining Willow. These weed species are all identified in the City of Mitcham Invasive Plant List*

There are many creek sites across Adelaide (and within the City of Mitcham) where these species germinate freely, over populate creek embankments and outcompete locally indigenous tree and shrub species. If these weed species are retained at the site, they will require active management to ensure they do not become established in Brownhill Creek.
Tree Survey at Mitcham Reserve – January 2019

Remnant River red gums

The Reserve has impressive examples of some remnant River red gums (*Eucalyptus camaldulensis*) that provide links to our pre-European heritage. These trees provide very important habitat and biodiversity value in the local area, even when they are dead.

There are 37 River Red Gums in Mitcham Reserve, seventeen of which are estimated to be over 80 years of age, most of which are still growing well. This is a long-lived species that has the potential to remain growing at the site for another century or two.

Since the last tree survey report was prepared in 2015, Council has been proactive in managing the older veteran trees by installing mulches beneath them and underplanting with a variety of locally indigenous shrubs and ground covers.

This activity has improved the site in several ways:

- The mulching improves soil health which improves tree health. With improved tree growth, the trees are more likely to develop wood tissues to support their structure.
- The mulching has reduced human occupancy frequency and duration beneath the trees, resulting in a lower risk to the users of the Reserve.
- The planting of indigenous understorey plants improves ecological biodiversity.

I observed that the mulch levels were becoming depleted in places. It is important to top up mulch levels around the veteran trees and aim to maintain mulch levels at a depth of ~75-100mm. This is to ensure the trees grow at their optimum rate, and it assists in reducing human occupancy frequency and duration beneath the trees.

I am aware of three notable branch failures from three of the veteran trees in the last three years, including trees 33, 36 and 51. In all cases, the failed branches landed onto the mulch zones and there was no personal harm that I am aware of. The most recent branch failure from tree 51 caused damage to several temporary fence panels used to secure a construction zone. Overall, the mulching strategy has assisted in improving tree health and reducing the likelihood of personal harm.

The current survey identified these remnant trees pose a low risk to the users of the site, largely due to the change in site use beneath the trees.

In an effort to ensure these remnant trees continue to pose a low risk to the users of the site, the following strategies should be considered:

- Keep pedestrians out of the mulch zones while plants are still establishing. This could be done using small hoop type fencing that is not too intrusive. Once the plants become more established, the fencing will no longer be required. The established plants will assist in maintaining low human occupancy rates beneath the trees, thereby maintaining low risk levels.
- Extend mulch zones slightly where the branches extend beyond the mulch zone.
- Create a mulch zone with underplanting beneath tree 7. The bitumen path that passes beneath the crown of tree 7 should be diverted, out into an open lawn area between the crowns of tree 7 to the north and trees 34 and 36 to the south.
- Modify the route of the path beneath tree 51. The section of path beneath the crown of tree 51 should be removed and the area mulched and planted out with native shrubs and
Tree Survey at Mitcham Reserve – January 2019

ground covers. The path could be re-aligned further to the south, closer to the new playground area.

Recommended path diversion and mulch zone beneath tree 7
Tree Survey at Mitcham Reserve – January 2019

Recommended path diversion and mulch zone beneath tree 51
Tree Survey at Mitcham Reserve – January 2019

It is important to note that the dead River Red Gums (trees 21, 35, 43 and 47) are important to the maintenance of biodiversity at the site. These trees have habitat hollows and many different bird species were observed to be using these hollows. While dead trees are exempt from control under the Development Act 1993, their retention is warranted in my view to maintain habitat value in the Reserve.

The dead River red gum near the southern carpark (tree 47) has been managed since the last tree survey of August 2015 including pruning works to shorten several longer dead branches, and mulching and planting beneath the tree to reduce human occupancy rates beneath the tree.

Several large cracks are visible in the structure of the tree which may indicate instability. To address this, a couple of options have been recommended for this tree as follows:

- Shorten the dead branch to the south over the car parking bay or relocate the handicap parking bay to exclude any potential targets.
- Perform a pull test on the mid/upper trunk to determine stability.
Tree Survey at Mitcham Reserve – January 2019

Tree 41 is another remnant River red gum located between the current Old Belair Rd bridge and the historic bridge within Mitcham Reserve.

This tree is below average health with very sparse and chlorotic foliage and moderate levels of dieback. There is evidence of extensive borer damage on the lower trunk and root crown, which is likely to be causing extensive damage to the vascular tissue, contributing to tree decline.

At the same time, the tree has evidence of possum and bird activity in the various hollows, highlighting the high habitat value this tree offers.

The decline of the tree is related to the borer activity, but the underlying cause is unclear. I found no evidence of root damage. I do not suspect chemical poisoning, as tree 42 on the opposite side of Brownhill Creek is growing well and is in good health.

It is possible this tree will continue to decline, or it may recover to some extent. The tree should be monitored to determine if the decline is continuing and any action is required.

At this point in time, the tree leans away from Old Belair Rd and poses a low risk to vehicles on the roadway. If tree decline continues and a pattern of branch failure develops, some pruning may be required to reduce the crown.
Tree Survey at Mitcham Reserve – January 2019

New tree plantings

Several new River red gums have been planted in the Reserve in recent years. Some are establishing well, despite previous concerns they may not. Several younger plantings are of a poor quality, have not successfully established and are unlikely to thrive. These trees are still loose in the ground and are suspected of having poor root architecture (rootbound at time of planting). These trees are unlikely to make it past 10 years of age. These trees should be removed and replanted (trees 28, 31 and 60).
Tree Survey at Mitcham Reserve – January 2019

Risk mitigation

The risk assessment identified that the vast majority of trees (82 trees) pose a low risk to the users of the site. One tree was identified as posing a moderate risk to the site (tree 42). No trees were identified as posing a high risk to the users of the site.

To mitigate the risk associated with tree 42, it is recommended the larger dead branches overhanging the road and footpaths be reduced in length.

Tree management

A range of management recommendations are presented in the survey data for these trees as follows:

- Six non-regulated trees have been recommended to be removed.
- 23 trees have been recommended to have some level of pruning.
- 38 trees to not require any pruning.
- Three trees should be removed and replanted (poorly performing River Red Gums).
- Three trees are recommended to have modifications made to their target zones.
- Fifteen trees are recommended to have mulch applied or mulches topped up.
- Two trees are recommended to be treated for elm leaf beetle.

When managing the dead River Red Gums, clean cut pruning will result in trees with an 'unnatural' appearance. Therefore consideration should be given to 'breaking' weaker sections from the tree, leaving natural fracture points and hollow behind. Existing fauna will need to be appropriately managed for this strategy.

Tree Planting

Tree planting programmes should occur on a small but regular basis. This ensures that there is a good supply of young trees and that the age distribution is spread out. This avoids the need to remove large numbers of older declining trees in a short period of time. This phenomenon can be observed in naturally occurring environments.

It is suggested that if 5 new trees are planted every year within Mitcham Reserve, there will be an additional 50 trees by the end of the decade. If the pattern continues, there will be a more sustainable tree population of mixed ages. When the need arises to remove trees, the overall impact on the amenity at the park will be minimised. This is a trend that is occurring across most cities around the world.

When replanting at the site, consider increasing species diversity for greater sustainability. In addition, consider incorporating more locally indigenous tree species for greater natural biodiversity.
Tree Survey at Mitcham Reserve – January 2019

Conclusions

- 83 trees were assessed in Mitcham Reserve.
- Species diversity is limited to one locally indigenous tree species, 3 Australian native species and 9 exotic ornamental tree species.
- Nine trees qualify as regulated trees and thirteen trees qualify as significant trees under the Development Act 1993.
- The majority of trees are in average to good health and have an average to good structure.
- 39 trees have a life expectancy in excess of 50 years and 39 trees have a life expectancy of less than 50 years. Eleven trees are unlikely to see the next decade out.
- The majority of trees pose a low risk to the users of the site, with one tree posing a moderate risk, and no trees posing a high risk.
- A range of tree management guidelines are presented, including the removal of four trees and pruning of 21 trees.
- Fifteen trees require mulching to be applied, or mulches topped up.
- Modifications to the target zone beneath 3 trees is recommended.
- Additional tree plantings are recommended on a small but regular basis to improve age and species diversity and natural biodiversity.
### Recommendations

A summary of the tree management recommendations is set out below. Specific recommendations are set out on the pages that follow.

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<tr>
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<td>47</td>
<td>7, 51</td>
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<tr>
<td>Mulch around trees</td>
<td>19, 27, 29, 30, 32, 33, 34, 35, 36, 45, 46, 59, 62, 64, 76</td>
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<tr>
<td>Elm Leaf Beetle treatment every 2-3 years</td>
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<td>19, 55</td>
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</tbody>
</table>
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1. I recommend that the four non-regulated and exempt species trees that are recommended for removal on health or risk grounds be removed according to their priority time frame. Development approval is not required to remove these trees.

2. The newly planted River Red Gums that are not performing well along the edge of the creek line should be removed and replaced (trees 26, 31 and 60).

3. I recommend trees that are to be retained on site be managed as outlined in the tree survey data according to their priority time frame. Pruning must conform to the following guidelines:
   - All pruning should conform to the Australian Standard AS 4373 – 2007 Pruning of Amenity Trees.
   - All pruning should be carried out or supervised by appropriately qualified and experienced arborists.
   - Pruning of these trees will comply with this Australian Standard and is not likely to constitute a tree damaging activity. In these cases, development approval will not be required.

4. To maintain a low level of risk beneath the larger remnant River red gums, the following is recommended:
   - Keep pedestrians out of the mulch zones while plants are still establishing. This could be done using small hoop type fencing that is not too intrusive. Once the plants become established, the fencing will no longer be required. The established plants will assist in maintaining low human occupancy rates beneath the trees, thereby maintaining low risk levels.
   - Extend mulch zones slightly where the branches extend beyond the mulch zone.

5. Modify the target zone beneath selected remnant River red gums as follows:
   - Tree 7. The bitumen path that passes beneath the crown of tree 7 should be diverted, out into an open lawn area between the crowns of tree 7 to the north and trees 34 and 36 to the south. The area beneath the tree should be mulched and planted out with locally indigenous ground covers and shrubs.
   - Tree 51. The section of path beneath the crown of tree 51 should be removed and the area mulched and planted out with native shrubs and ground covers. The path could be re-aligned further to the south, closer to the new playground area.
   - Tree 47. Shorten the dead branch to the south over the car parking bay or relocate the handicap parking bay to exclude any potential targets. In addition, perform a pull test on the mid/upper trunk to determine stability.

6. Monitor the health of tree 41 with a follow up assessment in 12 months.

7. Plant additional trees on a small but regular basis to improve age and species diversity and natural biodiversity.

8. The remaining trees should be assessed every 2-3 years.
Tree Survey at Mitcham Reserve – January 2019

If you have any further queries regarding the information contained in this report please feel free to contact me.

Michael Palamoundian
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ISA Certified Arborist (AU007A)
Member: ISA, Arboriculture Australia, SASA

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(e) michael@tree-environments.com
Tree Survey at Mitcham Reserve – January 2019

Endnotes

1 Tree and risk assessments can be conducted at different levels and may employ various methods and tools. The level of assessment applied should be appropriate for the circumstances.

Level 1 - Limited visual assessment:

- A visual assessment from a specified perspective, near specified targets.
- The aim is to identify obvious defects or specified conditions.
- Typically identifies trees with imminent or probable likelihood of failure.
- This is the fastest and least thorough form of assessment intended for larger populations of trees.
- This can be carried out as a walkover, drive-by or fly-over inspection.

Level 2 - Standard assessment:

- A level 2 assessment is a detailed ground based visual tree inspection of a tree and its surroundings.
- The use of simple tools (mallet, binoculars, probes, spades), may be required.
- In some instances only limited information may be gained on specific internal, below ground or upper crown factors.
- For the majority of tree assessments the standard assessment provides adequate information to guide tree management.

Level 3 - Advanced assessment:

- A level 3 assessment is performed to provide detailed information about specific tree parts, defects, targets or site conditions.
- This assessment is usually conducted after a standard assessment has undertaken if additional information is required and with the approval of the client.
- Specialised equipment is often required for advanced assessment.
- The assessments are generally more time intensive and expensive.
- Advanced assessment techniques may include, aerial inspection, detailed target analysis, detailed site evaluation, decay testing, health evaluation, root inspection, tree stability monitoring and load testing.

NOTE: If tree condition cannot be adequately assessed at the specified level a higher level of assessment may be required.

1 A visual tree assessment (VTA) is an analytical process undertaken by a qualified Arborist or other suitably trained person to determine the structural soundness of a tree. Biological and mechanical components of trees are assessed, including tree health, presence of pests and diseases, die-back, foliage density and distribution, and vitality; growth rate, wound wood development and the trees capacity to respond to improved conditions. Mechanical components include trunk lean, crown bias, bark inclusions, wounds, hollowing, trunk bulges, ribs, cracks, branch form, failure history, pruning history, condition of trunk flora, and other existing defects. All these factors are examined to determine if internal weaknesses or abnormalities may be present. If abnormalities are detected, we may conduct further investigations using a range of tools. These include soft faced sounding mallets, long thin drill bits, Resistograph, Sonic Tomograph, Air spade and other tools as required. Ref: Mattheck, Claus & Brotzger, Helga. The Body Language of Trees: A Handbook for Failure Analysis. Department of the Environment. London 1997.
Tree Survey at Mitcham Reserve – January 2019

Regulated tree means—(as defined in Section 4 Interpretation (1) of the Development Act 1993)
(a) a tree, or a tree within a class of trees, declared to be regulated by the regulations (whether or not the tree also constitutes a significant tree under the regulations); or
(b) a tree declared to be a significant tree, or a tree within a stand of trees declared to be significant trees, by a Development Plan (whether or not the tree is also declared to be a regulated tree, or also falls within a class of trees declared to be regulated trees, by the regulations).

Section 5A—Regulated and significant trees (as defined in the Development Regulations 2008)
(1) Subject to this regulation, the following are declared to constitute classes of regulated trees for the purposes of paragraph (a) of the definition of regulated tree in section 4(1) of the Act, namely trees within the designated area under subregulation (3) that have a trunk with a circumference of 2 metres or more or, in the case of trees with multiple trunks, that have trunks with a total circumference of 2 metres or more and an average circumference of 625 millimetres or more, measured at a point 1 metre above natural ground level.

Significant tree means (as defined in Section 4 Interpretation (1) of the Development Act 1993)
(a) a tree declared to be a significant tree, or a tree within a stand of trees declared to be significant trees, by a Development Plan (whether or not the tree is also declared to be a regulated tree, or also falls within a class of trees declared to be regulated trees, by the regulations); or
(b) a tree declared to be a regulated tree by the regulations, or a tree within a class of trees declared to be regulated trees by the regulations that, by virtue of the application of prescribed criteria, is to be taken to be a significant tree for the purposes of this Act;

Section 5A—Regulated and significant trees (as defined in the Development Regulations 2008)
(1) Subject to this regulation, the following are declared to constitute classes of regulated trees for the purposes of paragraph (a) of the definition of regulated tree in section 4(1) of the Act, namely trees within the designated area under subregulation (3) that have a trunk with a circumference of 2 metres or more or, in the case of trees with multiple trunks, that have trunks with a total circumference of 2 metres or more and an average circumference of 625 millimetres or more, measured at a point 1 metre above natural ground level.

(2) Subject to this regulation—
(a) a prescribed criterion for the purposes of paragraph (b) of the definition of significant tree in section 4(1) of the Act is that a regulated tree under subregulation (1) has a trunk with a circumference of 3 metres or more or, in the case of a tree with multiple trunks, has trunks with a total circumference of 3 metres or more and an average circumference of 625 millimetres or more, measured at a point 1 metre above natural ground level; and
(b) regulated trees under subregulation (1) that are within the prescribed criterion under paragraph (a) are to be taken to be significant trees for the purposes of the Act.

Epomic regrowth arises from dormant buds beneath the surface of the bark. These buds are stimulated to grow by heavy pruning, branch death, storm damage or stressful events such as plagues of defoliating insects, fire, mechanical wounding or poor growing conditions. They occur as a response by the tree to stress and are intended to rapidly provide renewed leaf area for photosynthesis and the production of carbohydrates. Epomic shoot growth also occurs during the process of tree decline as limbs die or fail and crown size diminishes. The strength of attachment of epomic stems is often less than that of normal limbs. Where epomic growth occurs in response to lopping or storm damage, the competing stems prevent development of sound structural characteristics and may require specialized Arboricultural management over an extended period to improve tree form and minimize risk.

Eucalypt Longicorn Beetle - Phoracantha spp., commonly known as Borers, are host specific beetles that feed on living or dead gum trees. The adult beetles have very long segmented antennae that are directed backwards over their elongated and cylindrical body. The larvae are white tapering grubs with large dark brown head with strong mandibles. The larvae bore mainly under the bark of the lower trunk feeding on the cambium layer. In severe attacks the trunk may be ring barked causing the death of the tree. They pupate inside the wood. When they hatch, the adults cut emergence oval shaped holes through the bark. Naturally,
they may occur in small numbers in healthy trees. They can increase in numbers in trees that are stressed or unhealthy for a wide variety of reasons (incompatible with climate, poor pruning history, root disturbance, poisoning etc.).

11 Co-dominant stems are stems or trunks of about the same size originating from the same position by division of the main stem. When the stem bark ridge turns upwards the union is strong and when the ridge turns downwards the union is potentially weak.

14 Included Bark Crotches are potential structural weaknesses that occur in trees between the main stem and a branch or between leaders of equal size (co-dominant stems). Bark between the stems turns downwards and prevents the interlocking of wood fibres rather than upwards to form a branch bark ridge as occurs in structurally sound crotches. This defect is under genetic control and may be repeated throughout the tree or occur in only one crotch. The position of an included bark crotch in a tree plays an important part in the tree's structural stability. Low included bark crotches may be more serious than those higher in a tree. Depending upon the severity of the defect, tree age and species involved, it may be possible to prune or cable trees with bark inclusions in order to reduce the risk of failure. Bark inclusions that do not display signs of structural instability and are in sheltered locations, are unlikely to be a safety issue and may not warrant Arboicultural intervention.

Branching order describes the divisions between successively smaller branches in a tree. The main trunk is what emerges from the ground and is not considered a branch. First order branches (or primary branches) emerge from the main trunk and are the main scaffold branches of the tree. Second order branches (or secondary branches) emerge from these first order branches, followed by third order branches (tertiary branches) and so on. Successive branching is usually characterised by a reduction in branch diameter at each division. Draper, D and Richards, P. *Dictionary for Managing Trees in Urban Environments* CSIRO Publishing and Institute of Australian Consulting Arboriculturalists 2009.

Lopping or topping is the practice of cutting branches or stems between branch unions or internodes. This is an unacceptable practice for the following reasons:

a) Lopping increases the rate of shoot production and elongation.
b) The resulting regrowth is weakly attached and becomes prone to failure or collapse.
c) The stubs that remain may decay.
d) The natural habit of the tree is destroyed.
e) Lopping may reduce the lifespan of the tree.
f) This type of pruning predisposes trees to fungal infections and insect attack.

Ref: AS 4373-2007 *Pruning of amenity trees*

Taper in roots, stems and branches is the decrease in diameter along a given length. Adaptive growth describes the branch's responses in the cambium to mechanical forces and gravitational effects so there is a uniform distribution of mechanical stresses. Taper develops as a consequence of a range of these forces and the distribution of lower order branches. A lack of taper along a stem or branch may reduce the probability of failure. Lonsdale, D. *Principles of Tree Hazard Assessment and Management* Department of Environment, Transport and the Regions, London 1999.

Tree failures during normal weather conditions (storms of similar strength occurring once to many times annually) are often predictable and preventable. However, any tree, containing weaknesses or not, will fail if forces applied exceed the strength of the tree or its parts.

Likelihood of failure. The likelihood that a defective tree part will fail within the specified timeframe. *(Tree Risk Assessment Manual – International Society of Arboriculture 2017, p102).*

**Improbable:** The tree or tree part is not likely to fail during normal weather conditions and may not fail in extreme weather conditions within the specified timeframe.

**Possible:** Failure may be expected in extreme weather conditions, but it is unlikely during normal weather conditions within the specified timeframe.

**Probable:** Failure may be expected under normal weather conditions within the specified timeframe.
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Imminent: Failure has started or is most likely to occur in the near future, even if there is no significant wind or increased load. This is an infrequent occurrence for a risk assessor to encounter and may require immediate action to protect people from harm.


** Very Low
- The likelihood of the failed tree or part impacting the target is remote.
- Likelihood of impact could be very low if the target is outside of the anticipated target zone or if occupancy rates are rare.
- Another example of very low likelihood of impact is people in an occasionally used area with protection against being struck by the failure due to the presence of other trees or structures between the tree being assessed and the targets.

** Low
- There is a slight chance that the failed tree or part will impact the target.
- This is the case for people in an occasionally used area with no protection factors and no predictable direction of fall; a frequently used area that is partially protected; or a constant target that is well protected from the assessed tree.
- Examples are an occasionally used service road next to the assessed tree, or a frequently used street that has a large tree providing protection between vehicles on the street and the assessed tree.

** Medium
- The failed tree or part could impact the target, but is not expected to do so.
- This is the case for people in a frequently used area when the direction of fall may or may not be towards the target.
- An example of a medium likelihood of impacting people could be passengers in a car travelling on an arterial street (frequent occupancy) next to the assessed tree with a large dead branch over the street.

** High
- The failed tree or part is likely to impact the target.
- This is the case when the is a constant target with no protection factors and the direction of fall is toward the target.

\*\* ISA Occupancy rates – The amount of time one or more targets are within the target zone. (Tree Risk Assessment Manual – International Society of Arboriculture 2017, p. 126)

- Rare
  - The target zone is not commonly used by people or other mobile/movable targets. Areas well away from actively used parts of sites.

