

COUNCIL AGENDA

Council Meeting

Notice is hereby given pursuant to the provisions of the Local Government Act, 1999, that the next Meeting of Unley City Council will be held in the Council Chambers, 181 Unley Road Unley on

Monday 22 August 2016

7.00pm

for the purpose of considering the items included on the Agenda.

Peter Tsokas
Chief Executive Officer

OUR VISION 2033

Our City is recognised for its vibrant community spirit, quality lifestyle choices, diversity, business strength and innovative leadership.

COUNCIL IS COMMITTED TO

- Ethical, open honest behaviours
- Efficient and effective practices
- Building partnerships
- Fostering an empowered, productive culture – “A Culture of Delivery”
- Encouraging innovation – “A Willingness to Experiment and Learn”

ACKNOWLEDGEMENT

We would like to acknowledge this land that we meet on today is the traditional lands for the Kaurna people and that we respect their spiritual relationship with their country.

We also acknowledge the Kaurna people as the custodians of the Adelaide region and that their cultural and heritage beliefs are still as important to the living Kaurna people today.

PRAYER AND SERVICE ACKNOWLEDGEMENT

Almighty God, we humbly beseech Thee to bestow Thy blessing upon this Council. Direct and prosper our deliberations for the advancement of Thy Kingdom and true welfare of the people of this city.

Members will stand in silence in memory of those who have made the Supreme Sacrifice in the service of their country, at sea, on land and in the air.

Lest We Forget.

WELCOME

ORDER OF BUSINESS

ITEM NO

PAGE NO

APOLOGIES

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Minutes of the Council meeting held on 25 July 2016

Minutes issued separately

DEFERRED / ADJOURNED ITEMS

PETITION

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REPORTS OF COMMITTEES

To receive and adopt or otherwise the reports and recommendations of the undermentioned Committees

547	Infrastructure and Sustainability Committee Minutes of the Infrastructure and Sustainability Committee – 9 August 2016 Minutes Attached	7 – 9
548	Community and Culture Committee Minutes of the Community and Culture Committee – 10 August 2016 (Presentations to be added) Minutes attached	10 – 11

REPORTS OF OFFICERS**GENERAL MANAGER COMMUNITY – Ms Megan Berghuis**

Nil reports

GENERAL MANAGER ECONOMIC DEVELOPMENT AND PLANNING – Mr David Litchfield

549	Unley Central Precinct Development Plan Amendment – Release for Consultation	12 – 17
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ENVIRONMENT – Mr John Devine**

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**OFFICE OF THE CHIEF EXECUTIVE OFFICER (Mr
Peter Tsokas)**

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- Councillor Salaman
- Councillor Hewitson
- Councillor Hughes
- Councillor Palmer
- Councillor Schnell

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576 Confidentiality Motion to Remain in Confidence – Item 107
575 – Possible Property Acquisition Opportunity

SUGGESTED ITEMS FOR NEXT AGENDA

Hire of Community Centres and Town Hall Fee Discount Policy	Council endorsement to revoke the Hire of Community Centres Policy and the Hire of Town Hall Policy and replace with an updated and combined Hire of Community Centres and Town Hall Fee Discount Policy.
Millswood Sporting Complex detailed design	Update on the detailed design of Millswood Sporting Complex and to seek a direction from Council regarding a change to the project.
New licence to B&M Glass – Charles Walk	To get Council's endorsement for a possible further licence across the Charles Walk shared bike/walkway to B&M Glass.
Wayville, Unley, Goodwood LATM Plan	To provide information on the outcome of the community engagement and seek Council endorsement.
Existing Encroachment	This Report provides information on the number, type and location of existing encroachments and recommends a licensing system that passes risk from Council to the property owner.
Draft Permits for Business Purposes Policy	Council recommendation in March 2016 – report will be brought back to August meeting outlining a draft policy
Quarterly Performance Report	
Petition re Road Closures at Goodwood	

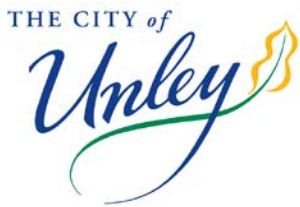
NEXT MEETING

12 September 2016 – 7.00pm

CONFLICT OF INTEREST

TITLE:	CONFLICT OF INTEREST
ITEM NUMBER:	542
DATE OF MEETING:	22 AUGUST 2016
ATTACHMENT:	1. CONFLICT OF INTEREST DISCLOSURE FORM

Members to advise if they have any material, actual or perceived conflict of interest in any Items in this Agenda.



CONFLICT OF INTEREST DISCLOSURE FORM

I, _____ have received a
[insert name]

copy of the agenda for the (Ordinary / Special) **Council / Committee / Board**
[delete that which is not applicable]

meeting to be held on _____
[insert date]

I consider that I have a ***material** conflict of interest pursuant to section 73 / ***actual** or ***perceived** conflict of interest pursuant to section 74 *[*delete that which is not applicable]* of the *Local Government Act 1999* ("the LG Act") in relation to the following agenda item:

[insert details]

which is to be discussed by the ***Council / *Committee / *Board** at that meeting.
[delete that which is not applicable]

The nature of my **material** conflict of interest is as follows *[ensure sufficient detail is recorded, including the reasons why you (or a person prescribed in section 73(1) of the LG Act) stands to obtain a benefit or suffer a loss depending on the outcome of the consideration of the matter at the meeting of the Council in relation to the agenda item described above].*

OR

The nature of my **actual** conflict of interest is as follows *[ensure sufficient detail is recorded, including the reasons why the conflict between your interests and the public interest might lead to a decision that is contrary to the public interest in relation to the agenda item described above].*

I intend to deal with my **actual** conflict of interest in the follow transparent and accountable way *[ensure sufficient detail is recorded as to the manner in which you intend to deal with the actual conflict of interest in a transparent and accountable way]*

OR

The nature of my **perceived** conflict of interest is as follows *[ensure sufficient detail is recorded, including the reasons why you consider that an impartial fair-minded person could reasonably consider that you have a perceived conflict of interest in the matter]*

I intend to deal with the **perceived** conflict of interest in the following transparent and accountable way *[ensure sufficient detail is recorded as to the manner in which you intend to deal with the perceived conflict of interest in a transparent and accountable way]*

Signature

Date

CONFIRMATION OF MINUTES

TITLE: CONFIRMATION OF MINUTES FOR COUNCIL
MEETING HELD ON 25 JULY 2016

ITEM NUMBER: 543

DATE OF MEETING: 22 AUGUST 2016

ATTACHMENTS: NIL

RECOMMENDATION

MOVED:
SECONDED:

That:

1. The minutes of the Council Meeting held on Monday 25 July 2016, as printed and circulated, be taken as read and signed as a correct record.
-

RECEIPT OF PETITION

TITLE: PETITION RE GOODWOOD POLES
ITEM NUMBER: 544
DATE OF MEETING: 22 AUGUST 2016
ATTACHMENTS: 1. PETITION

RECOMMENDATION

MOVED:
SECONDED:

That:

1. The petition be received.
 2. The principal petitioner be notified of Council's proposed actions.
-

OFFICER'S COMMENTS

At the Council meeting held on 26 April 2016, Council endorsed the following recommendation:

1. *Council conducts in the vicinity of the Showgrounds a detailed audit to identify surplus posts, being cognizant of parking regulations, and making best use of existing stobie poles and other posts.*
2. *As a result of the above audit, Council remove any surplus posts.*
3. *Administration conducts an audit similar to the above across the remainder of the City, and remove surplus posts. This audit can be conducted in future years as part of an on-going programme.*

Subsequent to Council's resolution, Administration engaged a consultant to perform an audit of traffic and parking control signs across selected areas of Goodwood, Wayville and Forestville in June 2016. The purpose of the audit was to identify signage which could be relocated or removed within the defined audit area.

Data collection was undertaken of all parking control signage, recording the signage attributes, general condition and recommended remedial actions, being cognizant of parking regulations AS 1742.11-1999 (Manual of uniform traffic control devices - Parking controls). This audit also included vacant poles which are only utilised for temporary parking control during the Royal Adelaide Show.

As a result of this analysis, 198 poles are considered to be redundant or surplus, with a number of signs to be relocated, mostly to existing power poles at close distance.

The work required to relocate these signs and remove 198 surplus posts has commenced utilising existing resources and to date, 43 poles have been removed. The removal work has currently paused as the work to install the traffic and parking temporary parking restrictions for this year's Show has commenced.

Taking into consideration that staff resources will not be available to recommence work until after the show (approximately mid-September), two options to address the 156 remaining poles, have been considered:

- Continue to use existing resources, meaning that work to remove the surplus poles will be completed by the end of November 2016.
- Engage a contractor to undertake the remaining work. This work could then be completed by the end of September, and would cost approximately \$20,000. The cost to engage a contractor has not been budgeted for within the 2016/17 operating budget.

After considering these options, it was decided to continue using internal resources.

There may be an opportunity to remove additional signs and poles once the trial period regarding the paid parking initiative and associated parking restrictions has ended. In particular, if Council choose to remove the current 4 hour parking restrictions and revert back to unrestricted parking, additional signs and poles can be replaced. Overall, from a parking management perspective, the current arrangements appear to be working and there is a visible difference in the availability of car parking spaces in the area.

Nevertheless, it is suggested that a survey be undertaken of residents and businesses in affected streets at the completion of the trial period in order for Council to make an informed decision about on street parking in these areas.

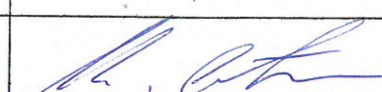
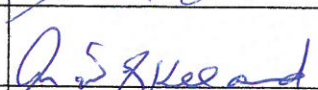
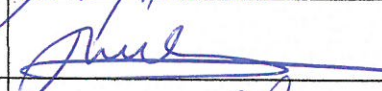
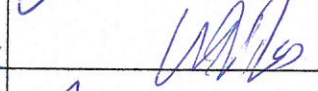
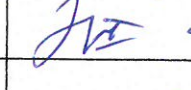
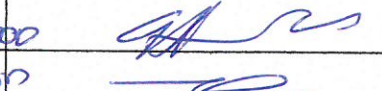
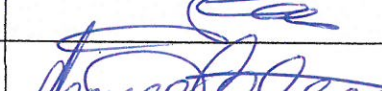
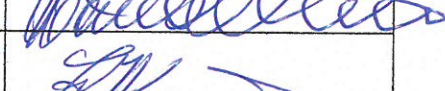
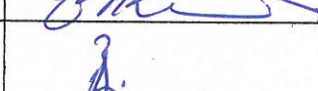

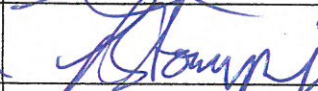
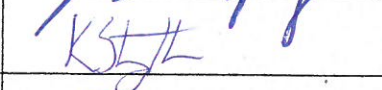
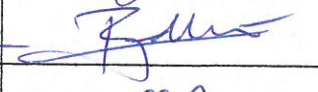

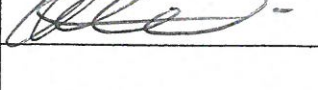
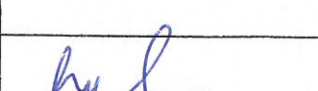


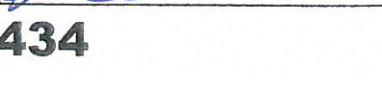
GOODWOOD POLES MUST GO

- Unley Council put up 292 permanent 4P parking poles in Goodwood in Sept 2015, without consulting residents.
- The poles and signs are ugly, unnecessary and a blight on the appearance of our streets.
- We urge Unley Council to remove the poles as soon as possible.

NAME (print)	ADDRESS	SIGNATURE
A. Stoken	1/3 Victoria St Goodwood	A. Stoken
Lyn Dooly	39 July St. Goodwood	Lyn Dooly
S. Riley	1 Musgrave St, Goodwood	S. Riley
M. Strebenitz	10 First Ave Forestville	M. Strebenitz
J. Galbory	26 HILLSWOOD CRES HILLSWOOD	J. Galbory
M. Stevenson	5 Lily St Goodwood 5034	M. Stevenson
R. I. Silcock	27 Carr St Goodwood	R. I. Silcock
R. SPACEK	32 AROHA TEE BLACK FOREST	R. Spacek
J. REED	32 AROHA TEE BLACK FOREST	J. Reed
R. HOFFMANN	44 Florence St Goodwood	R. Hoffmann
A. SAWKA	44 Florence St Goodwood	A. Sawka
C. Lowdale	11 Gunn St Goodwood	C. Lowdale
V. Longonis	Goodwood Road	V. Longonis
L. Calabrese	Mitchell St	L. Calabrese
P. ANDREW	53 Hampton St Goodwood	P. Andrew
B. SHERRY	33B Trevelyan St. Mayfield	B. Sherry
R. Hogan	5 Hoxton St Goodwood	R. Hogan
S. Pdzcek	5 Hoxton St. Goodwood	S. Pdzcek
Vincent Burke	21 Mansfield St Goodwood	Vincent Burke
M. Thompson	9 Fourth Ave. Everard Pl.	M. Thompson

CONTACT MARY K - 8272 4434

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NAME (print)	ADDRESS	SIGNATURE
K. CRATHERN	14 AROHA TCE BLACK FOREST	
Mr. S. Skelton	14 Belmshford Ave.	
J. WILSHER	60 George St. Clarence Pk.	
D. Naser	60 George St. Clarence Pk.	
JONATHAN INVERARITY	80 HAMPTON ST. STH, GOODWOOD.	
SERENA HAWES	80 HAMPTON ST STH GOODWOOD	
JUDITH LEES.	6 ARUNGA CLOSE GOODWOOD	
MARIE CURNAN	51 Palmettford UNLEY	
A. KAIN	7 Arunga Close Goodwood	
K. BAKER	31A Mathias Ave. Cumberland Park.	
CAROL LLOYD	22 Lily St Goodwood	
LORD STAMPY	66 Wheaton St Plympton	
KAREN STANFORTH	15 WHISTLER AVE UNLEY PARK	
PETER GOELLNICH	15 WHISTLER AVE, UNLEY PARK	
Cynthia Laura Price	2/19 Florence st Goodwood	
Lachlan Deller	121 Goodwood rd. Goodwood.	
Libby Davies	6 SHORT ST, WAYVILLE	
Somaye Effekher	3/24 Albert St. Goodwood.	
Hamid Alikhani	3/24 Albert St. Goodwood	
Keith Phurner	18 ROSA ST, GOODWOOD	

GOODWOOD POLES MUST GO

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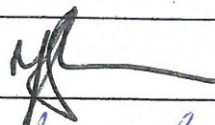
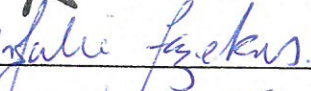
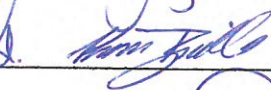
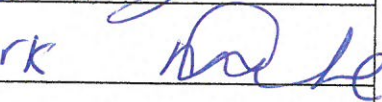

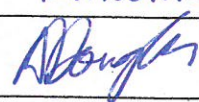
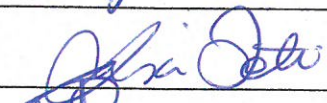

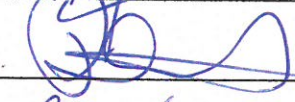
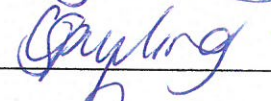
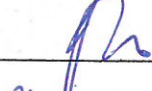
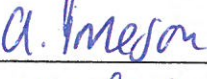

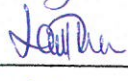
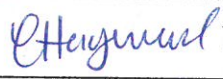
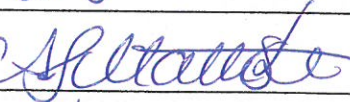
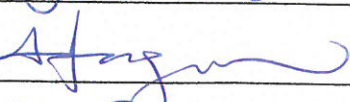
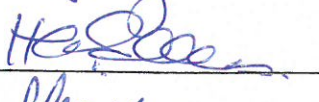
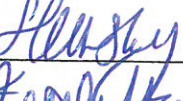
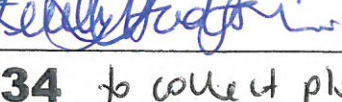
NAME (print)	ADDRESS	SIGNATURE
Tony Kirkman	34 Gilbert St	Tony Kirkman
N. Gosling	21 Angus St.	N. Gosling
Richard Allen	9 Hartland Ave. Black Forest	Richard Allen
Tamara Salvatore	7 Davenport tce Wayville	Tamara Salvatore
P. S. Mynner	21 Alexander terrace	P. S. Mynner
LACHLAN MCGOUGH	18 JOHN ST. EASTWOOD	Lachlan McGough
D.C. Armstrong	121 Greensway Rd.	D.C. Armstrong
KRYSTINA TINCCELLO	30 Malcolm St, Millswood	K. Tincello
Chloe Montgomerie	4 Parsons St, Wayville	Chloe Montgomerie
GEORGE SINCER	22 LILY ST GOODWOOD	G. Sincer
Andrew M. Miller	11 Adn St Goodwood	Andrew M. Miller
MARA ZACHARIA	10 RUTLAND AVE	Mara Zacharia
ANIMONT PROSTORAKOS	16A ADA GOODWOOD	Animont Prostorakos
Diana Jules	21 Erskine St Goodwood	Diana Jules
Peter Ferree	20 LILY ST Goodwood	Peter Ferree
MICHELLE BRYANT	23 ROSA ST GOODWOOD	M. Bryant
GREG BRYANT	23 ROSA ST GOODWOOD	G. Bryant
L. MORABITO	25 ROSA ST GOODWOOD	L. Morabito
M. NEWTON	25 ROSA ST GOODWOOD	M. Newton
M. KOLUSNIEWSKI	3 ADA ST GOODWOOD	M. Kolusniewski

4/7

July

GOODWOOD POLES MUST GO

- **Unley Council put up 292 permanent 4P parking poles in Goodwood in Sept 2015, without consulting residents. AND LOCAL BUSINESSES.**
- **The poles and signs are ugly, unnecessary and a blight on the appearance of our streets.**
- **We urge Unley Council to remove the poles as soon as possible.**


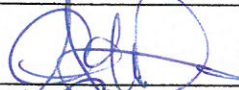
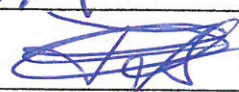
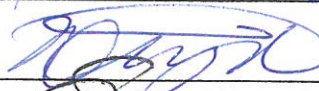
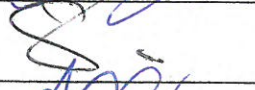
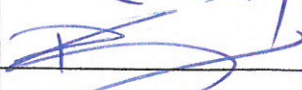
NAME (print)	ADDRESS	SIGNATURE
MARK BURWICK	4 ARUNDEL AVE MILLSWOOD	
Julie Fazekas	20 Eton St Colonnellight	
Karen Brimble	16 Erskine St. Goodwood	
MaryAnn Milne	53 Arthur St, Plympton Park	
Kate Trueman	14 Angel Gully Road, Clarendon	
Alistair Douglas	6 Field St, Oakden	
Lisa Foti	40 William St. Clarence ^{PK.}	
Tristan Treith	22/2 Auliffes St. st Mary	
Renee Fort	26 Bond St, West Hindmarsh	
Chloe Spurling	26 Ophir Cres. Seaciff	
Jessica Kennedy	^{1/2} 104 Goodwood Road, Goodwood 5043	
Alice Imeson	104 Goodwood Road, Goodwood ⁵⁰⁴²	
Jo Katsoulis	104 Goodwood Rd Goodwood ⁵⁰³⁴	
Lanh Phan	S Capezzone Court, Newton SA ⁵⁰⁷⁴	
Corina Haywood	104 Goodwood Rd, Goodwood	
Mandy Mathiskae	" "	
Annee Ferguson	" "	
Helen Sellers	" "	
Shana Kinsley	104 Goodwood rd, Goodwood ⁵⁰³⁴	
Emily HODGSKIN	104-106 Goodwood rd, Goodwood 5034.	

CONTACT MARY K - 8272 4434 to collect pls. (20

5/7

GOODWOOD POLES MUST GO

- **Unley Council put up 292 permanent 4P parking poles in Goodwood in Sept 2015, without consulting residents.**
- **The poles and signs are ugly, unnecessary and a blight on the appearance of our streets.**
- **We urge Unley Council to remove the poles as soon as possible.**

NAME (print)	ADDRESS	SIGNATURE
C. ZAMMIT	2/9 HARDY STR GOODWOOD	C. ZAMMIT
K. LIOTTA	1 MUSGRAVE ST	K Liotta
P. CALTABIANO	14 MURRAY ST. GOODWOOD	Platkin
K. Vines	9 Hardy St Goodwood	K Vines
C. Hagivassilis	27 Victoria St Goodwood	
C. McDOULT	18 Albert St Goodwood	
Bonnie Kempster	34 Gilbert St Goodwood	BK.
PETER JOLLET	68 Millswood Cr Millswood	
Y. Daller	68 Essex St. Stn. Goodwood	Y. Daller
N Argent	41 Ada St	
S Rowett	4 ada st	
A. COLES	6 Ada St, Goodwood	A Coles
B. Gabriels	1/9 Ada St. Goodwood	Briand
Elizabeth Farmer	17 Rosa Goodwood	E Farmer
H. MATSUNAMI	1 Ada St., Goodwood	H. Matsunami
Xiuping Zhao	3.10 Parsons st. Wayville	X Zhao
Pamela Everingham	4 Arundel Ave, Millswood	
Heather Brown	13 Owen St Goodwood	Heather Brown

- ***Unley Council put up 292 permanent 4P parking poles in Goodwood in Sept 2015, without consulting residents.***
- ***The poles and signs are ugly, unnecessary and a blight on the appearance of our streets.***
- ***We urge Unley Council to remove the poles as soon as possible.***

[illegible]

7/7

GOODWOOD POLES MUST GO

- **Unley Council put up 292 permanent 4P parking poles in Goodwood in Sept 2015, without consulting residents.**
- **The poles and signs are ugly, unnecessary and a blight on the appearance of our streets.**
- **We urge Unley Council to remove the poles as soon as possible.**

NAME (print)	ADDRESS	SIGNATURE
Yvonne Weller	68 Essex St. Goodwood	Yvonne Weller
Rebecca Stewart	178 Goodwood Rd, Goodwood	Rebecca Stewart
BILL LAWSON	6 Short Street, Wayville	Bill Lawson
S. McPhee	95 Goodwood Rd	S. McPhee
Rachel Mahony	12 Parsons St, Wayville	Rachel Mahony
Stacey Thomas	97 Goodwood Road	Stacey Thomas
Litsa Konstantopoulos	97 Goodwood Rd Goodwood	Litsa Konstantopoulos
Hatsue MATSUNAMI	1 Ada St., Goodwood	Hatsue MATSUNAMI
Sam Ki	148 Goodwood Rd, Goodwood	Sam Ki
Susan Carter	104-106 Goodwood Road Goodwood.	Susan Carter
Stephen Arrizza	104 Goodwood Rd.	Stephen Arrizza
Mei Holman	104-106 Goodwood rd goodwood. 487 Military Rd Grange	Mei Holman
Taylor Hood	104-106 Goodwood Rd 5 Lily St Goodwood.	Taylor Hood
Zana Craig	104-106 Goodwood Rd Goodwood	Zana Craig
Lauren Anelvon	104-106 Goodwood Rd Goodwood	Lauren Anelvon
Sinead M'Beth	4/17 Waterman Terrace Mitchell Park	Sinead M'Beth

DEPUTATION

TITLE:	DEPUTATION FROM MS MARY KOLUSNIEWSKI RE PARKING TRIAL GOODWOOD
ITEM NUMBER:	545
DATE OF MEETING:	22 AUGUST 2016
ATTACHMENTS:	NIL

Ms Mary Kolusniewski has requested to make a deputation to the Council regarding the 4 hour parking trial in Goodwood.

Ms Kolusniewski is speaking on behalf of a group of petitioners who are unhappy about a 12 month parking trial in Goodwood.