- Occasional
  - The target zone is occupied infrequently or irregularly. Country roads, low use foot paths, low use sections of parks. Seldom used areas, frequently used for short periods. Cemeteries, low use areas where special events occur.

- Frequent
  - The target zone is occupied for a large portion of the day or week, e.g., suburban streets that receive moderate volumes of traffic, car parks or facilities that are open during the daytime only, sidewalks in shopping areas, and busy delivery areas.

- Constant
  - A target is present at nearly all times, 24hrs/day, 7 days/week. Can include static immovable targets (buildings) or a steady stream of targets, moving through the target zone.


\*\* ISA Consequences of failure and impact. The consequences of failures can be categorised using the following guidelines. (Tree Risk Assessment Manual – International Society of Arboriculture 2017, pp 129-130)

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**Negligible** consequences are those that involve low-value property damage or disruption that can be replaced or repaired; they do not involve personal injury. Examples of negligible consequences include:

- Striking a person causing no more than a bruise or scratch.
- Damage to a lawn or landscape bed
- Minor damage to a structure requiring inexpensive repair
- Disruption of power to landscape lighting
- Disruption of traffic on a neighbourhood street

**Minor** consequences are those that involve minor personal injury, low- to moderate-value property damage, or small disruption of activities. Examples of minor consequences include:

- Minor injury to a person, typically not requiring professional medical care
- Damage to a landscape deck
- Moderate monetary damage to a structure or vehicle
- Short term disruption of power on secondary lines, street lights, and individual services
- Temporary disruption of traffic on a secondary road

**Significant** consequences are those that involve substantial personal injury, moderate- to high-value property damage, or considerable disruption of activities. Examples of significant consequences include:

- A medium sized part striking an unoccupied new vehicle from a moderate or high height
- A large part striking a structure resulting in high monetary damage
- Disruption of distribution primary or secondary voltage power lines, including individual services and street lighting circuits
- Disruption of traffic on a secondary road

**Severe** consequences are those that could involve serious personal injury or death, high value property damage, or major disruption of important activities. Examples of severe consequences include:

- Injury to one or more persons that may result in hospitalization or death
- Destruction of a vehicle of extremely high value
- Major damage to or destruction of a house
- Serious disruption to high-voltage distribution circuits or transmission power lines
- A large part striking an occupied house
- Serious disruption of high voltage distribution and transmission power line
- Disruption of arterial traffic or motorways

**Levels of Risk** In the tree risk assessment matrix, four terms are used to define levels of risk: **low**, **moderate**, **high** and **extreme**. These level ratings are used to communicate the level of risk and to assist in making recommendations to the owner or risk manager for mitigation and inspection frequency. The priority for action depends on the risk rating and risk tolerance of the owner or manager.

**Extreme**: The extreme-risk category applies in situations where failure is **imminent** with a high likelihood of impacting the target and the consequences of the failure are **severe**. The tree risk assessor should recommend that mitigation measures be taken as soon as possible. In some cases, this may mean immediate restriction of access to the target zone area to avoid injury to people.

**High**: High-risk situations are those for which consequences are **significant** and likelihood of failure and impact is **very likely or likely**, or consequences are **severe** and likelihood is **likely**. This combination of likelihood and consequence indicates that the tree risk assessor should recommend mitigation measures be taken. The decision for mitigation and timing of treatment depends on the risk tolerance of the tree owner or risk manager. In populations of trees, the priority of high-risk trees is second only to extreme-risk trees.

**Moderate**: Moderate-risk situations are those for which consequences are **minor** and likelihood of failure and impact is **very likely or likely**, or likelihood is **somewhat likely** and consequences are **significant or severe**. The tree risk assessor may recommend mitigation and/or retaining or monitoring. The decision for mitigation and timing for treatment depends on the risk tolerance of the tree owner or manager. In populations of trees, moderate-risk trees represent a lower priority than high- or extreme-risk trees.

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Low: The low-risk category applies when consequences are negligible, when likelihood of failure and impact is unlikely, or consequences are minor and likelihood is somewhat likely. Mitigation is generally not required. Mitigation or maintenance measures may be desired for some trees because it is sometimes possible to reduce future risk at very low cost, but the priority for action is low. Tree risk assessors may recommend retaining and monitoring these trees, as well as mitigation that does not include removal of the tree. Mitigation treatments may reduce the likelihood of failure or future risk, but the categorised risk rating is already at the lowest level.


## Mitcham Reserve
### Tree Audit

<table>
<thead>
<tr>
<th>Tree #</th>
<th>Species</th>
<th>Circumf. @ 1m (m)</th>
<th>Height (m)</th>
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<th>Risk</th>
<th>Life expect.</th>
<th>Management recs</th>
<th>Priority</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Ulmus minor</td>
<td>1.53</td>
<td>small (&lt;10m)</td>
<td>60-80</td>
<td>Average foliage density,</td>
<td>Average single trunk, branch failures -</td>
<td>overhanging footpath, overhanging</td>
<td>Possible live branch -</td>
<td>Medium person, low</td>
<td>Minor</td>
<td>Low</td>
<td>20-50</td>
<td>none</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(syn. procera)</td>
<td></td>
<td></td>
<td></td>
<td>epiphloem - moderate.</td>
<td>regular, compact crown, internal decay -</td>
<td>road, overhanging lawn</td>
<td>small,</td>
<td>person, low car - moving</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>English elm</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>moderate, crown form irregular,</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
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<td>small (&lt;10m)</td>
<td>60-80</td>
<td>Average foliage density,</td>
<td>Average single trunk, branch failures -</td>
<td>overhanging footpath, overhanging</td>
<td>Possible live branch -</td>
<td>Medium person,</td>
<td>Low</td>
<td>20-50</td>
<td>none</td>
<td>none</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(syn. procera)</td>
<td></td>
<td></td>
<td></td>
<td>epiphloem - moderate.</td>
<td>regular, compact crown, internal decay -</td>
<td>road, overhanging lawn</td>
<td>small,</td>
<td>person, low car - moving</td>
<td></td>
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</tr>
<tr>
<td></td>
<td>English elm</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>moderate, crown form irregular,</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>3</td>
<td>Ulmus minor</td>
<td>1.62</td>
<td>small (&lt;10m)</td>
<td>60-80</td>
<td>Average foliage density,</td>
<td>Average single trunk, branch failures -</td>
<td>overhanging footpath, overhanging</td>
<td>Possible live branch -</td>
<td>Medium person,</td>
<td>Low</td>
<td>20-50</td>
<td>Reduce over-extended branches to W over path through reduction pruning by 20-30%</td>
<td>Medium (within 2 years)</td>
<td>none</td>
</tr>
<tr>
<td></td>
<td>(syn. procera)</td>
<td></td>
<td></td>
<td></td>
<td>epiphloem - moderate,</td>
<td>regular, compact crown, internal decay -</td>
<td>road, overhanging lawn</td>
<td>small,</td>
<td>person, low car - moving</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>English elm</td>
<td></td>
<td></td>
<td></td>
<td>moderate, dieback</td>
<td>moderate, crown form irregular,</td>
<td></td>
<td></td>
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Surveyed 6th and 20th November 2018 by Tree Environ
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<th>Life expect.</th>
<th>Management recs</th>
<th>Priority</th>
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<tbody>
<tr>
<td>4</td>
<td>Ulmus minor</td>
<td>1.83</td>
<td>small (&lt;10m)</td>
<td>60-80</td>
<td>Average epicormics - moderate, dieback moderate</td>
<td>Average single trunk, crown form - irregular, bias to E, previously lopped, over-extended branches, branch failures - limited, overhanging footpath, overhanging lawn,</td>
<td>Possible live branch - medium,</td>
<td>Medium person,</td>
<td>Significant person,</td>
<td>low</td>
<td>20-50</td>
<td>reduce branch leverage to W over path through reduction pruning by 20-30%,</td>
<td>Medium (within 2 years)</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Ulmus minor</td>
<td>1.85</td>
<td>small (&lt;10m)</td>
<td>60-80</td>
<td>Average epicormics - moderate, dieback moderate</td>
<td>Good single trunk, broad spreading crown, branch failures - limited, pruning history - good, internal decay - minor, overhanging footpath, overhanging lawn,</td>
<td>Possible live branch - medium,</td>
<td>Medium person,</td>
<td>Significant</td>
<td>Low</td>
<td>20-50</td>
<td>Reduce leverage of primary branch to NE over path through reduction pruning - remove thick lower section.</td>
<td>Medium (within 2 years)</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Ulmus minor</td>
<td>1.69</td>
<td>small (&lt;10m)</td>
<td>60-80</td>
<td>Average epicormics - moderate, dieback moderate</td>
<td>Average single trunk, crown form - irregular, internal decay - minor, branch failures - limited, overhanging seating, overhanging lawn,</td>
<td>Possible live branch - medium,</td>
<td>Medium person,</td>
<td>Significant person,</td>
<td>Low</td>
<td>20-50</td>
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<tr>
<td>7</td>
<td><em>Eucalyptus camaldulensis</em> River red gum</td>
<td>6.23, significant</td>
<td>large (&gt;20m)</td>
<td>150+</td>
<td>Good</td>
<td>Good single trunk, broad spreading crown, crown form - symmetric, bird chewing damage in several locations, response growth around bird chewing - good, several branch failures in recent years - small, several habitat hollows - small, pruning history - good, several large dead branches,</td>
<td>overhanging footpath, overhanging lawn,</td>
<td>Possible live branch - medium,</td>
<td>Medium person,</td>
<td>Severe person,</td>
<td>Low</td>
<td>100+</td>
<td>Shorten large dead by ~30-60%, mulch around tree, divert pedestrian path around crown - relocate to open area between trees 7 and 34/36</td>
<td>High  (within 6 months)</td>
</tr>
<tr>
<td>8</td>
<td><em>Ulmus parvifolia</em> Chinese elm</td>
<td>&lt;1m</td>
<td>small (&lt;10m)</td>
<td>&lt;10</td>
<td>Good</td>
<td>Average loose in ground, poor root architecture, whipper snipper damage to lower trunk</td>
<td>overhanging lawn,</td>
<td>Improbable</td>
<td>Medium person,</td>
<td>Minor person,</td>
<td>Low</td>
<td>&lt;10</td>
<td>protect trunk from damage (Sentree) and advise lawn contractors to modify practices around trees.</td>
<td>High  (within 6 months)</td>
</tr>
<tr>
<td>9</td>
<td><em>Eucalyptus camaldulensis</em> River red gum</td>
<td>1.39</td>
<td>medium (10-20m)</td>
<td>10-20</td>
<td>Good</td>
<td>Good single trunk, bias to NW,</td>
<td>overhanging BBQ,</td>
<td>Possible live branch - small,</td>
<td>Medium person,</td>
<td>Minor person,</td>
<td>Low</td>
<td>100+</td>
<td>none</td>
<td>High  (within 6 months)</td>
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<tr>
<td>10</td>
<td>Ulmus parvifolia Chinese elm</td>
<td>1.15</td>
<td>small (&lt;10m)</td>
<td>10-20</td>
<td>Good dead branches - minor,</td>
<td>Good single trunk, broad spreading crown, crown form - symmetric, branch failures - limited, low branches,</td>
<td>overhanging car park, overhanging footpath,</td>
<td>Possible live branch - small,</td>
<td>Medium car - parked, person,</td>
<td>Minor</td>
<td>Low</td>
<td>50+</td>
<td>none</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Ulmus parvifolia Chinese elm</td>
<td>1.22</td>
<td>small (&lt;10m)</td>
<td>10-20</td>
<td>Good dead branches - minor,</td>
<td>Good single trunk, broad spreading crown, crown form - symmetric, branch failures - limited,</td>
<td>overhanging footpath, overhanging lawn, overhanging seating, overhanging car park,</td>
<td>Possible live branch - small,</td>
<td>Medium car - parked, person,</td>
<td>Minor</td>
<td>Low</td>
<td>50+</td>
<td>none</td>
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<tr>
<td>12</td>
<td>Ulmus parvifolia Chinese elm</td>
<td>0.9</td>
<td>small (&lt;10m)</td>
<td>10-20</td>
<td>Good dead branches - minor,</td>
<td>Good single trunk, broad spreading crown, crown form - symmetric, branch failures - limited,</td>
<td>overhanging car park, overhanging footpath, overhanging lawn, overhanging seating,</td>
<td>Possible live branch - small,</td>
<td>Medium car - parked, person,</td>
<td>Minor</td>
<td>Low</td>
<td>50+</td>
<td>none</td>
<td></td>
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<tr>
<td>13</td>
<td>Ulmus parvifolia Chinese elm</td>
<td>0.68</td>
<td>small (&lt;10m)</td>
<td>10-20</td>
<td>Good dead branches - minor,</td>
<td>Good single trunk, broad spreading crown, crown form - symmetric, branch failures - limited,</td>
<td>overhanging footpath, overhanging seating, overhanging lawn,</td>
<td>Possible live branch - small,</td>
<td>Medium person,</td>
<td>Minor</td>
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<td>50+</td>
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<tr>
<td>14</td>
<td>Ulmus parvifolia Chinese elm</td>
<td>1.35</td>
<td>medium (10-20m)</td>
<td>10-20</td>
<td>Good dead branches - minor, Good single trunk, broad spreading crown, crown form symmetric, branch failures - limited, branch failures due to bark inclusions - large,</td>
<td>overhanging car park, overhanging footpath, overhanging lawn, overhanging seating,</td>
<td>Possible live branch - medium,</td>
<td>Medium car - parked, person,</td>
<td>Severe person</td>
<td>Low</td>
<td>50+</td>
<td>none</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>Ulmus parvifolia Chinese elm</td>
<td>0.84</td>
<td>small (&lt;10m)</td>
<td>10-20</td>
<td>Good dead branches - minor, Good single trunk, bias to N, branch failures - limited, low branches over road,</td>
<td>overhanging car park, overhanging road,</td>
<td>Possible live branch - small,</td>
<td>Medium car - moving, car - parked, person,</td>
<td>Minor</td>
<td>Low</td>
<td>50+</td>
<td>lift lower crown over road Medium (within 2 years)</td>
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<tr>
<td>16</td>
<td>Ulmus parvifolia Chinese elm</td>
<td>0.47</td>
<td>small (&lt;10m)</td>
<td>&lt;10</td>
<td>Good Average single trunk, stunted crown, branch failures - limited,</td>
<td>overhanging footpath, overhanging lawn,</td>
<td>Possible live branch - small,</td>
<td>Medium person,</td>
<td>Minor</td>
<td>Low</td>
<td>50+</td>
<td>none</td>
<td></td>
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</tr>
<tr>
<td>17</td>
<td>Ulmus parvifolia Chinese elm</td>
<td>1.3</td>
<td>medium (10-20m)</td>
<td>10-20</td>
<td>Good dead branches - minor, Good single trunk, broad spreading crown, crown form symmetric, branch failures - limited,</td>
<td>overhanging car park, overhanging footpath, overhanging lawn, overhanging seating,</td>
<td>Possible live branch - small,</td>
<td>Medium car - parked, person,</td>
<td>Minor</td>
<td>Low</td>
<td>50+</td>
<td>none</td>
<td></td>
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</tr>
<tr>
<td>18</td>
<td>Ulmus parvifolia Chinese elm</td>
<td>0.67</td>
<td>small (&lt;10m)</td>
<td>10-20</td>
<td>Good Good single trunk, bias to N, branch failures - limited,</td>
<td>overhanging footpath, overhanging car park,</td>
<td>Possible live branch - small,</td>
<td>Medium car - parked, car - moving, person,</td>
<td>Minor</td>
<td>Low</td>
<td>50+</td>
<td>none</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Surveyed 6th and 20th November 2018

by Tree Environs
### Mitcham Reserve

#### Tree Audit

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<thead>
<tr>
<th>Tree #</th>
<th>Species</th>
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<th>Surrounds</th>
<th>L of failure</th>
<th>L of impact</th>
<th>Consequences</th>
<th>Risk</th>
<th>Life expect.</th>
<th>Management recs</th>
<th>Priority</th>
</tr>
</thead>
<tbody>
<tr>
<td>19</td>
<td>Ulmus minor (syn. procera) English elm</td>
<td>4.25, significant</td>
<td>large (&gt;20m)</td>
<td>80-100</td>
<td>Average diseback - moderate, large dead branches - pruned out epicormics - moderate, good foliage density</td>
<td>Average single trunk, broad spreading crown, internal decay at base of trunk and in main branches - major, good response growth and adequate vigour, bird chewing damage, possum predation numerous habitat halloys,</td>
<td>overhanging road, overhanging footpath, damage to building, overhanging seating, overhanging lawn,</td>
<td>Possible live branch - large,</td>
<td>Medium car - moving, person,</td>
<td>Severe, person, Significant car,</td>
<td>Low</td>
<td>10-20</td>
<td>mulch around tree, Elm Leaf Beetle treatment every 2-3 years.</td>
<td>High (within 6 months)</td>
</tr>
<tr>
<td>20</td>
<td>Ulmus minor (syn. procera) English elm Group of trees surrounding dead River red gum trunk.</td>
<td>&lt;2m each, medium (10-20m)</td>
<td>10-20</td>
<td>Good, Elm leaf beetle</td>
<td>Average, crowded stems, some with bark inclusions, one stem to W rubbing in dead river red gum, resulting in notable wound.</td>
<td>overhanging road and verge,</td>
<td>Improbable whole stem</td>
<td>Medium car - moving, person,</td>
<td>Severe</td>
<td>Low</td>
<td>20-50</td>
<td>Thin out elm trees, retain dead red gum trunk, remove stub on red gum rubbing on Elm tree trunk.</td>
<td>Medium (within 2 years)</td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>Eucalyptus camaldulensis River red gum</td>
<td>2.29, exempt dead tree</td>
<td>medium (10-20m)</td>
<td>100+</td>
<td>Dead</td>
<td>Good single trunk, internal decay - minor,</td>
<td>overhanging road verge,</td>
<td>Improbable whole stem</td>
<td>Low car - moving, person,</td>
<td>Severe</td>
<td>Low</td>
<td>none</td>
<td>none</td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>Ulmus parvifolia Chinese elm</td>
<td>&lt;1m, small (&lt;3m)</td>
<td>&lt;10</td>
<td>Good dead branches - minor,</td>
<td>Good single trunk, crown form - symmetric, branch failures - limited,</td>
<td>overhanging lawn,</td>
<td>Possible live branch - small,</td>
<td>Low person,</td>
<td>Minor</td>
<td>Low</td>
<td>50+</td>
<td>none</td>
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<tbody>
<tr>
<td>23</td>
<td><em>Ulmus parvifolia</em></td>
<td>0.63</td>
<td>small (&lt;10m)</td>
<td>&lt;10</td>
<td>Good dead branches - minor, Good single trunk, crown form - symmetric, branch failures - limited,</td>
<td>overhanging footpath, overhanging lawn, Possible live branch - small,</td>
<td>Medium person, Minor</td>
<td>Low</td>
<td>50+ none</td>
<td>none</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>24</td>
<td><em>Ulmus parvifolia</em></td>
<td>&lt;1m</td>
<td>small (&lt;10m)</td>
<td>&lt;10</td>
<td>Good dead branches - minor, Good single trunk, crown form - symmetric,</td>
<td>overhanging footpath, overhanging lawn, Possible live branch - small,</td>
<td>Medium person, Minor</td>
<td>Low</td>
<td>50+ none</td>
<td>none</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>25</td>
<td><em>Ulmus parvifolia</em></td>
<td>1.45</td>
<td>medium (10-20m)</td>
<td>10-20</td>
<td>Good dead branches - minor, Good single trunk, broad spreading crown, crown form - symmetric, bark inclusion branch to W over play equipment - minor,</td>
<td>overhanging play area, overhanging lawn, overhanging footpath, Possible live branch - medium,</td>
<td>High play equipment, Medium person, Minor play equipment, Severe person,</td>
<td>Low</td>
<td>50+ High (within 6 months)</td>
<td>reduce branch leverage of 2nd order branches to W and S over new play equipment with bark inclusion through reduction pruning by 30%, Remove High (within 6 months)</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>26</td>
<td><em>Populus nigra</em></td>
<td>1m</td>
<td>small (&lt;10m)</td>
<td>Good</td>
<td>Regrowth from cut stump, Not appropriate to retain.</td>
<td>overhanging lawn area, low</td>
<td>Low person, Minor person,</td>
<td>Low</td>
<td>Remove</td>
<td>High (within 6 months)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>27</td>
<td><em>Eucalyptus camaldulensis</em></td>
<td>&lt;1m</td>
<td>small (&lt;10m)</td>
<td>&lt;10</td>
<td>Average poor root architecture, slightly loose in ground,</td>
<td>overhanging lawn, Improbable whole tree</td>
<td>Medium person, Minor</td>
<td>Low</td>
<td>&lt;10 mulch around tree Low (as funds allow)</td>
<td></td>
<td></td>
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### Mitcham Reserve