The trial is causing significant and unexpected problems for many residents and people who work or visit in the area.

DEPUTATION

TITLE:	DEPUTATION FROM MS LYNETTE MCFARLANE RE CLELAND AVENUE
ITEM NUMBER:	546
DATE OF MEETING:	22 AUGUST 2016
ATTACHMENTS:	NIL

Ms Lynette McFarlane will make a deputation to the Council on behalf of the owners of 6 properties in Cleland Avenue, abutting the Council Depot, namely Nos 2, 4, 4a, 6 and 8.

On 29 March 2016, a motion was passed to fence the true eastern boundary of the depot. The owners of the affected Cleland Avenue properties would like the motion rescinded.

The owners acknowledge the Council's ownership, however are willing to maintain and accept liability for the land. This would maintain a status quo which has existed for nearly 30 years and offer a cost saving to the ratepayers of both fencing and maintaining the land.

REPORT OF COMMITTEE

TITLE:	MINUTES OF INFRASTRUCTURE AND SUSTAINABILITY COMMITTEE – 9 AUGUST 2016
ITEM NUMBER:	547
DATE OF MEETING:	22 AUGUST 2016
ATTACHMENTS:	1. MINUTES OF MEETING

EXECUTIVE SUMMARY

ITEM 29

INFRASTRUCTURE AND SUSTAINABILITY COMMITTEE ACTION RECORDS

Members were updated on information and actions which had arisen from previous resolutions. Discussions were held around the update provided on Item 10 Motion on Notice – Open and Green Space and how best to progress this.

ITEM 30

ENVIRONMENTAL SUSTAINABILITY STRATEGY 2016-2020

Feedback from the community consultation, which closed on 8 July 2016, was considered and some minor amendments incorporated into the revised Strategy. The final version of the Environmental Sustainability Strategy 2016-2020 was considered by the committee and recommended for endorsement by Council.

The Committee commended the Administration on the strategy that was produced.

ITEM 31

TREE STRATEGY

The final Tree Strategy including community feedback, was discussed at the meeting and is now recommended to Council for endorsement. The tree strategy is designed to achieve a sustainable tree population across Unley and covers street, park and private trees. The strategy assures existing funding levels continue.

The Committee praised Administration for their work on the Strategy.

ITEM 32

UPDATE – WALKING AND CYCLING PLAN 2016-2021 (WCP)

Members had provided comment on the draft Walking and Cycling plan before it went out to Community Consultation. This plan has since been amended due to this feedback and that from the community. Members were provided with the report and the Walking and Cycling Plan that was adopted at the July Council meeting.

The Committee had concerns that some of their feedback was not included in the final document.

ITEM 33

UPDATE – REVIEW OF UNLEY INTEGRATED TRANSPORT STRATEGY (UITS)

Members had provided comment on the UITs consulting brief prior to tender.

Members were updated on information and actions in regards to the Unley Integrated Transport Strategy.

ITEM 34

2015/16 PROJECT STATUS UPDATE

The members were provided with a summary of the status of each project in the 2015/16 program at the end of June 2016, and a summary of the projects included in the 2016/17 Annual Business Plan.

Members expressed their appreciation for being kept up to date on these projects.

ITEM 35

REVIEW OF UNLEY BICYCLE USER GROUP (UBUG) COMMITTEE OPERATIONS

Members were provided with an update on the Unley Bicycle User group priorities.

The Presiding Member requested an update on the 'Priority Changes' at the next meeting.

ITEM 36

MOTION WITHOUT NOTICE – ENVIRONMENTAL SUSTAINABILITY STRATEGY 2016-2020

The Members felt that the staff involved in the process and production of the Environmental Sustainability Strategy should be commended on their efforts and expressed their appreciation with being involved in the process.

RECOMMENDATION

MOVED:

SECONDED:

That:

1. The minutes of the Infrastructure and Sustainability Committee meeting held on Tuesday, 9 August 2016, be received.
2. The recommendations listed under:

ITEM 29

INFRASTRUCTURE AND SUSTAINABILITY COMMITTEE ACTION RECORDS

ITEM 30

ENVIRONMENTAL SUSTAINABILITY STRATEGY 2016-2020

ITEM 31

TREE STRATEGY

ITEM 32

UPDATE – WALKING AND CYCLING PLAN 2016-2021 (WCP)

ITEM 33

UPDATE – REVIEW OF UNLEY INTEGRATED TRANSPORT STRATEGY

ITEM 34

2015/16 PROJECT STATUS UPDATE

ITEM 35

REVIEW OF UNLEY BICYCLE USER GROUP (UBUG) COMMITTEE OPERATIONS

ITEM 36

MOTION WITHOUT NOTICE – ENVIRONMENTAL SUSTAINABILITY STRATEGY 2016-2020

inclusive, be adopted.

INFRASTRUCTURE AND SUSTAINABILITY COMMITTEE

MINUTES

**Meeting held
Tuesday, 9 August 2016 at 6.30pm
Civic Centre
181 Unley Road Unley**

PRESENT

Councillor Michael Hewitson – Presiding Member
Councillor Peter Hughes
Councillor Rob Sangster
Councillor Bob Schnell
Rod Hook
Peter Croft

ACKNOWLEDGMENT:

The Presiding Member opened the meeting by welcoming Members.

OFFICERS PRESENT

Mr J Devine, General Manager Assets & Environment
Mr B Curtis, Manager Strategic Assets
Ms K Ryan, Coordinator Environmental Project & Strategy
Mr T Stein, Sustainable Landscape Specialist
Ms K Jaensch, Executive Assistant Economic Development & Planning

CONFIRMATION OF MINUTES:

MOVED: Councillor Hughes
SECONDED: Peter Croft

That the minutes of the meeting of the Infrastructure and Sustainability Committee held on Tuesday, 7 June 2016 as amended (Councillor Palmer to be included as an observer), be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

APOLOGIES

Mayor Lachlan Clyne – ex officio
Gavin Brennan

OBSERVERS

Nil

DEPUTATIONS

Nil

PRESENTATIONS

Rod Hook and Maree Wauchope presented on SkyWay.

ITEM 28 **CONFLICT OF INTEREST**

Nil

ITEM 29 **INFRASTRUCTURE AND SUSTAINABILITY COMMITTEE ACTION RECORDS**

MOVED: Councillor Hughes
SECONDED: Peter Croft

The Committee recommends to Council that:

1. The report and updated actions be noted.

CARRIED UNANIMOUSLY

ITEM 30
ENVIRONMENTAL SUSTAINABILITY STRATEGY 2016-2020

SUSPENSION OF MEETING PROCEDURES

The Presiding Member advised Members that he thought the Committee would benefit from a suspension of meeting procedures for a period of up to 15 minutes, to allow for open discussion on this Item.

This was agreed with a two thirds majority.

Meeting procedures were suspended at 7.10pm.

Meeting procedures resumed at 7.16pm.

MOVED: Councillor Sangster

SECONDED: Rod Hook

The Committee recommends to Council that:

1. The report be received.
2. Council endorse the Environmental Sustainability Strategy 2016-2020 (Attachment 1 to Item 30/16).
3. During the Long Term Financial Plan review process in late 2016, that new programs be established to cover the 5 themes and targets of the Environmental Sustainability Strategy and appropriate funding allocated.

CARRIED UNANIMOUSLY

ITEM 36
MOTION WITHOUT NOTICE – ENVIRONMENTAL SUSTAINABILITY STRATEGY 2016-2020

MOVED: Rod Hook

SECONDED: Councillor Schnell

The Committee recommends to Council that:

1. The staff involved in the process and production of the Environmental Sustainability Strategy be commended on their efforts.

CARRIED UNANIMOUSLY

ITEM 31
TREE STRATEGY

SUSPENSION OF MEETING PROCEDURES

The Presiding Member advised Members that he thought the Committee would benefit from a suspension of meeting procedures for a period of up to 15 minutes, to allow for open discussion on this Item.

This was agreed with a two thirds majority.

Meeting procedures were suspended at 7.22pm.

Meeting procedures resumed at 7.35pm.

MOVED: Councillor Hughes

SECONDED: Peter Croft

That the Committee recommends to Council, that:

1. The report be received.
2. The Council endorse the Tree Strategy and Long Term Financial Plan implications.

CARRIED UNANIMOUSLY

ITEM 32
UPDATE – WALKING AND CYCLING PLAN 2016-2021 (WCP)

MOVED: Councillor Schnell

SECONDED: Councillor Hughes

The Committee recommends to Council that:

1. The report be received.

CARRIED

***ITEM 33**

UPDATE – REVIEW OF UNLEY INTEGRATED TRANSPORT STRATEGY

MOVED: Councillor Hughes

SECONDED: Councillor Schnell

The Committee recommends to Council that:

1. The report be received.
2. Consideration should be given to emerging technology and innovative forms of public and private transport.

CARRIED UNANIMOUSLY

ITEM 34

2015/16 PROJECT STATUS UPDATE

MOVED: Councillor Sangster

SECONDED: Councillor Schnell

The Committee recommends to Council that:

1. The report be received.

CARRIED UNANIMOUSLY

ITEM 35

REVIEW OF UNLEY BICYCLE USER GROUP (UBUG) COMMITTEE OPERATIONS

SUSPENSION OF MEETING PROCEDURES

The Presiding Member advised Members that he thought the Committee would benefit from a suspension of meeting procedures for a period of up to 10 minutes, to allow for open discussion on this Item.

This was agreed with a two thirds majority.

Meeting procedures were suspended at 7.55pm.

Meeting procedures resumed at 8.05pm.

MOVED: Councillor Hughes

SECONDED: Councillor Schnell

The Committee recommends to Council that:

1. The report and updated actions be noted.

CARRIED UNANIMOUSLY

CLOSURE

The Presiding Member closed the meeting at 8.04pm.

.....
PRESIDING MEMBER

.....

REPORT OF COMMITTEE

REPORT TITLE:	MINUTES OF COMMUNITY AND CULTURE COMMITTEE MEETING – 10 FEBRUARY 2016
ITEM NUMBER:	548
DATE OF MEETING:	10 AUGUST 2016
ATTACHMENTS:	1. COMMUNITY & CULTURE COMMITTEE MINUTES 10/8/2016

1. EXECUTIVE SUMMARY

ITEM 22: 2016/17 COMMUNITY EVENT SPONSORSHIP FUNDING

Following clarification on the recommendations for funding on a number of applications, the recommendations for funding were accepted by the Committee. The Events Management Specialist advised that an events calendar is being developed for distribution with the October rates notices and for promotion on Council's website. Upcoming events are included in Council's *Unley Life* magazine.

ITEM 23: COMMUNITY WORK PLAN UPDATE

The report provided an overview of the achievements from the 2015/16 Community Work Plan and outlined the projects to be undertaken in the current financial year.

Key considerations and items of discussion included:

- Scoping and mapping age friendly streetscapes in Unley
- Opportunities to extend smoke-free areas in Unley
- Pilot project to support companion pet ownership.

Recommendation as printed in Agenda.

ITEM 24: CULTURAL DEVELOPMENT UPDATE

Mr Matthew Ives, Cultural Development Coordinator, presented on the key public arts and cultural development projects undertaken in 2015/16.

Recommendations as printed in Agenda.

**ITEM 25: ACCESS AND INCLUSION ACTION PLAN 2016/2020

An update on the development of the draft Access and Inclusion Plan 2016-2020 was provided by the Ms Celine Luya, Manager Community Services.

Concern was expressed by the Committee on the target dates for achieving a number of the actions outlined in the Plan. The recommendation as printed was amended to include a requirement that consideration be given to a review of the delivery timeframes for items 6.1 and 6.2 of the Plan.

26. DRAFT ENVIRONMENTAL AND SUSTAINABILITY STRATEGY

Ms Kat Ryan, Coordinator Environmental Projects and Strategy, presented on the Draft Environmental Sustainability Strategy.

Recommendation as printed in Agenda.

2. **RECOMMENDATION**

MOVED:

SECONDED:

That:

1. The minutes of the Community and Culture Committee meeting held on Wednesday, 10 August 2016, be received.
2. The recommendations listed under:

Item 22

2016/17 Community Event Sponsorship Funding

Item 23

Community Work Plan Update

Item 24

Cultural Development Update

**Item 25

Access and Inclusion Action Plan 2016/2020

Item 26

Draft Environmental and Sustainability Strategy

inclusive, be adopted.

COMMUNITY AND CULTURE COMMITTEE MEETING

Meeting held on Wednesday, 10 August 2016, at 6.30pm
Unley Council Chambers, 181 Unley Road, Unley

MEMBERS PRESENT:

Councillor Peter Hughes (Presiding Member)
Councillor Michael Hudson
Councillor Michael Rabbitt
Councillor Robert Schnell
Rev Dr Lynn Arnold
Mrs Elizabeth Bleby
Mr John Hill

OFFICERS PRESENT:

Ms Megan Berghuis, General Manager Community
Ms Carly Hemus, Events Management Specialist
Mr Matthew Ives, Cultural Development Coordinator
Ms Celine Luya, Manager Community Services
Ms Kat Ryan, Coordinator Environmental Projects & Strategy
Ms Pam Hocking, Executive Assistant Community

OBSERVERS:

Cr. Anthony Lapidge

REPORT TO COUNCIL: 22/8/2016

ACKNOWLEDGEMENT:

The Presiding Member opened the meeting at 6.30pm with the Acknowledgement and welcomed Members and members of the Gallery to the meeting.

APOLOGIES:

CONFIRMATION OF MINUTES:

MOVED: Councillor Michael Hudson
SECONDED: Councillor Michael Rabbitt

That the minutes of the meeting of the Community and Culture Committee held on Wednesday 4 May 2016, as printed and circulated, be taken as read and signed as a correct record.

CARRIED

DEPUTATIONS / PRESENTATIONS:

Nil.

REPORTS OF OFFICERS:

ITEM 21 CONFLICT OF INTEREST

Mr John Hill advised that in relation to Item 22, he is the Chairperson of SALA and is a member of the UniSA Council. The Presiding Member advised that he did not believe this was a conflict of interest.

ITEM 22: 2016/17 COMMUNITY EVENT SPONSORSHIP FUNDING

Ms Carly Hemus, Event Management Specialist, spoke to the item and was available to answer questions.

SUSPENSION OF MEETING PROCEDURES

The Presiding Member advised the Committee that he thought the meeting would benefit from a suspension of meeting procedures for up to 20 minutes to allow for open discussion.

This was agreed with a two-thirds majority.

Meeting procedures were suspended at 6.35pm.

Meeting procedures were reinstated at 6.45pm.

MOVED: Rev Dr Lynn Arnold
SECONDED: Mrs Elizabeth Bleby

That it be recommended to Council that:

1. The report be received.
2. Community Event Sponsorship funding as detailed in Attachment 1 to Item 22/2016 be endorsed and the applicants notified of the outcome of their application.

CARRIED UNANIMOUSLY

ITEM 23: COMMUNITY WORK PLAN UPDATE

Ms Megan Berghuis, General Manager Community, spoke to the item and was available to answer questions.

SUSPENSION OF MEETING PROCEDURES

The Presiding Member advised the Committee that he thought the meeting would benefit from a suspension of meeting procedures for up to 20 minutes to allow for open discussion.

This was agreed with a two-thirds majority.

Meeting procedures were suspended at 6.47pm.

Meeting procedures were reinstated at 7.12pm.

MOVED: Councillor Michael Rabbitt

SECONDED: Mr John Hill

That it be recommended to Council that:

1. The report be received.

CARRIED UNANIMOUSLY

ITEM 24: CULTURAL DEVELOPMENT UPDATE

Mr Matthew Ives, Cultural Development Coordinator, presented on the item and was available to answer questions (see Attachment 1).

SUSPENSION OF MEETING PROCEDURES

The Presiding Member advised the Committee that he thought the meeting would benefit from a suspension of meeting procedures for up to 20 minutes to allow for open discussion.

This was agreed with a two-thirds majority.

Meeting procedures were suspended at 7.14pm.

Meeting procedures were reinstated at 7.25pm.

MOVED: Mrs Elizabeth Bleby

SECONDED: Rev Dr Lynn Arnold

That it be recommended to Council that:

1. The report be received.

CARRIED UNANIMOUSLY

ITEM 27: MOTION WITHOUT NOTICE
ALL CONNECTIONS TO UNLEY ART PRIZE AND THE SALA CITY OF UNLEY
ACTIVE AGEING AWARD

MOVED: Councillor Bob Schnell

SECONDED: Councillor Michael Hudson

That it be recommended to Council that:

1. The Administration undertake a review of the *All Connections to Unley Art Prize* and the SALA City of Unley Active Ageing Award with the desire that both become annual events, effective in 2017.

CARRIED

ITEM 25: ACCESS AND INCLUSION ACTION PLAN 2016-2020

Ms Celine Luya, Manager Community Services, spoke to the item and was available to answer questions.

SUSPENSION OF MEETING PROCEDURES

The Presiding Member advised the Committee that he thought the meeting would benefit from a suspension of meeting procedures for up to 20 minutes to allow for open discussion.

This was agreed with a two-thirds majority.

Meeting procedures were suspended at 7.35pm.

Meeting procedures were reinstated at 7.55pm.

MOVED: Councillor Bob Schnell

SECONDED: Councillor Michael Hudson

That it be recommended to Council that:

1. The report be received.
2. Consideration be given to a review of the delivery timeframes for items 6.1 and 6.2 of the draft Access and Inclusion Plan 2016-2020.

CARRIED

ITEM 26: DRAFT ENVIRONMENTAL AND SUSTAINABILITY STRATEGY

Ms Kat Ryan, Coordinator Environmental Projects & Strategy, presented on the item and was available to answer questions (see Attachment 2).

SUSPENSION OF MEETING PROCEDURES

The Presiding Member advised the Committee that he thought the meeting would benefit from a suspension of meeting procedures for up to 20 minutes to allow for open discussion.

This was agreed with a two-thirds majority.
Meeting procedures were suspended at 8.10pm.
Meeting procedures were reinstated at 8.25pm.

MOVED: Rev Dr Lynn Arnold
SECONDED: Councillor Michael Rabbitt

That it be recommended to Council that:

1. The report be received.

CARRIED UNANIMOUSLY

ITEM 27: MOTION WITHOUT NOTICE **ALL CONNECTIONS TO UNLEY ART PRIZE AND THE SALA CITY OF UNLEY** **ACTIVE AGEING AWARD**

See page 4 of these minutes.

NEXT MEETINGS:

To be advised.

CLOSE OF MEETING

The Presiding Member formally thanked members for their contribution to the work of the Committee and closed the meeting at 8.27pm.

.....
PRESIDING MEMBER

.....
DATE

Cultural Development update

Community and Culture Committee
10 August 2016



All Connections to Unley Art Prize – Open category

Peter Barnes- *God and Mammon*



All Connections to Unley Art Prize – Youth category

Emma Gibson- *Suburban Fairy Tale*



All Connections to Unley Art Prize – Children category

Yike Ma- *The Purple Unley*



All Connections to Unley Art Prize

Out on the streets



SALA Festival - City of Unley Active Ageing Award

Sheila Whittam- *The Pianist*



linger, longer – Festival of Mud

Choreographer- Billie Cook



Emerging Art Walls

Confirmed sites...more to follow.

Lead Artist- Seb Humphreys with Vans The Omega, KAB 101, James Dodd, Buff Dis



Water Tanks Exhibition

Unley Library, Soutar Park, Forestville Reserve, Goodwood Road



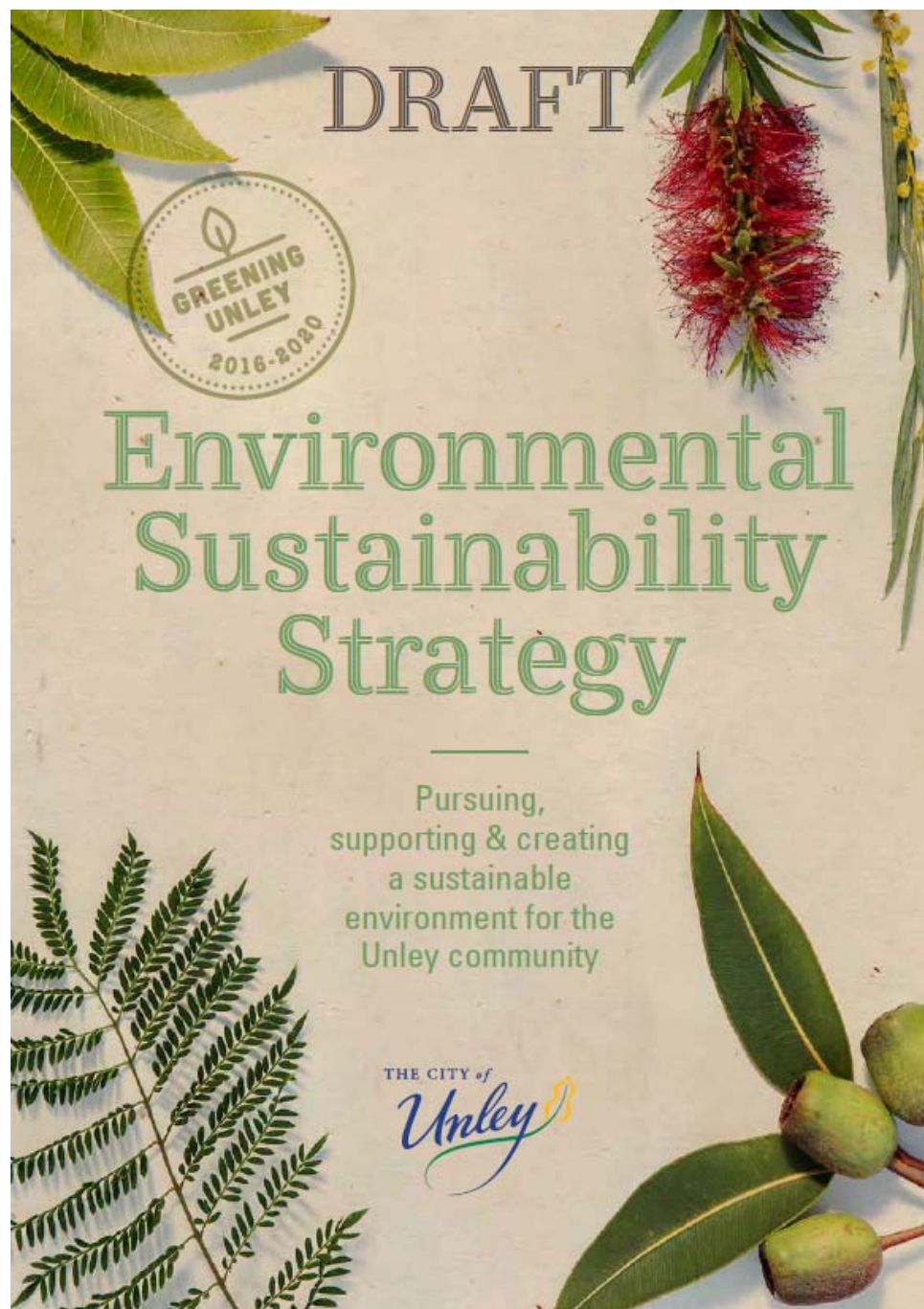
Four Elements Rejuvenation

Artist- Greg Healey



Reconciliation Week

Indigenous musicians- Nancy Bates and Ellie Lovegrove



Community & Culture Committee August 2016



EMERGING
Our path
to a future city



LIVING
Our path
to a thriving city



MOVING
Our path
to an accessible city



GREENING
Our path
to a sustainable city



GREENING OUR PATH TO A SUSTAINABLE CITY



The City of Unley is committed to pursuing, supporting and creating an environment that will sustain both current and future generations. This is a goal that is shared by our community and is a primary objective of governments across the world.

**"OUR CITY IS A GREAT PLACE FOR
FAMILIES, WITH QUIET SUBURBAN
STREETS AND A SUPPORTIVE
COMMUNITY..."**

The City of Unley acknowledges that it has direct and indirect responsibilities for addressing issues such as climate change, water conservation and waste management. Council will endeavour to use these spheres of influence to the fullest possible.

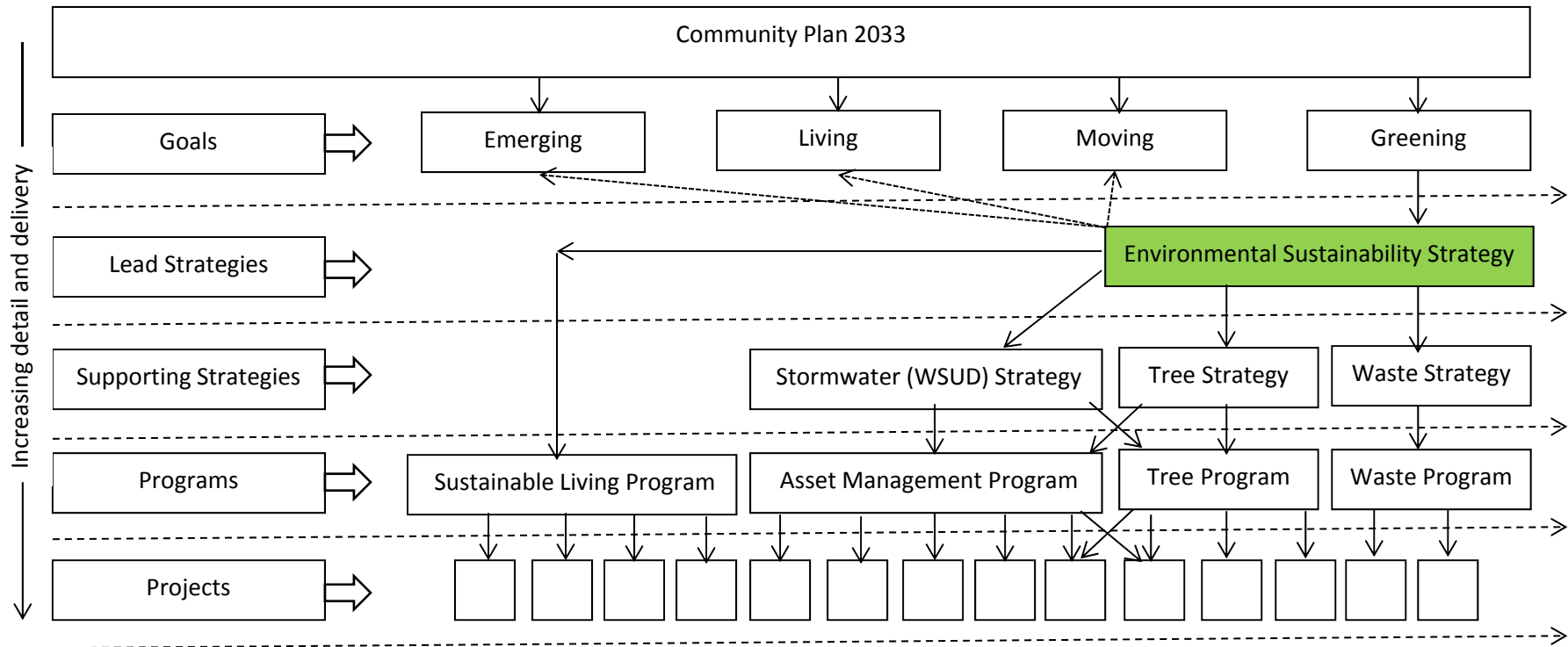
Conservation, as well as environmental sustainability and planning aspects for both the residential and business sectors, particularly in the areas of open spaces, parks and reserves, water resources and underground water, as well as the local council's management and planning.

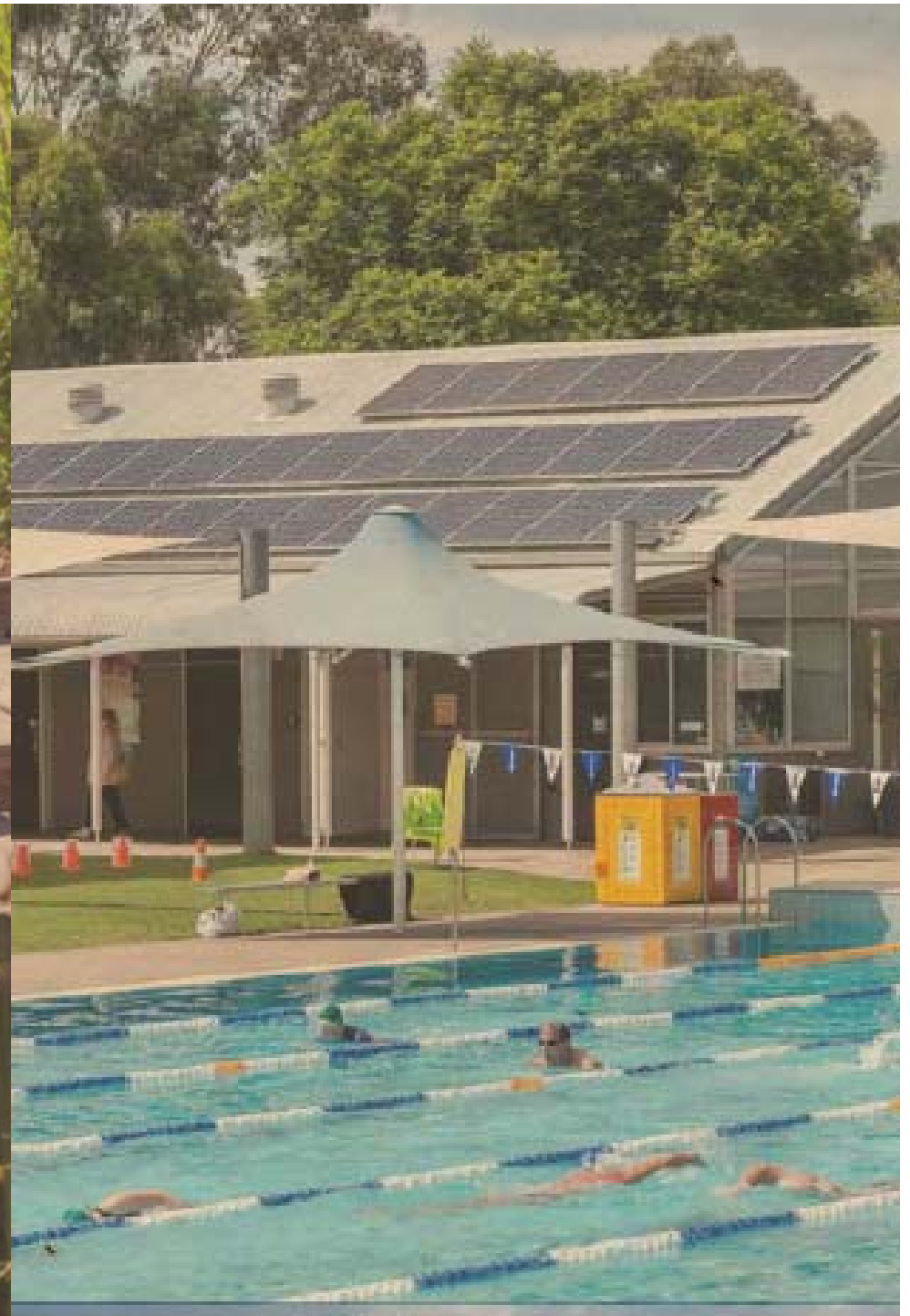
Council is committed to using better use of resources and is looking for innovative ways to do this.

Our City is a great place for families, with quiet suburban streets and a supportive community — but there are some challenges ahead for the future. We are working to address these challenges, including the need for more green spaces and more trees.

We need to get the planning right, and that means getting people more actively engaged. The Community Plan 2021 focuses on with a road map that will make this possible.

Strategic Context







**GREEN
UNLEY**



**WATERWISE
UNLEY**



**RESILIENT
UNLEY**



**RESOURCEFUL
UNLEY**



**ENERGYWISE
UNLEY**





Green Unley

OBJECTIVE

*Improving and maintaining
Unley's Urban Forest*

COUNCIL TARGET

*Maintain the City's tree canopy cover
at 26 per cent*

COMMUNITY TARGET

*Minimum 400 street verges converted from
dolomite to loam and planted*



Waterwise Unley

OBJECTIVE

Efficient, effective and sustainable water management

COUNCIL TARGET

Minimum 40 streets with stormwater improvements

COMMUNITY TARGET

Inform and educate residents on water saving measures in conjunction with relevant authorities



Resilient Unley

OBJECTIVE

Increasing resilience to changes in climate

COUNCIL TARGET

Maintain and increase our open space. Create a minimum of three new spaces, which can include vertical and rooftop gardens

COMMUNITY TARGET

Minimum 2 information sessions on positive actions residents can take to improve resilience to climate change



Resourceful Unley

OBJECTIVE

*Excellence in waste management, through
diversion, avoidance and re-use*

COUNCIL TARGET

*Divert from landfill 75 per cent of material
from Council facilities and events*

COMMUNITY TARGET

*Divert from landfill 70 per cent of residential
material presented at kerbside*



Energywise Unley

OBJECTIVE



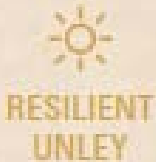

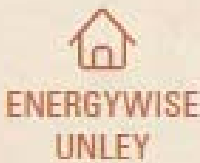
Increasing the energy efficiency of the City

COUNCIL TARGET

*Reduce net total of grid based energy use
by 5 per cent*

COMMUNITY TARGET

*Provide information on energy efficiency
to encourage improvements including
increase of residential buildings with solar
panels to 35 per cent*

	OBJECTIVE	COUNCIL TARGET	COMMUNITY TARGET
	Improving and maintaining Unley's Urban Forest	Maintain minimum canopy cover of 26 per cent	Minimum 400 verges converted from dolomite to loam and plants
	Efficient, effective and sustainable water management	Minimum 40 streets with stormwater improvements	Inform and educate residents on water saving measures in conjunction with relevant authorities
	Increasing resilience for changes in climate	Maintain and increase our open space by creating a minimum 3 new spaces	Minimum 2 information sessions on positive actions residents can take to improve resilience to climate change
	Excellence in waste management, through diversion, avoidance and re-use	Divert from landfill 75 per cent of material from Council facilities and events	Divert from landfill 70 per cent of residential material presented at kerbside
	Increasing the energy efficiency of the City	Reduce net total of grid based energy use by 5 per cent	Provide information on energy efficiency to encourage increase of residential buildings with solar panels to 35 per cent.

Community & Culture Input

- Awareness
- Already Contributing
- Collective Targets
- Collaborative Projects
- Think Green in your planning & keep Environment in the loop



Greening Goals

GREENING OUR PATH TO A SUSTAINABLE CITY



Strategic Objective	Outcomes	Proposed Indicators
Renowned for its lifestyle and environmental balance	Water sensitive urban design is a feature of the City of Unley Innovative storm water management principles are in place Best practice principles are in place to reduce dependency on mains water and power Council, rate-payers and businesses make considered consumption decisions	Number of planning approvals Usage rate of mains water Usage rates of gas/electricity/wind/solar Incidence of damage to the city from natural events
Leaders in waste reduction	Reuse and recycle opportunities are maximised Our Community actively embraces reuse, recycle principles The amount of waste going to landfill is minimised	Number of hard rubbish collections Reduction in landfill tonnage Community survey
Functional open green space throughout the City of Unley	A network of linear paths and trails support biodiversity corridors Our City has innovatively found more open space in non-traditional places Our parks are a feature of the City Underused public and private spaces are more productive	Number of grey-space conversions Number of roof top gardens Number of green walls Increase in the area of open space

DECISION REPORT

REPORT TITLE: UNLEY CENTRAL PRECINCT DEVELOPMENT
PLAN AMENDMENT – RELEASE FOR
CONSULTATION

ITEM NUMBER: 549

DATE OF MEETING: 22 AUGUST 2016

AUTHOR: DAVID BROWN

JOB TITLE: PRINCIPAL POLICY PLANNER

1. **EXECUTIVE SUMMARY**

- 1.1 A consultant group, led by URPS, has been contracted to prepare the *Unley Central Precinct Development Plan Amendment (Unley Central DPA)*.
- 1.2 A thorough review process with the Development Strategy and Policy Committee, and input from preliminary community consultation and a design workshop exercise, has led to the resultant draft *Unley Central DPA*.
- 1.3 The draft *Unley Central DPA* is considered to be suitable for formal agency and public consultation pursuant to the Development Act requirements. Ministerial approval to commence this process is not required.
- 1.4 The agency and public consultation will be undertaken in accord with the endorsed *Unley Central DPA Community Engagement Plan* and key steps outlined in the report.
- 1.5 Further reports for consideration will be provided through the Development Strategy and Policy Committee and to Council as necessary to address the draft DPA through the process of consultation, review, changes (if any) and final approval by the Minister for Planning

2. **RECOMMENDATION**

That:

1. The report be received.
 2. The draft *Unley Central Precinct Development Plan Amendment* be endorsed as suitable for release for public consultation.
 3. The agency and public consultation of the draft *Unley Central Precinct Development Plan Amendment* be conducted in accord with statutory requirements, the endorsed *Community Engagement Plan* and outlined in this report.
-

1. RELEVANT CORE STRATEGIES/POLICIES

1.1 Unley Community Goals

Goal 1 Emerging – Our Path to a Future City

1.1 A thriving and prosperous business community

1.3 A dynamic mix of uses and activities in selected precincts

Goal 2 Living – Our Path to a Vibrant City

2.1 Highly desirable and diverse lifestyle

2.2 Activated places

Goal 3 Moving – Our Path to an Accessible City

3.1 Equitable parking throughout the City

3.2 An integrated, accessible and pedestrian-friendly City

3.3 Alternative travel options

Goal 4 Greening – Our Path to a Sustainable City

4.1 Renowned for its lifestyle and environmental balance

- 1.2 Preparation, processing, public and agency consultation and final approval of a Council DPA is pursuant to the Development Act (1993) Part 3, Division 2, Sub-division 2, Sections 24, 25 and 27.

2. DISCUSSION

Background

The Unley Central Precinct is a priority project within Council's 4 Year Plan 2013-2016. The Unley Central Precinct Plan was endorsed by Council in August 2014. Council then resolved to seek approval from the Minister for Planning to undertake a DPA to align planning policy in the District Centre Zone with the guidance from the Unley Central Precinct Plan via a Statement of Intent.

The Council endorsed the *Unley Central Precinct Development Plan Amendment (Unley Central DPA)* Statement of Intent in January 2015. It was approved by the Minister for Planning on the 31 May 2015 to allow the DPA to proceed.

A consultant team led by URPS were appointed in August 2015 to undertake the project; starting with preliminary consultation, necessary investigations, a draft *Unley Central DPA*, public consultation and final approval.

The Development Strategy and Policy Committee have received several reports since July 2015 to determine a community engagement plan, review community input, design workshop outcomes, a range of investigations and background studies and provide guidance on suitable policy. Council has monitored this process through the minutes of the Committee meetings.

At its latest meeting in July 2016 the Committee recommended support of the draft *Unley Central DPA*, with some minor alterations, and that endorsement for public

release of the altered DPA be considered by Council at its meeting on the 22 August 2016.

Draft Unley Central DPA

The Committee, in supporting the *draft Unley Central DPA*, noted the following:

- No significant traffic issues are evident in the shorter-term but it is recognised Council will have to continue with comprehensive review for the medium and longer-term
- The cross-section modelling of road and residential inter-faces in the Investigations part of the DPA be made clearer by replacing light yellow colours
- The Public Infrastructure Plan component of the Investigations part of the DPA be completed with analysis of utilities upgrade implications
- The road frontage and open-space building setbacks table be reviewed for clarity and accuracy
- The Concept Plan 'Indicative Building Heights and Interface' be reviewed for clarity, distinguishing the key inter-face differences and ensuring correlation with road frontage and open-space building setbacks table.

Based upon the outcomes of preliminary consultation, investigations, design workshop and Committee feedback a further draft *Unley Central DPA* has been prepared. The further draft *Unley Central DPA* is self-explanatory and is contained in Attachment 1 to Item 549/16.

Attachment 1

Pursuant to the approved Statement of Intent, the formal Minister's approval is not required prior to the release of the draft DPA for public consultation. However, informal liaison with DPTI is expected. This has occurred on an initial draft of the policy content, and the final draft DPA, to confirm acceptance.

Public and Agency Consultation

The draft *Unley Central DPA*, pursuant to the statutory requirements of the Development Act, will be released for concurrent public and agency consultation for the required statutory minimum period of 8 weeks.

It is expected the consultation will occur from mid-September to mid-November 2016. The required public meeting to hear any personal presentations by representors will be held before the Council's delegate, the Development Strategy and Policy Committee, in late November early December 2016.

The consultation will follow the outline within the endorsed *Unley Central DPA Community Engagement Plan*, contained in Attachment 2 to Item 549/16.

Attachment 2

Comprehensive engagement and opportunity for the broad community and interested stakeholders to participate during the formal DPA public consultation process is proposed, including:

- Statutory public notices (Eastern Courier Messenger and The Advertiser)
- Reminder notices and items in the 'Unley Life' column (Eastern Courier Messenger)
- Letters to designated State Government Agencies
- Letters to owners/occupiers in 'Primary Stakeholder Catchment' – Map 1 *Community Engagement Plan*
- Letters or emails to additional interested stakeholders registered from previous preliminary consultation and 'Have Your Say' web-site forum
- Communication material including brochure (and 3D images to assist with understanding), zone fact sheet, full DPA and feedback sheet available in hard copy at Council and library and on web-site
- Drop-in Information Sessions in the Civic Centre on a weekend afternoon (eg 2 to 4 pm) and weekday evening (eg 5 to 7 pm) to view display material, access documents and talk with Council and consultant staff
- Contact details for access to Council staff for any enquiries and questions
- Copy of all submissions received, less privacy details, displayed at civic offices front counter
- Public meeting before the Development Strategy and Policy Committee as delegate of the Council.

All submissions received will be acknowledged and summarised for further consideration by the Development Strategy and Policy Committee and Council regarding a response and any warranted changes to the DPA.

Next Steps

The next key step to occur early in 2017 will be the preparation of the required *Summary of Consultation and Proposed Amendments Report (SCPA Report)*. This will allow the Development Strategy and Policy Committee and Council to consider the issues raised, appropriate response and any warranted changes to the *Unley Central DPA*.

Following resolution of the *SCPA Report* and edited *Unley Central DPA*, if necessary, with Council, their final approval will be requested from the Minister for Planning. Final approval of the *Unley Central DPA* would hopefully occur before mid-2017.

3. ANALYSIS OF OPTIONS

Option 1 – Receive draft *Unley Central DPA* and endorse as suitable for release for public consultation.

The draft *Unley Central DPA* explores options for the precinct's preferred outcome and crafted zone policy to facilitate the identified desired future development.

The draft *Unley Central DPA*, incorporating input from the Development Strategy and Policy Committee in July 2016, is considered to be suitable to release for public consultation.

Endorsement will allow the draft *Unley Central DPA* to be released for public (and concurrent agency) consultation, in accord with statutory requirements, the *Community Engagement Plan* and steps outlined in this report.

Consultation is a key step towards the process of review and final approval by the Minister for Planning of the *Unley Central DPA*.

Option 2 – Receive draft *Unley Central DPA* and seek a range of further amendments before re-presentation for endorsement.

The draft *Unley Central DPA* has explored options for the preferred outcome and endeavoured to craft zone policy to reflect the desired future development as communicated by the community, Development Strategy and Policy Committee and Council.

The draft *Unley Central DPA* is considered to be suitable to release for public consultation, but the Council may determine there is a range of necessary amendments before it is suitable for support.

The Administration will need to incorporate any amendments identified by Council into another draft for further consideration.

Further amendments will delay the release for consultation and review process. This will push the minimum 8 week consultation period into the Christmas and holiday season and the public meeting to hear representatives into the first part of 2017. The subsequent process for final approval by the Minister for Planning will also be commensurately delayed beyond mid-2017.

However, it is important to ensure the *Unley Central DPA* reflects the desired development outcome of Council.

4. RECOMMENDED OPTION

Option 1 is the recommended option.

5. POLICY IMPLICATIONS

5.1 *Financial/budget*

- The contract for consultants for the project is within budget.

5.2 Legislative/Risk Management

- Changes to Development Plan policy are managed through the clear, transparent and objective process under the Development Act.
- Community engagement will be critical to hearing all views and arriving at a mutually understood and appreciated policy.

5.3 Staffing/Work Plans

- Project and consultants will be managed within current resources.

5.4 Environmental/Social/Economic

- Clear, robust and refined policy will facilitate desired new development to enhance the viability of the economy, vibrancy of the precinct and an expanded diversified residential community.
- Effective planning and management of enhanced movement networks into the medium and long-term will be critical to the future function and amenity of the precinct.

5.5 Stakeholder Engagement

- Stakeholder engagement was undertaken as part of the Precinct Plan.
- Engagement with property owners and occupiers in a primary catchment area, Have Your Say web-site community and selected stakeholders was undertaken to refine the proposed outcomes and policy.
- Public and agency consultation will be undertaken as part of the formal review and approval process for a DPA as required by the Development Act.

6. REPORT CONSULTATION

Internal liaison has occurred within the Economic Development and Planning Division, and in particular planning, urban design and traffic management.

Further consultation will occur with the public, stakeholders and government agencies on the DPA in accord with the *Community Engagement Plan*.

7. ATTACHMENTS

- 1 Draft Unley Central Precinct Development Plan Amendment – incorporates Development Strategy and Policy Committee changes)
- 2 Unley Central DPA Community Engagement Plan

8. REPORT AUTHORISERS

<u>Name</u>	<u>Title</u>
David Litchfield	General Manager Economic Development and Planning
Peter Tsokas	Chief Executive Officer

Unley Central Precinct Development Plan Amendment (DPA)

Community Engagement Plan



INTRODUCTION

This Community Engagement Plan is designed to meet Step One of The City of Unley Community Engagement Process as documented in the “Community Engagement Toolkit”. It is designed to:

- maximise opportunities for people to participate and provide input;
- enable quality project management and co-ordination between Council staff and the consultant team;
- provide clear accountability and transparency;
- identify processes which are simple and easy to use;
- outline the context, set the questions, determine the parameters and plan to manage risk.

STEP ONE: DO I NEED TO ENGAGE THE COMMUNITY?

Council has already identified ‘open, meaningful and transparent conversation and engagement with Council, stakeholders and the local community over the life of the project’ as an intrinsic part of developing the DPA.

1.1 Purpose of Engagement

The purpose of engagement is to ensure that those who have an interest in, and are likely to be impacted by changes to Development Plan policy in the Unley Central Study Area will be able to participate in a range of activities that facilitate constructive discussion and shared learning.

It will be crucial that Council, business and community stakeholders ‘buy-in’ to the process and feel that their views have been heard and considered in the formulation of planning policies that give effect to preferred design principles and economic outcomes.

1.2 Engagement Parameters

The preparation of an amendment to the Development Plan requires a statutory consultation process. Council’s Engagement Plan for this project will exceed these requirements and therefore readily comply with any legislative requirements.

The geographic focus of the engagement is the Unley Central Precinct which has been identified in the Unley Central Precinct Plan and also includes the residential areas that directly adjoin the Precinct. These property holders have been identified as the primary stakeholders.

It should be noted that many of those who work in and visit this area come from outside of that geographic area. Therefore the catchment for the engagement of these secondary stakeholders extends beyond the area identified in Map 1 .

A budget has been established for the community engagement and Council and the consultant team have allocated resources to this component of the project.

An indicative program has been developed and this will be refined through liaison with Council as the project proceeds.

Sufficient time has been allowed to provide advance notice of activities and an appropriate response time.

This is a large and multi-faceted project with the potential for a diversity of interests and opinions. The complexity lies more in the political and community sensitivity to changes in built form than in the technical tasks of preparing planning policy.

1.3 Legislative Requirements

This Engagement Plan is consistent with Council's Public Consultation Policy Section 50(6) and as previously mentioned with the consultation requirements for Development Plan Amendments.