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<tbody>
<tr>
<td>28</td>
<td><em>Eucalyptus camaldulensis</em> River red gum</td>
<td>&lt;1m small (&lt;10m)</td>
<td>&lt;10</td>
<td>Good</td>
<td>Poor root architecture, very loose in ground,</td>
<td>overhanging lawn,</td>
<td>Improbable whole stem</td>
<td>Medium person,</td>
<td>Minor</td>
<td>Low</td>
<td>&lt;10</td>
<td>plant new tree,</td>
<td>Low (as funds allow)</td>
<td></td>
</tr>
<tr>
<td>29</td>
<td><em>Eucalyptus camaldulensis</em> River red gum</td>
<td>&lt;1m small (&lt;10m)</td>
<td>&lt;10</td>
<td>Average leaf pests - moderate,</td>
<td>Average poor root architecture, slightly loose in ground,</td>
<td>overhanging lawn,</td>
<td>Improbable whole tree</td>
<td>Medium person,</td>
<td>Minor</td>
<td>Low</td>
<td>&lt;10</td>
<td>mulch around tree</td>
<td>Low (as funds allow)</td>
<td></td>
</tr>
<tr>
<td>30</td>
<td><em>Eucalyptus camaldulensis</em> River red gum</td>
<td>&lt;1m small (&lt;10m)</td>
<td>&lt;10</td>
<td>Average leaf pests - moderate,</td>
<td>Average poor root architecture, slightly loose in ground,</td>
<td>overhanging lawn,</td>
<td>Improbable whole tree</td>
<td>Medium person,</td>
<td>Minor</td>
<td>Low</td>
<td>&lt;10</td>
<td>mulch around tree</td>
<td>Low (as funds allow)</td>
<td></td>
</tr>
<tr>
<td>31</td>
<td><em>Eucalyptus camaldulensis</em> River red gum</td>
<td>&lt;1m small (&lt;10m)</td>
<td>&lt;10</td>
<td>Average thinning foliage short life expectancy,</td>
<td>Poor root architecture, very loose in ground,</td>
<td>overhanging lawn,</td>
<td>Improbable whole tree</td>
<td>Medium person,</td>
<td>Minor</td>
<td>low</td>
<td>&lt;10</td>
<td>plant new tree,</td>
<td>Low (as funds allow)</td>
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<tbody>
<tr>
<td>32</td>
<td><em>Eucalyptus camaldulensis</em> (River red gum)</td>
<td>5.49, significant</td>
<td>medium [10-20m]</td>
<td>150+</td>
<td>Good foliage density - Improving, sections of damaged vascular tissue at ground level and along main stems, epicormics - minor, new mulched area below (excellent!)</td>
<td>Average single trunk, leaning trunk to W - minor, crown form - irregular, internal trunk decay - moderate, internal branch decay - moderate, older branch failures - very large, no recent notable branch failure, branch wounds - major, response growth - moderate, recent branch failures - limited, habitat hollows large,</td>
<td>overhanging seating, overhanging mulched garden bed</td>
<td>possible live branch - large,</td>
<td>low person,</td>
<td>Severe</td>
<td>Low</td>
<td>50+</td>
<td>Top up mulch layers</td>
<td>High (within 6 months)</td>
</tr>
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<tbody>
<tr>
<td>33</td>
<td>Eucalyptus camaldulensis</td>
<td>4.47, significant</td>
<td>large (&gt;20m)</td>
<td>150+</td>
<td>Good foliage density - good, borer activity - minor, dead branches - minor, active beehives</td>
<td>Average single trunk, crown form - irregular, several very large branch failures, another large branch failure in ~2016 onto mulched garden area (no damage or harm), several branch wounds - moderate, response growth - moderate,</td>
<td>overhanging mulched garden bed</td>
<td>possible live branch - large.</td>
<td>Low person,</td>
<td>Severe person,</td>
<td>Low</td>
<td>50+</td>
<td>Top up mulch layers</td>
<td>High (within 6 months)</td>
</tr>
<tr>
<td>34</td>
<td>Eucalyptus camaldulensis</td>
<td>4.47, significant</td>
<td>large (&gt;20m)</td>
<td>150+</td>
<td>Good dead branches - minor, borer activity minor, epicormics, minor,</td>
<td>Good single trunk, emergent crown above neighbouring trees, three old low large branch failures, recent branch failures - limited, over-extended branch in mid crown to N with average branch taper,</td>
<td>overhanging mulched garden bed</td>
<td>Possible live branch - large,</td>
<td>Medium person,</td>
<td>Severe person,</td>
<td>Low</td>
<td>100+</td>
<td>Top up mulch layers</td>
<td></td>
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### Mitcham Reserve

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<tbody>
<tr>
<td>35</td>
<td><em>Eucalyptus camaldulensis</em> - <em>River red gum</em></td>
<td>3.89, exempt dead tree</td>
<td>medium (10-20m)</td>
<td>150+</td>
<td>Dead</td>
<td>Average internal decay - moderate, developing torsional cracks on E side, habitat hollows in upper trunk</td>
<td>overhanging mulched garden bed</td>
<td>Possible whole tree</td>
<td>Low person,</td>
<td>Severe person,</td>
<td>Low</td>
<td>none</td>
<td>Top up mulch layers</td>
<td></td>
</tr>
<tr>
<td>36</td>
<td><em>Eucalyptus camaldulensis</em> - <em>River red gum</em></td>
<td>4.22, significant</td>
<td>medium (10-20m)</td>
<td>150+</td>
<td>Good dead branches - minor, borer activity - minor, active bee hive, epicormics - moderate,</td>
<td>overhanging mulched garden bed</td>
<td>Possible live branch - medium,</td>
<td>Low person,</td>
<td>Severe person,</td>
<td>Low</td>
<td>100+</td>
<td>Top up mulch layers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>37</td>
<td>removed tree</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tbody>
<tr>
<td>38</td>
<td>Fraxinus 'Raywood' Claret ash</td>
<td>0.99</td>
<td>small (&lt;10m)</td>
<td>10-20</td>
<td>Good dead branches - minor, Good single trunk, crown form - symmetric, branch failures - limited, some crowded branches, suckers at base, overhanging lawn, overhanging road, Possible live branch - small, Overhanging lawn, overhanging road, Medium car - moving, Low person, Minor car, person,</td>
<td>Low</td>
<td>50+</td>
<td>formative prune, remove suckers at base, mulch around tree</td>
<td>High (within 6 months)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>39</td>
<td>Fraxinus 'Raywood' Claret ash</td>
<td>0.87</td>
<td>small (&lt;10m)</td>
<td>10-20</td>
<td>Average moderate number of small dead branches, Good single trunk, crown form - symmetric, branch failures - limited, low branches over roadway, Possible live branch - small, Medium car - moving, Low person, Medium car, person, Low</td>
<td>Low</td>
<td>50+</td>
<td>lift crown to E over road, mulch around tree</td>
<td>Medium (within 2 years)</td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>40</td>
<td>Fraxinus 'Raywood' Claret ash</td>
<td>2.14 regulated</td>
<td>small (&lt;10m)</td>
<td>10-20</td>
<td>Good dead branches - minor, Good multi-stemmed, crown form - symmetric, branch failures - limited, low branches over roadway, overhanging lawn, overhanging road, Possible live branch - small, Medium car - moving, Low person, Medium car, person, Low</td>
<td>Low</td>
<td>50+</td>
<td>lift crown to E over road, mulch around tree</td>
<td>Medium (within 2 years)</td>
<td></td>
<td></td>
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<tr>
<td>41</td>
<td>Eucalyptus camaldulensis</td>
<td>6.50</td>
<td>large (&gt;20m)</td>
<td>150+</td>
<td>Below average, very sparse</td>
<td></td>
<td></td>
<td>overhanging road (leaning</td>
<td></td>
<td>Improbable</td>
<td>Low</td>
<td>100+</td>
<td>Shorten larger</td>
<td>Medium</td>
</tr>
<tr>
<td></td>
<td>River red gum</td>
<td></td>
<td></td>
<td></td>
<td>foliage, moderate dieback,</td>
<td></td>
<td></td>
<td>away)</td>
<td></td>
<td>whole tree</td>
<td></td>
<td></td>
<td>dead branches</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>chlorotic foliage, moderate</td>
<td></td>
<td></td>
<td>possible live branch -</td>
<td></td>
<td>moving</td>
<td></td>
<td></td>
<td>overhanging</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>epicormic growth, borer</td>
<td></td>
<td></td>
<td>moderate, root damage -</td>
<td></td>
<td>Medium</td>
<td></td>
<td></td>
<td>pedestrian</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>activity major, large</td>
<td></td>
<td></td>
<td>moderate, internal decay at</td>
<td></td>
<td>person,</td>
<td></td>
<td></td>
<td>walkways, monitor</td>
<td></td>
</tr>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>sections of delaminating</td>
<td></td>
<td></td>
<td>base - moderate, several</td>
<td></td>
<td>significant</td>
<td></td>
<td></td>
<td>tree annually</td>
<td></td>
</tr>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>bark at base of trunk due</td>
<td></td>
<td></td>
<td>dead branches, recent</td>
<td></td>
<td>footbridge</td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>to borer damage</td>
<td></td>
<td></td>
<td>branch failures - limited,</td>
<td></td>
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<th>L.of impact</th>
<th>Consequences</th>
<th>Risk</th>
<th>Life expect.</th>
<th>Management reco's</th>
<th>Priority</th>
</tr>
</thead>
<tbody>
<tr>
<td>42</td>
<td><em>Eucalyptus camaldulensis</em> River red gum</td>
<td>5.58 significant</td>
<td>large (&gt;20m)</td>
<td>150+</td>
<td>Average foliage density - average, borer activity - minor, dead branches - moderate, possum grazing, epicormics - moderate.</td>
<td>Average single trunk, broad spreading crown, crown form - irregular, two large old large branch failures, several medium branch failures, recent branch failures - limited, internal trunk decay - minor, several habitat hollows of varying size, response growth - moderate, large dead branches, load on defects (hollows)- low - medium, over-extended branches, root damage - minor,</td>
<td>overhanging road, overhanging footpath, overhanging lawn,</td>
<td>Improbable whole tree Possible live branch - medium, Probable dead branch - medium,</td>
<td>Medium car - moving, person,</td>
<td>Severe</td>
<td>Moderate</td>
<td>100+</td>
<td>shorten dead branches &lt;50mm dia, over road and footpaths,</td>
<td>High (within 6 months)</td>
</tr>
<tr>
<td>43</td>
<td><em>Eucalyptus camaldulensis</em> River red gum</td>
<td>2.0-3.0m exempt dead tree</td>
<td>small (&lt;10m)</td>
<td>150+</td>
<td>Dead</td>
<td>Good internal decay - moderate,</td>
<td>overhanging footpath, leans towards creek</td>
<td>possible whole tree</td>
<td>low person,</td>
<td>Severe</td>
<td>Low</td>
<td>none</td>
<td>none</td>
<td></td>
</tr>
<tr>
<td>44</td>
<td><em>Schinus martensii</em> Peppercorn</td>
<td>&lt;1m</td>
<td>small (&lt;10m)</td>
<td>&lt;10</td>
<td>Good</td>
<td>Good</td>
<td>overhanging verge</td>
<td>Improbable</td>
<td>Low person,</td>
<td>Minor</td>
<td>Low</td>
<td>50+</td>
<td>none</td>
<td></td>
</tr>
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surveyed 6th and 20th November 2018

by Tree Enviors
# Mitcham Reserve Tree Audit

<table>
<thead>
<tr>
<th>Tree #</th>
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<th>Surrounds</th>
<th>L of failure</th>
<th>L of impact</th>
<th>Consequences</th>
<th>Risk</th>
<th>Life expect.</th>
<th>Management recs</th>
<th>Priority</th>
</tr>
</thead>
<tbody>
<tr>
<td>45</td>
<td><em>Eucalyptus camaldulensis</em> River red gum</td>
<td>1.98</td>
<td>medium</td>
<td>10-20</td>
<td>Good</td>
<td>branches - minor, borer activity - minor,</td>
<td>Average single trunk, crown form - irregular, low over-extended branch to E over roadway, overhanging road, overhanging footpath, overhanging lawn,</td>
<td>Possible like branch - small,</td>
<td>Medium car - moving,</td>
<td>Minor</td>
<td>Low</td>
<td>50+</td>
<td>reduce branch length to E over road through reduction pruning by 40-50%, mulch around tree</td>
<td>Medium (within 2 years)</td>
</tr>
<tr>
<td>46</td>
<td><em>Eucalyptus camaldulensis</em> River red gum</td>
<td>1.9</td>
<td>medium</td>
<td>10-20</td>
<td>Good</td>
<td>branches - minor,</td>
<td>Average single trunk, crown form - irregular, bias to E over road, branch failures - limited, low branch to E overhanging road, overhanging road, overhanging lawn,</td>
<td>Possible like branch - small,</td>
<td>Medium car - moving,</td>
<td>Minor</td>
<td>Low</td>
<td>50+</td>
<td>reduce branches in mid/upper crown to E over road through reduction pruning by 10-30%, lift lower branches over road, mulch around tree</td>
<td>Medium (within 2 years)</td>
</tr>
<tr>
<td>47</td>
<td><em>Eucalyptus camaldulensis</em> River red gum</td>
<td>6.94 exempt dead tree</td>
<td>medium</td>
<td>150+</td>
<td>Dead active beehive</td>
<td>Average internal decay lower trunk - minor, decay in upper crown unknown, several large habitat hollows - previously shortened, cracks in various branches, overhanging car park, overhanging footpath, overhanging lawn, overhanging mulched garden bed,</td>
<td>Possible, large dead branches, Low car - parked, person,</td>
<td>Severe</td>
<td>Low</td>
<td>none</td>
<td>Shorten branch to S over carpark, by 20% or relocate handicap parking bays, pull test of upper trunk to check stability of upper trunk</td>
<td>High (within 6 months)</td>
<td></td>
<td></td>
</tr>
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### Mitcham Reserve
#### Tree Audit

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<tr>
<td>48</td>
<td>Eucalyptus camaldulensis River red gum</td>
<td>2.46 regulated</td>
<td>medium (10-20m)</td>
<td>20-40</td>
<td>Good borer activity minor, dead branches - minor,</td>
<td>Good single trunk, narrow upright crown, branch taper - average, branch failures - limited,</td>
<td>overhanging footpath, overhanging lawn,</td>
<td>Possible live branch - medium</td>
<td>Medium person,</td>
<td>Severe</td>
<td>Low</td>
<td>50+</td>
<td>none</td>
<td></td>
</tr>
<tr>
<td>49</td>
<td>Eucalyptus camaldulensis River red gum</td>
<td>2.05 Regulated</td>
<td>medium (10-20m)</td>
<td>20-40</td>
<td>Good borer activity minor, dead branches - minor,</td>
<td>Good single trunk, narrow upright crown, branch taper - average, branch failures - limited,</td>
<td>overhanging lawn, overhanging footpath,</td>
<td>Possible live branch - medium,</td>
<td>Medium person,</td>
<td>Severe</td>
<td>Low</td>
<td>50+</td>
<td>none</td>
<td></td>
</tr>
<tr>
<td>50</td>
<td>Removed tree</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tbody>
<tr>
<td>51</td>
<td><em>Eucalyptus camaldulensis</em> River red gum</td>
<td>6.23 significant</td>
<td>large (&gt;20m)</td>
<td>150+</td>
<td>Good dead branches - minor in upper crown, large hollow dead branches in mid crown, borer activity moderate, possum grazing, new mulched area below tree</td>
<td>Average single trunk, broad spreading irregular crown, several large old branch failures in lower crown and several old medium branch failures in mid crown, recent branch failure in mid crown to N on 6th December 2018 during very hot conditions, landed on mulch area with damage to temporary fencing only. Large dead branches (shortened for habitat), several small and large habitat hollows, response growth - moderate, internal decay lower trunk - minor, internal decay branches unknown, overhanging lawn, overhanging footpath, overhanging mulched garden bed,</td>
<td>Overhanging low, medium to large,</td>
<td>Medium person,</td>
<td>Severe</td>
<td>Low</td>
<td>100+</td>
<td>Divert pedestrian path around crown perimeter to south, increase mulch layers, consider temporary fencing to keep pedestrians out while plants are establishing</td>
<td>High (within 6 months)</td>
<td></td>
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## Mitcham Reserve

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<tr>
<td>52</td>
<td><em>Pinus halepensis</em></td>
<td>3.68, significant</td>
<td>large (&gt;20m)</td>
<td>80-100</td>
<td>Good</td>
<td>dead branches - minor,</td>
<td>Good single trunk, branches concentrated in upper third, crown form - symmetric, crown density - dense, pruning history - good,</td>
<td>overhanging footpath, overhanging play area,</td>
<td>Possible live branch - large,</td>
<td>Medium person,</td>
<td>Severe</td>
<td>Low</td>
<td>10-20</td>
<td>none</td>
</tr>
</tbody>
</table>

| 53     | *Eucalyptus camaldulensis* | 5.81, significant | large (>20m) | 150+  | Good   | borer activity minor, dead branches - minor, possum grazing, epicormics - moderate, | Good single trunk, crown form - broad spreading, over-extended branches, branch taper - average, branch failures - limited, pruning history - good, | overhanging road, overhanging footpath, overhanging play area, overhanging schools sandpit | Possible live branch - medium, | Low car - moving, Medium person, | Minor car, Severe person, | Low | 100+ | reduce branch leverage to north over school sandpit through reduction pruning by 30-40%, reduce branch leverage to SE over reserve footpath through reduction pruning by 20-30%, | Medium (within 2 years) |

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Surveyed 6th and 20th November 2018

By Tree Environ
### Mitcham Reserve
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<tr>
<td>54</td>
<td>Eucalyptus camaldulensis</td>
<td>2.93 regulated</td>
<td>medium</td>
<td>60-80</td>
<td>Average, no crown, foliage consists of epicormic regrowth only along remaining trunk, borer activity - minor,</td>
<td>Average single trunk, leaning trunk - major, upper trunk failed into school yard sometime in last 4 years</td>
<td>overhanging low use section of reserve</td>
<td>Possible small dead branch</td>
<td>Low person, minor</td>
<td>Low</td>
<td>20-50</td>
<td>none</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>River red gum</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>55</td>
<td>Ulmus minor (syn. procera)</td>
<td>2.90 regulated</td>
<td>medium</td>
<td>60-80</td>
<td>Good dead branches - moderate, elm leaf beetle</td>
<td>Average single trunk, leaning trunk - moderate, bias to NE, broad spreading crown, crown density - dense, over-extended branches, branch failure at 6m to E, several medium branch failures, internal trunk decay - minor, low branches overhanging new seating</td>
<td>overhanging creek, overhanging seating,</td>
<td>Possible live branch - medium</td>
<td>Medium person, Severe</td>
<td>Low</td>
<td>10-20</td>
<td>reduce branch leverage through reduction pruning by 10-15%, lift lower crown over new seating area, Elm leaf beetle treatment every 2-3 years</td>
<td>Medium (within 2 years)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>English elm</td>
<td></td>
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<tr>
<td>56</td>
<td>removed tree</td>
<td></td>
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</thead>
<tbody>
<tr>
<td>57</td>
<td><em>Corymbia citriodora</em></td>
<td>2.24 regulated</td>
<td>medium</td>
<td>40-60</td>
<td>Good dead branches - minor,</td>
<td>Average single trunk, bias to N, broad spreading crown, crown density - sparse, branch taper - poor, branch failures - regular (5 notable failures in recent years),</td>
<td>overhanging play area, overhanging lawn,</td>
<td>Possible live branch - medium, Medium person,</td>
<td>Severe</td>
<td>Low</td>
<td>20-50 none, no suitable pruning options,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><em>Lemon scented gum</em></td>
<td></td>
<td>10-20m</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>58</td>
<td><em>Corymbia citriodora</em></td>
<td>2.09 regulated</td>
<td>large</td>
<td>20-40</td>
<td>Average foliage density - average, dead branches - minor,</td>
<td>Average single trunk, crown density - sparse, over-extended branches, branch taper - poor, branch failures - limited,</td>
<td>overhanging lawn, overhanging seating,</td>
<td>Possible live branch - medium, Medium person,</td>
<td>Severe</td>
<td>Low</td>
<td>20-50 none, no suitable pruning options,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><em>Lemon scented gum</em></td>
<td></td>
<td>(&gt;20m)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>59</td>
<td><em>Eucalyptus camaldulensis</em></td>
<td>&lt;1m</td>
<td>small</td>
<td>&lt;10</td>
<td>Good</td>
<td>Good</td>
<td>overhanging lawn,</td>
<td>Improbable whole tree, Medium person,</td>
<td>Minor</td>
<td>&lt;10 mulch around tree</td>
<td>Low (as funds allow)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><em>River red gum</em></td>
<td></td>
<td>(&lt;10m)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>60</td>
<td><em>Eucalyptus camaldulensis</em></td>
<td>&lt;1m</td>
<td>small</td>
<td>&lt;10</td>
<td>Average leaf pests - moderate, sparse chlorotic foliage short life expectancy,</td>
<td>Poor root architecture, very loose in ground,</td>
<td>overhanging lawn,</td>
<td>Improbable whole tree, Medium person,</td>
<td>Minor</td>
<td>&lt;10 plant new tree,</td>
<td>Low (as funds allow)</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td><em>River red gum</em></td>
<td></td>
<td>(&lt;10m)</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>61</td>
<td>Salix babylonica Willow</td>
<td>1.71</td>
<td>medium</td>
<td>20-40</td>
<td>Average dieback - moderate, average</td>
<td>single trunk, narrow upright crown, internal decay - minor, root damage - moderate, overhanging creek, overhanging lawn,</td>
<td>Possible live branch - medium, Medium person,</td>
<td>Severe</td>
<td>Low</td>
<td></td>
<td></td>
<td>&lt;10</td>
<td>none</td>
<td></td>
</tr>
<tr>
<td>62</td>
<td>Eucalyptus camaldulensis River red gum</td>
<td>&lt;1m</td>
<td>small</td>
<td>&lt;10</td>
<td>Average leaf pests - moderate, possum grazing</td>
<td>Average, overhanging lawn,</td>
<td>Improbable whole tree, Medium person,</td>
<td>Minor</td>
<td>Low</td>
<td></td>
<td></td>
<td>&lt;10</td>
<td>mulch around tree</td>
<td>Low (as funds allow)</td>
</tr>
<tr>
<td>63</td>
<td>Lagunaria patersonia Norfolk Island hibiscus</td>
<td>2.69, exempt species</td>
<td>medium</td>
<td>40-60</td>
<td>Good irritating hairs not suitable near play equipment</td>
<td>Good crown form - symmetric, crown density - dense, overhanging play area, overhanging lawn,</td>
<td>Possible live branch - small, Medium person,</td>
<td>Minor</td>
<td>20-50</td>
<td>remove tree, irritating hairs not suitable near play equipment</td>
<td>Low (as funds allow)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>64</td>
<td>Ficus sp. Fig Tree</td>
<td>2.59, exempt species</td>
<td>medium</td>
<td>60-80</td>
<td>Poor foliage density - thinning, possum grazing dieback - moderate,</td>
<td>Good single trunk, broad spreading crown, crown form - symmetric, crown density - sparse, branch failures - limited, large dead branches, overhanging lawn,</td>
<td>Possible live branch - small, dead branch large, Medium person,</td>
<td>Severe</td>
<td>Low</td>
<td>10-20 Remove dead branches over 40mm in diameter, mulch around tree</td>
<td>Medium (within 2 years)</td>
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<th>L. of impact</th>
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<td>65</td>
<td><em>Schinus arenaria</em></td>
<td>1.0-2.0m</td>
<td>small (&lt;20m)</td>
<td>20-40</td>
<td>Average dead branches - moderate</td>
<td>Average multi-stemmed, crown form - irregular, stunted crown, internal decay - moderate,</td>
<td>overhanging lawn,</td>
<td>Possible live branch - small, dead branch - small,</td>
<td>Low person,</td>
<td>Minor</td>
<td>Low</td>
<td>20-50</td>
<td>none</td>
<td></td>
</tr>
<tr>
<td>66</td>
<td><em>Olea europaea</em></td>
<td>1.0-2.0m</td>
<td>small (&lt;20m)</td>
<td>40-60</td>
<td>Average dead branches - moderate, soil levels raised,</td>
<td>Average crown form - irregular,</td>
<td>overhanging car park, overhanging lawn,</td>
<td>Possible dead branch - small,</td>
<td>Medium car - parked,</td>
<td>Minor</td>
<td>Low</td>
<td>20-50</td>
<td>none</td>
<td></td>
</tr>
<tr>
<td>67</td>
<td><em>Olea europaea</em></td>
<td>1.0-2.0m</td>
<td>small (&lt;20m)</td>
<td>40-60</td>
<td>Good dead branches - moderate, soil levels raised,</td>
<td>Average crown form - irregular,</td>
<td>overhanging car park, overhanging lawn,</td>
<td>Possible dead branch - small,</td>
<td>Medium car - parked,</td>
<td>Minor</td>
<td>Low</td>
<td>20-50</td>
<td>none</td>
<td></td>
</tr>
<tr>
<td>68</td>
<td><em>Schinus arenaria</em></td>
<td>3.38 exempt species</td>
<td>medium (10-20m)</td>
<td>20-40</td>
<td>Average dead branches - moderate foliage density - average,</td>
<td>Average crown form - irregular, internal decay - moderate, large dead branches,</td>
<td>overhanging lawn, overhanging car park,</td>
<td>Possible live branch - small, dead branch - small,</td>
<td>Low person,</td>
<td>Minor</td>
<td>Low</td>
<td>20-50</td>
<td>none</td>
<td></td>
</tr>
</tbody>
</table>