1.4 Timelines for Engagement

(Refer to attached program).

This engagement process will happen over a number of stages, each of which will allow more than the minimum proposed 3 week period for engagement. The consultation on the draft DPA will satisfy the statutory minimum requirements of eight weeks with additional time allowed if this period includes Christmas or Easter.

STEP TWO: WHO SHOULD I INCLUDE?

2.1 Stakeholder Mapping

The Table below identifies those individuals and groups who are likely to be **impacted** by, have an **interest** in and be able to **influence** the outcome of the decision.

Stakeholder	Category	Area of Interest
Council Elected Members	Influencers	A well-managed process that provides clarity of stakeholder views and supports balanced decisions.
Council Staff	Informants	Need good information to support advice to Council.

Stakeholder	Category	Area of Interest
Property Owners/Developers	Impacted	What opportunities policy change might enable?

Businesses	Impacted	How their business could be affected.
Adjacent Property Owners	Impacted	What changes might this mean for me?
Residents from the wider area/Visitors to Precinct	Interested	Understanding potential costs and benefits to them of any changes.
Government Agencies	Influencers	How does what is proposed relate to their organisation's plans and policies? What impact might it have on budgets?

2.2 Internal Stakeholders

Council's Project Director will be responsible for co-ordinating the input of relevant Council staff.

The Engagement Plan includes three presentations to Elected Members, through the Development Strategy and Policy Committee.

2.3 Selecting the Right Catchment Size and Location

Map 1 on the following page provides the primary catchment area for the engagement process. Property owners within this area will receive direct notification about the project at all stages, since they are more likely to be impacted by any changes to planning policy.

The secondary catchment extends beyond the boundaries identified in the map to include people who travel to the area to work, shop and access services, who may have an interest in the project.

STEP 3: WHAT IS NEGOTIABLE AND NON-NEGOTIABLE?

Council has developed a number of strategies which seek to promote economic activity and encourage residential growth and diversity in the Unley Central Precinct. These strategies are consistent with the State Government's Thirty Year Plan for Greater Adelaide with respect to Urban Corridor Zones.

These strategies seek to achieve the inclusion of principles to enable and guide residential development in the District Centre Zone. It is expected that there will be an increase in urban densities and in height limits across the Precinct. This will be the starting point for discussions to inform the DPA. There will be changes to the Precinct, maintaining the status quo is not an option.

STEP 4: AT WHAT LEVEL WILL I ENGAGE?

This Plan will operate at the “consult” level where good quality information is provided by Council to enable effective two-way communication about the kinds of policy changes needed to increase the economic viability and social vibrancy of the Unley Central Precinct. We will recognise the potential community concerns about increasing residential densities and building heights. (See Step 6)

STEP 5: HOW WILL WE ENGAGE?

5.1 Developing Key Messages

These will be developed in partnership with Council staff and will identify:

- purpose;
- background;
- the nature of the project including key issues such as built form and density;
- project impacts such as increase traffic, changes to streets and public spaces;
- timeline;
- ways that feedback can be provided;
- how feedback will be used;
- how decisions will be communicated.

5.2 Promoting Engagement and Recruiting Participants

We will work with Council staff across a range of areas to identify what are generally more effective ways of engaging the different stakeholder groups that have been identified.

Interactive engagement will be promoted by Council’s “Have Your Say” page and Engagement HQ.

In addition we anticipate a mix of targeted invitations by letter and email, and general community information about how to participate using methods such as posters and banners in public places and advertisements in the local press. We would also anticipate using Council’s regular columns in The Messenger and Council newsletters.

5.3 Selecting Engagement Tools

Initial Engagement

We will prepare a detailed letter to be mailed out by Council to all directly affected property owners as shown in Map 1.

We propose to design an on-line survey that can be run through Council’s website, ‘Have Your Say’.

We will support this by having hard copy surveys available at Council offices and the Library and by staffing a stand at the Unley Shopping Centre on a Saturday morning to hand out information and surveys. We will also be present in the Library at an advertised time so that regular users can receive information about the project and how to get involved.

We will summarise these preliminary findings and present to the Council Committee. Through discussion with the Committee and Council staff we will develop a number of preferred options to be tested.

Validation of Preferred Option

We will invite key stakeholders, including selected major property owners, potential developers, community, heritage and environmental groups such as FOCUS, bike user groups and representatives of The Unley Business and Economic Development and Infrastructure and Sustainability Committees, the Unley Road Traders Association, Council staff and Elected Members and relevant State Government departments to participate in a 'Design Lab' session structured to test a number of potential design and land use options for the precinct. The Design Lab sets the context in which participants can manipulate the built form and public realm to understand the impacts of changes. The intent of the Design Lab is to identify a preferred option that best meets stakeholder and community aspirations.

Following the Design Lab we will present the findings of the process to the DP&SC.

Public and Agency Consultation of the Draft DPA

We propose to invite all stakeholders and the broader community to one of two staffed displays to be held in the Civic Centre at advertised times for a day-time and evening session. Council staff can be available outside these hours to address individual queries. This provides an opportunity for those who attend to interact with the materials so they can better understand what is being proposed.

These staffed displays are in addition to the formal public hearing where those who have made written representations on the Draft DPA are able to request to be heard.

Communication

Throughout the process we propose to work with Council staff to use electronic and traditional media to keep the community informed about the emerging directions. Material will be available on-line and in hard copy. We will use clear, simple messages and 3D images to assist with understanding. We propose to develop a stakeholder database which can be used for direct invitations and update emails. Direct mail outs will occur via Australia Post.

STEP 6: RISK ASSESSMENT

Any discussion of higher density development can be controversial. Concerns may be expressed about how heritage, open space and environmental values will be protected. We will be cognisant of these potential risks in the way in which we write and distribute the material. Our open and approachable manner enables people to share strong feelings. When people experience active listening and genuinely feel heard, their anger is less likely to escalate.

We need to be aware that there could be a potential overlap with consultation on the Inner and Middle Metropolitan Corridor Infill DPA being undertaken by the State Government.

The consultant team will work closely with Council to monitor potentially risky situations and manage these effectively.

Timelines for Engagement

TASK		SEPT	OCT	NOV	DEC	JAN	FEB	MARCH	APRIL	MAY	JUNE
1.	Prepare Engagement Plan										
2.	Confirm with DS & PC										
3.	Initial Engagement: - preparation of materials - survey/staffed displays - report of findings - presentation to DS & PC										
4.	Validation of Preferred Option - invitations out - Design Lab - Draft Report - Presentation to DS & PC										
5.	Consultation on DPA										June to November

It is noted that the DP&SC typically meet on the third Monday of the month.

DECISION REPORT

REPORT TITLE: STREET TREE SUCCESSION PROGRAM
ITEM NUMBER: 550
DATE OF MEETING: 22 AUGUST 2016
AUTHOR: TREVOR STEIN
JOB TITLE: SUSTAINABLE LANDSCAPE SPECIALIST

1. **EXECUTIVE SUMMARY**

The City of Unley Tree Strategy provides the foundation for how Council will continue to enrich and enliven our neighbourhood's character and amenity through the continued management of one of our most valuable assets, now and for future generations. The document sets out an ambitious vision for improving sustainability in Unley. The Tree Strategy compliments Council's Environmental Sustainability Strategy.

A key outcome of the Tree Strategy is to have succession planning which identifies streets for renewal based on identified criteria which is funded at sustainable levels. A Street Tree Succession Program has been developed to enable this outcome to be achieved.

The selection of trees within the Street Tree Succession Program is based on a set of principles which will provide a street tree succession renewal framework that will help facilitate the regeneration of the Urban Forest in the City of Unley and provide sustainability for the City moving forward. The program is also aimed to ensure Unley continues to have tree lined streets that will provide solid, sustainable environmental foundations for the future communities of Unley.

The Street Tree Succession Program is presented for Council adoption (Attachment 1 to Item 550/16).

Attachment 1

2. **RECOMMENDATION**

That:

1. The report be received.
 2. The Street Tree Succession Program (Attachment 1 to Item 550/16) be adopted.
-

1. RELEVANT CORE STRATEGIES/POLICIES

- 1.1 The Street Tree Succession Program has been developed as a key target of the Tree Strategy.
- 1.2 The Tree Strategy directly supports the outcomes of the Environmental Sustainability Strategy and the Greening goal in the Community Plan.

2. DISCUSSION

A significant challenge faced by Council is that many boulevard and specimen street trees are reaching the end of their natural life. Coupled with the effects of recent drought, increasing intensity of heat during summer, and water restrictions, this decline has been accelerated and in many cases is irreversible. The opportunity exists to transform our street tree asset into a healthy, diverse, resilient and well-designed forest that will enable our City to adapt to a changing climate, mitigate urban heat island effects and provide protection and wellbeing to the community in addition to continuing to provide the aesthetic quality of our streets which our community value.

Street tree succession is applied on a whole-of-street basis. By its nature, it involves the process of tree removal. It is in practice a difficult task to accurately judge the life expectancy of any individual tree when making a decision to remove it. The first principle must always be that if the tree cannot be maintained to an acceptable level of risk or amenity, then it should be removed. Criteria for tree removal, as part of succession planning, must therefore be clear and consistent, so that all parties affected are well informed. The information supporting priorities for succession renewal planting should also be based on sound arboricultural knowledge.

A key target from the Tree Strategy is the creation of a Street Tree Succession Program. The purpose of this program is to provide a street tree renewal framework that will facilitate the regeneration of the Urban Forest in the City of Unley and provide sustainability for the City moving forward. The program is also aimed at ensuring that Unley continues to have tree lined streets that will provide solid, sustainable environmental foundations for the future communities of Unley while retaining the aesthetic qualities of our streetscapes.

It is also important that people recognise and are informed about the need for change. Trees are living organisms and as such will grow, mature and eventually die. As trees age, they require maintenance and then eventually require removal and replacement. In a natural ecosystem, this happens gradually with little impact on people. In an urban environment however, an aging or hazardous tree cannot usually be left until it completely falls apart.

Tree removal can be traumatic and emotional. Often trees have been there for many decades prior and people have grown up with them and become attached to their presence, their size and their aesthetic appeal. The trees may also represent Associations and links to past events and historical places. For these and many other reasons, some parts of the community often have expectations

of trees being retained for very long periods and beyond their useful life expectancy. They may even entertain retaining a tree no matter what the costs. There will come a time however, when the benefit of keeping an individual tree is far outweighed by the hazard to life or property and the monetary cost of maintaining it. As with all forests, it will need to be replaced with the 'next generation', as painful as this may be. When managing and establishing an urban forest, the needs of the many may often have to outweigh the needs of the few.

The proposed Tree Strategy has generated significant interest amongst the Community and there has been some confusion regarding the future street tree renewal aspect of the Strategy. As such, the following information is provided to clarify some issues of interest:

In 2015, the City of Unley engaged "Adelaide Arb. Consultants" to conduct a street tree audit to evaluate the health and condition of our street tree assets. As a further outcome of the audit, details of specific tree numbers were collected. The audit identified 22,426 street trees within around 450 streets in the City of Unley of which approximately 1,600, have a Useful Life Expectancy (ULE) of 1 to 5 years. That is, the Council will need to plan for the replacement of these trees (if required) during this period of time. In the first instance, it is important to note that the health of the trees would be monitored and removed only when they are at the stage of their life which requires removal.

In addition, the Council receives numerous requests from ratepayers to remove trees each year based on the tree being in poor health, excess rubbish/droppings or being an inappropriate species. Based on historical information, this could be anywhere between 100-150 trees per annum. Given that some of the trees removed are likely to have been included in the audit identified 1,600 trees, it is reasonable to assume about 2,000 trees will need to be replaced in the next 5 years.

Of the existing 22,426 street trees, 5,386 are Jacaranda (*Jacaranda mimosifolia*) trees and 4,112 are Queensland Box (*Lphostemon confertus*) trees.

To improve the street tree species diversity throughout the City, the Tree Strategy has identified a reduction target of about 415 Jacaranda and Queensland Box trees over the life of the Strategy i.e. in the next **5 years**. It is estimated that approximately 300 of this target will constitute Queensland Box trees. That is, about 100 Jacaranda trees will need to be replaced when they reach the end of their useful life (i.e. sometime in the next 5 years). In other words, most of the reduction target replacement of Jacaranda trees will occur by natural attrition. In those cases where the Jacaranda is not the dominant species of tree in a street, it is proposed to replace it with a species that is consistent with the majority in that street.

On the other hand, where existing streets have a majority of Jacarandas or boulevards of Jacarandas, they will be replaced with Jacarandas. In other

words, there is no intention to “raze” the Unley streets of Jacaranda trees. In fact we are still planting Jacaranda trees in the current planting season.

In the case of Queensland Box trees, the Council no longer plants Queensland Box as a replacement species because of the number of complaints received by residents regarding the nuts/ pods the trees drop which creates problems for pedestrians. We currently have some interest from residents who want the existing Queensland Box trees in ‘their’ street removed. The Administration may also undertake a program to replace this species at appropriate locations (e.g. streets around aged care facilities) as part of its active ageing strategy in response to concerns from residents. As always, any targeted removal of Queensland Box trees will require significant street resident support.

In terms of replacement species, the Administration is proposing to move towards a “palette” of street trees which offer the residents a choice of tree while allowing better planning to be undertaken by the Council. This “palette” will include native and exotic species with which the community will be consulted on. The species selected will be appropriate to an urban streetscape that will take into consideration infrastructure and risk management principles.

In terms of the future, the aim is to have about 23,000 street trees within the city to support its target of 26% canopy cover.

The Succession Program has been developed to provide the Administration and the organisation with clear and consistent criteria for street tree renewal. These criteria fall under the categories of Technical, Aesthetic, Environmental and Other. Further to these criteria, a Succession Program Implementation model is outlined that provides clear options for how a street tree renewal plan will be implemented across the City.

Finally, the Succession Program provides a funding model for delivery. This funding model provides Council budget estimate calculations to help guide toward delivery outcomes.

3. ANALYSIS OF OPTIONS

Option 1 – The Street Tree Succession Program (Attachment 1 to Item 550/16) be adopted.

The Street Tree Succession Program provides a clear framework for the delivery of the indicators and targets set out in Council's Tree Strategy.

The document has been developed to provide Council with a consistent approach to street tree renewal within the City. The program has been developed with a clear set of principles and criteria to enable the Administration to engage with the community to ensure Council has a diverse and well managed street tree asset for the future.

Option 2 – The Street Tree Succession Program (Attachment 1 to Item 550/16) be adopted with minor amendments.

The Street Tree Succession Program provides a clear framework for the delivery of the indicators and targets set out in Council's Tree Strategy. Elected Members may identify minor changes to the document which do not change the overall structure and allow the document to proceed to endorsement.

The Street Tree Succession Program to be implemented following these minor modifications.

Option 3 – The Street Tree Succession Program (Attachment 1 to Item 550/16) be adopted with amendments. The program be returned to Council for endorsement.

While the Street Tree Succession Program provides a clear framework for the delivery of the indicators and targets set out in Council's Tree Strategy, the recommended feedback by Council be taken on board, the program document modified and brought back to Council for endorsement.

4. RECOMMENDED OPTION

Option 1 is the recommended option.

5. POLICY IMPLICATIONS

The Street Tree Succession Program is a key target of the Tree Strategy. The target within the Strategy states: *City of Unley Street Tree Succession Program developed in Year 1 (2016).*

The Street Tree Succession Program is based on the existing level of funding for tree replacements being continued over the next 4 years. This would allow Council to meet the target of street tree renewal outlined in Council's Tree Strategy. Specifically, this states that *a street tree renewal target of 2,000 trees planted over the next 5 years (2016-20).*

The Street Tree Succession Program is consistent with the Objective outlined in The City of Unley's Environmental Sustainability Strategy to *Improving and maintaining Unley's Urban Forest*. Furthermore, the program provides a framework to assist the Administration to meet the Environmental Sustainability Strategy target to *maintain the City's tree canopy cover at 26%.*

6. REPORT CONSULTATION

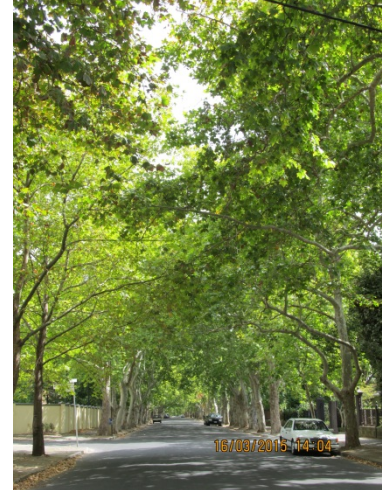
The Street Tree Succession Program has been developed as a target of Council's Tree Strategy. While the Tree Strategy underwent extensive community engagement the Street Tree Succession Program has not been out for community engagement.

7. ATTACHMENTS

- Attachment 1 – Street Tree Succession Program

8. REPORT AUTHORISERS

<u>Name</u>	<u>Title</u>
John Devine	General Manager, Assets and Environment
Peter Tsokas	Chief Executive Officer



Street Tree Succession Program 2016-2019

TEXT ONLY VERSION (DRAFT)

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Background

Street trees are a major community asset, vital to the health and beauty of our public domain. Like everything in nature, trees have a life cycle and Council needs to plan for their protection, maintenance and renewal to ensure our streetscapes are sustainable.

The City of Unley's Tree Strategy sets out the blueprint for achieving our vision of a resilient, healthy and diverse urban forest that will contribute to the health and wellbeing of our community and to the creation of a liveable city. A series of challenges currently face our urban forest, and the City of Unley must now manage and transform our urban forest in a holistic and multidisciplinary manner in order to achieve our vision. The challenges we face include the fact that many boulevard and specimen trees are reaching the end of their natural life. Coupled with the effects of recent drought, increasing intensity of heat during summer, and water restrictions, this decline has been accelerated and in many cases is irreversible.

The opportunity now exists to transform our street tree asset into a healthy, diverse, resilient and well-designed forest that will enable our City to adapt to a changing climate, mitigate urban heat island effects and provide protection and wellbeing to the community. The challenge is however, property owners and residents wish to maintain the existing aesthetics of their streetscape. As such, there can be community reluctance to support wholesale removal and replacement of existing streetscapes.

This Street Tree Succession Program is applied on a whole-of-street basis (by managing the tree asset by segments). By its nature, it involves the process of tree removal and replacement. It is in practice a difficult task to accurately judge the life expectancy of any individual tree when making a decision to remove it. The first principle must always be that if the tree cannot be maintained to an acceptable level of risk or amenity then it should be removed. Criteria for tree removal, as part of the Street Tree Succession Program, must therefore be clear and consistent, so that all parties affected by the program are well informed. The information supporting priorities for Second Generation should also be based on sound arboricultural knowledge.

The Street Tree Succession Program is a subsidiary document to the City of Unley Tree Strategy.

Strategy Purpose and Aims

The purpose of this Street Tree Succession Program is to provide a street tree succession renewal framework that will facilitate the regeneration of the Urban Forest in the City of Unley and provide sustainability for the City moving forward. The program is also aimed to ensure Unley continues to have tree lined streets that will provide solid, sustainable environmental foundations for the future communities of Unley. Furthermore, the purpose is to align a program with the overall objectives of the Tree Strategy.

The Street Tree Succession Program aims will be to:

- develop a process that strategically enables/facilitates the second generation street tree replacement throughout the City in a coordinated planned manner;
- ensure Council's tree replacement strategy provides sustainability of the tree population and canopy to support Unley's urban forest;
- establish a community engagement model that streamlines consultation, minimises public concern and develops trust with the community;

- ensure street tree renewal planting is in accordance with the Street Tree Succession Program framework as to ensure the coordinated development of streetscapes that are both attractive and coordinated,
- develop a framework which enables Council to build resilience and increase diversity within the urban street tree environment, and;
- Provide clarity and certainty on the prioritisation of segments of trees to be replaced.

Principles

The development of this Program is underpinned by principles which are reflected through the vision, pathways, objectives, strategies, targets and indicators of the Tree Strategy. The following principles from the Tree Strategy are relevant for the delivery of this Street Tree Succession Program:

1. Equity across the community

A balanced approach is taken ensuring that residents across the community have equal opportunities for required services.

- Trees are an integral part of the environment and add aesthetic quality to life across the City.
- Street tree plantings or removal will be based on a holistic City wide themed approach promoting the orderly planning of each area.
- Design landscapes to reflect the cultural integrity, identity and character of Unley and its neighbourhoods.

2. Sustainable Assets

Assets are designed & maintained in a manner cognizant of a triple bottom line outcome (financial; environmental; social) & utilising a life cycle approach.

- Council has a responsibility for the planning, establishment, maintenance and removal of all trees located within the City's streetscapes and open space (parks, reserves, streets, medians and nature strips).
- Trees are considered to be community assets that contribute to the well-being of the community and to the natural environment.
- Council recognises and values the significance of trees within the urban setting in that they create functional and aesthetic streetscapes, provide natural habitat and natural shade.
- Ensure a diversity of tree species and ages to maximise resilience against pest and diseases and weather extremes.

3. Risk Sensitive

Asset based decisions are done so in a manner where risks are identified, understood and managed (WHS; Environ; Public Safety; Community).

- Tree assessments are undertaken within a risk framework consistent with the industry standards and demonstrates reasonable care.
- Council is committed to protecting and maintaining trees within the municipality whilst meeting its obligation to provide a safe environment.

4. Strategic consistency

Assets related to services are programmed & maintained within an integrated programming framework

- The Tree Strategy compliments other relevant strategies eg Environmental Sustainability Strategy, to ensure an integrated approach across Council.
- The on-ground delivery of the Tree Strategy through programs and projects will be programmed and maintained through annual business programming.

5. Functional and service level

Assets are designed & maintained to ensure they are fit for purpose, meeting the agreed level of service.

- Council commit to enhancing existing biodiversity sites and establishing new biodiversity sites through tree management and additional local provenance tree plantings.
- Trees will be selected and maintained in a manner consistent with the desired/targeted service level for each specific site.

6. Compliant

Assets are designed and maintained to meet compliance requirements at a minimum.

- All new street tree plantings are required to be compliant with relevant legislative requirements.
- Accessibility and walkability are key functions of the streetscape and it is incumbent on Council to ensure that wherever possible, street, parks and other public land is accessible to all.

7. Innovation & improvement focussed

Alternative methods of providing services/assets are regularly examined & improvements considered, to ensure “best value” options are applied.

- Trees will be managed in a manner that recognises and finds a careful balance between the historical character of Unley’s inner-city urban environment and new expressions of social, environmental and aesthetic values in streetscape renewal programs.
- Promote the use of innovative techniques for water sensitive urban design to support tree growing solutions in streets and Council owned open space.
- Continue to support an urban forest that can tolerate and continue to thrive in climatic extremes.
- Continue to identify opportunities to plant trees within our City/streets to enhance streetscapes.

Second Generation Street Tree Audit

Funding was provided during the 2014/15 financial year for Council to undertake a detailed audit of the street tree asset. The audit involved a street by street assessment of the street trees from a range of pre-determined criteria. The audit was designed to provide reliable up to date data on the street tree population to ensure the Street Tree Succession Program is based on good current information. Furthermore, the audit is to provide supporting evidence for the establishment of a programmed approach to succession tree planting throughout the City. The tree data will continually be updated to ensure decision making on our tree assets are based on current, valid information.

The collection of tree status data, analysis and translation of this data are important measures in proactive tree management and planning.