surveyed 6th and 20th November 2018

by Tree Environ
### Mitcham Reserve Tree Audit

<table>
<thead>
<tr>
<th>Tree #</th>
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<th>L of failure</th>
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<th>Risk</th>
<th>Life expect.</th>
<th>Management recs</th>
<th>Priority</th>
</tr>
</thead>
<tbody>
<tr>
<td>69</td>
<td>Schinus andreana Peppercorn</td>
<td>2.35 exempt species</td>
<td>medium (10-20m)</td>
<td>20-40</td>
<td>Average dead branches - moderate foliage density - average,</td>
<td>Average crown form - irregular, internal decay - moderate, large dead branches, several recent large branch failures, heavy stem to NE over car park</td>
<td>overhanging lawn, overhanging car park,</td>
<td>Possible live branch - medium, dead branch - medium</td>
<td>Low person, Medium car - parked,</td>
<td>Minor</td>
<td>Low</td>
<td>20-50</td>
<td>remove dead branches over 40mm dia., reduce stem to NE over car park through reduction pruning by 40%, remove broken branches</td>
<td>Medium (within 2 years)</td>
</tr>
<tr>
<td>70</td>
<td>Schinus andreana Peppercorn</td>
<td>1.28 small (&lt;20m)</td>
<td>20-40</td>
<td>Average dead branches - moderate foliage density - average,</td>
<td>Average crown form - irregular, internal decay - moderate, large crack in N stem</td>
<td>overhanging lawn, overhanging car park,</td>
<td>Probable live branch to N - medium, dead branch - small</td>
<td>Low person, Medium car - parked,</td>
<td>Minor</td>
<td>Low</td>
<td>20-50</td>
<td>remove N stem over carpark</td>
<td>High (within 6 months)</td>
<td></td>
</tr>
<tr>
<td>71</td>
<td>Eucalyptus camaldulensis River red gum</td>
<td>3.42 significant medium (10-20m)</td>
<td>40-60</td>
<td>Good borer activity minor,</td>
<td>Good single trunk, broad spreading crown, crown form - irregular, bias to SE, branch failures - limited, several medium sized dead branches</td>
<td>overhanging lawn,</td>
<td>Possible live branch - medium, dead branch - large,</td>
<td>Low person, Significant person</td>
<td>Low</td>
<td>50+</td>
<td>none</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Surveyed 6th and 20th November 2018 by Tree Environs
# Mitcham Reserve

## Tree Audit

<table>
<thead>
<tr>
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<th>L of impact</th>
<th>Consequeces</th>
<th>Risk</th>
<th>Life expect.</th>
<th>Management ress</th>
<th>Priority</th>
</tr>
</thead>
<tbody>
<tr>
<td>72</td>
<td><em>Eucalyptus camaldulensis</em> River red gum</td>
<td>2.69 regulated</td>
<td>medium (10-20m)</td>
<td>40-60</td>
<td>Good dead branches - minor, borer activity - minor,</td>
<td>Good single trunk, broad spreading crown, crown form - irregular, large dead branches, branch failures - limited,</td>
<td>overhanging road, overhanging lawn,</td>
<td>Possible live branch - medium, dead branch - medium,</td>
<td>Low person, car moving,</td>
<td>Minor</td>
<td>Low</td>
<td>50+</td>
<td>none</td>
<td></td>
</tr>
<tr>
<td>73</td>
<td><em>Eucalyptus camaldulensis</em> River red gum</td>
<td>1.88</td>
<td>medium (10-20m)</td>
<td>20-40</td>
<td>Good dead branches - minor, borer activity - minor,</td>
<td>Poor single trunk, leaning trunk to W over road - major, limited growing space, branch failures - limited,</td>
<td>overhanging road, overhanging lawn, obscuring lights,</td>
<td>Possible live branch - medium,</td>
<td>Low car moving, person,</td>
<td>Severe person, Significant car,</td>
<td>Low</td>
<td>10-20</td>
<td>remove tree, limited future</td>
<td>Low (as funds allow)</td>
</tr>
<tr>
<td>74</td>
<td><em>Eucalyptus camaldulensis</em> River red gum</td>
<td>3.76 significant</td>
<td>large (&gt;20m)</td>
<td>60-80</td>
<td>Good borer activity minor, dead branches - minor,</td>
<td>Good single trunk, emergent crown, broad spreading crown, crown form - symmetric, branch failures - limited,</td>
<td>overhanging lawn, overhanging play area</td>
<td>Possible live branch - medium,</td>
<td>Medium person,</td>
<td>Severe</td>
<td>Low</td>
<td>100+</td>
<td>none</td>
<td></td>
</tr>
</tbody>
</table>

surveyed 6th and 20th November 2018 by Tree Enviros
### Mitcham Reserve Tree Audit

<table>
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<tr>
<th>#</th>
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<th>Risk</th>
<th>Life expect.</th>
<th>Management recs</th>
<th>Priority</th>
</tr>
</thead>
<tbody>
<tr>
<td>75</td>
<td>Eucalyptus camaldulensis River red gum</td>
<td>&lt;1m small (&lt;10m)</td>
<td></td>
<td>10-20</td>
<td>Poor chloric foliage, foliage density-thinning, possum grazing died back-moderate, short life expectancy.</td>
<td>10-20</td>
<td>Poor single trunk, crown form - irregular, stunted crown, limited growing space, branch failures - limited,</td>
<td>overhanging lawn,</td>
<td>Possible dead branch - small,</td>
<td>Low person,</td>
<td>Minor</td>
<td>Low</td>
<td>&lt;10</td>
<td>remove tree,</td>
</tr>
<tr>
<td>76</td>
<td>Eucalyptus camaldulensis River red gum</td>
<td>2.73 regulated medium (10-20m)</td>
<td></td>
<td>40-60</td>
<td>Average foliage density - average, dead branches - minor,</td>
<td>40-60</td>
<td>Average single trunk, broad spreading crown, crown form - irregular, branch failures - limited,</td>
<td>overhanging lawn, overhanging play area</td>
<td>Possible live branch - medium,</td>
<td>Medium person,</td>
<td>Severe</td>
<td>Low</td>
<td>50+</td>
<td>mulch around tree</td>
</tr>
<tr>
<td>77</td>
<td>Eucalyptus camaldulensis River red gum</td>
<td>1.97 medium (10-20m)</td>
<td></td>
<td>20-40</td>
<td>Good borar activity minor, dead branches - minor,</td>
<td>20-40</td>
<td>Average single trunk, leaning trunk to W over road - moderate, irregular crown, limited growing space, branch failures - limited,</td>
<td>overhanging lawn, overhanging road,</td>
<td>Possible live branch - medium,</td>
<td>Low car - moving, person,</td>
<td>Severe person, Significant car,</td>
<td>Low</td>
<td>20-50</td>
<td>reduce overall crown leverage through reduction pruning by 30-40%,</td>
</tr>
<tr>
<td>78</td>
<td>Schinus arella Pepper corn</td>
<td>&lt;1m small (&lt;10m)</td>
<td></td>
<td>&lt;10</td>
<td>Good</td>
<td>Average loose in ground,</td>
<td>overhanging lawn area</td>
<td>low</td>
<td>Low person,</td>
<td>Minor person,</td>
<td>Low</td>
<td>10-20</td>
<td>none</td>
<td></td>
</tr>
</tbody>
</table>

Surveyed 6th and 20th November 2018

By Tree Environ
### Mitcham Reserve
#### Tree Audit

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<th>Health</th>
<th>Structure</th>
<th>Surrounds</th>
<th>L. of failure</th>
<th>L. of impact</th>
<th>Consequences</th>
<th>Risk</th>
<th>Life expect.</th>
<th>Management recs</th>
<th>Priority</th>
</tr>
</thead>
<tbody>
<tr>
<td>79</td>
<td><em>Schinus arenaria</em></td>
<td>&lt;1m small (~&lt;10m)</td>
<td>10-20 Average</td>
<td>Good</td>
<td>overhanging road, overhanging footpath, overhanging lawn</td>
<td>Possible live branch - small</td>
<td>Medium person</td>
<td>Minor</td>
<td>Low</td>
<td>50+</td>
<td>none</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>80</td>
<td><em>Eucalyptus camaldulensis</em></td>
<td>&lt;1m small (~&lt;10m)</td>
<td>&lt;10 varies, some with leaf pests - moderate,</td>
<td>Average some loose in ground, planted too close together, some with bark inclusions at base</td>
<td>overhanging garden area, overhanging road</td>
<td>Improbable, whole tree, possible, branch - small</td>
<td>Low car - moving, person</td>
<td>Minor</td>
<td>Low</td>
<td>10-20</td>
<td>thin out trees, 1 feature tree is better than a group of inferior trees.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>81</td>
<td><em>Schinus arenaria</em></td>
<td>2.0-3.0m multi-stemmed, exempt</td>
<td>small (~&lt;10m)</td>
<td>20-40 Good</td>
<td>dead branches - minor,</td>
<td>Average multi-stemmed, crown form - irregular, low branches, branch failures - limited,</td>
<td>overhanging car park, obscuring signs</td>
<td>Possible live branch - small</td>
<td>Medium car - parked</td>
<td>Minor</td>
<td>Low</td>
<td>50+</td>
<td>clear signs, lift over car park,</td>
<td></td>
</tr>
<tr>
<td>82</td>
<td><em>Eucalyptus camaldulensis</em></td>
<td>1.87 medium (10-20m)</td>
<td>20-40 Good</td>
<td>dead branches - minor, borer activity - minor, possum grazing</td>
<td>Good single trunk, narrow upright crown, co-dominant stems, bark inclusions main stems - minor, branch failures - limited,</td>
<td>overhanging car park,</td>
<td>Possible live branch - small</td>
<td>Medium car - parked</td>
<td>Minor</td>
<td>Low</td>
<td>50+</td>
<td>none</td>
<td></td>
<td></td>
</tr>
<tr>
<td>83</td>
<td><em>removed tree</em></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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Surveyed 6th and 20th November 2018 by Tree Environ
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<th>Risk</th>
<th>Life expect.</th>
<th>Management recs</th>
<th>Priority</th>
</tr>
</thead>
<tbody>
<tr>
<td>84</td>
<td><em>Eucalyptus camaldulensis</em> River red gum</td>
<td>&lt;1m small (&lt;10m)</td>
<td>10-20</td>
<td>Good</td>
<td>Good, narrow upright crown, trunk damage from adjacent melaleuca</td>
<td>overhanging car park, overhanging road,</td>
<td>Possible live branch - small,</td>
<td>Medium car - parked,</td>
<td>Minor</td>
<td>Low</td>
<td>50+</td>
<td>remove melaleuca rubbing on trunk,</td>
<td>High (within 6 months)</td>
<td></td>
</tr>
<tr>
<td>85</td>
<td><em>Schinus arera</em> Peppercorn</td>
<td>&lt;1m small (&lt;10m)</td>
<td>10-20</td>
<td>Average, thinning foliage</td>
<td>Good Irregular crown, low branches, branch failures - limited,</td>
<td>overhanging car park,</td>
<td>Possible live branch - small,</td>
<td>Medium car - parked,</td>
<td>Minor</td>
<td>Low</td>
<td>20-50</td>
<td>none</td>
<td></td>
<td></td>
</tr>
<tr>
<td>86</td>
<td><em>Schinus arera</em> Peppercorn</td>
<td>&lt;1m small (&lt;10m)</td>
<td>10-20</td>
<td>Average, thinning foliage</td>
<td>Good Irregular crown, low branches, branch failures - limited,</td>
<td>overhanging car park,</td>
<td>Possible live branch - small,</td>
<td>Medium car - parked,</td>
<td>Minor</td>
<td>Low</td>
<td>20-50</td>
<td>none</td>
<td></td>
<td></td>
</tr>
<tr>
<td>87</td>
<td><em>Callistemon</em> Bottlebrush</td>
<td>&lt;1m small (&lt;10m)</td>
<td>10-20</td>
<td>Good</td>
<td>Good</td>
<td>overhanging car park,</td>
<td>Possible live branch - small,</td>
<td>Medium car - parked,</td>
<td>Minor</td>
<td>Low</td>
<td>20-50</td>
<td>none</td>
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Mitcham Reserve – Tree Audit – Site Plan with Tree Numbers – December 2018 (Tree Environ)
12. INFORMATION ONLY REPORTS

12.1 QUARTERLY REPORT ON INNOVATION FROM CEO (JULY-SEPTEMBER)

Report Author/Manager: Matthew Pears
General Manager: Matthew Pears
(Meeting Date: 22 October 2019)
(Location: Council Wide)
(Consultant Used: $Nil)

PROPOSAL

Report to Council on organisational innovations

BACKGROUND

Council passed the following resolution on 25/06/2019

“Innovation

- CEO to report quarterly to Council (public agenda) about innovations underway at the City of Mitcham, under the following headings:

To be grouped under the five goals of the Strategic Management Plan once finalised.

(For information the draft goals are currently:
  o Accessible & Connected Community
  o Sustainable City
  o Dynamic & Prosperous Economy
  o Vibrant & Rich Culture
  o Customer Experience & Innovation)

The purpose of the report is to communicate innovations underway within Council to both Elected Members and the community.

It is also being used to ensure there is greater organisation wide understanding of the innovations occurring in different sections of the organisation and thus help drive further innovation.

Attachments:

A. Innovations from Quarter July to September

STRATEGIC OBJECTIVES

Goal 5 Continuous Organisation Improvement Strategy

Objective 5.2 Positive Workplace Culture with strong leadership that values people, customers and partners.

Goal 5 Continuous Organisation Improvement Strategy

Objective 5.3 Efficient and Effective Organisation with a culture of positive change, process improvement and productivity gains.
DISCUSSION

This is the first quarterly report on innovations, the previous innovations report was for the financial year 2018/2019.

The innovations for the quarter are listed at Attachment A.

Given that so many of the innovations impact on more than one of the goals within the Strategic Management Plan, they have not been grouped under those goals. Future reports could be grouped in this way.

At a strategic level the Growth Precincts and Character Areas Development Plan Amendments are very significant strategic Council wide initiatives. The concept of growth precincts for the City is a very innovative approach to both encourage development in some areas and preserve others.

While not mentioned in attachment A significant work is underway to develop a robust Strategic Management Plan with an associated four year action plan. Work is underway to link this to an innovations framework and a new budget framework. This works links very directly to the report into local Government Efficiency by the South Australian Productivity Commission. It will result in increased transparency to the community.

Organisational change in this quarter has been to operationalize our approach to IT enabled change (refer Attachment A – IT enabled change). This approach combined with Technology One in place enables us to identify opportunities and develop solutions to both improve customer experience, reduce errors, save time and reduce expenses.

Community Implications

The community rightly has an expectation that Council will continue to innovate not just how it delivers services but the nature of those services.

Environmental / Heritage Implications

None directly, but innovations in these areas will be included in this report on an ongoing basis.

Cost Shifting Implications / Legislative Cost Imposts

Innovation is necessary to reduce the impact of cost shifting on rate-payers.

Impact on Budget including Lifecycle Costing

Nil directly.

Risk Management / WHS Assessment

Nil

Legal / Policy Implications
Nil

Engagement
Not applicable

CONCLUSION

This report is designed to highlight and drive innovation across the City of Mitcham.

The organization is embracing change and in particular the opportunities presented by emerging technology to improve outcomes for the ratepayers of the City of Mitcham.

The nature of innovations reported will continue to be developed.

RECOMMENDATION – ITEM 12.1

That the report be received for information only.
Innovation
July/August/September 2019

Accounts Payable Automation:

- Mitcham is moving to automate the payment of invoices (where they match a requisition). This will improve the speed we pay suppliers, reduce error and reduce Council expenditure. The system is ready to go, we are currently undergoing staff training.

Records Management Automation:

- Council is investigating automating the processing of incoming mail. This involves artificial intelligence and the outsourcing of the opening of mail. The project looks viable and may be implemented this financial year. Council is looking to electronically triage of incoming hard copy mail. If this is successful it could be expanded to electronic mail (i.e. email). This will lead to cost savings and quicker turnaround of incoming mail.

Information Technology (IT) Enabled Change - Transformation:

- Has involved changes to many roles, development of a model to gather ideas and develop project scopes, prioritise across the business and ensure all teams give priority to authorised IT enabled change projects. To date there are over a hundred innovation projects scoped. This becoming part of the standard model of doing business at the City of Mitcham.

Records, customer service and communications review:

- Review has commenced with a view to streamlining the current work and resource requirements and improve front end focus and responsiveness/presence. Was discussed at a public briefing in October 2019.

Crushed rubber Permeable Car Park surfacing – Kenilworth Football Club, St Mary’s:

- This permeable asphalt pavement trial was established with cooperation of the University of Melbourne in the Kenilworth Football Club’s car park in St Marys; the innovative asphalt treatments include rubber recycled from tyres and are equipped to monitor pavement strains and stormwater management capacities.

- The asphalt uses 50% recycled tyre rubber yet has outstanding strength properties whilst allowing water to flow through to the underlying soils and tree roots to reduce stormwater runoff, provide healthier tree canopies (and shade!) to the carpark and reduce the potential for trip hazards and surface deterioration due to shallow tree root damage. The trial is being done in partnership with Melbourne University and Tyre Stewardship Australia and will monitor the performance of the asphalt and the environmental benefits associated with this new technology.

- Outcome: environmental, sustainability, stormwater management, potential reduced heat island effects and other applications (subject to trial tests).
Geothermal pavement – Kenilworth Football Club, St Mary’s

- During construction of the new permeable asphalt carpark in St Marys the City of Mitcham have partnered with Melbourne University to install a geothermal pipe system under the pavement. The system uses the difference in the carpark surface temperature (which in South Australia can be very hot or very cold depending on the season) to the soil temperature half a metre below the surface (that remains a stable 18 degrees) and if successful the trial could generate up to 5kW of power to provide hot water to the new clubrooms.

Update on above Innovations from July 2019

- The official opening ceremony for the St Mary’s crushed Rubber Permeable Car Park and geothermal pavement was held on Tuesday 13th August 2019. The event was attended by approximately 80 people including Council Elected Members and staff and representatives from University of Melbourne, Tyre Stewardship Australia and across the industry including local government, design consultants and construction contractors. The opening incorporated a demonstration of the effectiveness of the permeable car park with 8000 litres of water deposited from a water tanker directly on the permeable car park surface.