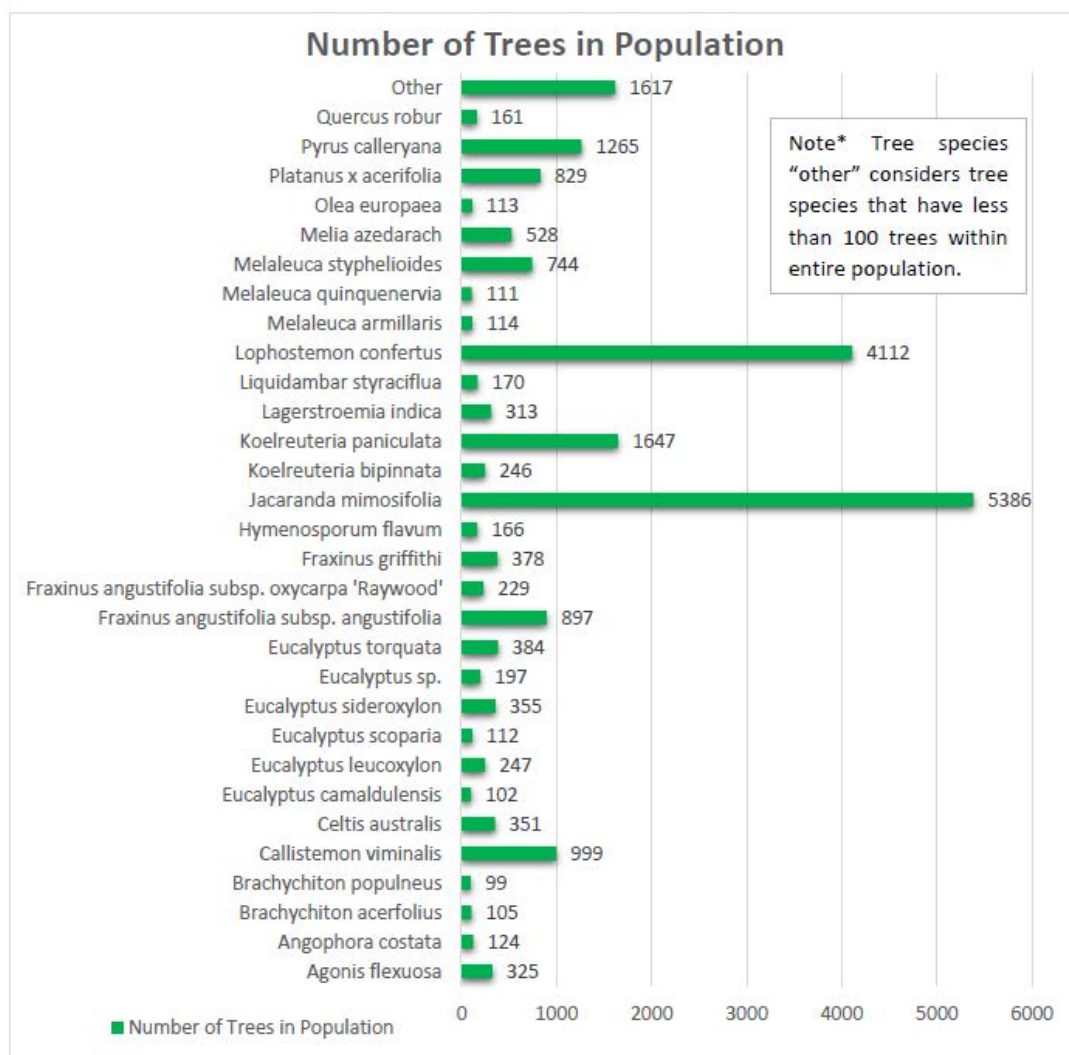
The primary stage of the audit grouped the tree assets in segments covering between 1 to 15 trees per group. Approximately 2,300 asset groups were detailed within the primary stage data collection of the project.

The City Overview Summary report from the audit forms attachment 1 to this program.

Audit Results - Street Tree Numbers and Species

The street tree data was collected between December 2014 and June 2015. The data collected indicates that the City of Unley currently manages **22,426** street trees within the approximate 450 streets. The detail below from the City Overview Report provides the range of street tree species.

The following graph illustrates the dominant species identified within the city (excluding individual trees of significant or management requirement).



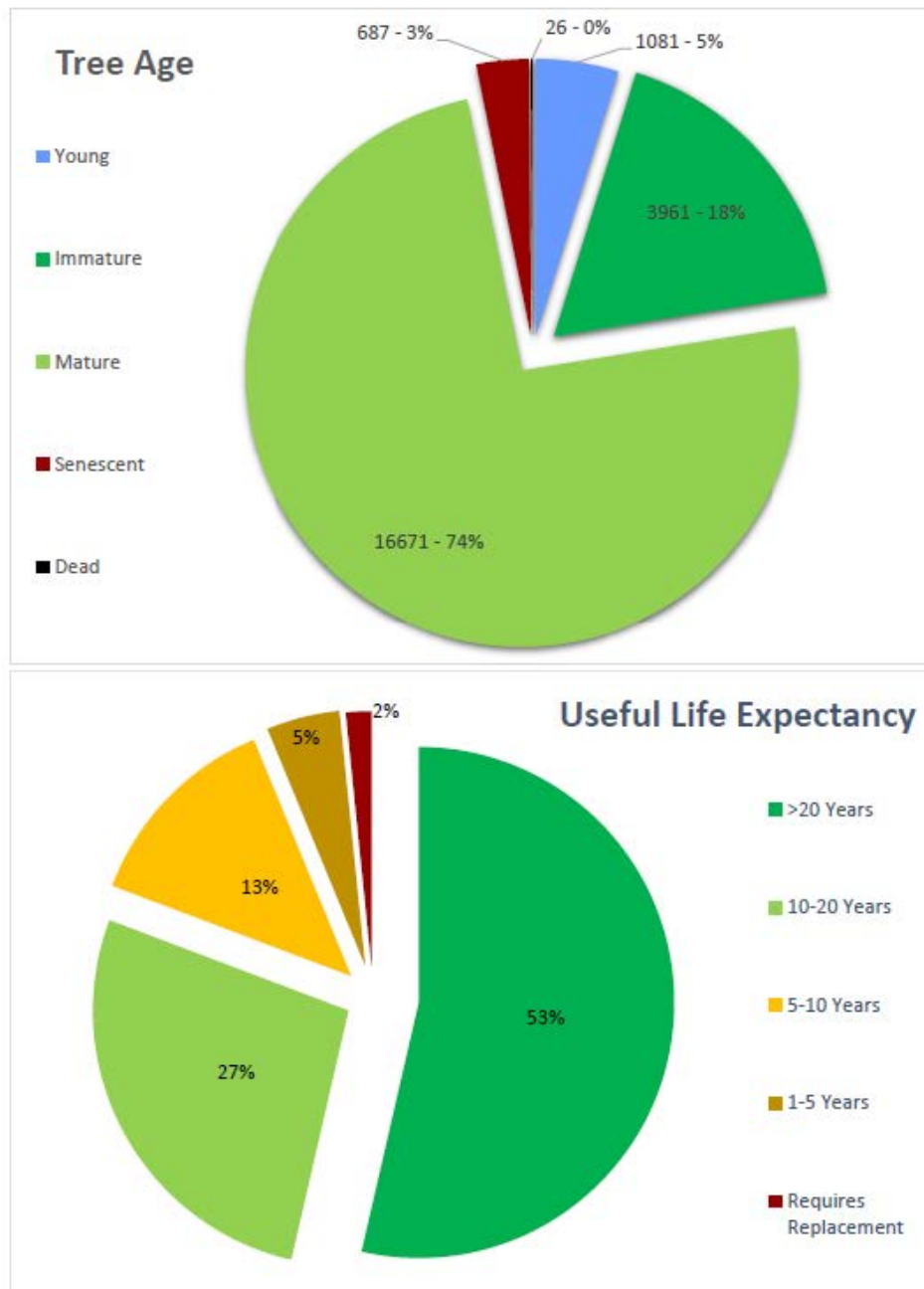
Audit Results – Useful Life Expectancy (ULE)

An analysis of the age of the street tree asset and the Useful Life Expectancy (ULE) becomes critical in determining the need for succession programming.

The data collected and taken from the audit below indicates that 53% of the street tree asset has a ULE greater than twenty years. Conversely this indicates that 47% of the trees have a ULE less than twenty years.

Further to the above it should be noted that while 75% (16,322) of the tree population within the City is mature, over half of the population also has a ULE that exceeds twenty years with 20% (4,485) of the tree asset expected to require replacement within the coming five to ten years.

The age range of the tree population is moderately distributed and ranges between young and senescent. The following graphs show the number of trees within each of the age ranges collected as well as the remaining Useful Life Expectancy estimated for these trees.



Succession Program Implementation Criteria

To ensure the succession replacement program is implemented in a coordinated and planned approach there is a need to ensure criteria are established to help prioritise the trees to be replaced in the program moving forward.

It is proposed that the following criteria will be used in line with the segment approach established within the street tree succession audit to determine priority for replacement.

Technical

- Prioritisation for management of a tree segment will be primarily based on remaining contribution (Useful Life Expectancy).
- Consideration will be given to the tree population demographic relating to the proportional diversity in species and age class distribution as per the target outlined in the Tree Strategy.

Aesthetic

- Where a segment of trees or multiple segments have a noticeably reduced aesthetic value and/or detract from the visual characteristic of the streetscape.
- Where an opportunity exists to identify and plant street trees in vacant or new locations along a street.

Environmental

- Where the specific characteristics of an individual tree or species is considered a factor in the development of a hazardous situation as determined by the Technical Officer Arboriculture or Sustainable Landscape Specialist.
- Consideration will be given to the indicators and targets of the Environmental Sustainable Strategy when implementing the program.

Other

- The City of Unley succession program will be implemented in a manner which considers professional technical advice and in a fair and consistent approach throughout the City.
- Opportunities will be sought to renew tree segments where it has been identified there is a linkage with renewal of other asset classes.
- Consideration will be given when managing tree segments to City-wide zoning and agreed Levels of Service.
- Where the majority/all of the property owners and residents of a particular street collectively support the replacement of the street trees.
- Council is mindful that people in the community will have varying opinions of the role of trees in our environment. At times this relates to species selection, location and other issues. The tree succession program is implemented in a 'best fit' solution to the community weighing up cost, technical requirements and community expectations.

Succession Program Implementation Model

Tree removal can at times be an emotive issue. Often trees have been there for many decades prior and residents have grown up with them and become attached to their presence, their size and their aesthetic appeal. The trees may also represent associations and links to past events and historical places. Street trees are also known to be linked to increases in property values. For these and many other reasons, some parts of the community often have expectations of trees being retained for very long periods and beyond their useful life expectancy. They may even entertain retaining a tree no matter what the costs or its condition.

There will come a time, however, when the benefit of keeping an individual tree is far outweighed by the hazard to life or property and the monetary cost of maintaining it. As with all forests it will need to be replaced with the next generation, as contentious as this may be. When managing and

establishing an urban forest the needs of the many may often have to outweigh the needs of the few.

Street tree succession from an all of street perspective requires a balanced approach and it may take years to implement a program whereby all trees are removed and replaced.

The following approach has been developed to encourage community engagement and to assist Council to reach tree succession objectives and goals in a programmed and coordinated manner.

This program recommends three available alternative approaches to succession programming in a street segment identified for tree renewal:

1 All street tree segment removal and replacement simultaneously

This model option will be offered to property owners and residents of a street segment when one or more of the following dot points can be applied:

- a significant proportion of the street trees are determined by arboricultural assessment to be in poor condition.
- while there needs to be some flexibility, as a 'rule of thumb' a minimum of 70% of the trees within the street segment have a Useful Life Expectancy of 5 years or less to fulfil this approach.
- Council has been approached by representation of at least 50% of residents and property owners, by petition or similar, to remove and replace all trees within the street.
- A significant proportion (approximately 50%) of the street trees are damaging or potentially damaging properties or infrastructure.
- Major asset works are planned for the street which could impact on the trees eg road reconstruction, footpath construction.

The impact of this approach can be significant. The removal of all trees in a street can fundamentally affect the aesthetics of the street in the short term but it does offer an opportunity to develop a streetscape with new trees developing at the same rate of growth.

If consultation to remove trees by this model process raises written objections which cannot be allayed through exploration of alternatives by the Administration, the matter is to be referred to the Council for resolution.

2 Staged succession replacement

This plan is proposing that this succession model is offered in three stages:

- a. Yearly increments – every year
- b. Biennial increments – every two years
- c. Triennial increments – every three years

This model option will be offered to property owners and residents of a street segment when one or more of the following dot points can be applied:

- A street segment has been identified for succession treatment as part of an annual program or the Second Generation Street Tree Audit and fulfils the criteria outlined in this program.
- a proportion of the street trees are determined by arboricultural assessment to be in poor condition.
- Council has been approached by representation by a number of residents and property owners, by petition or similar, to remove and replace all trees within the street.

- A proportion (less than 50%) of the street trees are damaging or potentially damaging properties or infrastructure.

The impact of this approach can be subtle and offer an opportunity to change a streetscape over some years without the potential backlash of a 'scorched earth' approach. Each tree within the street or portion of street will be individually assessed. Residents and property owners within the street or segment of street will be consulted detailing those trees identified for removal. Depending on the overall condition of individual trees, a determination will be made to schedule the street/segment for treatment over an annual, biannual or triennial period.

As part of the consultation process residents and property owners will be consulted on the species to be used as part of the renewal process.

If consultation to remove trees by this model process raises written objections which cannot be allayed through exploration of alternatives by the Administration, the matter is to be referred to the Council for resolution.

3 Individual Street Tree Replacements

This model approach will occur for 'ad hoc' replacements when individual street trees are removed throughout the City at various times of the year.

Before any Council-owned tree is removed it is to be assessed by an officer or contractor with arboricultural or suitable horticultural qualifications, who is to provide written assessment (Visual Tree Assessment – VTA) of the tree's condition, suitability and significance.

Sustainable Funding Delivery Model

Succession or street tree renewal requires various functions to be completed, namely; removal, stump grinding and replacement. The funding for the task of removal of the street tree component is covered within operational budget whether the task is undertaken as part of operational programming or part of project renewal funding.

In delivering a sustainable funding model some assumptions need to be made. The Street Tree Audit identified approximately 22,400 street trees within the City. Each tree has an assumed average age of 50 years. This means that an estimated 400 trees per year should be replaced a year to maintain a sustainable street tree population. The current funding levels provide for this to occur.

The table below provides delivery outcomes for trees planned depending on annual funding provided.

The Individual Tree Replacement Operations Delivered outcome is based on the following individual costing:

Tree Supply	\$55
Tree Planting	\$170
Management Overhead	\$25
Total	\$250

The Funded Project Succession Planting outcome is based on the following individual costing:

Tree Removal	\$250
Tree Stump Removal/Backfill	\$150
Tree Supply	\$100
Tree Planting	\$120
Management Overhead	\$35

Total **\$655**

Funding Provided	\$25 000	\$50 000	\$70 000	\$90 000	\$125 000	\$190 000
Individual Tree Replacement #s – Operations Delivered - \$250/tree	100	200	280 *	360	500	760
Funded Project Succession Program - \$655/tree	38	76	115	137 *	191	290 *

Area identified * shaded to represent funding for 2015/16. Projected annual renewal of **570** trees.

Indicators and Targets

The outcomes from the Street Tree Succession Program are strategically linked to the Indicators and Targets of the Tree Strategy.

Specifically under the Street Tree Pathway of the Tree Strategy the following are the Indicators and Targets:

- | | |
|--------------------|--|
| Indicator 1 | An annual tree succession program that identifies streets for renewal based on identified criteria and funded at sustainable levels. |
| Target 1 | City of Unley Street Tree Succession Program developed in Year 1. |
| Indicator 2 | Through street tree succession planning, the City of Unley will have a mixed age class distribution of street trees across the City. |
| Target 2 | A street tree renewal target of 2,000 trees planted over the next 5 years (2016-20). |
| Indicator 3 | Work toward a long-term goal to increase the species diversity of street trees within the City. The City move toward a more-healthy, environmentally sustainable, resilient tree population. |
| Target 3 | A street tree diversity reduction from 43.5% to 41.5% (430 trees) of tree species <i>Jacaranda mimosifolia</i> and <i>Lophostemon confertus</i> over the next 5 years (2015-19). |
| Indicator 4 | Newly planted trees are maintained to ensure their short and long-term survival. |
| Target 4 | Annual survival and health achievement target of 90%. |
| Indicator 5 | The percentage of maintenance program pruning will meet the tree Level of Service requirements to ensure the long-term sustainability of the street tree asset. |
| Target 5 | 95% of trees meeting Level of Service requirements in annual condition assessment. |

DECISION REPORT

REPORT TITLE:	PRELIMINARY YEAR END FINANCIAL REPORT – JUNE 2016
ITEM NUMBER:	551
DATE OF MEETING:	22 AUGUST 2016
AUTHOR:	MIKE CAREY
JOB TITLE:	MANAGER FINANCE

EXECUTIVE SUMMARY

This report provides a preliminary view of Council's financial performance to budget for the year ended 30 June 2016 and proposes changes to the 2016-17 Budget to account for the 2015-16 proposed carry forwards.

The City of Unley's preliminary 2015-16 Operating Surplus before Capital is \$3.1m which is \$1.5m above budget. Further, after Council's capital financial performance is taken into account, the net lending result is favourable to budget by \$2.5m after allowing for the impact of proposed carry forwards of \$2.2m where expenditure is still required in 2016-17.

A positive cash flow of \$1.9m has also been realised for the year. This has resulted in a reduction of \$2.8m in the Short Term Draw Down Facility and together with fixed term principal repayments of \$961k has reduced borrowing liabilities by \$3.8m for the year. Borrowings are \$7.6m at the end of June 2016.

It should be noted that further impact on Council's operating and net lending result is possible following the finalisation of Council's statutory accounts and subsequent audit. The finalisation of the accounts will address matters including asset revaluation, finalisation of Brown Hill Keswick Creek and Centennial Park transactions as well as depreciation and other asset adjustments. The external auditors are scheduled to commence the audit process in late August 2016.

RECOMMENDATION

MOVED:
SECONDED:

That:

1. The report be received.
2. Preliminary End of Year Results for 2015-16 be noted.
3. Carry forward projects from 2015-16 totalling a net amount of \$2.192m (Attachment 8 to Item 551/16) be approved.

4. The revised budgeted Uniform Presentation of Finances reflecting a Budgeted Operating Surplus of \$2.035m before Capital Revenue and revised Net Borrowings of \$5.804m as summarised in Attachment 9 to Item 551/16 for the 2016-17 financial year be adopted.
-

1. RELEVANT CORE STRATEGIES/POLICIES

- Organisational Strategy/Goal
 - 5.3 Good Governance and Legislative Framework
 - 5.5 A financially sustainable approach to business and planning activity.

2. DISCUSSION

Funding Result compared to budget

	Actual YTD \$'000	Budget YTD \$'000	YTD Variance Fav/(Unfav) \$'000	Proposed Carry Forwards \$'000	Variance Adjusted for Carry Forwards \$'000
Operating income	44,641	44,497	145	-	145
Operating expenditure	39,675	40,969	1,294	60	1,234
Funding surplus before Projects	4,967	3,528	1,439	60	1,379
Net expenditure - Operating projects	1,821	1,891	70	159	(89)
Funding Surplus before Capital	3,146	1,637	1,509	219	1,290
Net expenditure - Capital projects	8,038	11,181	3,142	1,973	1,170
Net Lending / (Borrowing) for Financial Year					2,460

In terms of operating result, the City of Unley's preliminary 2015-16 Funding Surplus before Capital is \$3.1m which is \$1.5m above budget.

All major items except Operating Projects are favourable to budget for the financial year. Further discussion on these items is included in Attachments 1-4 of the report.

Attachments 1-4

Overall, the City of Unley's preliminary 2015-16 net lending result is favourable to budget by \$2.5m after allowing for the impact of proposed carry forwards where expenditure is still required in 2016-17.

Attachment 5

Statement of Financial Position

	Actuals June 2016 \$'000	Budget June 2016 \$'000	Movement \$'000
Assets	573.6	576.4	(2.8)
Liabilities - Borrowings	(7.6)	(13.5)	5.8
Other Liabilities	(9.6)	(7.6)	(2.0)
Net Assets (Liabilities)	556.4	555.4	1.0

There are no issues in relation to the Statement of Financial Position, with the overall net assets position favourable to budget by \$1.0m. Borrowings, at \$7.6m including the short term drawdown facility are favourable to budget by \$5.8m. This is a reduction of \$3.8m compared to 30 June 2015.

Cash Flow Position

	Actuals June 2016 \$'000	Budget June 2016 \$'000	Movement \$'000
Net Flows from Operating	10,910	8,318	2,592
Net Flows from Investing Activities	(8,019)	(11,164)	3,145
New Flows from Financing Activities	(961)	2,846	(3,807)
Net Change in Cash Position	1,930	0	1,930

As noted in the Statement of Financial Position at 30 June 2016, overall borrowings are favourable to budget by \$5.8m of which \$2.2m relates to proposed carry forwards. Further detail and discussion is included in Attachment 4.

Both Operational and Capital cash flows were favourable to budget for the year resulting in a better than anticipated cash position and no new borrowing required for the year. This results in a favourable cash flow position to budget of \$1.9m taking into account the reduction in fixed term borrowing of \$961k.

Summary of Financial Performance Indicators Refer Attachments 1-4

Operating Result

Attachment 1

Operating Income compared to Budget	Favourable to Budget
Operating Expenditure compared to Budget	Favourable to Budget

Operating Projects

Attachment 2

Operating Projects compared to Budget	Unfavourable to Budget
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Capital Works

Attachment 3

Capital Works compared to Budget	Favourable to Budget
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Cash Flow and Borrowings

Attachment 4

Cash flow and borrowings compared to Budget	Favourable to Budget
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Overall 2015-16 Funding Statement

Attachment 5

Statement of Financial Position*Attachment 6***Cash Flow Statement***Attachment 7***Annual Investment Performance**

Year	RBA cash rate for June	LGFA Weighted Average Return	NAB Weighted Average Return	Overall Weighted Average Return	\$ Total Investment Earnings for year	Budget for year
2013-14	2.50%	2.50%	3.00%	2.67%	\$21k	\$ 17k
2014-15	2.00%	2.36%	2.85%	2.61%	\$11k	\$ 5k
2015-16	1.75%	1.88%	2.38%	2.00%	\$10k	\$ 12k

In accordance with Council's Treasury Management Policy and Section 140 of the Local Government Act, a council must review the performance of its investments at least annually.

Given that Council is utilising its short term drawdown facility throughout the year, Council's investments are kept at a minimum during the year. As such the focus of treasury management has been on minimising interest expense and maintaining appropriate working capital rather than investment return.

As a result, interest earnings largely relate to:

- cash balances being transferred to an overnight investment account from Council's general bank account with NAB, and
- where grants and other funds are placed directly with the Local Government Finance Authority (LGFA).

Both the NAB and LGFA investments are in accordance with Council's Treasury Management Policy.

As shown in the above table, revenue from investments was slightly unfavourable to the budget by \$2k for the 2015-16 year. This is as a result of the unbudgeted reallocation of interest for the Car Park Contribution Fund.

Centennial Park Preliminary Results

Draft Centennial Park Cemetery Authority's (CPCA) 2015-16 financial statements were presented to the Centennial Park Audit and Risk Management Committee Meeting on 8 August 2016. These draft financial statements show a Net Surplus of \$129k compared to a \$484k budgeted surplus for the 2015-16 financial year. Council accounts for 50% of the Centennial Park result in the City of Unley's financial statements. This result takes into account liability guarantee payments of \$413k to constituent councils for the 2015-16 financial year.

Carry Forward Requests

Each year, Council may have a number of projects or initiatives that for a number of reasons are not finalised by the end of the financial year. Reasons for this may include:

- lengthy tender processes and/or contract negotiations
- delays due to inclement weather,
- projects split over 2 or more years where an estimate has been made as to how much is spend in each financial year or
- delays as a result of community consultation.

The requests for projects to be carried forward are reviewed in line with Council's Carry Forward Administration Policy.

The list of carry forward requests totalling \$2.195m consists of:

- \$60k for Operating Expenditure
- \$162k for Operating Projects Expenditure, and
- \$1.973m for incomplete capital works projects.

All carry forward requests have been reviewed to ensure funding is available.

The detailed proposed Carry Forward list from 2015-16 has been attached for Members' consideration.

Attachment 8

The proposed carry forwards are reflected in the revised Proposed Funding Statement for the year ending 30 June 2017.

Attachment 9

The figures in this report have been rounded and consequently individual sub-totals, whilst being correct, may differ slightly from the sum of the rounded amounts.

3. **ANALYSIS OF OPTIONS**

Option 1 - The report be received, Preliminary End of Year Results for 2015-16 be noted and that:

Carry forward projects from 2015-16 totalling a net amount of \$2.192m (Attachment 8 to Item 552/16) be approved.

The revised budgeted Uniform Presentation of Finances reflecting a Budgeted Operating Surplus of \$2.035m before Capital Revenue and revised Net Borrowings of \$5.804m as summarised in Attachment 9 to Item 552/16 for the 2016-17 financial year be adopted

This option will ensure that the budget for incomplete projects is adequate to complete these projects in 2016-17.

As these projects' budgets were approved in 2015-16, the majority of these carried forward projects have already had contractual commitments entered into prior to 30 June and /or expenditure incurred subsequent to 30 June.

Option 2 - The report be received, Preliminary End of Year Results for 2015-16 be noted and that:

Carry forward projects from 2015-16 totalling a net amount of \$2.192m (Attachment 8 to Item 552/16) be adjusted:

The revised budgeted Uniform Presentation of Finances for the 2016-17 financial year, adjusted for the above carry forward changes, be adopted.

This will result in some carry forward projects not being approved.

If carry forward projects are not approved, those projects will remain incomplete. Further, the non-approval of carry forwards may result in difficulties in financial reporting and variance analysis at a project level as projects would be highlighted as having 2016-17 expenditure and no corresponding budget.

4. RECOMMENDED OPTION

Option 1 is the recommended option.

5. POLICY IMPLICATIONS

There are no policy implications.

6. ATTACHMENTS

1. Operating Result (Excluding Projects)
2. Operating Projects
3. Capital Works
4. Cash Flow and Borrowings
5. Overall Funding Statement
6. Cash Flow Statement
7. Statement of Financial Position
8. Proposed Carry Forward list from 2015-16
9. Proposed Budgeted Uniform Presentation of Finances for the year ending 30 June 2017.

7. REPORT AUTHORISERS

<u>Name</u>	<u>Title</u>
Nicola Tinning	Group Manager Business Support & Improvement
Peter Tsokas	Chief Executive Officer

OPERATING RESULT (Excluding Projects) Attachment 1

Operating Income compared to Budget

Favourable to Budget

	Actual YTD \$'000	Budget YTD \$'000	YTD Variance Fav/(Unfav) \$'000	Proposed Carry Forwards \$'000	Variance Adjusted for Carry Forwards \$'000
Operating income					
Rates	37,527	37,584	(57)	-	(57)
Statutory income	1,297	1,370	(73)	-	(73)
User charges	1,632	1,618	14	-	14
Grants, subsidies and contributions	3,057	3,044	13	-	13
Investment income	10	12	(2)	-	(2)
Reimbursements	346	157	189	-	189
Other income	772	711	61	-	61
Total Operating Income	44,641	44,497	145	-	145

End of Year Result

Income is favourable by \$145k (0.3%) compared to budget year to date.

Rate income was less than budgeted, largely as a result of new mandatory rebates granted as a result of applications which were approved late in the financial year.

The unfavourable variance for Statutory Income is due to Parking Control (\$128k), which is a result of a number of factors, including:

- A large number of issued fines being under payment plans with the SA Government Fines Enforcement Recovery Unit (FERO);
- Increase in the number of parking permits issued in the surrounding areas in regards to the Show, which has resulted in a reduction in income;
- Weekend income being less than expected; and
- A greater level of compliance education, before enforcement action.

This variance is being partially offset by a favourable variance for Development & Compliance fees (\$46k) and Rates Administration search fees (\$14k) received.

The favourable variance for Reimbursements were as a result of receiving a refund of \$89k for carbon tax as well as the previously advised favourable variances in street sweeping \$27k and Parking Control fine recovery \$23k.

Other Income was favourable to budget, largely relating to special distributions of \$61k received from the LGA Mutual Liability Scheme in the last quarter of the year.

OPERATING RESULT (Excluding Projects) Attachment 1

Operating Expenditure compared to Budget

Favourable to Budget

	Actual YTD \$'000	Budget YTD \$'000	YTD Variance Fav/(Unfav) \$'000	Proposed Carry Forwards \$'000	Variance Adjusted for Carry Forwards \$'000
Operating expenditure					
Total Employment costs	17,210	17,445	236	-	236
Materials, contracts and other expenses	15,350	16,222	872	60	811
Depreciation and amortisation	6,682	6,682	-	-	-
Finance costs	433	620	187	-	187
Total Operating Expenditure	39,675	40,969	1,294	60	1,234

End of Year Result

A favourable expenditure variance has occurred for the year of \$1.294m (3.2%).

As well as a favourable variance within employment costs as a result of vacancies spread across the organisation, other larger favourable expenditure variances include the following:

- waste contract \$304k, largely as a result of a reduction in the rise and fall component of the collection aspect of the contract compared to budget as well as lower than predicted increases in waste processing
- consultants \$165k, spread across a number of activities
- power \$165k largely relating to savings in street lighting and buildings
- IT Software Maintenance \$81k, due to timing of payments made in the previous year
- Less maintenance required on buildings \$79k in part due to deferral of works for Unley Oval as a result of considering grandstand options, and
- Fuel \$54k as a result of lower fuel prices.

In addition, savings in Finance costs of \$187k have been realised as a result of the favourable cash flow result. This has meant lower balances for the Cash Advance Facility during the year and no requirement to access new borrowings within the financial year.

Operating Projects compared to Budget

Unfavourable to budget once carry forwards are taken into account

	Actual YTD \$'000	Budget YTD \$'000	YTD Variance Fav/(Unfav) \$'000	Proposed Carry Forwards \$'000	Variance Adjusted for Carry Forwards \$'000
Operating projects					
Income	118	164	(46)	-	(46)
Expenditure	1,939	2,055	116	159	(43)
Net expenditure - Operating projects	1,821	1,891	70	159	(89)

Income

Income was unfavourable to budget by \$46k, largely as a result of the Pay for Use Parking Trial delay (\$57k).

Expenditure

Operating project expenditure has a favourable variance of \$116k. Proposed carry forward expenditure of \$159k has been identified in relation to the following projects:

- Undergrounding of Goodwood Road (Stage 1) - \$53k
- Review of Integrated Transport Strategy (UITs) - \$50k
- Improvement Plan-Design Goodwood Oval/Millswood Complex - \$30k
- Main Street Digital Economy Strategy - \$11k
- Unley Central Project \$8k
- Unley Oval Upgrade (Consultants) - \$6k

It is proposed that the balance of the Operating Project carry forward request shortfall be funded from the favourable operating result.

There were some projects with unfavourable expenditure variances as a result of scope changes. The larger unfavourable variances included:

- Pay for Use Parking Trial - \$12k as a result of using externally sourced signage as well as increase in scope to cover additional signs in the surrounding streets
- Website Stage 2 Upgrade – \$15k as a result of unbudgeted expenses in relation to web design
- Customer Experience Program \$11k – as a result of additional costs over and above budgeted resource costs relating to the End to End Customer Request Process Review
- Events Program \$10k across a number of projects of which \$3k was covered by additional income with the balance relating to a number of factors including additional infrastructure required at short notice as a result of increased attendances, last minute sponsorship pull out & public holiday labour rates charged by suppliers & contractors not factored into budgets.

Capital Works compared to Budget

Favourable to Budget

City of Unley Capital Works Summary as at June 2016

	Actual	Budget	YTD Variance	Proposed Carry Forwards	Variance Adjusted for Carry Forwards
	YTD \$'000	YTD \$'000	Fav/(Unfav) \$'000	\$'000	\$'000
Income Total	794	617	177	-	177
Expenditure					
NEW - New Capital	1,825	2,627	802	789	13
REPLACE - Replacement Capital	6,210	8,374	2,164	1,184	980
PROJDEL - Project Delivery	797	797	-	-	-
Expenditure Total	8,832	11,798	2,966	1,973	993
Net Capital Projects Expenditure	8,038	11,181	3,142	1,973	1,170

Capital Income

Capital income was favourable to budget. This is a result of receiving \$130k more than expected from asset disposals for plant & equipment and \$36k contribution from ERA to cover costs in regards to the Implementation of Public Lighting & Energy Opportunities New Capital project

New Capital Expenditure

The majority of the favourable variance relates to proposed carry forwards of \$789k resulting in an adjusted variance of \$13k.

In terms of specific budgets, it is noted that the Eastern End Oxford Terrace Greening Project had an overrun of \$32k. It was considered appropriate to cover this from the favourable Kerb & Watertable Capital Replacement Budget, given that part of the variance was due to additional kerb work done.

Asset Replacement Expenditure

\$1.184m of the favourable variance in Replacement Capital relates to proposed carry forwards relating to IT, Drains, Bus Shelters (DDA Compliance), Street Lighting, RFID, Reserves, Kerb & Watertable, Car Parks & Traffic as detailed in Attachment 8.

This leaves savings of \$980k with the larger favourable variances attributable to the Footpath (\$300k), Roads (\$300k) Kerb & Watertable (\$200k) and Light Fleet (\$100k) Replacement programs as a result of savings.

Project Delivery Costs

There are no issues in relation to Project Delivery Costs.

CASH FLOW AND BORROWINGS

Attachment 4

Cash flow and borrowings compared to Budget

Favourable to budget

	Actuals June 2016 \$'000	Budget June 2016 \$'000	Movement \$'000
Rate receipts	37,636	37,584	52
Other receipts	6,334	7,077	(743)
Operating payments to suppliers & employees	(33,060)	(36,343)	3,283
Net Cash Flows from Operating	10,910	8,318	2,592
Capital related receipts	793	617	176
Capital Expenditure on Assets	(8,832)	(11,801)	2,969
Loans Made to Community Groups	0	0	0
Repayment of Loans from Community Groups	20	20	0
Net Flows from Investing Activities	(8,019)	(11,164)	3,145
New Borrowings	0	3,807	(3,807)
Repayment of Loans	(961)	(961)	0
Net Flows from Financing Activities	(961)	2,846	(3,807)
Net Change in Cash, Investments & Drawdown	1,930	0	1,930
Cash & Investments	217	300	(83)
Short Term Drawdown	(2,167)	(4,180)	2,013
Fixed Term Loans	(5,466)	(9,273)	3,807
Total Borrowings	(7,633)	(13,453)	5,820
Net	(7,416)	(13,153)	5,737

Cash Flows

Both Operational and Capital cash flows were favourable to budget for the year resulting in a lower balance for the Cash Advance Facility and no requirement to access new borrowings within the financial year. The 2015-16 Budget had forecast new borrowings at \$3.8m.

Short Term Draw Down

As a result of the better than budgeted cash flow position, the short term draw down facility was reduced by \$2.8m from the previous year to be \$2.2m at 30 June.

Other Borrowings (Fixed Term)

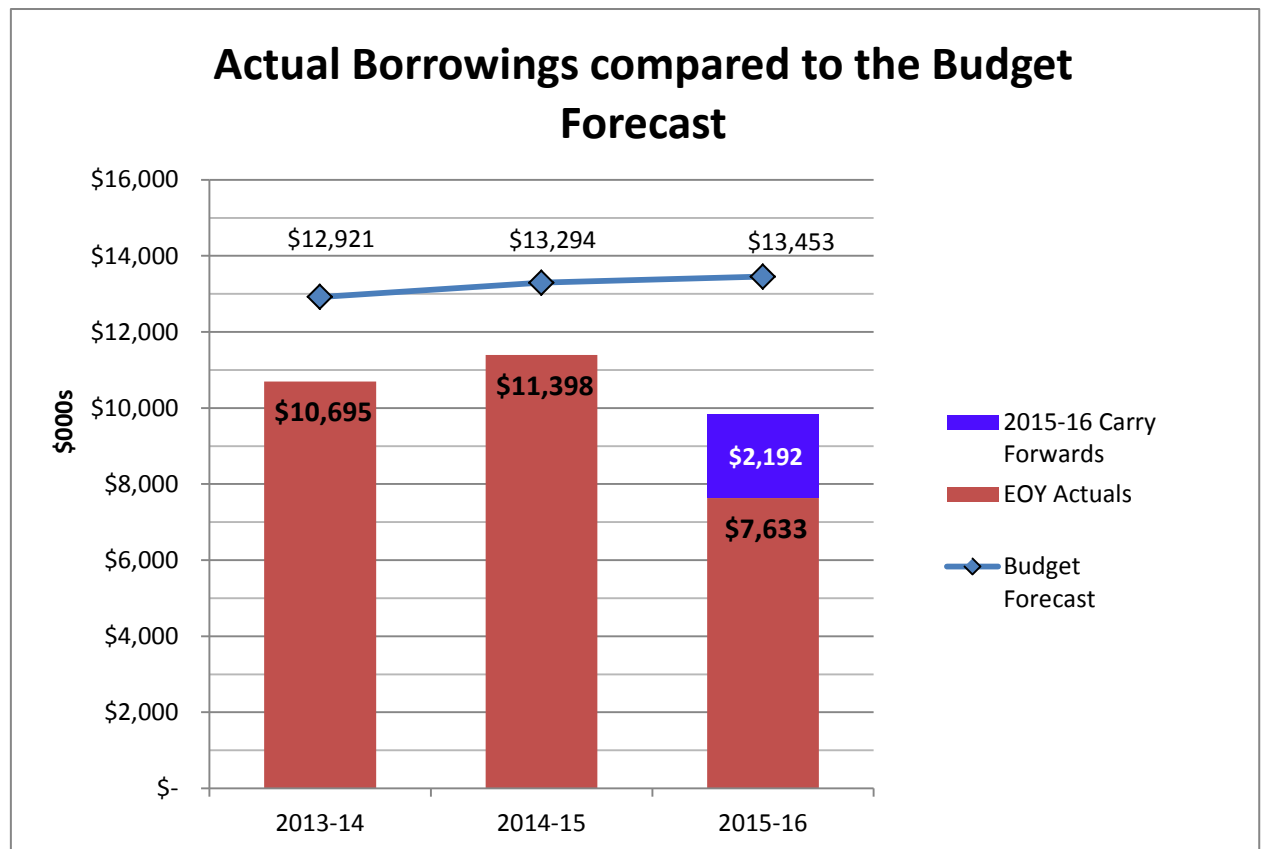
Principal repayments of \$961k for the year have reduced Fixed Term Loans to \$5.5m at the end of the year compared to \$6.4m at June 2015.

Together with the short term draw down facility, overall borrowings are \$7.6m, \$5.8m less than budgeted at 30 June 2016.

Community Loans

All Community Loan repayments are up to date.

End of Year Comparison to Budget



As shown in the above graph, over the past 3 years the Actual End of Year Borrowings is lower compared to Budget.

For the year ended 2015-16 the actual borrowings is \$7.6m, which is \$5.8m lower than the Forecast position of \$13.5m.

Key influences include:

- Better operating result than budget \$1.5m
- Capital Replacement savings in the order of \$1.0m
- The impact of the proposed Carry Forwards to be funded in 2016-17, \$2.2m
- The net movement in payables \$1.2m

The City of Unley

Overall Funding Statement
for the year to date ended June 2016

	Actual YTD \$'000	Budget YTD \$'000	YTD Variance Fav/(Unfav) \$'000	Proposed Carry Forwards \$'000	Variance Adjusted for Carry Forwards \$'000
Operating income					
Rates	37,527	37,584	(57)	-	(57)
Statutory income	1,297	1,370	(73)	-	(73)
User charges	1,632	1,618	14	-	14
Grants, subsidies and contributions	3,057	3,044	13	-	13
Investment income	10	12	(2)	-	(2)
Reimbursements	346	157	189	-	189
Other income	772	711	61	-	61
Total Operating Income	44,641	44,497	145	-	145
Operating expenditure					
Total Employment costs	17,210	17,445	236	-	236
Materials, contracts and other expenses	15,350	16,222	872	60	811
Depreciation and amortisation	6,682	6,682	-	-	-
Finance costs	433	620	187	-	187
Total Operating Expenditure	39,675	40,969	1,294	60	1,234
Funding surplus/(deficit) before Projects	4,967	3,528	1,439	60	1,379
Project Summary					
Operating projects					
Income	118	164	(46)	-	(46)
Expenditure	1,939	2,055	116	159	(43)
Net expenditure - Operating projects	1,821	1,891	70	159	(89)
Funding Surplus before Capital	3,146	1,637	1,509	219	1,290
Capital projects					
Income	794	617	177	-	177
Expenditure	8,832	11,798	2,966	1,973	993
Net expenditure - Capital projects	8,038	11,181	3,142	1,973	1,170
Total Operating projects and capital works program (net)	9,859	13,072	3,213	2,132	1,081
Depreciation and amortisation	6,682	6,682	-	-	-
Net Lending / (Borrowing) for Financial Year	1,790	(2,861)	4,651	2,192	2,460

The figures in this paper have been rounded and consequently individual sub-totals, whilst being correct, may differ slightly from the sum of the rounded amounts.

The City of Unley

Cash Flow Statement

as at 30 June 2016

\$ '000	2016
Cash Flows from Operating Activities	
<u>Receipts</u>	
Operating receipts	43 959
Investment Receipts	11
<u>Payments</u>	
Operating payments to suppliers & employees	32 599
Finance Payments	461
Net Cash provided by (or used in) Operating Activities	10 910
Cash Flows from Investing Activities	
<u>Receipts</u>	
Amounts Received Specifically for New/Upgraded Assets	426
Sale of Replaced Assets	367
Repayments of Loans by Community Groups	20
<u>Payments</u>	
Expenditure on Assets	8 832
Loans to Community Groups	0
Net Cash provided by (or used in) Investing Activities	(8 019)
Cash Flows from Financing Activities	
<u>Receipts</u>	
Proceeds from borrowings	0
<u>Payments</u>	
Repayments of Borrowings	961
Net Cash provided by (or used in) Financing Activities	(961)
Net Increase (Decrease) in Cash Held	1,930
Cash & Cash Equivalents at beginning of period	(3 880)
Cash & Cash Equivalents at end of period	(1,950)
Cash & Short Term Investments	217
Short Term Borrowings	(2 167)
Cash & Cash Equivalents at end of period	(1,950)

The City of Unley

Statement of Financial Position

as at 30 June 2016

\$ '000	2016
ASSETS	
Current Assets	
Cash and Cash Equivalents	217
Trade & Other Receivables	3,129
Other Financial Assets	11
Total Current Assets	3,357
Non-Current Assets	
Financial Assets	30
Equity Accounted Investments in Council Businesses	10,977
Infrastructure, Property, Plant & Equipment	559,257
Total Non-Current Assets	570,264
TOTAL ASSETS	573,621
LIABILITIES	
Current Liabilities	
Trade & Other Payables	6,749
Borrowings - Short Term Drawdown	2,167
Borrowings - Fixed Term	1,018
Provisions	2,012
Total Current Liabilities	11,946
Non-Current Liabilities	
Borrowings - Fixed Term	4,448
Provisions	606
Other Non-Current Liabilities	208
Total Non-Current Liabilities	5,262
TOTAL LIABILITIES	17,208
Net Assets	556,413
EQUITY	
Accumulated Surplus	129,803
Asset Revaluation Reserves	426,610
Total Council Equity	556,413
Net Financial Liabilities	13,821

Proposed 2015-16 Carry Forward List

Operating Expenditure

Cost Centre/Project	Request	Comments
Village Living DPA2 (Residential) - 201936	25,180	To pay planning consultants for work already committed but not yet completed, or in some cases not yet even commenced.
Age Friendly Retail - Pilot Project - 202605	15,000	Funded by the State Government until Dec 2016, carry forward required to finish the project.
Development - Council Contributions - 1490	20,000	Capri Theatre Heritage Grant. Advised by the Theatre that they will not be able to commence painting until after September when the power lines are undergrounded. Delay due to PLEC delays.
Total Operating Expenditure Proposed Carry Forwards	60,180	

Operating Projects

Cost Centre/Project	Request	Comments
Main Street Digital Economy Strategy - 201995	11,429	2015-16 expenditure and website upgrade not able to be completed by June due to changeover of website contractor. To be completed in November 2016.
Unley Central Project - 201999	8,428	Existing contract with UPRS consultancy delivering Unley Central DPA.
Unley Oval Upgrade Consultants - 202031	6,116	Unspent consultant money – propose carry forward to meet potential shortfall in allocation for lights upgrade contribution (202356)
Improvement Plan-Design Goodwood Oval/Millswood Complex - 202231	29,550	Completion of final concept delayed due to extended community engagement.
Undergrounding of Goodwood Road - Stage 1 - 202350	53,266	Delays in PLEC works carried out by SAPN.
Review of Integrated Transport Strategy (UITS) - 202365	50,000	This project commenced in June 2016 (delay due to a number of projects that were not part of the Annual Business Plan being added to workload and undertaken in 2015/16 FY) and will be completed in 2016/17
Total Operating Projects Expenditure Proposed Carry Forwards	158,789	

New Capital Projects

Project	Request	Comments
Minor Traffic Control Devices - 201735	9,307	The funds will be used towards Council's co-contribution to DPTI Funding for Rugby/Porter Street Bikeway Project as per Council endorsement. This project will be completed in 16/17 (Also funding provided by Projects 201875 & 202349)
Main Street Allocation - 201983	49,800	No project bids from Trader Associations, proposed allocation to extend free WIFI on Goodwood and possibly Fullarton Roads. Will be subject of future report to UBED.
Implementation of Asset Management System - 202092	82,966	This is the final year of a committed 3 year project to deliver an integrated asset management and works system across Council.
Implementation of Public Lighting & Energy Opportunities - 202352	25,340	Works delayed due to ERA tender process but outcomes will be delivered in 16/17.
LATM Implementation - 202359	140,115	The project is to be carried out as per Council's endorsement scheduled to be considered at September 2016 meeting.
Unley Oval Upgrade Council Contribution - 202356	50,000	Council contribution to lighting upgrade. Timing has been dictated by availability of grant funds and SFC contribution. Project to commence before Xmas 2016.
Goodwood Road Streetscape & Way finding Strategy Delivery - 202376	17,354	Delays in PLEC works carried out by SAPN. The Construction tender for the streetscape renewal is being called in August 2016.
Public Art Strategy Implementation - Pilot Projects - 202378	21,513	Complexity of choosing sites for murals caused delay. To be completed in November 2016.
Sport & Recreation Pilot Project - 202379	7,740	Delay experienced due to re-scoping of works. Community would benefit through use of remaining funds through the trialling of new/innovative play equipment in scheduled playground upgrades.
Four Elements Public Art Upgrade - 202380	21,788	Delay due to defining exact site. Artist now contracted to completion of work in February 2017. Elected Members have been updated with detailed design to be seen by Elected Members in Sept 2017.
Traffic Calming to Reduce Speed - Grove & George Streets - 202383	7,544	This project was completed in July and final invoice received in 16/17 financial year
Development of Katherine Street Open Space - 202384	253,739	Works commenced but delayed due to adverse weather conditions and should be completed by the end of August.
Stormwater & Water Sensitive Urban Design Implementation - 202385	20,000	Works commenced but delayed due to adverse weather conditions and should be completed by the end of Sept.