Roundabout Construction Investigations:

- The Engineering Team are currently investigating the use of rubber segments for the construction of roundabouts in areas prone to damage. If this product proves suitable has the potential to:
  - Prolong the life of existing Council roundabout assets
  - Reduce whole of life costs
  - Reduce Council’s maintenance liability
  - Accelerate construction sequences and reduce disruption and impacts to the community

Programming Capital Construction Works

- Work is ongoing to integrate existing project planning, delivery and management practices with Technology one project management module which will improve project management and increase visibility of works scheduling and project status/progress. Initially will be used internally the intention is to make available to the community

Process Improvement - Driveway applications (section 221) and damage to Council Infrastructure:

- In collaboration, Engineering and City Operations are undertaking a process and procedure mapping review of the Section 221 (Request to Alter a Public Road) application process to simplify, streamline and clarify the process for customers

- City Operations are reviewing current practices and developing policies and procedures associated with Council infrastructure Compliance activities (e.g. third parties damage and reinstatements to Council infrastructure)
Cricket Pitch Trials:

- Planning is underway to trial an artificial cricket pitch that has been sourced in partnership with the South Australian Cricket Association (SACA). The pitch is new technology that does not require as much ground preparation as a traditional turf pitch and has no permanent features such as a cement pitch.
- The trial is intended to be run in November. If successful and these types of pitches are adopted they could have the following benefits:
  - Create additional cricket fields without the need to install new infrastructure (turf or cement pitches)
  - Maximise/increase the use current ovals by facilitating extra playing surfaces especially for kids and women's cricket
  - Potentially being able to remove cement pitches thereby reducing maintenance costs when converting ovals back to winter sports fields.
  - Reduce Council preparation and maintenance activities and costs associated with traditional turf pitches

Tree Watering

- Reviewing tree watering routes and modify where feasible to:
  - Reduce time between watering
  - Improve water truck scheduling to deliver maximum benefit for efficiency and consistency.
  - Increase tree watering effectiveness
  - Develop a more resilient system – greater knowledge share to give knowledge to the operators by better scheduling
  - Reduce fuel costs

Signage Fabrication

- Investigating alternative more efficient sign making opportunities including the possibility to purchase a sign machine and make inhouse or working with other Councils

Salary Register Automation

- The salary register has been automated in TechOne and will be refreshed on a regular basis and published to the website. This was previously a manual process which was time consuming and subject to error.

360 degree and virtual reality tours:

- 360 Tours of various Community facilities via the Council website is in the final stages of development
- Trialling the use of virtual reality technology to increase accessibility to Council facilities and walks / tours, with the first VR experience at the Mitcham Cemetery.

Events Management

- Development of an internal Events Management Tool Kit (an online resource) to standardise Council's approach to event management and support teams in organising and delivering events. This will save time and assist teams who do not run regular community events to improve the quality of their events.
Client and Volunteer Annual Reviews:

- The process supporting Client and Volunteer annual reviews (a requirement under the CHSP funding agreement) has been reviewed and improved to provide a more efficient process and quantitate data for trend analysis and reporting.

New Aged Care Standards:

- A Continues Improvement Plan has been developed against the new Aged Care Standards.

Volunteer Expense Reimbursements:

- An online process is being investigated to enable Community Wellbeing Volunteer to submit expense reimbursements. Process is currently very manual and time consuming.

Library Stocktake Automation:

- Library Stocktake process has been automated. Previously the Library was required to be closed to the public, now through the use of an RFID pen like object and iPhone, this process was completed in less than a day, whilst the Library remained open.

Library MyPlans:

- The Library has trialled a new collaborative approach to setting staff MyPlans for the financial year. The revised process has resulted in very positive feedback from staff, decreased lead times and increased engagement in the process.

Activate Open Space:

- New service delivery innovation to trial a new food and beverage service on the Deck of the Library / lawns of the Soldiers Memorial Gardens to activate the space over the summer months.

Recruitment and onboarding:

- Automation of the recruitment and onboarding process in TechOne, has continued to be a significant focus for the last quarter. The new process will save time and improve the experience for applicants to the City of Mitcham and new staff.

Development Applications Communications and Automation:

- Improvements have been made to the website to improve customer access and experience. Some of these include the public notices having an access link on the front screen of the website, providing easier and clearer access for the community regarding consultations on individual Development Applications. This has resulted in marked reduction in calls to the Team.

- Mandatory Building Notifications are now able to be undertaken through a form on the website, with the form sending an email directly to an email address that is monitored by the Building Team. This has reduced double handling of notifications.
and reduced timeframes as to when a notification is acknowledged by a Building Officer.

- The Council Assessment Panel now operates with electronic agendas for Panel members. This reduces the amount of printing required to be undertaken for this process, including coloured and A3 printing.

**Automation of Swimming Pool Notifications:**

- Building and the IT Teams have set up a swimming pool notification dashboard in Tech 1. This will automatically advise the Building team if no notification has been provided for the inspection of a newly installed swimming pool (ie their associated safety barriers) within three months. This saves time and ensures that all pools are inspected. Without this dashboard many swimming pools would be constructed and may be operational without or non-compliant swimming pool safety barriers for extended periods of time, increasing the risk of avoidable drownings.

**Development Application register:**

- This allows for the communication of applications across the organisation and at all levels. It more importantly provides direct advice to Planners regarding the assessment of an application, flagging particular matters or aspects of the development that need careful consideration. The register has also had an added benefit of providing across team education around more difficult applications, with all staff able to be educated in the pertinent matters pertaining to complex applications.

**Growth Areas and Character Areas**

- The Policy Team has developed and been successful in gaining the Ministers approval for the implementation of the Growth Areas and the Character Areas Development Plan Amendments. This foresight and work, will allow Council to have some control over the impact of the Planning Development and Infrastructure Act and Planning and Design Code, through the consideration of appropriate zones and the areas impacted by overlays. It also provides a means through which to assist the Community to understand the extent and implications of the Planning Development and Infrastructure Act and Planning and Design Code. Growth Precincts DPA presently on consultation.
12.2 ANNUAL REPORT FOR THE FOOD ACT AND SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2018-19

Report Author/Manager: Abraham Mackay / Stephen Saffin
General Manager: Craig Harrison
(Meeting Date: 22 October 2019)
(Location: Council Wide)
(Consultant Used: $Nil)

PROPOSAL

To provide Council with information on the Annual Reports on the Food Act 2001 and the South Australian Public Health Act 2011 for the 2018-19 period.

BACKGROUND

Council as an enforcement agency under Section 109 of the Food Act 2001 and Section 23 of the South Australian Public Health Act 2011 is required to provide SA Health with annual reports at the conclusion of each financial year (on template provided by SA Health).

The attached Annual Reports provide a comprehensive outline of the activities completed by the Environmental Health Team during the reporting period including routine inspections, food safety audits, complaint investigations, follow-up inspections, disease investigations and health promotion initiatives. A copy of the Annual Reports have already been sent to SA Health accordingly.

Attachments:

A. Food Act 2001 - Annual Report for the period 1 July 2018 to 30 June 2019 for the City of Mitcham
B. South Australian Public Health Act 2011 - Annual Environmental Health Report for 2018/2019

STRATEGIC OBJECTIVES

Goal 1 Accessible & Connected Community

Objective 1.2 Our community has convenient access to a diverse range of information services, activities and facilities.

Goal 1 Accessible & Connected Community

Objective 1.4 Our community is strong, healthy, resilient and is supported in building connections amongst people, pursuing pathways to lifelong learning and personal growth.

STRATEGIC OBJECTIVES

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Goal 1 Accessible & Connected Community

Objective 1.4 Our community is strong, healthy, resilient and is supported in building connections amongst people, pursuing pathways to lifelong learning and personal growth.

DISCUSSION

Food Act Annual Report 2018-19 (Refer Attachment A) (Food Act 2001)

Key Statistics at a Glance:
(\% increase/decrease on last financial year in brackets)

- Food audits undertaken within the Mitcham area – 17 (steady)
- Routine inspections conducted – 263 (steady)
- Follow up inspections conducted – 74 (▼50\%) – this represents improved business performance
- Number of food safety training sessions facilitated – 6 (steady)
- Number of newsletters written – 3 (steady)
- Total food related complaints – 13 (steady)
- Alleged food poisoning – 5 (steady)
- Legal enforcement action required – Nil

Key Achievements/Highlights

- Using an educative approach to Food Act compliance has increased compliance and reduced the need of follow-up inspections.
- City of Mitcham’s food premises had a higher level of compliance in comparison to the average of other South Australia Councils participating in the Food Safety Rating Scheme. 50\% of these businesses received a 5 Star Food Safety Rating.
- Improved use of TechnologyOne will allow improved visualization of trends over time. Overtime this will support a better understanding of the education needs of food businesses.

Background

Section 109 of the Food Act 2001 requires SA Health to submit a report to the Minister on the administration of the Act for the year ending 30 June 2019. Local Councils in their role as enforcement agencies have legislative responsibilities in the administration of the Act. Therefore, information provided by Councils forms an important part of the report.

The attached Food Act Annual Report (Template) outlines the activities carried out by the City of Mitcham Environmental Health Team between 1 July 2018 and 30 June 2019. Such activities include routine food safety inspections and follow-up inspections, high risk food safety audits, enforcement activities, complaint investigations and health promotion initiatives.
All notified food businesses are inspected based on a frequency determined by their risk classification. A state-wide risk assessment tool based on the National Risk Profiling Framework is used. Generally food businesses are inspected at least once every 12 months, however the frequency of inspection can vary depending on factors including the type of food sold, processing methods and compliance history.

Food inspections are conducted with a food safety assessment checklist, which promotes consistency amongst officers and ensures appropriate application of the Australia New Zealand Food Safety Standards.

Food Safety Inspections and Complaints
A total of 317 routine and follow-up food safety inspections were conducted during the reporting period.

No legal enforcement action was necessary during the reporting period. The Environmental Health Team places great emphasis on allowing businesses to demonstrate voluntarily compliance. Commonly, businesses respond positively when officers impart information and advice. To ensure appropriate corrective action is taken, follow-up inspections are carried out within a timeframe based on the risk level of the non-compliance.

Thirteen food related complaints were investigated, the majority in response to customer observations about hygiene or food handling practices. Few complaints were received about food contamination or alleged food poisoning.

Food Safety Rating Scheme (5 Star rating system)
The Food Safety Rating Scheme has been operating in the City of Mitcham for three years now. During the reporting period almost 60% of businesses that were assessed received a certificate of three, four or five stars. The results show the City of Mitcham’s food premises had a higher level of compliance in comparison to the average of other South Australia Councils participating in the Scheme.

Only businesses in the food service sector are captured by the Scheme ie: where food is consumed at the time of purchase or shortly thereafter. This includes restaurants, cafes, take-away and bakeries.

The assessment checklist has been created to highlight food safety controls that are critical to food safety. Failure to effectively implement these controls results in the business being ineligible for a certificate. This has the effect of stressing where the operator must focus their attention and make improvement. Officers work closely with businesses to improve practices, and often only minor changes are required to achieve a certificate.

The scheme provides a positive incentive for food businesses to maintain an appropriate standard of food safety. Only those businesses who can demonstrate satisfactory compliance are awarded a certificate. The purpose of the certificate is to help consumers choose where to buy food.

Importantly the measure is not about the quality of the food it is in relation to business practices and maintenance.
High Risk Food Safety Audits
17 food safety audits were conducted of businesses that serve food to high risk, vulnerable populations. These businesses include child care centres, hospitals and aged care facilities. Legislation requires the business to have a food safety program in place to manage their food safety risks. Where inadequate conformance with the food safety program was observed, a second audit was conducted. The increased surveillance had the desired effect of improving the businesses control of their food safety risks.

Food Safety Training and Other Initiatives
A total of 108 participants attended six free food safety training sessions that were presented by the Environmental Health Team. Appropriate skills and knowledge of food safety are a legal requirement of the Food Safety Standards and essential to the production of food. Cultivating a positive culture of food safety is a national topic of focus in an attempt to reduce the incidence of food borne illness associated with the food service business sector. This year’s feedback has been very positive and participants receive a certificate, work book and other educational material to bring back to the workplace. EHOs have reported the training has had a positive influence on food businesses by building positive working relationships and an increase in compliance during some routine inspections.

Four newsletters during the reporting period focused on common non-compliance issues observed during routine inspections as well as local and international case studies. Recent newsletters have focussed on Food Safety.

Annual Environmental Health Report 2018-19 (Refer Attachment B)
(South Australian Public Health Act 2011)

Key Statistics at a glance:
(% increase/decrease on last financial year in brackets)

- Public access pool and spa inspections - 18 (steady)
- Cooling water system inspections – 30 (steady)
- Follow up cooling water systems – non-compliance – 0 (▼down)
- Completion of the Meningococcal B immunisation programme
- Total vaccinations administered to community - 4659 (steady)
- Health Complaints and Investigations including local nuisance – 304 (▲20%)
- Licensing and monitoring of two Supported Residential Facilities (Steady)

Key achievements/Highlights

- Completed the delivery of Meningococcal B programme to 10 participating Schools.
- Completion of Community and School based Immunisation Programme.
- No follow up inspections required for businesses operating cooling water systems.
- The Environmental Health Team continued performing new responsibilities associated with the Local Nuisance and Litter Control Act 2016.
SA Public Health Act Annual Report Background
Each year Councils are requested by SA Health to report on functions performed under the *South Australian Public Health Act 2011*. The information provides an overview of the legislative duties carried out by Councils and is used to assist the Minister for Health and Chief Public Health Officer fulfil their roles.

The attached Annual Environmental Health Report outlines the activities carried out by the City of Mitcham Environmental Health Team between 1 July 2018 and 30 June 2019. Activities include:

- Routine assessments of facilities/activities such as routine public access swimming and spa pools, hairdressing salons, tattoo parlours, cooling towers and warm water systems;
- Wastewater system approvals;
- Notifiable disease investigations eg. Legionella outbreaks; and
- Investigations in response to public complaints about issues such as severe cases of hoarding and squalor, vermin and asbestos.

**Legionella Control**
A total of 24 cooling water systems (30 cooling towers) were registered with the City of Mitcham during the reporting period. All systems were inspected by Environmental Health Officers and a water sample collected for Legionella analysis. Inspections involve an assessment of operators' compliance with the operation and maintenance requirements of the *South Australian Public Health (Legionella) Regulations 2013*.

No cases or outbreaks of Legionella in the Council area required investigation during 2018-19.

**Public Access Swimming Pools / Spas**
There are 18 public access swimming pools and spas located in the Mitcham Council area. All 18 public access swimming pools and spas in operation during the reporting period were inspected by the Environmental Health team.

Various chemical parameters of the pool water are tested during an inspection to ensure there is no risk of illness or injury. Physical inspection of pool plant equipment, change room facilities and ablutions also occurs during the inspection.

**Severe Domestic Squalor**
One case of severe domestic squalor was investigated during the reporting period. Each situation is unique and a multidisciplinary team-based approach is often required to gain the most effective, long-term outcome.

Severe domestic squalor occurs for various reasons with aging or physical or mental illness often a contributing factor. The assistance of external agencies is sometimes necessary and for this reason, participation in the Eastern Hoarding and Squalor Group has been beneficial. The Group’s membership includes a range of government and non-government agencies, the purpose being to improve agency interaction during the resolution of cases.
Local Nuisance Complaints
A Council Report was presented to Council in March 2019 outlining the increase in activity and impacts on business outcomes relating to the introduction of the Local Nuisance and Litter Control Act. As shown in the key statistics above, this has had a significant impact on the Environmental Health Team due to the total number of health-related complaints increasing from 118 in 2016-17 to 304 in 2018-19 (this is not a reporting requirement for this report however it should be noted that it has had a considerable impact on resources across a number of other Teams activities as well). This has placed a considerable pressure on workloads in Environmental Services and in some cases has impacted actioning customer requests in a timely fashion.

Key activities Environmental Health Officers performed relating to Local Nuisance complaints:
- Noise;
- Odour;
- Smoke;
- Insanitary Condition; and
- Unsightly Condition.

With the implementation of the new Local Nuisance and Litter Control Officer it is expected to reduce the pressure on the service area.

Renewal of the Living Well Plan
This year Environmental Services has lead the Council review of the City of Mitcham’s ‘Living Well’ Public Health and Wellbeing Plan (Living Well Plan). Reviewing this plan once every five years is a statutory requirement of the South Australian Public Health Act 2011. The ‘Living Well Plan’ is about planning for communities which are friendly, safe and sustainable with well-designed places that support physical and mental health and wellbeing.

This work included, establishing an advisory group to ensure the plan represents a ‘whole of Council’ approach, two workshops with the advisory group and a draft plan which has been prepared. We are currently seeking endorsement from Council to begin consultation.

A consultant was engaged to assist an Environmental Services in reviewing the plan.

Community Implications
The environmental health functions of Council protect the community from the adverse effects of illness and promote wellness.

Environmental / Heritage Implications
Environmental protection activities, particularly minor air quality, water quality and noise, contributed positively to amenity and the communities wellness.

Cost Shifting Implications / Legislative Cost Imposts
None apparent.
Impact on Budget including Lifecycle Costing

All Environmental Health duties conducted under the Food Act 2001 and the South Australian Public Health Act 2011 for 2018-19 were carried out within budget.

Risk Management / WHS Assessment

Environmental Health Officers are potentially exposed to various risks due to the nature of field work and regulatory inspections. Work health and safety (WHS) matters are reinforced through team meetings and any safety issues are raised immediately and managed accordingly. Environmental Health Officers also attend regular training sessions and Special Interest Group meetings to remain adequately trained and abreast of risk and WHS issues associated with the work conducted by the team.

Legal / Policy Implications

The scope of work carried out by the Environmental Health Team is governed by the South Australian Public Health Act 2011 and Food Act 2001.

Engagement

No public engagement was required in the preparation of this report.

CONCLUSION

The annual reports provide an overview of the roles and duties undertaken by Council’s Environmental Health Team for the 2018-19 financial year. It demonstrates Environmental Health Officers commitment and professional approach to situations that require technical and specialist knowledge whilst displaying empathy and understanding towards the community within a legislative framework.

The functions of the team relating to food and health regulation and health promotion in general ensure the health and wellbeing of our community is protected and continues to improve into the future.

The report also demonstrates Council’s vigorous and proactive approach to public health, and highlights the efforts made by the Environmental Health Team to strive towards the highest standards of public and environmental health.

RECOMMENDATION – ITEM 12.2

That the report be received for information only.
**FOOD ACT 2001 - ANNUAL REPORT QUESTIONNAIRE**

Information on Local Government Administration of the Food Act for the period 1st July 2018 to 30th June 2019

| Council Name | City of Mitcham |

**1. Authorised Officers**

An authorised officer (AO) is defined as "a person appointed under Part 5, Division 3 of the Food Act 2001". Under Division 3 a council is required to maintain a list of AOs appointed under the Act. Please provide the following advice on persons who were listed as an AO for your council, under this provision, on the 30th June 2019.

The purpose of this question is to update the current list of authorised officers working in South Australia. Where part time staff are employed by more than one council, please indicate the name of all other councils in the table below.

If on the 30th of June 2019 the council did not have an AO under the Food Act please provide a nil return.

<table>
<thead>
<tr>
<th>Name of Authorised Officer</th>
<th>Position Title</th>
<th>Contact Details (phone, fax, mobile, email)</th>
<th>Full time or Part Time appointment</th>
<th><strong>&quot;If Part Time, Record the FTE (Full Time Equivalent)&quot;</strong></th>
<th>Does the authorised officer work for more than one council?</th>
<th>Name the other councils</th>
<th>Percentage of time spent on food related matters (including routine, follow-up and complaints)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stephan Safin</td>
<td>Manager Environmental Services &amp; Health</td>
<td>8372 8817 Mobile: 0411 861 011 <a href="mailto:ssafin@mitchamcouncil.sa.gov.au">ssafin@mitchamcouncil.sa.gov.au</a></td>
<td>Full Time</td>
<td>No</td>
<td>No</td>
<td></td>
<td>0.00% 0.00%</td>
</tr>
<tr>
<td>Abraham Mackay</td>
<td>Team Leader Environmental Health</td>
<td>8372 8882 <a href="mailto:amackay@mitchamcouncil.sa.gov.au">amackay@mitchamcouncil.sa.gov.au</a></td>
<td>Full Time</td>
<td>No</td>
<td>No</td>
<td></td>
<td>25.00% 0.00%</td>
</tr>
<tr>
<td>Colie McCarthy</td>
<td>Environmental Health Officer</td>
<td>8372 8222 Mobile: 0411 861 014 <a href="mailto:ccopeland@mitchamcouncil.sa.gov.au">ccopeland@mitchamcouncil.sa.gov.au</a></td>
<td>Part Time</td>
<td>0.4</td>
<td>No</td>
<td></td>
<td>30.00% 20.00%</td>
</tr>
<tr>
<td>Domenico Sorenini</td>
<td>Environmental Health Officer</td>
<td>8372 8817 Mobile: 0413 108 275 <a href="mailto:dsorenini@mitchamcouncil.sa.gov.au">dsorenini@mitchamcouncil.sa.gov.au</a></td>
<td>Full Time</td>
<td>No</td>
<td>No</td>
<td></td>
<td>50.00% 10.00%</td>
</tr>
<tr>
<td>Elena Clarke</td>
<td>Environmental Health Officer</td>
<td>8372 8221 Mobile: 0409 383 701 <a href="mailto:edrake@mitchamcouncil.sa.gov.au">edrake@mitchamcouncil.sa.gov.au</a></td>
<td>Full Time</td>
<td>0.5</td>
<td>No</td>
<td></td>
<td>40.00% 20.00%</td>
</tr>
<tr>
<td>Cathy Innes</td>
<td>Environmental Health Officer</td>
<td>8372 8221 Mobile: 0411 861 012 <a href="mailto:cinnes@mitchamcouncil.sa.gov.au">cinnes@mitchamcouncil.sa.gov.au</a></td>
<td>Part Time</td>
<td>0.4</td>
<td>No</td>
<td></td>
<td>50.00% 5.00%</td>
</tr>
<tr>
<td>Marco Gege</td>
<td>Environmental Health Officer</td>
<td>8372 8221 Mobile: 0411 861 014 <a href="mailto:mgege@mitchamcouncil.sa.gov.au">mgege@mitchamcouncil.sa.gov.au</a></td>
<td>Full Time</td>
<td>No</td>
<td>No</td>
<td></td>
<td>70.00% 0.00%</td>
</tr>
</tbody>
</table>

**TOTAL %** 37.85% 7.80%

**FTE = Part time working hrs per week / Full time working hours per week**

For example: Officer working 15 hrs a week, Full time hours for the week = 37.5, FTE= 15/37.5 which is 0.4 FTE

**2. Audits & Inspections of Food Premises**

**2A. Food Audits**

The Food Act requires businesses that process food for service to "Vulnerable Populations" to have implemented a documented Food Safety Program and are subject to an audit in order to verify compliance with Standard 3.2.1. Please complete the following table with respect to your council area only (if you audit outside your council area, these details will be captured by the respective council). If these businesses were also inspected by your council during the financial year, please provide this information as well.
ITEM 12.2 - ATTACHMENT A

<table>
<thead>
<tr>
<th>Business Type - Vulnerable Population</th>
<th>No. of Businesses</th>
<th>Routine Audits (Standard 3.2.1, 3.2.2 &amp; 3.2.3)</th>
<th>Routine Inspections (Standard 3.2.2 &amp; 3.2.3)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>No of audits conducted by your council</td>
<td>No of audits conducted by other councils (in your area)</td>
</tr>
<tr>
<td>Child Care Centres</td>
<td>14</td>
<td>11</td>
<td>3</td>
</tr>
<tr>
<td>Aged Care Facilities</td>
<td>13</td>
<td>5</td>
<td>8</td>
</tr>
<tr>
<td>Private Hospitals</td>
<td>1</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Others - Commercial Meals (Kitchen)</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>TOTAL</td>
<td>28</td>
<td>17</td>
<td>11</td>
</tr>
</tbody>
</table>

* "Vulnerable Populations" are those types of businesses as defined in Standard 3.2.1 and are required to be audited.

2B. Food Inspections
All food businesses in South Australia are required to comply with the Food Act 2001, Regulations and Food Safety Standards. Please complete the following table with respect to your Council, however EXCLUDE businesses that service "Vulnerable Populations" which were reported in section 2A of this report.

<table>
<thead>
<tr>
<th>Risk Classification</th>
<th>Number of Businesses</th>
<th>Routine Inspections Conducted</th>
<th>Follow up Inspections</th>
<th>No. of inspection resulting from complaints</th>
</tr>
</thead>
<tbody>
<tr>
<td>P1</td>
<td>193</td>
<td>156</td>
<td>58</td>
<td>8</td>
</tr>
<tr>
<td>P2</td>
<td>123</td>
<td>88</td>
<td>15</td>
<td>4</td>
</tr>
<tr>
<td>P3</td>
<td>29</td>
<td>15</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>P4</td>
<td>19</td>
<td>4</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>TOTAL</td>
<td>244</td>
<td>205</td>
<td>74</td>
<td>19</td>
</tr>
</tbody>
</table>
### 3. Food Audit and Inspection Fees

#### 3A. Food Audit Fees

Councils are able to charge for audits conducted by Authorised Officers.

<table>
<thead>
<tr>
<th>Audit Type/parameters</th>
<th>Audit Charge ($/unit* (if no fees are charged please write N/A))</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Desktop Audit (offsite)</strong></td>
<td></td>
</tr>
<tr>
<td>Child Care Centre</td>
<td>$15.00 / flat fee per centre</td>
</tr>
<tr>
<td>Aged Care (Small)</td>
<td>$176.60 / flat fee per facility</td>
</tr>
<tr>
<td>Aged Care (Medium)</td>
<td>$264.00 / flat fee per facility</td>
</tr>
<tr>
<td>Aged Care (Large)</td>
<td>$303.00 / flat fee per facility</td>
</tr>
<tr>
<td>Aged Care (Very Large)</td>
<td>$441 / flat fee per facility</td>
</tr>
<tr>
<td><strong>Routine Audit (onsite)</strong></td>
<td></td>
</tr>
<tr>
<td>Child Care Centre</td>
<td>$446.00 / flat fee per centre</td>
</tr>
<tr>
<td>Aged Care (Small)</td>
<td>$446 / flat fee per facility</td>
</tr>
<tr>
<td>Aged Care (Medium)</td>
<td>$711 / flat fee per facility</td>
</tr>
<tr>
<td>Aged Care (Large)</td>
<td>$1,064 / flat fee per facility</td>
</tr>
<tr>
<td>Aged Care (Very Large)</td>
<td>$3,417 / flat fee per facility</td>
</tr>
<tr>
<td><strong>Follow up Audit</strong></td>
<td>$165.00 per hour for re-audit</td>
</tr>
<tr>
<td><strong>Travel Cost</strong></td>
<td>$83.00 per hour more than 50km from Council offices</td>
</tr>
<tr>
<td><strong>Other</strong></td>
<td>N/A</td>
</tr>
</tbody>
</table>

*Unit: please specify in your response, for example ‘per audit’ OR ‘per hour’*

Please advise the fees currently charged by your council for auditing purposes and clearly specify whether this is an hourly rate or flat fee structure.

#### 3B. Food Inspection Fees

Councils are able to charge for inspections conducted by Authorised Officers.

<table>
<thead>
<tr>
<th>Inspection Type</th>
<th>Inspection Charge ($/unit* (if no fees are charged please write N/A))</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Routine Inspection</strong></td>
<td>Small Business: $96.00 per inspection</td>
</tr>
<tr>
<td></td>
<td>Large Business: $244.00 per inspection</td>
</tr>
<tr>
<td></td>
<td>$48.00 per inspection</td>
</tr>
<tr>
<td><strong>Follow up Inspection</strong></td>
<td>No Fee</td>
</tr>
<tr>
<td><strong>Complaint Inspection</strong></td>
<td>No Fee</td>
</tr>
<tr>
<td><strong>Home Activity Inspection</strong></td>
<td>$48.00/$96.00 per inspection depending on size and risk of food business operation.</td>
</tr>
<tr>
<td><strong>Other</strong></td>
<td>N/A</td>
</tr>
</tbody>
</table>

*Unit: please specify in your response, for example ‘per inspection’ OR ‘per hour’*

### 4. Food Act Enforcement

#### 4A. Enforcement Activities

Please complete the following table indicating the enforcement activities undertaken by your councils during financial year 2018-2019.

<table>
<thead>
<tr>
<th>Business Sector</th>
<th>Risk Level</th>
<th>No. of Business</th>
<th>No. of Business Inspected</th>
<th>No. of businesses requiring enforcement action</th>
<th>No. of written warnings issued</th>
<th>No. of improvement notices issued</th>
<th>No. of prohibition orders issued</th>
<th>No. of expiations issued</th>
<th>Body Corporate</th>
<th>Natural person</th>
<th>No. of prosecutions</th>
<th>Percent Compliance - Inspected Businesses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retailer</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## Food Service

<table>
<thead>
<tr>
<th>Subcategory</th>
<th>P1</th>
<th>P2</th>
<th>P3</th>
<th>P4</th>
<th>P5</th>
<th>P6</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Catering office activity</td>
<td>4</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>100%</td>
</tr>
<tr>
<td>Catering onsite</td>
<td>8</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>100%</td>
</tr>
<tr>
<td>Medium risk foods - perishable</td>
<td>8</td>
<td>5</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>100%</td>
</tr>
<tr>
<td>Restaurants and takeaway RTE Food</td>
<td>173</td>
<td>155</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>59%</td>
</tr>
<tr>
<td>Procured in advance</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Restaurants and takeaway RTE Food - Express</td>
<td>70</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>100%</td>
</tr>
<tr>
<td>order</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Restaurants and takeaway RTE Food - Raw</td>
<td>48</td>
<td>33</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>100%</td>
</tr>
<tr>
<td>Preparation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Others- see comments</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>#DIV/0</td>
</tr>
<tr>
<td>Others- see comments</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>#DIV/0</td>
</tr>
<tr>
<td>Others- see comments</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>#DIV/0</td>
</tr>
<tr>
<td>Others- see comments</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>#DIV/0</td>
</tr>
</tbody>
</table>

## Processor/Manufacturer

<table>
<thead>
<tr>
<th>Subcategory</th>
<th>P1</th>
<th>P2</th>
<th>P3</th>
<th>P4</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bakery products - Perishable Wings</td>
<td>5</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Processing</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bakery products</td>
<td>2</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Processing</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>#DIV/0</td>
</tr>
<tr>
<td>Continental Type</td>
<td>3</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Processing</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>#DIV/0</td>
</tr>
<tr>
<td>Deli /assessen food</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Processing</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>#DIV/0</td>
</tr>
<tr>
<td>Low risk packaged food</td>
<td>3</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Perishable</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>#DIV/0</td>
</tr>
<tr>
<td>Medium risk food - perishable</td>
<td>12</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Perishable</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>#DIV/0</td>
</tr>
<tr>
<td>Raw meat &amp; Poultry</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Processing</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>#DIV/0</td>
</tr>
<tr>
<td>Seafood (excludes Processing of Bivalve molluscs)</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Processing</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>#DIV/0</td>
</tr>
<tr>
<td>Alcohol beverages - packaged</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Perishable</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>#DIV/0</td>
</tr>
<tr>
<td>Cheese processing</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Small producer</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>#DIV/0</td>
</tr>
<tr>
<td>Cereal processing</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Processing</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>#DIV/0</td>
</tr>
<tr>
<td>Edible life</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Processing</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>#DIV/0</td>
</tr>
<tr>
<td>Edible life</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Processing</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>#DIV/0</td>
</tr>
<tr>
<td>Edible life</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Processing</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>#DIV/0</td>
</tr>
<tr>
<td>Edible life</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Processing</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>#DIV/0</td>
</tr>
<tr>
<td>Egg Processing</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Processing</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>#DIV/0</td>
</tr>
</tbody>
</table>
### 5. Food related complaints

#### 5A. Food Complaints

Please complete the following table indicating the complaints received and actioned by your council during financial year 2017-2018.

<table>
<thead>
<tr>
<th>Complaint Type</th>
<th>Total No. received</th>
<th>No. Justified/Confirmed</th>
<th>% Overall Justified</th>
</tr>
</thead>
<tbody>
<tr>
<td>Food unsuitable/unsafe due to foreign matter</td>
<td>5</td>
<td>3</td>
<td>60.00%</td>
</tr>
<tr>
<td>Food unsuitable/unsafe due to microbial contamination / growth</td>
<td>5</td>
<td>0</td>
<td>0.00%</td>
</tr>
<tr>
<td>Food unsuitable/unsafe due to presence of unapproved or excessive chemical residues</td>
<td>0</td>
<td>0</td>
<td>#DIV/0!</td>
</tr>
<tr>
<td>Alleged food poisoning</td>
<td>0</td>
<td>0</td>
<td>#DIV/0!</td>
</tr>
<tr>
<td>Unclean premises</td>
<td>1</td>
<td>0</td>
<td>0.00%</td>
</tr>
<tr>
<td>Poor personal hygiene or poor food handling practices</td>
<td>7</td>
<td>1</td>
<td>14.29%</td>
</tr>
<tr>
<td>Vermin / insects / pests observed in premises</td>
<td>4</td>
<td>2</td>
<td>50.00%</td>
</tr>
<tr>
<td>Refuse storage</td>
<td>0</td>
<td>0</td>
<td>#DIV/0!</td>
</tr>
<tr>
<td>Labelling issues</td>
<td>0</td>
<td>0</td>
<td>#DIV/0!</td>
</tr>
<tr>
<td>Other (please state) temp</td>
<td>3</td>
<td>0</td>
<td>0.00%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>25</strong></td>
<td><strong>6</strong></td>
<td><strong>24.00%</strong></td>
</tr>
</tbody>
</table>
5. Proactive projects, surveys and sampling programs

It is requested the report uses the following general format:

- What was the project and why was it done
- A précis of what and how it was done.
- Results/Outcomes

Please keep summaries brief and ½ page in length as a maximum.

**Consistency Bible**

The Environmental Health Team places a high value on consistent advice being given by individual team members. To achieve this, the need for a central database of information for easy reference was identified. This resulted in the creation of the Team’s “Consistency Bible” on Council’s Intranet in 2017. Entries reflect the outcome of team-based decisions that clarify the interpretation of legislation or guidelines. Entries to date include matters relating to the Mobile Food Vendor Passport System, inspection frequency and display of unpackaged food.

**Food Safety Training**

The Environmental Health Team presented six free food safety sessions with a total of 300 participants attending from local businesses. Sessions provide participants with an overview of food safety legislation, food handling fundamentals and hands on cooking and thermometer exercises. Each session feedback has been very positive and participants receive a certificate, workbook and other educational material to bring back to the workplace. EHOs have reported the training has had a positive influence on food businesses by building positive working relationships and an increase in compliance during some routine inspections.

**Quarterly Food Safety Newsletters**

EHOs prepare and send a newsletter to food businesses on a quarterly basis. The content covers common non-compliance issues observed during routine inspections as well as local and international case studies. Recent newsletters have focussed on the Food Safety Rating Scheme and advice on how to increase businesses star rating.

**Measuring and Monitoring**

The Environmental Health Team has ‘hacked’ the use of the technology to software to improve the capturing of data over time and screening tool data. Data capture over time has been improved by utilizing the memo function, which captures additional data that was previously overwritten (this data has since been available in other locations in the Council Tech 1 system). This data will improve visualising trending over time. Council utilises the “Food Safety Rating Scheme” screening tool, EHO’s can now capture data on the frequency of non-conformance from the screening tool linked to the Tech 1 database record.

**New Ward and Suburb Distribution for EHO’s**

EHO’s have been assigned new wards and suburbs to manage Environmental Health operational activities. The new distribution has made a fair and equitable workload for EHO’s, improved long term planning of compliance inspections and improved communication with internal stakeholders. The new ward and suburb distribution has been linked to Tech 1 to allow improved reporting and has been uploaded to Intramaps (Council mapping software).
City of Mitcham
131 Belair Road Torrens Park South Australia 5062
Ph. (08) 8372 8882

2018 / 2019 FINANCIAL YEAR ANNUAL ENVIRONMENTAL HEALTH REPORT
Reporting period: 1 July 2018 to 30 June 2019
THE SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2011

The aim of this report is to assist the Minister for Health and the Chief Public Health Officer and their delegates to perform their functions under the following sections of the South Australian Public Health Act 2011:

s17(1) The Minister's functions in connection with the administration of this Act include the following (to be performed to such extent as the Minister considers appropriate):
(a) to further the objects of this Act by taking action to preserve, protect or promote public health within the State;
(b) to promote proper standards of public and environmental health within the State by ensuring that adequate measures are taken to give effect to the provisions of this Act and to ensure compliance with the Act.

s21(1) The Chief Public Health Officer's functions are as follows:
(b) to ensure that the Act, and any designated health legislation, are complied with;

s23(1) The Chief Public Health Officer is required to prepare a written report every 2 years about—
(a) public health trends, activities and indicators in South Australia

It is requested that all councils complete and submit this report by 30 September 2019.

When completing this report, please add rows to tables as necessary.

Please submit your completed report by 30th September 2019 in electronic copy emailed to:
HealthProtectionPrograms@sa.gov.au
1 ENVIRONMENTAL HEALTH WORKFORCE

1.1 Authorised officers (s44)

Please provide a list of all persons currently authorised by the authority pursuant to s44 of the Act on 30 June 2019 in the following format. This is requested to confirm that the Chief Public Health Officer’s notification register is up to date.

<table>
<thead>
<tr>
<th>Authorised officer's full name</th>
<th>Employment type (PFT, PPT, CE or CNE)</th>
<th>Date authorised</th>
<th>Approved qualification number</th>
<th>Environmental health experience (years/months)</th>
<th>Average EH hours worked per week</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ellena Clarke</td>
<td>PPT</td>
<td>13 August 2013</td>
<td>8</td>
<td>15 years</td>
<td>19</td>
</tr>
<tr>
<td>Catherne McCarthy</td>
<td>PFT</td>
<td>13 August 2013</td>
<td>8</td>
<td>12 years</td>
<td>15</td>
</tr>
<tr>
<td>Dom Sorrenti</td>
<td>PFT</td>
<td>1 June 2012</td>
<td>9</td>
<td>7 years</td>
<td>38</td>
</tr>
<tr>
<td>Marco George</td>
<td>CE</td>
<td>19 February 2018</td>
<td>9</td>
<td>4 years</td>
<td>38</td>
</tr>
<tr>
<td>Cathryn Isbester</td>
<td>CE</td>
<td>1 June 2015</td>
<td>7</td>
<td>28 years</td>
<td>15</td>
</tr>
<tr>
<td>Abraham Mackay</td>
<td>CE</td>
<td>September 2018</td>
<td>17</td>
<td>14 years</td>
<td>38</td>
</tr>
<tr>
<td>Stephen Saffin</td>
<td>PFT</td>
<td>13 August 2013</td>
<td>1.4,7</td>
<td>37 years</td>
<td>38</td>
</tr>
</tbody>
</table>

Notes:


Approved qualification number: Please refer to the list of approved qualifications for the appointment of local authorised officers.

Average EH hours: Please indicate the average number of hours the individual spends working on environmental health related tasks and activities (including food safety, administrative, strategic, management and policy related tasks) for council per week.

1.2 Were any environmental health positions vacant on 30 June 2019?

X No – proceed to section 1.3

☐ Yes – complete the table below

Please provide information on all authorised officer positions vacant on 30 June 2019 in the following format:

<table>
<thead>
<tr>
<th>Position title</th>
<th>Employment type (PFT, PPT, CE or CNE)</th>
<th>Average EH hours per week</th>
<th>Term of contract (if applicable)</th>
<th>Duration position has been vacant</th>
</tr>
</thead>
<tbody>
<tr>
<td>nil</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1.3 Any additional comments relating to environmental health workforce
2 SA PUBLIC HEALTH ACT & REGULATIONS - ENFORCEMENT

2.1 Were any section 92 notices issued under the Act during the reporting period?

☐ No – proceed to section 2.2

☒ Yes – proceed to section 2.1.1

2.1.1 In total, how many section 92 notices were issued during the reporting period (not including preliminary notices).

2

2.1.2 Please provide a summary of the matters that section 92 notices were issued to deal with.
Clandestine Drug Laboratory
Severe Domestic Squalor

2.1.3 Was action taken on non-compliance with any section 92 notices issued (s.93)?

☒ No – proceed to section 2.1.4

☐ Yes – complete the table below

<table>
<thead>
<tr>
<th>Details of action taken</th>
<th>Costs recoverable</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2.1.4 Were any expiation notices issued or prosecutions commenced for failure to comply with a section 92 notice (s.92.10)?

☒ No – proceed to section 2.1.5

☐ Yes – complete the tables below

**Expiation notices issued**

<table>
<thead>
<tr>
<th>Date expiation notice issued (when)</th>
<th>Details of the failure to comply</th>
<th>Was the expiation notice paid, withdrawn or did the recipient elect to be prosecuted?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Prosecutions commenced**

<table>
<thead>
<tr>
<th>Date prosecution commenced (when)</th>
<th>Details of the failure to comply</th>
<th>Details and outcome of prosecution</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2.1.5 Were any section 92 notices reviewed or appealed (s.95-96)?

☒ No – proceed to section 2.1.6

☐ Yes – complete the table below

<table>
<thead>
<tr>
<th>Review or appeal?</th>
<th>Summary of findings/outcome of review or appeal</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2.1.6 Any additional comments relating to section 92 notices issued
2.2 Were any expiation notices issued or prosecutions commenced for material or serious risks to public health during the reporting period?

X No – proceed to section 2.2.4

☐ Yes – complete tables 2.2.1 - 2.2.3 below

Please provide details on all expiation notices issued and prosecutions commenced by the authority on persons causing material or serious risks to public health between 1 July 2018 and 30 June 2019 in the following format.

2.2.1 s57 – Material risk to public health – expiation notices issued ($750)

<table>
<thead>
<tr>
<th>Date notice issued (when)</th>
<th>Details of the material risk to public health (what)</th>
<th>Was the expiation notice paid, withdrawn or did the recipient elect to be prosecuted?</th>
</tr>
</thead>
</table>

2.2.2 s57 – Material risk to public health – prosecutions

<table>
<thead>
<tr>
<th>Date of offence</th>
<th>Person prosecuted (who)</th>
<th>Details of the material risk to public health (what)</th>
<th>Details and outcome of prosecution</th>
</tr>
</thead>
</table>

2.2.3 s58 – Serious risk to public health – prosecutions

<table>
<thead>
<tr>
<th>Date of offence</th>
<th>Person prosecuted (who)</th>
<th>Details of the serious risk to public health (what)</th>
<th>Details and outcome of prosecution</th>
</tr>
</thead>
</table>

2.2.4 Any additional comments relating to material or serious risks to public health

None

2.3 Were any other expiation notices issued or prosecutions not previously covered commenced for breaches of the Act during the reporting period?

X No – proceed to section 2.4

☐ Yes – complete the table below

Please provide details on all expiation notices issued and prosecutions commenced by the authority during the reporting period.

<table>
<thead>
<tr>
<th>Section</th>
<th>Type</th>
<th>No. of expiations issued</th>
<th>No. of prosecutions commenced</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>46(4)</td>
<td>Authorised officer identity card – failure to surrender</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>47(6)</td>
<td>Hindering or obstructing an authorised officer</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>49(2)</td>
<td>Failure to provide information</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>92(11)</td>
<td>Hindering or obstructing a person complying with a notice</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>104</td>
<td>Provision of false or misleading information</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Totals</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2.4 South Australian Public Health (General) Regulations 2013
2.4.1 How many known premises with public pools and/or spas are there in your council area?

20

2.4.2 Please complete the table below to indicate routine inspections of public pools and spas conducted during the reporting period to confirm compliance with the regulations and to minimise the incidence of water borne illness.