Attachment 8

Green Infrastructure Implementation - 202388	24,995	Works commenced and committed funding towards green wall at Unley Civic Centre .
Goodwood Precinct Banner Infrastructure - 202576	11,789	Mainstreet Improvement Grant. Delayed due to PLEC, project can not start until streetscape work commences.
Goodwood Rd - Marketing / Event Infrastructure & Christmas Decorations - 202590	23,485	Mainstreet Improvement grant. Delayed due to PLEC, project can not start until streetscape work commences.
Electronic Assessments for Development Services - 202594	21,683	Project delayed due to IT & file conversion issues and greater overall complexity than envisaged. Still expect to achieve agreed outcomes but delay in completion.
Total New Capital Expenditure Proposed Carry Forwards	789,158	

Replacement Capital

Project	Request	Comments
IT Asset Replacement Program - 201230	188,000	Replacement program delayed due to major infrastructure upgrade project listed below.
Traffic Infrastructure Renewal Work - Various - 201875	6,985	Funds identified as a co-contribution to DPTI Funding for Rugby/Porter Street Bikeway Project as per Council endorsement. This project will be completed in 16/17. Also funded by Project 201735 & 202349.
LATM Black Forest Implementation - 202203	45,905	Carry forward project as a result of community engagement where local residents suggested some changes to Byron Road. Currently negotiating agreement from all stakeholders to finalise design
DDA Compliance - 202317	12,962	Committed for works currently awaiting DPTI approval for seating on shared pathways.
Drain Renewal - 202320	396,540	Tender awarded and works have been staged over two financial years to ensure value for money outcomes.
ICT Infrastructure Upgrade Project - 202332	128,000	Upgrade is 85% complete - funds required to complete the project
Street Lighting - Various - 202347	13,359	Works committed but delay from SAPN but programmed to be expended by September in Rose Terrace and Windsor Street.
Traffic Facilities - Various - 202349	51,000	Funding as a co-contribution to DPTI Funding for Rugby/Porter Street Bikeway Project as per Council endorsement
Car Parks - Various Refurbishment & Reseal - 202444	20,000	Investigation for Goodwood Library/Com Centre car park put on hold currently due to PLEC works but project will be completed in conjunction with Goodwood Rd project

Attachment 8

Upgrade of RFID - 202472	21,234	Replacement of carpet is still outstanding. Significant manual handling involving library staff and access prevented completion of the full carpet installation at the time of RFID installation.
Ridge Park - Irrigation & soft fall replacement - 202474	73,725	Works commenced but delayed due to bad weather but will be completed by end of August.
Haslop Reserve - Playground replacement - 202475	72,000	Works commenced but delayed due to bad weather but will be completed by end of August.
Street furniture replacement & upgrade - 202483	3,924	Contract awarded but delay in installation due to weather but will be completed by end of September.
Kerb & Watertable - Various Streets - 202568	150,000	Contracted works for Palmerston Lane and Frew Street delayed due to bad weather. Was completed in August.
Total Replacement Capital Expenditure Proposed Carry Forwards	\$1,183,634	

Summary of Carry Forwards

Uniform Presentation of Finances Category	From 2015-16 \$	To 2016-17 \$	Comments
Operating Expenditure	\$60,180	\$60,180	No change
Operating Projects	\$158,789	\$152,673	Difference is in relation to proposed funding of \$6,116 from Unley Oval Operating Project for the Unley Oval lighting contribution
Expenses – sub total	\$218,969	\$212,853	
New Capital	\$789,158	\$853,259	Difference relates to funding from Operating and Replacement Projects for the Rugby/Porter Bikeway and Unley Oval lighting contribution Projects
Replacement Capital	\$1,183,634	\$1,125,649	Difference is in relation to the consolidation of funding from traffic replacement projects of \$57,985 for the New Capital Rugby/Porter Bikeway Project
Total Proposed Carry Forwards	\$2,191,761	\$2,191,761	

The City of Unley

Proposed Budgeted Uniform Presentation of Finances

For the year ended 30 June 2017

\$ '000	2017		
	Original Budget 2016-17	Carry Forwards	Proposed Revised 2016-17 Budget
Income	45,699	-	45,699
Expenses	43,451	213	43,664
Operating Surplus / (Deficit)	2,248	(213)	2,035
Net Outlays on Existing Assets			
Capital Expenditure on Renewal and Replacement of Existing Assets	(8,038)	(1,126)	(9,164)
Depreciation, Amortisation and Impairment	6,912	-	6,912
Proceeds from Sale of Replaced Assets	248	-	248
	(878)	(1,126)	(2,004)
Net Outlays on New and Upgraded Assets			
Capital Expenditure on New and Upgraded Assets	(5,167)	(853)	(6,020)
Amounts received specifically for New and Upgraded Assets	185	-	185
Proceeds from Sale of Surplus Assets	60	-	60
	(4,982)	(853)	(5,835)
Net Lending / (Borrowing) for Financial Year			
	(3,611)	(2,192)	(5,804)
Net Financial Liabilities at Beginning of Year			
	(18,477)		(13,821)
Decrease / (increase) in Other	246		246
Net Financial Liabilities at End of Year			
	(21,842)		(19,379)

The figures in this report have been rounded and consequently individual sub-totals, whilst being correct, may differ slightly from the sum of the rounded amounts.

DECISION REPORT

REPORT TITLE:	FEEDBACK ON THE INQUIRY INTO LOCAL GOVERNMENT RATE CAPPING POLICIES
ITEM NUMBER:	552
DATE OF MEETING:	22 AUGUST 2016
AUTHOR:	REBECCA WILSON
JOB TITLE:	GROUP MANAGER GOVERNANCE

EXECUTIVE SUMMARY

The purpose of this report is to seek Council feedback on the recommendations made within the Final Report released by the Economic and Finance Committee of the South Australian House of Assembly and the Minority Report from three SA Liberal Party members of the Committee, regarding their Inquiry into Local Government Rate Capping Policies.

The State Opposition introduced a Bill seeking to limit future rate increases by South Australian councils which ultimately did not pass through the South Australian Parliament. The issue of rate capping has become topical in recent times.

In May 2015, the Economic and Finance Committee of the South Australian House of Assembly, on its own motion, announced an inquiry into Local Government Rate Capping Policies. After 21 submissions, five public hearings including 23 testimonies from 12 different organisations, the final report has been released with four recommendations and one recommendation from the Minority Report.

- Recommendation 1: Local Councils retain full authority to set their own rates and that no rate cap be introduced.
- Recommendation 2: Local Councils continue to set rates after full consultation with their communities.
- Recommendation 3: 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.
- Recommendation 4: Councils be required to publish, on an annual basis, these audits.
- Minority Report Recommendation: That a local government rate capping regime be introduced in South Australia to reduce cost pressures on households.

The Final Report is to now be provided to the Minister for Local Government to consider and once referred, the Minister has four months in which to respond to the report.

The LGA will be providing a submission to the Minister for his consideration and as such, is now seeking feedback from councils on the recommendation made within both the Final and Minority reports.

All submissions are required to be submitted by no later than Monday 29 August 2016.

RECOMMENDATION

That:

1. The report be received.
 2. Feedback be provided to the LGA to be included in their submission to the Minister for his consideration regarding the proposed recommendations made within the Final and Minority reports from the Economic and Finance Committee of the South Australian House of Assembly.
 3. The City of Unley supports/does not support **Recommendation 1:** Local Councils retain full authority to set their own rates and that no rate cap be introduced.
 4. The City of Unley supports/does not support **Recommendation 2:** Local Councils continue to set rates after full consultation with their communities.
 5. The City of Unley supports/does not support **Recommendation 3:** 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*.
 6. The City of Unley supports/does not support **Recommendation 4:** Councils be required to publish, on an annual basis, these audits.
 7. The City of Unley supports/does not support the **Minority Report Recommendation:** That a local government rate capping regime be introduced in South Australia to reduce cost pressures on households.
-

1. RELEVANT CORE STRATEGIES/POLICIES

1.1 Organisational excellence objectives:

5.3 Good governance and legislative framework

5.4 An environment of continuous improvement and innovation

5.7 Uphold the reputation of the City of Unley

2. DISCUSSION

In May 2015, the Economic and Finance Committee of the South Australian House of Assembly on its own motion, announced an inquiry into Local Government Rate Capping Policies.

The inquiry received 21 written submissions from interested parties ranging in size and scope from just a paragraph or two highlighting single issues, through to extensively researched multi-page documents covering many aspects of the inquiry's brief.

In addition, the Committee held a total of five public hearings during which it received testimonies from 23 persons representing 12 different organisations.

The Final Report released from the Economic and Finance Committee of the South Australian House of Assembly outlines all evidence received – written submission in Chapter 1, oral testimony in Chapter 2 and details of rate capping in other jurisdictions in Chapter 3. Chapter 4 outlines the recommendations and reasoning in more detail.

The Minority Report responds to the Inquiry into Local Government Rate Capping Policies Final Report and is represented by Davie Spiers MP, Stephen Knoll MP and Vincent Tarzia MP.

The Final Report and Minority Report concluded with the following recommendations:

- Recommendation 1: Local Councils retain full authority to set their own rates and that no rate cap be introduced.
- Recommendation 2: Local Councils continue to set rates after full consultation with their communities.
- Recommendation 3: 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.
- Recommendation 4: Councils be required to publish, on an annual basis, these audits.
- Minority Report Recommendation: That a local government rate capping regime be introduced in South Australia to reduce cost pressures on households.

The Final Report is now required to be provided to the Minister for Local Government to consider and once referred, the Minister has four months in which to respond to the report.

The LGA will be providing a submission to the Minister for his consideration and as such is now seeking feedback from councils on the recommendation made within both the Final and Minority reports.

SUMMARY OF FINAL REPORT

The weight of evidence received by the Committee, both written and verbal, was very much towards the anti-cap argument and spanned a wide range of South Australian local government districts being represented. Overwhelmingly, many arguments were presented supporting the opposition to the rate capping policy and as a direct consequence of the sheer weight of the evidence; the Committee has at its principal recommendation, that it remains unchanged that the authority of local government have control over its financial affairs.

Recommendation 1

Section 123 of the *Local Government Act 1999* requires councils to adopt a public consultation phase as part of their annual business plan and budget setting mechanism but evidence was presented that communities were not engaging with this procedure. The Committee's recommendation was that councils continue to consult their local communities in relation to the setting of residential rates.

Recommendation 2

The Committee received evidence which was almost universally negative re the rate pegging policy in New South Wales which has been in place for 40 years. There has been a vast amount of information collected concerning the effectiveness of the cap, especially the reluctance of NSW to exercise the option available to them for exceeding the published cap.

The final report undertaken in 2013 stated that in 2011/12 only 23 out of 152 councils applied for relief even though figures suggested that 83 councils would need to increase their rates and annual charges by more than 5 per cent to achieve a simple break even result. The consequence of this has resulted in the backlog of infrastructure asset maintenance, estimated by the New South Wales Treasury Corp and Department of Local Government to be in excess of seven billion dollars.

The Chair of the Local Government Review Panel (2013) which examined all aspects of local government in NSW, including finance appeared before this inquiry as a witness and the Hon Greg Crafter AO who chaired a similar review into South Australian local government in 2013 and both inquiries, agreed on the need for thorough auditing and reporting procedures to enable properly informed decisions concerning local government.

Recommendation 3

In NSW, the auditing program (Professor Sansom's opinion) has led to the state of affairs in which the regulatory body IPART tends to look favourably upon applications for a variation in rate revenue. 35 out of 36 applications received in recent years had been approved and the recently instituted rate capping policy in Victoria contains provisions for such monitoring and reporting of rate revenue and adherence to the published cap on an annual basis.

The view was expressed, on more than one occasion that a community was more likely to be accepting of rate increases if they were properly informed of the need for such an increase and the manner in which the funds would be utilised.

Recommendation 4

The Final Report released from the Economic and Finance Committee of the South Australian House of Assembly outlines all evidence received – written submission in Chapter 1, oral testimony in Chapter 2 and details of rate capping in other jurisdictions in Chapter 3. Chapter 4 outlines the recommendations and reasoning in more detail.

SUMMARY OF MINORITY REPORT

The Minority Report responds to the Inquiry into Local Government Rate Capping Policies Final Report and is represented by Davie Spiers MP, Stephen Knoll MP and Vincent Tarzia MP.

The Minority Report outlines that the Economic and Finance Committee of the South Australian House of Assembly on its own motion, announced an inquiry into Local Government Rate Capping Policies in response to on-going concerns that local councils continue to increase rates well above the Consumer Price Index and the Local Government Price Index.

The Ministers agree that whilst the weight of evidence presented to the committee was against rate capping, this is to be expected given the majority of evidence came from local government sector. The Minority Report is therefore submitted to represent the interests of the individuals and businesses whose rates are being increased year on year well above the Consumer Price Index.

In their opinion South Australian councils have consistently put financial pressure on ratepayers by increasing rates well above the Consumer Price Index over the last decade with many forecasting exorbitant increases in rates over the next ten years which are out of proportion to the cost of living in South Australia.

Their key concerns were local government's management of infrastructure, the absence of a functional reporting system to maintain assets and deliver good service and the financial sustainability of the sector as a whole.

They present opposing evidence to the suffering of infrastructure backlog being just an issue for NSW and that it is Australia wide and that other evidence presented suggests that despite capping rates, the capacity for New South Wales councils is forecasted to improve.

They argue that in local government, there is an absence of functional reporting systems which are required to adequately maintain assets and deliver good service.

They state that whilst they agree with recommendation 2 of the report and while not opposed to the transparency and accountability measures set out in recommendation 3 and 4 of the report, in contrast to recommendation 1, they recommend the following:

‘That a local government rate capping regime be introduced in South Australia to reduce cost pressures on households and property owners.’

Minority Report Recommendation

They conclude that a rate capping regime would be beneficial and outline the support on page 5 of the Minority Report including how it has worked in other jurisdictions.

3. ANALYSIS OF OPTIONS

Option 1 – Feedback be provided to the LGA to be included in their submission to the Minister for his consideration regarding the proposed recommendations made within the Final and Minority reports from the Economic and Finance Committee of the South Australian House of Assembly including support or not support for the following recommendations:

Recommendation 1: Local Councils retain full authority to set their own rates and that no rate cap be introduced.

Recommendation 2: Local Councils continue to set rates after full consultation with their communities.

Recommendation 3: 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*.

Recommendation 4: Councils be required to publish, on an annual basis, these audits.

Minority Report Recommendation: That a local government rate capping regime be introduced in South Australia to reduce cost pressures on households.

Comments are also able to be submitted as feedback by the Council.

It would be prudent for Council to provide a response to the LGA to assist in formulating their submission regardless of what position Council takes.

In relation to Recommendation 3 and 4, it is noted that the LGA has commissioned independent in-depth research to evaluate the advantages of local government audits by private sector auditors versus the SA Auditor-General. The result of this research should be available by December 2016. It therefore may be appropriate for Council to not support Recommendation 3 and 4 until this research is available. It is noted that the timing of the research will be after the four month period in which the Minister has to respond to the Rate Capping Inquiry Final Report.

Option 2 – The City of Unley does not provide any feedback to the LGA to be included in their submission to the Minister for consideration regarding the proposed recommendations made within the Final and Minority reports from the Economic and Finance Committee of the South Australian House of Assembly.

If no feedback is provided, then the Councils position is not considered by the Minister as part of his review of the report.

4. RECOMMENDED OPTION

Option 1 is the recommended option.

5. POLICY IMPLICATIONS

5.1 *Financial/budget*

Not Applicable in relation to feedback being provided on the rate capping inquiry, however there could be implications depending on the outcome of the Ministers response.

5.2 *Legislative/Risk Management*

NA

5.3 *Staffing/Work Plans*

NA

5.4 *Environmental/Social/Economic*

As outlined in the Final and Minority Reports, there will be implications for council and ratepayers and therefore why Council should provide response as to their position on the impacts.

5.5 *Stakeholder Engagement*

No additional community engagement has been undertaken outside of the normal budget review process for 2016/17 neither for this matter nor on the outcomes of the Inquiry and Final or Minority Reports.

The request from the LGA is from councils and their feedback on the Final and Minority Report recommendations, however there is the available option to include comments in our submission.

6. REPORT CONSULTATION

The Manager Finance was consulted on the outline and contents of this report

7. ATTACHMENTS

- LGA Circular 28.1 Rate Capping Inquiry – Final Report
- Economic and Finance Committee – Final Report.

8. REPORT AUTHORISERS

<u>Name</u>	<u>Title</u>
Peter Tsokas	CEO



[Home](#) > [Rate Capping Inquiry - Final Report](#)

Rate Capping Inquiry - Final Report - Circular 28.1

To	Chief Executive Officer Elected Members Policy and Strategic Planning Staff	Date	11 July 2016
Contact	Bethany Loates Email: bethany.loates@lga.sa.gov.au		
Response Required	Yes	Respond By	29 August 2016
Summary	The Economic and Finance Committee have now released its final report on their Inquiry into Local Government Rate Capping Policies. The LGA is now seeking council feedback on the recommendations made within both the Final Report and a Minority Report. Feedback is due but COB 29 August 2016.		

The Economic and Finance Committee has now released its final report on their inquiry into Local Government Rate Capping Policies. This report also includes a Minority Report from three SA Liberal Party members of the Committee.

The Local Government Association (LGA) would like to thank all councils that assisted in this inquiry to help shed light on the detrimental impact rate capping would have on the South Australian community.

The Recommendations

Four recommendations were made by the Committee:

1. *Local Councils retain full authority to set their own rates and that no rate cap be introduced.*
2. *Local Councils continue to set rates after full consultation with their communities.*
3. *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.*
4. *Councils be required to publish, on an annual basis, these audits.*

The LGA is pleased that the Committee has shown support for the local government sector and South Australian families by recommending that no rate cap be introduced.

The LGA anticipated that a recommendation would be made about the use of the Auditor-General, and therefore last year commissioned independent in-depth research to evaluate the advantages and disadvantages of local government audits by private sector auditors versus the SA Auditor-General. The research is being carried out by Dr Sabine Schuhrer of the University of Adelaide's School of Accounting and Finance, with funding from the Local Government Research & Development Scheme.

The result of this research should be available by December 2016, and the LGA will consult with member councils to develop an informed position.

The Minority Report

The Minority Report, often referred to as a dissenting report, has been prepared by the three SA Liberal Party Committee members in opposition to the recommendations within the Final Report. In the Minority Report, they indicate support for recommendation 2 and are not opposed to the transparency and accountability measures set out in recommendations 3 and 4 of the report. However, in contrast to recommendation 1, they have recommended:

That a local government rate capping regime be introduced in South Australia to reduce cost pressures on households.

Initial reading shows that these Committee members have largely relied on data from 2005 in describing the sustainability of councils.

Next Steps

The Final Report will now be provided to the Minister for Local Government to consider.

Section 19(2) of the *Parliamentary Committees Act 1991* indicates that, once referred to the Minister, the Minister has four months in which to respond to the report. The Minister must indicate which (if any) of the recommendations will be carried out; and which (if any) recommendations will not be carried out and the reasons for not carrying them out.

The LGA will be providing a submission to the Minister for his consideration. As such, the LGA is now seeking feedback from councils on the recommendations made within both the Final and Minority reports.

To assist councils the LGA has developed a short form to assist councils in their response. Please click here for the template: [Rate Capping Response Template](#)  (102 kb)

Please provide all submissions to Bethany Loates, Senior Policy Officer, electronically to bethany.loates@lga.sa.gov.au by COB Monday 29 August 2016. Endorsement for the submission will be sought from the 15 September 2016 Board meeting prior to being sent to the Minister.

For a copy of the Final Report which includes a copy of the Minority Report, please click here: [Economic and Finance Committee - Final Report](#)  (1498 kb)

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PP263

FINAL REPORT

INQUIRY INTO LOCAL GOVERNMENT RATE CAPPING POLICIES

91ST REPORT

OF THE

**ECONOMIC AND FINANCE
COMMITTEE**

Tabled in the House of Assembly and ordered to be published on 6 July 2016

Second Session, Fifty-Third Parliament

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Presiding Member's Introduction

The issue of rate capping has become topical in recent times. We have seen the Victorian government introduce a rate capping policy, and the Opposition in this state introduce a Bill seeking to limit future rate increases by South Australian councils. This Bill ultimately did not pass through the South Australian Parliament.

Rate pegging, as it is called there, has been a long standing policy in New South Wales, and the Committee has, understandably, drawn extensively on the lessons learnt there. In 2013 the New South Wales government held an inquiry into local government reform; the chair of that inquiry, Professor Graham Sansom, appeared before the present inquiry. His position could best be described as one of strong opposition to rate capping. One lesson well learnt from the New South Wales experience is that a thorough auditing and reporting procedure is essential if any government wishes to make informed, realistic decisions as to the future of local government. This point was made by both Professor Sansom and by The Hon Greg Crafter AO, who chaired a 2013 inquiry into local government in South Australia.

In addition to 21 written submissions, the Committee held five public hearings and heard testimony from 23 witnesses. The weight of evidence received - from local government members and officials, as well as their main representative body, the LGA - was overwhelmingly against the introduction of a rate cap. One opinion commonly expressed was that having one tier of government impose rate capping provisions on another tier was a direct attack on democracy itself. The written submissions received from those involved in local government (with only one exception) were strongly opposed to a rate cap, while those received from individual rate payers were generally in favour.

On behalf of the members of the Economic and Finance Committee, I would like to express my gratitude to those people who either provided a written submission to the inquiry, or appeared before the inquiry to present oral evidence. We have endeavoured to do them justice in the compiling of this report.

Finally I would like to thank the members of the Committee, and the Committee's staff, who worked so diligently on this inquiry and on the preparation of this report.

A handwritten signature in black ink, appearing to read 'Lee Odenwalder', with a stylized, flowing script.

Lee Odenwalder MP
Presiding Member

Executive Summary

In May 2015, the Economic and Finance Committee of the South Australian House of Assembly, on its own motion, announced an inquiry into Local Government Rate Capping Policies. The Terms of Reference for the inquiry are listed in *Appendix 1*.

The inquiry received 21 written submissions from interested parties. These submissions ranged in size and scope from just a paragraph or two highlighting single issues, to extensively researched, multi-page documents covering many aspects of the inquiry's brief. A full listing of the submissions received can be found in *Appendix 3*. In addition, the Committee held a total of five public hearings during which it received testimony from 23 persons representing 12 different organisations. A full listing of witnesses heard can be found in *Appendix 4*.

The weight of evidence received by the Committee, both written and verbal, was very much towards the anti-cap argument. In fact, only one senior council figure spoke in favour of the introduction of a rate cap. The others, spanning a wide range of South Australian local government districts – inner metro, outer metro, rural and remote were all represented – were overwhelmingly opposed to a rate capping policy. Many arguments were presented in support of their position, and these are listed in subsequent sections of this report. As a direct consequence of the sheer weight of this evidence, the Committee has, as its principal recommendation, that the authority of local government to have control over its own financial affairs remain unchanged.

Recommendation 1 is made in response to these issues.

Section 123 of the *Local Government Act 1999* requires councils to adopt a public consultation phase as part of their annual business plan and budget setting mechanism. Evidence was presented that communities were not engaging with this procedure. The Committee recommends that councils should continue to consult their local communities in relation to the setting of residential rates.

Recommendation 2 is made in response to these issues.

The Committee received evidence and heard testimony concerning the operation of the rate pegging policy in New South Wales. This evidence was almost universally negative. The policy has been in place for approximately 40 years, and a vast amount of information has been collected concerning its effectiveness. One consequence of the policy, highlighted by multiple submissions and testimonies, concerned the reluctance of NSW councils to exercise the option available to them for exceeding the published cap. The final report of the Independent Local Government Review Panel (2013), which examined all aspects of local government in NSW, including finance, stated that in the year 2011/12, only 23 (out of 152) councils applied for this relief, even though figures suggested that 83 councils would need to increase their rates and annual charges by more than 5 per cent to achieve a simple break even result. The consequence of putting off these hard decisions is a backlog of infrastructure asset maintenance, estimated by the New South Wales Treasury Corp and Department of Local Government to be in excess of seven billion dollars.

The chair of this panel, Professor Graham Sansom appeared before the inquiry as a witness. Also appearing before the inquiry was the Hon Greg Crafter AO, who chaired a similar review into South Australian local government, also in 2013. Professor Sansom was also a member of this latter inquiry. Both inquiries agreed on the need for a thorough auditing and reporting procedure to enable properly informed decisions concerning local government. Mr Crafter's report went so far as to recommend that this auditing be conducted under the auspices of the South Australian Auditor-General's office. To do so would move South Australia into the majority of Australian states, as Queensland, Victoria and Tasmania currently apply this arrangement.

Recommendation 3 is made in response to these issues.