<table>
<thead>
<tr>
<th>Type of public pool</th>
<th>No. of known public pools and spas in council area. Please count each pool separately if premises with more than one pool.</th>
<th>No. of pools inspected at least once for compliance</th>
<th>Please provide details of any regularly encountered non-compliance issues</th>
</tr>
</thead>
<tbody>
<tr>
<td>Swimming pool</td>
<td>11</td>
<td>11</td>
<td>Disinfection levels out of range Inadequate monitoring of disinfection levels</td>
</tr>
<tr>
<td>Spa pool</td>
<td>3</td>
<td>3</td>
<td>nil</td>
</tr>
<tr>
<td>Hydrotherapy pool</td>
<td>5</td>
<td>5</td>
<td>Inadequate monitoring of combined chlorine levels</td>
</tr>
<tr>
<td>Waterside</td>
<td>0</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>1</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>20</strong></td>
<td><strong>20</strong></td>
<td></td>
</tr>
</tbody>
</table>

2.4.3 Were any expiation notices issued or prosecutions commenced under the General Regulations during the reporting period?

- **X** No – proceed to section 2.4.4
- **☐** Yes – complete the table below

Please provide details on all expiation notices issued and prosecutions commenced by the authority during the reporting period.

<table>
<thead>
<tr>
<th>Reg. No</th>
<th>Type</th>
<th>No. of expiations issued</th>
<th>No. of prosecutions commenced</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>Control of waste on premises</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8(6)</td>
<td>Public swimming pool requirements</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9(7)</td>
<td>Public spa pool requirements</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Obligations of public</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>N/A</strong></td>
</tr>
</tbody>
</table>

2.4.4 Please provide feedback for consideration in relation to the review of the South Australian Public Health (General) Regulations 2013

Nil

2.4.5 Any additional comments relating to the South Australian Public Health (General) Regulations 2013

Nil

2.4.6 Are there any unregulated interactive fountains or water play areas using recirculated water within your council area?

- **X** No – proceed to section 2.5
- **☐** Yes – provide details of the facilities/features in your area

2.5 South Australian Public Health (Wastewater) Regulations 2013
2.5.1 Were any applications for wastewater works approvals received during the current or previous reporting periods?

☐ No – proceed to section 2.6

☒ Yes – complete the table below

<table>
<thead>
<tr>
<th>No. of pending applications carried over from the previous reporting period</th>
<th>Number of new applications received during the reporting period</th>
<th>No. of applications approved</th>
<th>No. of applications refused</th>
<th>No. of applications pending a decision</th>
<th>No. of inspections undertaken by an authorised officer in relation to wastewater works approvals</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>7</td>
<td>0</td>
<td></td>
<td>12</td>
<td></td>
</tr>
</tbody>
</table>

2.5.2 Do you keep a wastewater works approval register compliant with the requirements of regulation 27 of the Wastewater Regulations?

☐ No

☒ Yes
2.6 South Australian Public Health (Legionella) Regulations 2013

2.6.1 How many cooling towers are registered in your council area? Please provide the number of individual towers even when they are part of a single cooling water system.

2.6.2 Please complete the table below to indicate inspections of high risk manufactured water systems conducted during the reporting period to confirm compliance with the regulations and to minimise the incidence of Legionellosis.

<table>
<thead>
<tr>
<th>Type of registered system</th>
<th>No. of systems on council’s register</th>
<th>No. of systems inspected at least once for compliance by an authorised council officer. Reg. 15(1)</th>
<th>No. of systems inspected at least once for compliance by an independent competent person. Reg. 15(2)</th>
<th>No. of follow-up inspections by an authorised officer due to non compliance issues</th>
<th>No. of additional inspections due to complaints and disease investigations</th>
<th>Total no. of inspections conducted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cooling water systems*</td>
<td>Cooling water systems*</td>
<td>24</td>
<td>24</td>
<td>0</td>
<td>0</td>
<td>24</td>
</tr>
<tr>
<td>Warm water systems</td>
<td>Warm water systems</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>8</td>
</tr>
<tr>
<td>Total</td>
<td>Total</td>
<td>26</td>
<td>24</td>
<td>1</td>
<td>1</td>
<td>28</td>
</tr>
</tbody>
</table>

* A cooling water system may include an individual cooling tower, or a number of interconnected cooling towers that utilise the same recirculating water.

2.6.3 Please provide details of any regularly encountered HRMWS compliance issues.
2.6.4 Were any expiration notices issued or prosecutions commenced under the Legionella Regulations during the reporting period?

X No – proceed to section 2.6.5

☐ Yes – complete the table below

Please provide details on all expiration notices issued and prosecutions commenced by the authority during the reporting period.

<table>
<thead>
<tr>
<th>Reg No.</th>
<th>Type</th>
<th>No. of expiration issued</th>
<th>No. of prosecutions commenced</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>5(2)</td>
<td>Unregistered system</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6(4)</td>
<td>Notification of change to registration particulars</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6(5)</td>
<td>Notification of permanent decommissioning or removal</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Automatic biocide dosing device</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8(1)</td>
<td>Drift eliminators</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Commissioning</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10(1)</td>
<td>System plans</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10(3)</td>
<td>Operation and maintenance manuals</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Operation and maintenance by a competent person</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Maintenance of cooling water system</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Maintenance of warm water systems</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>14(1)</td>
<td>Log books</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>14(2)</td>
<td>Retain log books</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17(1)</td>
<td>Failure to shut down or decontaminate system</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17(2)</td>
<td>Reporting of notifiable results within 24 hours</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>18(4)</td>
<td>Contravention of a condition of a determination or approval</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>False or misleading statement</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td></td>
<td></td>
<td></td>
<td>N/A</td>
</tr>
</tbody>
</table>
2.6.5 Were any notices issued under the Legionella Regulations during the reporting period?

- No – proceed to section 2.6.6
- Yes – complete the table below

<table>
<thead>
<tr>
<th>Reg. No</th>
<th>Notice type</th>
<th>No. of notices issued</th>
<th>No. of notices complied with by specified date/time</th>
<th>No. of notices not complied with by specified date/time</th>
<th>No. of expiations/prosecutions for failing to comply with notice (provide details)</th>
</tr>
</thead>
<tbody>
<tr>
<td>15(2)</td>
<td>Independent inspection</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>Requirement for microbiological testing</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2.6.6 Please provide feedback for consideration in relation to the review of the South Australian Public Health (Legionella) Regulations 2013
Nil

2.6.7 Any additional comments relating to the Legionella Regulations
Nil

3 South Australian Public Health (Severe Domestic Squalor) Policy 2013

3.1 Were any cases of hoarding and/or domestic squalor investigated in your area during the reporting period?

- No – proceed to section 4.1
- Yes – complete the table below

Please provide the following details on the cases of hoarding and/or domestic squalor investigated during the reporting period.

<table>
<thead>
<tr>
<th>Total number of cases investigated</th>
<th>Total number of Preliminary Notices issued under Section 92(2)(b)</th>
<th>Total number of General Duty Notices issued under Section 92(1)(a)</th>
<th>Total number of Risk to Health Notices issued under Section 92(1)(b)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td>1</td>
</tr>
</tbody>
</table>

3.2 Is the South Australian Severe Domestic Squalor Scale (Appendix 2 – A Foot in the Door) used for the assessment of cases of domestic squalor?

- Yes – proceed to section 3.3

☐ No – describe what other processes or tools are used.

3.3 Are you involved in an interagency squalor group?

- No – proceed to section 3.4
- Yes – provide details on the group and the agencies involved.

During the reporting period the City of Mitcham regularly attended the Eastern Hoarding and Squalor Group.
3.4 In instances of severe domestic squalor where a breach of the general duty or a risk to public health has been identified, what public health risks have been associated with these cases?
Various conditions including, lack of power, lack of water, egress issues, cleanliness issues.

3.5 Have situations of hoarding and/or domestic squalor been encountered where the application of the Act has been deemed inappropriate?

X No – proceed to section 3.6

☐ Yes – What alternative approaches or legislation were used in these cases?

3.6 Has the South Australian Public Health (Severe Domestic Squalor) Policy 2013 and associated guideline ‘A Foot in the Door’ assisted you in the administration of the Act and in the resolution of cases of severe domestic squalor?

☐ Yes

X No – provide an overview of your experiences

3.7 Any additional comments on the South Australian Public Health (Severe Domestic Squalor) Policy 2013?
4. The South Australian Public Health (Clandestine Drug Lab) Policy 2016

4.1 Were any clandestine drug laboratories reported and/or investigated in your area during the reporting period?

☐ No – proceed to section 5.0

☒ Yes – complete the table below

Please provide details on all clandestine drug laboratories reported and/or investigated during the reporting period.

<table>
<thead>
<tr>
<th>Total number of clan labs notified</th>
<th>Total number of clan labs assessed</th>
<th>Total number of clan labs completely remediated</th>
<th>Total number of clan labs currently being remediated</th>
<th>Total number of clan labs declared unfit for human habitation</th>
<th>Total number of clan labs demolished</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1*</td>
<td>1</td>
<td>0</td>
</tr>
</tbody>
</table>

*Please note that the changing of power points and power points are the only remaining actions.

4.2 Was a site inspection undertaken of any of the clandestine drug labs listed above?

☒ Yes - total number of inspections undertaken 1

☐ No – proceed to section 4.3

4.3 Has the South Australian Public Health (Clandestine Drug Laboratory) Policy 2016 and the associated ‘Practice Guideline for the Management of Clandestine Drug Laboratories’ assisted you in the administration of the Act and in the remediation of clandestine drug laboratories?

☒ Yes

☐ No – provide an overview of your experiences

4.4 Any additional comments on the South Australian Public Health (Clandestine Drug Laboratory) Policy 2016?

Nil
5 Environmental Health Complaints/Customer Requests

Please complete the table below to indicate the number of environmental health complaints and customer requests received and actioned during the reporting period. Please change category names or add new categories according to council’s complaint/customer request recording system.

<table>
<thead>
<tr>
<th>Type of complaint / customer request (category)</th>
<th>Number received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation Standards</td>
<td>1</td>
</tr>
<tr>
<td>Air Pollution / Odours / Air quality / Dust</td>
<td></td>
</tr>
<tr>
<td>Asbestos</td>
<td></td>
</tr>
<tr>
<td>Body Piercing / Tattooing / Other Skin Penetration</td>
<td>1</td>
</tr>
<tr>
<td>Combustion Heaters / Wood Heater Smoke</td>
<td></td>
</tr>
<tr>
<td>Community Amenity</td>
<td></td>
</tr>
<tr>
<td>Contaminated Land</td>
<td></td>
</tr>
<tr>
<td>Development Pollution</td>
<td></td>
</tr>
<tr>
<td>Discharge of Wastes / Waste Control / Refuse Storage and/or Disposal</td>
<td></td>
</tr>
<tr>
<td>Excessive Vegetation / Long Grass / Undergrowth / Fire Hazard</td>
<td></td>
</tr>
<tr>
<td>General Health Complaint or Enquiry / Other</td>
<td></td>
</tr>
<tr>
<td>Hazardous Substances</td>
<td></td>
</tr>
<tr>
<td>Infectious Disease / Notifiable Condition</td>
<td></td>
</tr>
<tr>
<td>Hairdressing / Beauty Salons</td>
<td></td>
</tr>
<tr>
<td>Keeping of Animals</td>
<td></td>
</tr>
<tr>
<td>Legionella Investigation</td>
<td></td>
</tr>
<tr>
<td>Mosquitoes</td>
<td></td>
</tr>
<tr>
<td>Noise</td>
<td></td>
</tr>
<tr>
<td>Public Swimming Pools and Spa Pools</td>
<td>8</td>
</tr>
<tr>
<td>Rats or Mice</td>
<td>10</td>
</tr>
<tr>
<td>Sanitary Facilities</td>
<td></td>
</tr>
<tr>
<td>Septic Tanks / Aerobic Servicing / Failing Onsite System</td>
<td>18</td>
</tr>
<tr>
<td>Sharps Disposal</td>
<td></td>
</tr>
<tr>
<td>Supported Residential Facilities</td>
<td></td>
</tr>
<tr>
<td>Vermin (including pigeons and insects) other than rats, mice, wasps and mosquitoes</td>
<td>3</td>
</tr>
<tr>
<td>Wasps</td>
<td></td>
</tr>
<tr>
<td>Water Quality (other than public swimming pools and spa pools)</td>
<td></td>
</tr>
</tbody>
</table>

Following the commencement of the Local Nuisance and Litter Control Act 2016 on 1 July 2017, the Environmental Health Team used this legislation to address matters that previously may have been considered under the South Australian Public Health Act 2011. The following ‘local nuisance’ complaints were received during the reporting period.

<table>
<thead>
<tr>
<th>Type of Complaint</th>
<th>Number Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dust</td>
<td>1</td>
</tr>
<tr>
<td>Noise</td>
<td>59</td>
</tr>
<tr>
<td>Odour</td>
<td>29</td>
</tr>
<tr>
<td>Smoke</td>
<td>22</td>
</tr>
<tr>
<td>Fumes</td>
<td>0</td>
</tr>
<tr>
<td>Aerosols</td>
<td>0</td>
</tr>
<tr>
<td>Animals</td>
<td>2</td>
</tr>
<tr>
<td>Insanitary Condition</td>
<td>75</td>
</tr>
<tr>
<td>Unsightly Condition</td>
<td>17</td>
</tr>
<tr>
<td>Vibration</td>
<td>0</td>
</tr>
<tr>
<td>Other</td>
<td>12</td>
</tr>
</tbody>
</table>
Person to contact regarding the contents of this report:

Name ___________________________ Date ___________________________ Signature ___________________________

Endorsed by Chief Executive Officer/delegated person:

Name ___________________________ Date ___________________________ Signature ___________________________

Please submit your completed report by 30th September 2019 in electronic copy emailed to:

HealthProtectionPrograms@sa.gov.au

This template will be reviewed annually.
12.3 CORRESPONDENCE FOR INFORMATION ONLY  
(Meeting Date: 22 October 2019)  
(Location: Council Wide)

PROPOSAL
To provide correspondence sent/received for information.

BACKGROUND

At its full council meeting on the 9 April 2019 Council unanimously resolved that; ‘Letters sent on behalf of the City of Mitcham as a result of an Elected Member motion shall be published in the next relevant Full Council Agenda under ‘Correspondence’ unless confidential, in the interests of transparency’.

The above is provided in addition to general correspondence sent/received for information.

Attachments:
A. Response from Hon Stephan Knoll MP - Authorisation of a Statement of Intent
B. Response from Hon Stephan Knoll MP - Torrens Park Railway Station

STRATEGIC OBJECTIVES
Goal 1 Accessible & Connected Community
Objective 1.6 Our community is actively encouraged and supported to have a voice and to participate in a meaningful way in shaping our City.

DISCUSSION

Outgoing Correspondence
Nil

Incoming Correspondence

Attachment A – Response from Hon Stephan Knoll MP authorisation of a Statement of Intent (SOI) in relation to the Special Residential Character Areas Development Plan Amendment (DPA)

Attachment B – Response from Hon Stephan Knoll MP in relation to Torrens Park Railway Station

RECOMMENDATION – ITEM 12.3

That the report be received for information only.
Mr Matthew Pears  
Chief Executive Officer  
City of Mitcham  
PO Box 21  
Mitcham Shopping Centre  
TORRENS PARK SA 5062

Attention: Mr Ben Hignett

Dear Mr Pears

I write in response to Council's request seeking my authorisation of a Statement of Intent (SOI) in relation to the Special Residential Character Areas Development Plan Amendment (DPA).

Please note that I am supportive of the intent of the proposed DPA. Accordingly, and pursuant to section 25(1) of the Development Act 1993 (the Act), I agree to the SOI on the proviso that Council works closely with the Department of Planning, Transport and Infrastructure in preparing the DPA, to ensure consistency with the Character policy being developed for the Planning and Design Code (the Code).

As Council is aware, the Code will be deployed in three phases, and the City of Mitcham will form part of the Phase Three transition. It is expected that this phase of the Code consultation will commence from October 2019, and be spatially applied to the Council area by July 2020.

In progressing the DPA, Council needs to keep in mind the following timeframes in relation to lodging the DPA for approval and transitioning policy into the Code. To enable the DPA amendments to be transitioned into the Code for Phase Three implementation (July 2020), it is recommended that the DPA is lodged for approval by 11 January 2020. Any DPA lodged after this time may need to be approved and transitioned into the Code after implementation. The transitional provisions enable a DPA to be lodged within 3 months of the Code implementation. The DPA lapses after this date.
If you require any assistance or additional information, please do not hesitate to contact Abi Coad, Senior Planner of the Department of Planning, Transport and Infrastructure on 7109 7039 or abi.coad@sa.gov.au.

Yours sincerely

HON STEPHAN KNOLL MP
MINISTER FOR TRANSPORT, INFRASTRUCTURE AND LOCAL GOVERNMENT
MINISTER FOR PLANNING

22/10/2019

Att. Statement of Intent
Mitcham (City) Development Plan

Special Residential Character Areas
Statement of Intent

by the City of Mitcham

July 2019

Pursuant to section 25 (1) of the Development Act 1993 this Statement of Intent forms the agreed basis for the preparation of the proposed Development Plan Amendment.

Matthew Pears
CHIEF EXECUTIVE OFFICER

Date: 15/07/2019

Stephan Knoll
MINISTER FOR PLANNING

Date: 27/07/2019
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<table>
<thead>
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<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.3</td>
<td>Mapping</td>
</tr>
<tr>
<td>7.</td>
<td>Proposed DPA Timetable</td>
</tr>
<tr>
<td></td>
<td>Process B2 (consultation approval not required) Timetable</td>
</tr>
<tr>
<td></td>
<td>12</td>
</tr>
<tr>
<td></td>
<td>13</td>
</tr>
</tbody>
</table>
2. Scope of the Proposed DPA

2.1 Need for the Amendment

2.1.1 Rationale


The SDR sought to promote the Planning Strategy for South Australia by:

- progressing Heritage (completed) and Watercourse (withdrawn) DPAs as priorities, and
- focussing further investigations on opportunities in key activity centres, corridors and regeneration areas, in tandem with a Council-wide Residential DPA.

Investigations commenced with a review of Council’s Residential Strategy (2014); publication of a Retail Activity Centres Strategic Directions Review (2014); and a baseline study for the Residential Yield Analysis (2015).

The assent of the Planning, Development and Infrastructure Act 2016 (The Act) and an update to the 30-Year Plan for Greater Adelaide (2017) has since prompted Council to review the spatial application of Council’s Strategic Management Plan (SMP). This work will aid the effective and orderly switch from Council’s Development Plan to the new Planning and Design Code by 1 July 2020.

Council’s Spatial Vision identifies:

- areas where opportunities for significant change should be investigated (i.e. growth precincts);
- the strategic outcomes for these precincts;
- key strategic connections and movement corridors;
- areas where small-scale, incremental change is anticipated; and
- areas where no change is anticipated.

The Spatial Vision exercise identified that there are areas where a direct translation of Council’s Development Plan to the Planning and Design Code will not meet community and stakeholder expectations. The Growth Areas SOI (authorised 14 May 2018) is the first step in addressing this issue. However, of equal importance to the future success of the City are matters including housing diversity and the conservation of key heritage and character areas.

This SOI recognises that the City of Mitcham is rich with residential character that is highly valued by the community. Council is seeking to elevate areas deemed to have a character that is special when compared to wider Metropolitan Adelaide. The aim is that these areas would ultimately form the basis of a special character overlay in the translation of Council’s Development Plan to the Planning and Design Code.

Council’s Development Plan currently includes residential policy areas with desired character statements, parts of which were granted protection from the Residential Development Code on its introduction in 2009. To be considered for this protection, areas were assessed against criteria including landform; subdivision pattern; building stock; lot size; frontage and setbacks; site coverage and private open space.

Work to inform Council’s Spatial Vision has built on the Residential Development Code character assessments and has been confined to areas not currently covered by the Code. The Special Residential Character Areas designation has been sparingly and mindfully applied, with a view to ensuring the conservation of valued attributes including public realm infrastructure, housing design and the general urban / peri-urban form.
1. Introduction

1.1 Statement of Intent

Pursuant to section 25(1) of the Development Act 1993 (the Act) the City of Mitcham (the Council) has reached agreement with the Minister on this Statement of Intent (SOI) prepared by the Council in accordance with the Development Regulations 2008 (the Regulations).

The SOI details the scope, relevant strategic / policy considerations, nature of investigations to be carried out, the consultation process and timeframes to be followed in preparing the DPA.

1.2 Chief Executive Statement

The Chief Executive Officer of the Council confirms the following:

- The proposed DPA will assist in implementing the Planning Strategy.
- The proposed DPA has been endorsed by Council.
- All procedures, documentation and mapping will accord with relevant statutory requirements of the Act and Regulations.
- Sufficient Council resources will be devoted to completing the DPA within the agreed timeframe. Council acknowledges that the Minister can lapse the DPA if key timeframes are not met by Council pursuant to section 25(19) of the Act.
- Council may use the outcome of investigations and other information produced by external sources which will be reviewed by a qualified, independent professional advisor (pursuant to section 25(4) of the Act).

1.2.1 Council Contact Person

The key Council contact person who will be responsible for managing the DPA process and who will receive all official documents relating to the DPA is:

Ben Hignett
Business Partner, Strategic Planning & Projects
T: 8372 8158
E: bhignett@mitchamcouncil.sa.gov.au
A community engagement exercise for the Spatial Vision explored stakeholder appetite for the identification and protection of Special Character Areas. The findings of this exercise have supported the approach adopted by Council.

This DPA is split into nine (9) parts, some or all of which are to occur concurrently. The rationale for this approach is to seek to ensure that each proposed Special Residential Character Area can be individually progressed and/or prioritised as required. The nine parts are as follows:

- Part 1: Special Residential Character Area (Cumberland Park)
- Part 2: Special Residential Character Area (Westbourne Park)
- Part 3: Special Residential Character Area (Hawthorn)
- Part 4: Special Residential Character Area (Brownhill Creek)
- Part 5: Special Residential Character Area (Mitcham)
- Part 6: Special Residential Character Area (Springfield)
- Part 7: Special Residential Character Area (Hills 1 - Belair)
- Part 8: Special Residential Character Area (Hills 2 - Blackwood / Eden Hills)
- Part 9: Special Residential Character Area (Hills 3 - Coromandel Valley)

### 2.1.2 Affected Area

The area affected by the proposed DPA can be described as the whole of the City of Mitcham Local Government Area and in particular the areas illustrated in a darker green colour in Figure 1 below:

**Figure 1: City of Mitcham Spatial Vision**
Title of SOI
2 Scope of the Proposed DPA

2.1.3 Potential Issues

Potential issues associated with the identification of Special Residential Character Areas include:

- balancing the needs of current and future residents, businesses, public institutions and industry;
- ensuring that the distinction between heritage and character is clear;
- ensuring an orderly transition at the boundaries between key growth precincts and adjoining areas of special residential character;
- ensuring that Special Residential Character Area designations enable future development whilst minimising impacts on the identified character (i.e. not a ‘no development’ scenario); and
- preserving and/or enhancing the City of Mitcham’s character and distinctiveness, including heritage and environmental considerations.
3. Strategic and Policy Considerations

3.1 The Planning Strategy

3.1.1 Targets

The DPA will support the relevant volume of the Planning Strategy (or draft Strategy) by implementing the following targets:

<table>
<thead>
<tr>
<th>Target</th>
<th>How the target will be implemented:</th>
</tr>
</thead>
<tbody>
<tr>
<td>The 30-Year Plan for Greater Adelaide (2017 Update)</td>
<td>The DPA seeks to translate Council's Spatial Vision into tangible planning policy and works hand-in-hand with a concurrent Growth Areas DPA to enable significant growth in residential and non-residential development in suitable urban areas. Of key importance to the success of the Spatial Vision is the conservation of key heritage and character areas in the City.</td>
</tr>
</tbody>
</table>

3.3.2 Policies

The DPA will support the relevant volume of the Planning Strategy (or draft Strategy) by implementing the following policies:

<table>
<thead>
<tr>
<th>Policy</th>
<th>How the policy will be implemented:</th>
</tr>
</thead>
<tbody>
<tr>
<td>The 30-Year Plan for Greater Adelaide (2017 Update)</td>
<td>A local area planning project has been underway for the last 2 years, with the resultant Spatial Vision identifying areas displaying special residential character. These areas work hand-in-hand with growth opportunities to ensure that new development builds on and enhances local valued character; and conserves the character of areas that the community values.</td>
</tr>
</tbody>
</table>

3.2 Council Policies

3.2.1 Council's Strategic Directions (Section 30) Report

Council's 2013-2018 Section 30 Review / Strategic Directions Report (SDR) was approved by the delegate for the Minister for Planning in February 2014.

The SDR included the following work program:

<table>
<thead>
<tr>
<th>Focus</th>
<th>DPA Status / Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Watercourse DPA</td>
<td>2015 - Lapsed whilst awaiting flood plain mapping data from Brownhill Keswick Creek Stormwater Management Plan. This project is scheduled for review in 2019/20.</td>
</tr>
</tbody>
</table>
Title_of_SOI
3. Strategic and Policy Considerations

<table>
<thead>
<tr>
<th>Focus</th>
<th>DPA Status / Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Heritage DPA</td>
<td>2015 - DPA Consolidated (19 February)</td>
</tr>
<tr>
<td>Activity Centres and Corridors – Mixed Use Development DPA</td>
<td>2014 - Review of Council's Residential Strategy Now incorporated into the local area planning project.</td>
</tr>
<tr>
<td>1. Regeneration Areas</td>
<td></td>
</tr>
<tr>
<td>2. Council wide</td>
<td></td>
</tr>
<tr>
<td>Open Space and Urban Design</td>
<td>This project is scheduled for review in 2019/20.</td>
</tr>
<tr>
<td>SA Planning Policy Library Conversion</td>
<td>Some SAPPL modules have been incorporated through Council and Ministerial DPA’s. A full conversion will now not be undertaken until the transition to the Planning and Design Code in July 2020.</td>
</tr>
<tr>
<td>Waite Research / Education Precinct</td>
<td>This project is scheduled for review in 2019/20.</td>
</tr>
</tbody>
</table>

The assent of the Planning, Development and Infrastructure Act 2016 (The Act) and an update to the 30-Year Plan for Greater Adelaide (2017) has since prompted Council to review the spatial application of Council’s Strategic Management Plan (SMP) by way of a local area planning project.

The Growth Areas SOI (authorised 14 May 2019) was the first step in progressing this local area planning work, which is intended to aid the effective and orderly transition of Council’s Development Plan to the new Planning and Design Code by 1 July 2020.

3.2.2 Infrastructure Planning

The proposed amendment will not be inconsistent with current infrastructure planning (both social and physical) identified in council’s strategic directions report, by the Minister or by a relevant government agency.

3.2.3 Other Policies or Local Issues

The policies of this DPA will be consistent with the policies in the Council-wide section of the Development Plan where appropriate, however it is noted that Council's Development Plan is dated and the change that is proposed by way of this DPA may not have been anticipated.

The policies of this DPA will also be consistent with the following:

Council’s Current DPAs
- Growth Areas DPA

The Development Plans of adjoining areas
- City of Marion
- City of Onkaparinga
- City of Unley
- Adelaide Hills Council

Schedule 4 of the Regulations
- N/A
3.3 Minister's Policies

3.3.1 Planning Policy Library

The DPA is most likely to draw on the following SA Planning Policy Library Zone Modules:

- Residential Character Zone

It is likely that the DPA will include specific local variations to this zone, however it is proposed to use standardised policy content as much as possible. Local variations are considered important to reflect local circumstances or address local issues within the various special residential character areas that may not be envisaged by the standardised policy within the Planning Policy Library Module.

3.3.2 Existing Ministerial Policies (Section 25(5), 26 and Section 29)

The following Ministerial policies introduced through section 25(5), 26 or 29 of the Act may be amended by this DPA:

- N/A

Any amendment to these policies will be justified in the DPA and Council confirms that the policies will only be changed in a way that ensures consistency with the Planning Strategy.

3.3.3 Ministerial DPAs

The policies of this DPA will be consistent with and not contradict the policies proposed in the following relevant Ministerial DPAs:

- N/A
Title_of_SOI
4. Investigations and Consultation

4. Investigations and Consultation

4.1 Investigations

4.1.1 Investigations Previously Undertaken

Investigations previously undertaken (prior to the preparation of this SOI) that will inform this DPA include the following:

- Local Area Planning Project, including
  - Spatial Vision
  - Special Residential Character Area Assessments
  - Community & Stakeholder Engagement Findings

- Neighbourhood Character Area assessments associated with the introduction of the Residential Development Code (2009)

- Residential Strategy (2014)

and any other previous relevant investigations that have been undertaken by or on behalf of Council over the last 30 years, including heritage surveys.

4.1.2 Investigations Initiated to Inform this DPA

It is intended that this work will build on:

- Neighbourhood character area investigations from 2009, which informed the application of the Residential Development Code; and
- Investigations into special residential character area typologies that informed Council’s local area planning project and resultant Spatial Vision.

Where the current investigation differs from work carried out in 2009 is the need for a value judgement of the character of an area relative to other areas in Metropolitan Adelaide.

Investigations are to be limited to areas where the Residential Development Code does not currently apply.

4.2 Consultation

The following list provides an overview of stakeholders to be consulted during the consultation stage of the DPA:

Adjoining Councils
- Adelaide Hills Council
- City of Burnside
- City of Marion
- City of Onkaparinga
- City of Unley
Members of Parliament
- Carolyn Power – State Member for Elder
- Jayne Stinson – State Member for Badcoe
- Nicolle Flint – Federal Member for Boothby
- Sam Duluk – State Member for Waite
- Steve Murray – State Member for Davenport
- Vickie Chapman, Hon – State Member for Bragg

Government Agencies / Departments
- Department of the Premier and Cabinet
- Department for Communities & Social Inclusion
- Department for Education
- Department for Planning Transport & Infrastructure
- Department for Environment and Water
- Department for Health and Wellbeing
- Department for Trade, Tourism and Investment
- Office for Design & Architecture
- Renewal SA
- State Heritage Unit (DEW)

Community / Business Groups
- Apex Blackwood
- Bedford Park Residents Association
- Birksgate Residents Association Inc
- Blackwood & Belair District Community Association
- Blackwood Action Group
- Blackwood Business Network
- Blackwood Community Buzz
- Brownhill Creek Association
- Coromandel Valley Community Association
- Friends of Brownhill Creek
- Friends of Carrick Hill Inc
- Kaurna Aboriginal Community & Heritage Association Inc
- Kiwanis Club of Mitcham
- Lions Club of Blackwood
- Lions Club of Mitcham
- Mitcham Historical Society
- Rotary Club - Blackwood
- Rotary Club - Brownhill Creek
- Rotary Club - Coromandel Valley
- Rotary Club - Mitcham
- Springfield Estate Residents Association
- Totally Locally Blackwood

The above list is not exhaustive, does not identify individuals, and will be reviewed prior to the commencement of consultation.
Title of SOI

4. Investigations and Consultation

Consultation with the public will be undertaken in accordance with the requirements of the Act and Regulations. This will include:

- A notice in the Government Gazette.
- A notice in the Advertiser Newspaper.
- The scheduling of a Public Meeting at which any interest person may appear to make representations on the proposed amendment.

In addition, notice will be sent to the owners of any land that is within the affected area(s) of the proposed amendment.
5. Proposed DPA Process

5.1 DPA Process

Council intends to undertake the following DPA process (check box):

- **Process A**
  Agencies will be consulted on a draft version of the DPA for a period of 6 weeks. A copy of the DPA, and copies and a summary of agency submissions, will then be sent to the Minister for approval to release the DPA for public consultation.

- **Process B1 (with consultation approval)**
  A copy of the DPA will be sent to the Minister for approval to release it for concurrent agency and public consultation (not more than 8 weeks for agency comment and not less than 8 weeks for public comment).

- **Process B2 (consultation approval not required)**
  A copy of the DPA will be released for concurrent agency and public consultation (not more than 8 weeks for agency comment and not less than 8 weeks for public comment).

- **Process C**
  A copy of the DPA will be released for concurrent agency and public consultation (not more than 4 weeks for agency comment and not less than 4 weeks for public comment). Landowners and occupiers identified in the SOI will receive direct notification of the DPA.

5.1.1 Rationale

Process B2 has been selected because the DPA is to be progressed alongside and in line with a Growth Areas DPA (SOI authorised 14 May 2019). These DPA's seek to implement Council's Spatial Vision and aid the effective and orderly transition of Council's Development Plan to the new Planning and Design Code by 1 July 2020.
6. Professional Advice and Document Production

6.1 Professional Advice

The professional advice required will be provided by:

- Craig Harrison
  General Manager – Development Services and Community Safety
  City of Mitcham

This person satisfies the professional advice requirements of the Act and Regulations and will provide advice to the council prior to the preparation of the DPA. This person is not considered to have a conflict of interest or perceived conflict on interest in the DPA.

6.2 Document Production

The DPA (including the structure, amendment instructions and mapping) will be prepared in accordance with the Technical Guide to Development Plan Amendments issued by the Department for Planning, Transport and Infrastructure (the Department) and any templates, except as mutually agreed.

To ensure certainty as to the correct version of the DPA, the DPA will contain a date in the footer (e.g. version 5 July 2007). The footer will be located on every page of the DPA, including the proposed amendments (including mapping).

The Chief Executive Officer of the Council will ensure that the policies implement the Planning Strategy, all procedures have been completed within the statutory requirements, and that mapping is correct prior to issuing a certificate in accordance with the Act. If this is not the case, the council will take responsibility for the DPA until the matter has been resolved.

6.3 Mapping

Council will obtain electronic copies of all the affected maps and/or figures from the Department prior to the commencement of mapping amendments to ensure all mapping is amended based on current map bases.

Amendments to maps will be provided in the required format to the Planning Division of the Department. Mapping amendments for this DPA will be undertaken by:

- TBA
### 7. Proposed DPA Timetable

#### Process B2 (consultation approval not required) Timetable

The following timetable is proposed for this DPA based on the selected process. Council will take steps to update this timetable if it appears at any stage that Council will require an extension to complete a task.

<table>
<thead>
<tr>
<th>Steps</th>
<th>Responsibility</th>
<th>Agreed Timeframe from Minister's Approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Plan Amendment (DPA)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Investigations conducted; DPA prepared</td>
<td>Council</td>
<td>12 weeks</td>
</tr>
<tr>
<td></td>
<td></td>
<td>SOI agreement – DPA commences consultation</td>
</tr>
<tr>
<td>Agency and public consultation concludes</td>
<td>Council</td>
<td>8 weeks</td>
</tr>
<tr>
<td>Summary of Consultation and Proposed Amendment (SCPA)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Meeting held; submissions summarised; DPA amended in accordance with Council’s assessment of submissions; SCPA prepared and lodged with the Department</td>
<td>Council</td>
<td>8 weeks</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Public consultation closes – SCPA lodged with the Department</td>
</tr>
<tr>
<td>SCPA assessed and report on DPA prepared for Minister</td>
<td>Department</td>
<td>7 weeks</td>
</tr>
<tr>
<td>Minister considers report on DPA and makes decision</td>
<td>Minister</td>
<td>4 weeks</td>
</tr>
<tr>
<td>Approved amendment gazetted</td>
<td>Department</td>
<td>2 weeks</td>
</tr>
</tbody>
</table>

Following Ministerial approval of the proposed amendment, it is forwarded to the Environment, Resources and Development Committee of Parliament for review.
Dr Heather Holmes-Ross  
Mayor  
City of Mitcham  
PO Box 21  
Mitcham Shopping Centre  
TORRENS PARK SA 5062

Dear Mayor

Thank you for your letter regarding acquisition of the property next to Torrens Park Railway Station for car parking. I apologise for the delayed response.

The Department of Planning, Transport and Infrastructure (the department) appreciated the alert.

An upgrade of the station is currently unfunded and as such there are no funds available to purchase the land and expand the station. As you can appreciate, investment decisions consider competing priorities within available resources and expansion of parking facilities on this site is considered low priority.

The department will review general safety and accessibility of the station in the context of walking and cycling catchments. This will include connection to other public transport services that would enable more individuals to reach the station without private vehicles. Encouraging more local neighbourhood station users to actively travel to the station, instead of driving, will leave more car parks available.

I trust this information is of assistance.

Yours sincerely,

HON STEPHAN KNOLL MP  
MINISTER FOR TRANSPORT, INFRASTRUCTURE AND LOCAL GOVERNMENT  
MINISTER FOR PLANNING

22/10/2019
13. NOTICES OF MOTION

13.1 CR JANE BANGE - CLIMATE CHANGE

I hereby give notice that I intend to move:

1. That Council recognises that climate change poses a significant risk to both the quality of life of residents within the City of Mitcham and its natural and built environments.

2. That Council acknowledges the work already being done to both mitigate, and adapt to, climate change within the City of Mitcham. However, Council recognises the need to give climate mitigation and adaptation still more emphasis in its decisions and operations.

3. That Council declares there is currently a climate emergency that requires urgent action by all levels of government in Australia (including Local Government) to both slow down changes in climate and to assist communities to better adapt to the changes already occurring.

4. That the Mayor write to the Australian Prime Minister and Federal Opposition Leader, the South Australian Premier and South Australian Opposition Leader, and to all Federal and State Members of Parliament whose electorates contain the City of Mitcham, providing a copy of this resolution and calling upon them to act urgently to effectively address climate change and its impacts.

REASON:

It is not good enough to say effective action is the responsibility of just Federal and / or State Governments. It is everyone’s responsibility, including Local Government.

Many councils around the world and in Australia have declared a climate emergency, including, in our state, Adelaide Hills, Gawler, City of Adelaide, Port Adelaide / Enfield, Light Regional and Burnside Councils.

I am proud to say City of Mitcham is currently preparing a report for Councillors on membership of the Cities Power Partnership, an initiative specifically designed for Local Government to assist councils to mitigate against the effects of climate change and help their communities adapt to changes already occurring.

In the words of Sir David Attenborough, “Right now, we’re facing our gravest threat in thousands of years: climate change. We cannot be radical enough in dealing with these issues,” he has told British MPs.

Source: https://www.newscientist.com/article/2209126-david-attenborough-on-climate-change-we-cannot-be-radical-enough/#ixzz620mFB5TA
13.2  CR CORIN MCCARTHY - INNOVATION QUARTERLY BRIEFINGS

I hereby give notice that I intend to move:

That as part of, and following on from, the impending review of Council’s Efficiency and Effectiveness, Budget Management and Strategic Priority Frameworks, Administration provides a quarterly briefing on Council’s innovation program, commencing from the first quarter of 2020/21 to present outcomes and seek input to inform improvement and innovation initiatives going forward.

That these quarterly briefings are scheduled within the existing third Tuesday timeslots form Council informal gatherings.

REASON:

The current process improvements and bottom up budget reforms implemented in the change to the Technology One system mean that the City of Mitcham is set to experience a period of larger efficiencies in the coming 12 to 24 months.

To ensure that Elected Members understand the extent of these improvements, as well as how they can inform the coming budget cycle period, it is proposed there be a regular briefing meeting every quarter on how these changes are flowing through the COM business, the financial position, as well as the overall effectiveness of the Council in key areas.

CEO’S NOTE

This motion is supported by administration.
13.3 CR LINDY TAEUBER - ADDITIONAL BRIEFING IN NOVEMBER

I hereby give notice that I intend to move:

That an additional briefing be held on the first Tuesday in November in order to allow discussion and presentation of topics, including Efficiency and Effectiveness, in light of the number of issues worthy of Elected Members consideration and the current limits on briefing time available.
14. MOTIONS WITHOUT NOTICE

*Motions Without Notice must be supplied to the Minute Secretary in writing.*
15. QUESTIONS ON NOTICE

15.1 CR KAREN HOCKLEY - BY-LAWS TO REGULATE SMOKING 24 SEPTEMBER 2019

QUESTION

Council has by-laws that regulate smoking on Council land. Do these laws regulate e-cigarettes and traditional cigarettes or would an amendment be required to ensure that e-cigarettes or vaping are also regulated by the by-laws?

ANSWER

Councils By-law No. 3 of 2015 Local Government Land does not apply to the use of e-cigarettes. This is because the By-law restrictions regarding smoking (at clause 10.11) specifically relate to “ignited tobacco products”.

The definition of “tobacco product” within the Act does not include e-cigarettes, which are separately defined.

This means that it would be necessary to amend the Council’s by-laws No. 3 of 2015 for clause 10.11 to apply to e-cigarettes. An amendment in the following terms would achieve this:

10.11 – Smoking

Subject to the Tobacco and E-Cigarette Products Act 1997, smoke, hold or otherwise have control over an e-cigarette or an ignited tobacco product:

10.11.1 – in any building; or

10.11.2 – on any land to which the Council has determined this subclause applies.

Council By-laws are due for renewal prior to 2023 and any amendment would require the By-law to undergo a full renewal as if it was a new By-law being created.

If any other By-laws were to be reviewed prior to the 2023 renewal requirement then it would be appropriate to include renewal of By – law 3.
QUESTION

1. What are the garden Suburb design elements applicable to the use of this type of Community Land (Hillview Reserve) to ensure that the requirements of the Heritage Places Act are met?

2. Have Administration reviewed the applicable Community Land Management Plan (required by the Local Government Act) to ensure that the performance measures relating to the Garden Suburb design elements are fully identified? Full regard is to be made to the judgement in COASTAL ECOLOGY PROTECTION GROUP INC & ORS v CITY OF CHARLES STURT [2017] SASC 136 (21 September 2017)

3. Have Administration identified if the applicable Community Land Management Plan is fully consistent with the provisions of the Development Plan (particularly the Objectives) applying to the land (Hillview Reserve) in accordance with the Local Government Act 196(5)(b) to ensure that there is no uncertainty to require consideration under 196(6)?

4. Can Administration provide the records detailed in The Australia ICOMOS Charter for Places of Cultural Significance, The Burra Charter, 2013, Article 28?

5. Can Administration identify which category of the Principle of Developmental Control 26 applying to the land is envisaged to apply in respect of the existing structure (toilet block)?

6. Can Administration provide photographs of structures built at children's playgrounds including those at the display playground at the First Town Planning and Housing Conference and Exhibition (1917), Glover Playground (South Terrace) (1918), West Playground (1919), Lefevre Terrace North Adelaide (1920), Glover Playground (East Terrace and Wakefield Street)(1925), Hillview Reserve, Colonel Light Gardens (1927) and at Montlock Park, Colonel Light Gardens (1928)?

CEO COMMENT

Please refer to CEO note from 8 October 2019 meeting below:

The work required to undertake a comprehensive report addressing each of the points in detail would need to be scoped and costed out. The work is not prioritised within existing resources which are dedicated to progressing planning policy and heritage work, namely the Special Character Development Plan Amendment, the Growth Precincts DPA and reviewing the Planning and Design Code that has been released for consultation. It would necessitate engaging external resources in research and report preparation.
These Questions on Notice were originally included in the Agenda of the Full Council Meeting on Tuesday, 8 October 2019 as a Notice of Motion. At this meeting the Notice of Motion was withdrawn by Councillor Fisher and he requested that they be included as Questions on Notice in the Agenda for Council on Tuesday, 22 October 2019.

During the Questions without Notice section of the Agenda of Tuesday, 8 October 2019, Councillor Fisher raised these questions and the above answer was given.
16. QUESTIONS WITHOUT NOTICE

Questions Without Notice must be supplied to the Minute Secretary in writing.

17. MAYORAL BUSINESS

Nil

18. WRITTEN REPORTS BY ELECTED MEMBERS

Nil

CLOSE