In New South Wales, this auditing program has led, in Professor Sansom's opinion, to a state of affairs in which the regulatory body, IPART, tends to look favourably upon applications for a variation in rate revenue. In his testimony he suggested that 35 out of 36 applications in recent years had been approved. The recently instituted rate capping policy in Victoria contains provisions for such monitoring and reporting of rate revenue and adherence to the published cap, on an annual basis.

The view was expressed, on more than one occasion that a community was more likely to be accepting of rate increases if they were properly informed of: the need for such an increase; and the manner in which these funds would be utilised.

Recommendation 4 is made in response to these issues.

Recommendations

Recommendation 1**Page 37**

Local Councils retain full authority to set their own rates and that no rate cap be introduced.

Recommendation 2**Page 38**

Local Councils continue to set rates after full consultation with their communities.

Recommendation 3**Page 39**

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*.

Recommendation 4**Page 40**

Councils be required to publish, on an annual basis, these audits.

Chapter 1

Evidence Received – Written Submissions

The inquiry received a total of twenty one written submissions, as listed in *Appendix 3*. Of these, twelve were received from local councils and the LGA; this cohort was unanimously opposed to the introduction of rate capping in South Australia. Also opposed to the principle of rate capping was the Australian Services Union. The Property Council of Australia offered qualified support for the introduction of rate capping, while six submissions were in favour of rate capping; these were received from Mr Martin Bray,¹ the SA Federation of Residents and Ratepayers Associations Inc., and four private rate payers. Of the five private submissions, including Mr Bray, a total of four were received from people under the jurisdiction of the City of Onkaparinga. Without exception, these submissions were highly critical of the performance and policy position of their local governing body.

In its submission, the LGA defined rate capping as:

...the imposition of an upper limit on the rates revenue able to be generated by a Council in a period, for example expressed as a percentage increase over the amount generated in the previous year.²

They also highlighted the fact that 32 (out of 68) Local Councils already implement some form of limited rate capping under Section 153(3) of the South Australian *Local Government Act 1999*, which states:

A council must, in declaring a general rate under this section, determine whether it will fix a maximum increase in the general rate to be charged on any rateable land within its area that constitutes the principal place of residence of a principal ratepayer (and a council is, by force of this subsection, authorised to fix such a maximum.)³

As put in their submission:

A Council's power to implement a rate cap is already embedded in the Act. The possible introduction of a new, externally imposed rate cap mechanism, on top of the current process would create another layer of bureaucracy, red tape and impose added costs on all South Australians.⁴

1. Mr Bray, an elected member of the City of Onkaparinga Council, provided his submission and appeared before the Committee as a private citizen. He stressed, and the Committee reiterates, that his opinions were personally held and do not necessarily represent the views of his wider council.
2. (Local Government Association of South Australia, 2015, p. 6)
3. Available at: http://www.austlii.edu.au/au/legis/sa/consol_act/lga1999182/s153.html
4. (Local Government Association of South Australia, 2015, p. 6)

1.1 Issues Raised in Opposition to Rate Capping.

There were a myriad of issues raised amongst the submissions highlighting the likely negative impact that rate capping would have on local government in South Australia. Several issues were raised on multiple occasions. These included the following:

The opinion was expressed, in multiple council submissions,^{5,6,7,8,9,10,11} plus that from the LGA, that the imposition of rate capping would be an attack on the principles of democracy. As put by the LGA:

A fundamental principle of any sphere of government is the ability of that government to govern based on the needs of its community. Elected Members and Council staff, typically living in the communities they serve, make decisions from a local perspective and are often the closest point of contact between people and any sphere of government.

A system that will erode a Council's ability to respond to its community is simply not supportable.

Local Governments consult often with their communities to find local answers to local problems. Through community groups, regular stakeholder engagement on various matters, and genuine personal contact, Local Government is the most accessible and most appropriate conduit for Australians to communicate with their leaders and decision-makers.

The major question that arises when discussing rate capping is the respect for a democratically elected sphere of government versus an externally imposed mechanism that would constrain a Council's ability to raise needed revenue.¹²

Professor Graham Sansom, former Chair of the NSW Independent Local Government Review Panel, tempered this view by highlighting that local government:

...remains constitutionally an arm of the States, which have a legitimate interest in ensuring that councils act responsibly in all aspects of their operations, including rating.

and

Treating local government as somehow separate rather than focusing on creating synergies between the roles of councils and State agencies can only prove counter-productive in the long run – especially when States are struggling to maintain

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5. (Mid Murray Council, 2015, p. 1)
 6. (City of Tea Tree Gully, 2015, p. 2)
 7. (City of Salisbury, 2015, p. 3)
 8. (City of Charles Sturt, 2015, p. 3)
 9. (City of Onkaparinga, 2015, pp. 2,7,11)
 10. (City of Norwood, Payneham & St Peters, 2015, p. 2)
 11. (District Council of Lower Eyre Peninsula, 2015, p. 1)
 12. (Local Government Association of South Australia, 2015, p. 8)

*essential services. Rate-capping can all too easily get in the way of a mature discussion about roles and responsibilities.*¹³ (emphasis from the original)

He continued on to suggest that many politicians in NSW, from both major parties, considered rate capping to be a 'free hit - politically advantageous to the State government with local councils bearing the cost' and a 'convenient and popular measure to hold down the cost of living and doing business.' However, he stressed:

*Available evidence suggests that this is a seriously mistaken view.*¹⁴

He also questioned the continuing perception of rate capping as a vote-winner. As he explained in his submission:

*Over many years community consultations about 'special rate variations' (increases above the annual cap) in NSW have shown that most people are willing to pay more rates in order to fund specific improvements in infrastructure/services/ environmental amenity, or to avoid cuts in council services. Properly documented and explained, annual increases of 5-10% (typically \$1-2 per week) appear generally acceptable, although there may be vocal objections from some minority interests.*¹⁵

Several councils,^{16,17,18,19,20} as well as the Australian Services Union²¹ believe that rate capping would seriously restrict the flexibility required in the budget process to address long-term community needs and demands. Furthermore, they believe that the capping of rates might impact on the financial sustainability of councils. In their submission, the LGA discuss financial sustainability as a three-way balancing act involving expenditure, revenue and the level of service. They describe how changing any one of these can have a major effect on the other two, and that managing these variables must be made by elected members in conjunction with the council's Strategic Management Plans (SMPs, which must include the Council's LTFP and its long-term infrastructure and asset management plan) and the council's annual business plan.²²

It was felt by some councils,^{23,24,25,26,27} as well as the Australian Services Union²⁸ that rate capping would lead to a stifling of infrastructure development and/or a reduction in capital works projects.

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13. (Professor Graham Sansom, 2016, p. 1)
 14. (Professor Graham Sansom, 2016, p. 1)
 15. (Professor Graham Sansom, 2016, pp. 1-2)
 16. (City of Victor Harbor, 2015, p. 1)
 17. (City of Onkaparinga, 2015, pp. 7-8)
 18. (City of Salisbury, 2015, p. 2)
 19. (City of Charles Sturt, 2015, p. 3)
 20. (City of Norwood, Payneham & St Peters, 2015, p. 1)
 21. (Australian Services Union (SA + NT Branch), 2015, p. 6)
 22. (Local Government Association of South Australia, 2015, pp. 13-14)
 23. (City of Victor Harbor, 2015, p. 1)
 24. (City of Onkaparinga, 2015, p. 9)
 25. (City of West Torrens, 2015, pp. 1-2)
 26. (City of Norwood, Payneham & St Peters, 2015, p. 4)
 27. (Mid Murray Council, 2015, p. 1)
 28. (Australian Services Union (SA + NT Branch), 2015, p. 4)

This view was also supported by Prof Sansom who believes that rate capping creates a political environment which can:

...enable councillors to blame the State government for deficiencies in services and infrastructure, rather than having to take responsibility for poor financial management. In NSW these adverse consequences contributed significantly to operating deficits, serious backlogs in infrastructure maintenance, and to the State having to providing additional financial support to many councils.²⁹

The concern that rate capping and the resulting decrease in revenue would inevitably lead to a reduction in the level and scope of services offered by councils to those in the community was raised in more than one submission.^{30,31,32,33,34} The City of Onkaparinga³⁵ and the Mid-Murray Council,³⁶ furthermore, are concerned that this will also lead to the introduction of user pays schemes which will likely impact most heavily on those least able to afford them.

In a similar vein to the concerns raised about the effect on council services, several councils^{37,38,39,40} were worried that rate capping would have a deleterious effect on the maintenance and renewal of council assets. Section 150(c) of the South Australian *Local Government Act 1999* states:

the council should, in making any decision, take into account the financial effects of the decision on future generations.⁴¹

The view was expressed that rate capping would result in the deferment of necessary actions, directly against the spirit of this provision.

A number of councils,^{42,43,44,45} expressed the concern that administration of rate capping, should it be introduced, would lead to an extra level of bureaucracy; as put rather succinctly by the DCCC:

We need red tape capping before we look at rate capping.⁴⁶

29. (Professor Graham Sansom, 2016, p. 2)

30. (City of Victor Harbor, 2015, p. 1)

31. (City of Salisbury, 2015, p. 2)

32. (City of Onkaparinga, 2015, pp. 10-11)

33. (City of Charles Sturt, 2015, p. 8)

34. (City of Norwood, Payneham & St Peters, 2015, p. 3)

35. (City of Onkaparinga, 2015, p. 10)

36. (Mid Murray Council, 2015, p. 1)

37. (City of Victor Harbor, 2015, p. 2)

38. (City of Salisbury, 2015, p. 3)

39. (City of Onkaparinga, 2015, p. 6)

40. (Mid Murray Council, 2015, p. 1)

41. Available at: http://www.austlii.edu.au/au/legis/sa/consol_act/lga1999182/s150.html

42. (City of Victor Harbor, 2015, p. 1)

43. (City of Onkaparinga, 2015, p. 2)

44. (District Council of the Copper Coast, 2015, pp. 1-2)

45. (Local Government Association of South Australia, 2015, p. 6)

46. (District Council of the Copper Coast, 2015, p. 1)

Multiple council submissions,^{47,48,49,50,51,52,53} plus the LGA⁵⁴ and the Australian Services Union⁵⁵ made reference to the rate capping policy in New South Wales, which has been in place for almost forty years. There have been inquiries into, and reviews of this policy in the interim period which were cited by these submissions. The major concerns listed included:

- the degradation of services to the community and the deferral of infrastructure spending;
- most councils report operating deficits and that the sustainability of the sector as a whole is deteriorating;
- the absolving of NSW Councils from full responsibility for their own financial affairs;
- the undermining of democratic bedrocks in local government and thereby reducing local autonomy;
- that there is an asset maintenance gap, totalling \$1.6b over the last four years;
- unrealistic community expectations that rates should be contained indefinitely;
- that cuts in expenditure lead to mounting asset renewal and maintenance backlogs;
- that measures available to local government to step outside a rate cap are complex, time consuming and expensive for the industry.

To expand on the final item in the above list, there is a mechanism available to the councils in NSW, upon application to the Independent Pricing and Regulatory Tribunal (IPART), known as the Special Rate Variation (SRV) which can last for up to seven years. In order to qualify for such variation, several criteria must be met, specifically:

- *improving the financial position of the council, particularly where there may be financial sustainability issues;*
- *funding the development and/or maintenance of essential community infrastructure or to reduce backlogs for asset maintenance and renewal;*
- *funding new or enhanced services to meet growing demand in the community;*
- *funding projects of regional significance; and*
- *covering special or unique cost pressures that the council faces.⁵⁶*

Despite the availability of this mechanism, it appears that councils are reluctant to make the necessary applications. An October 2013 report into the operations of local councils in NSW stated:

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- 47. (City of West Torrens, 2015, p. 2)
 - 48. (City of Salisbury, 2015, pp. 3-4)
 - 49. (City of Tea Tree Gully, 2015, pp. 4-5)
 - 50. (City of Charles Sturt, 2015, p. 6)
 - 51. (City of Norwood, Payneham & St Peters, 2015, p. 3)
 - 52. (Mid Murray Council, 2015, p. 2)
 - 53. (District Council of Lower Eyre Peninsula, 2015, p. 2)
 - 54. (Local Government Association of South Australia, 2015, pp. 6-7)
 - 55. (Australian Services Union (SA + NT Branch), 2015, pp. 5-6)
 - 56. (Independent Pricing & Regulatory Tribunal, 2015)

In 2013 only 23 of 152 councils applied for SRVs. Yet figures for the 2011/12 financial year show that 83 councils would have needed to increase rates and annual charges by more than 5% to achieve a break-even operating result.⁵⁷

Similar issues were raised by the Cities of West Torrens,⁵⁸ Charles Sturt,⁵⁹ Norwood, Payneham & St Peters,⁶⁰ as well as the LGA⁶¹ and the Australian Services Union⁶² in regards to the short-lived rate capping policy which operated in Victoria in the 1990s.

In February 2016 the LGA submitted to the inquiry, on behalf of the ALGA, a report commissioned by the latter organisation titled *Rate Capping: A Review of State Imposed Impediments to Local Government Financial Sustainability*. This document listed the 'key disadvantages' of rate capping:

- *contrary to principles of democracy, accountability and independence of local government;*
- *there are already mechanisms in place under legislation (long term community and financial plans, annual reporting) to inform the community and provide transparency and accountability in budgeting;*
- *limits councils' ability to provide local services and respond to specific community needs;*
- *locally based decision making on revenue and expenditure priorities is more transparent;*
- *can reduce council accountability for rating decisions, allowing the regulator to be blamed for unpopular outcomes;*
- *increases infrastructure maintenance backlogs;*
- *restricts provision of new infrastructure required to meet growth needs;*
- *excessive rate increases unlikely without capping, and community can judge performance at election time;*
- *does not recognise different needs and requirements of individual councils or different cost pressures;*
- *does not recognise the impact on council revenue of externally imposed decisions of other spheres of government eg cost shifting, non-indexation of grants to cover population growth and inflation, additional regulatory requirements;*
- *administratively complex and costly in applying for exemptions;*
- *could result in higher uncapped user pays fees/charges which could result in pricing inequities;*

57. (Independent Local Government Review Panel, 2013, p. 42)

58. (City of West Torrens, 2015, p. 1)

59. (City of Charles Sturt, 2015, p. 7)

60. (City of Norwood, Payneham & St Peters, 2015, p. 4)

61. (Local Government Association of South Australia, 2015, pp. 7-8)

62. (Australian Services Union (SA + NT Branch), 2015, p. 5)

- *when introduced, takes no account of whether individual councils are rating at, above or below an appropriate level so locks in place historic rating patterns.*⁶³

1.2 Issues Raised in Support of Rate Capping.

The ALGA report also listed some 'key advantages' of rate capping:

- *protects rate payers from excessive rate rises;*
- *achieves the objective of constraining rate increases;*
- *processes for variations beyond the cap allow councils to increase rates to meet local needs and circumstances;*
- *provides an independent 'watchdog' function for ratepayers;*
- *prevents the misuse of monopoly power in the supply of some basic community services;*
- *helps to restrict council provision of non-core services and infrastructure that might be unsustainable;*
- *imposes financial discipline on councils;*
- *manages the risk of poor governance in the local government sector;*
- *forces councils to become more efficient;*
- *improves accountability as a result of public scrutiny of applications for increases beyond the cap.*⁶⁴

These points were broadly echoed in the submissions provided by the Cities of Victor Harbor⁶⁵ and Onkaparinga.⁶⁶

Professor Sansom suggested that if the South Australian government were to introduce rate capping then it should consider several options. Specifically:

...it should avoid 'blunt instrument' rate-capping and look instead to alternative approaches such as a stricter audit regime under the auspice of the Auditor-General (including performance audits)...

*...it should adopt the current NSW model. Rate-pegging in NSW is now closely linked to the Integrated Planning and Reporting framework, so councils are encouraged to think strategically and applications for 'special variations' can use the same documentation and community consultation process, thus minimising added costs... By contrast, the system now being introduced in Victoria appears likely to prove unnecessarily and excessively complex, heavy-handed and costly to administer.*⁶⁷

63. (Australian Local Government Association, 2015, pp. 20-21)

64. (Australian Local Government Association, 2015, p. 20)

65. (City of Victor Harbor, 2015, p. 1)

66. (City of Onkaparinga, 2015, p. 7)

67. (Professor Graham Sansom, 2016, p. 2)

In support of the former of these points, he indicated that the recent Local Excellence Expert Panel, which was commissioned by the South Australian branch of the LGA to explore possible local government reform, and on which he served as a member, had made this specific recommendation in its final report,⁶⁸ which also described how this particular arrangement is already in operation in Queensland, Tasmania and Victoria.⁶⁹

Cr Martin Bray believes that the introduction of rate capping might force councils to address spending issues and force a more efficient approach to business. He also believes that the permanent staff of councils are too easily able to influence the outcomes of council processes.⁷⁰

Mr Paul Barker believes that just as Private Enterprise is pressured every day to control costs, improve productivity and reduce waste, then so too should Councils.⁷¹ He would like to see rate capping introduced and linked to the Local Government Price Index (LGPI).^{72,73} He also believes that there are too many councils in South Australia. As he put it:

Council Rates represent 3% of the total tax taken. The issue is the layers of bureaucracy and the duplication. We have 19 metropolitan councils, 19 ways of doing the same thing potentially 19 different ways.

His solution would be to reduce the number of metropolitan councils to three, specifically one each for the Northern, Central and Southern areas.

Mr Trevor Carbins brought to the Committee's attention the fact that his own rates had increased over the last ten years from \$805 to \$2005, representing an increase of 149 per cent. He feels that retired people such as himself have a limited ability to handle such increases and would like to see rates capped and linked to the CPI.⁷⁴

The Property Council of Australia provided a submission that offered qualified support for the introduction of rate capping. It was their contention that:

South Australian property owners are overtaxed and overgoverned compared to other jurisdictions - reform is desperately needed. Unfortunately, many Councils have failed to self-regulate in this area, often implementing rate increases that are way out of line with inflation or CPI.⁷⁵

68. (Local Excellence Expert Panel, 2013, p. 5)

69. (Local Excellence Expert Panel, 2013, p. 38)

70. (Cr Martin Bray, 2015, p. 1)

71. (Mr Paul Barker, 2015, p. 1)

72. (Local Government Association of South Australia, 2015(2))

73. The SA LGPI has increased by 58.4 per cent since its creation in 2000/01. As a direct comparison, the Adelaide CPI has increased by 46.2 per cent over the same period. These figures are available at: <http://www.adelaide.edu.au/saces/economy/lgpi/>, accessed 21-3-2016

74. (Mr Trevor Carbins, 2015, p. 2)

75. (Property Council of Australia, 2015, p. 6)

They also state that:

Notably, local Councils underutilise debt to finance infrastructure and rely too heavily upon rates revenue for capital works programs.⁷⁶

They described two alternative funding mechanisms by which local councils fund their future infrastructure development, namely tax increment financing (TIF) and Joint Property Development:

TIF involves forecasting the future growth in revenue from rates and taxes that result from infrastructure investment and borrowing funds against this projected income. This model is used in other jurisdictions, such as the United States and the United Kingdom.

Joint property development models typically involve partnering between Councils and private developers to create funding streams to offset the costs of providing infrastructure. This model allows Councils to capture value through the development of adjacent real estate by diverting some of the profits from the real estate into community infrastructure funding.⁷⁷

76. (Property Council of Australia, 2015, p. 5)

77. (Property Council of Australia, 2015, p. 5)

Chapter 2

Evidence Received – Oral Testimony

2.1 The South Australian Context

In its testimony before the committee the LGA stated⁷⁸ and later reiterated⁷⁹ the point that local government in South Australia collects “about 3 per cent” of the total tax revenue. This figure was later quoted by Mr Pearson representing DCLEP.⁸⁰ In written responses to questions taken on notice, the LGA confirmed this figure at 3.3 per cent,⁸¹ with total rate revenue raised in South Australia being \$1.410 billion in the 2013/14 financial year.⁸²

Mr Comrie, representing the LGA described the financial state of affairs faced by local governments in the recent past. He described how South Australia was the first state (to be followed by all the others) to conduct a financial sustainability inquiry.⁸³ As explained by Mr Comrie, this inquiry:

...showed then that local government long-run costs were in excess of revenue. Local government, compared with the other spheres of government, was very asset intensive, lots of infrastructure relative to income. Effectively, that infrastructure was wearing down at a rate in excess of the revenue that was available to renew and regenerate it.

Since that time, all states have put measures in place to help councils focus on the longer term—mandated long-term financial planning, mandated assets management planning, etc. South Australian councils as a result of those changes are now generating sufficient revenue, on average at least, to offset depreciation of infrastructure, so we are operating break even. That wasn't the case a decade ago.⁸⁴

He continued on to contrast this result with the New South Wales experience:

There is no doubt that rates have increased above CPI-type levels in South Australia, have increased more than they have in New South Wales, but you could also say that it needed to in order to sustain service levels from assets, and there has been a decline in service levels from assets in New South Wales.⁸⁵

78. (Committee Hansard, 2015, p. 2)

79. (Committee Hansard, 2015, p. 8)

80. (Committee Hansard, 2015, p. 41)

81. (Local Government Association of South Australia, 2015(3), p. 3)

82. (Local Government Association of South Australia, 2015(3), p. 8)

83. The inquiry (2005), commissioned by the LGA, was conducted at arm's length from the LGA by the Financial Sustainability Review Board, comprising: Bill Cossey (chair), Juliet Brown and Wayne Jackson. Details of the inquiry and subsequent activities can be found at: <https://www.lga.sa.gov.au/fsp>

84. (Committee Hansard, 2015, p. 4)

85. (Committee Hansard, 2015, p. 4)

When asked about the causes behind the previous state of affairs, Mr Comrie described the insidious nature of infrastructure deterioration:

...It will only become a problem when the asset actually deteriorates. Infrastructure long-lived declines gradually over time so you don't notice it. From one year to another, is there a lot of difference? No, it's only when there's an absolute failure that we've got a major problem.

Effectively, because it is long-lived, you can keep your head in the sand or you can get by in the short term. In the longer term there are consequences. So, people were not focusing on that long-term consequence. Changes to legislation, long-term financial planning and budgeting based on accrual accounting has helped people focus on those issues far more, and certainly the recommendations out of the financial sustainability inquiry were a key change in that, supported by the government and the parliament of the day.⁸⁶

Mayor Rosenberg of the City of Onkaparinga, described for the committee the process by which her council (the most populous in the state) sets its annual budget:

We start our rate process in December, the year before we set the rate, and we start with our elected members saying, 'What are the key drivers for the next budget?'

...We have a community plan of 20 years, we have a long-term financial plan of 10 years and we have a business plan, which is our budget and which is an annual thing. So we put them altogether and ask, 'What are the services that we want to provide in that following year?' So that's the start of the process.

The elected body also has an opportunity for about a two-month period to put in what we call budget bids so they can bring to the table the things that they have been hearing at the footy club or whatever where we haven't got that in the main plan, they can bring those extra things in. So they have an influence there as well.

We have probably about eight workshops during the lead-up to the budget where we dissect the budget into a range of things... Then we have a workshop where we talk about what's the appetite for a rate increase this year... Then we come up with a suggested range of rate increase that could provide some or all of the services we've determined over those eight workshops that we are going to provide.

The councillors then give an indication to staff, 'We want you to model that figure.' The staff will go away and come back with a figure with what the budget would like if we adopted that figure. Then we still have, I think it's three meetings after that, where the council can gradually change that...⁸⁷

86. (Committee Hansard, 2015, p. 4)

87. (Committee Hansard, 2015, p. 6)

Mayor Clyne from the City of Unley was the only senior council figure to appear before the committee to argue in support of rate capping. His motivation behind doing so, expressed at different times during his testimony was the failure of local government to explore different sources of revenue generation. Specifically:

*In rounding off this point, just let me say that for me it is the failure to address the blatant need to diversify South Australian councils' sources of revenue that has made the sector have the highest rates in the nation, and why I support rate capping.*⁸⁸

and

*...I see rate capping as being a legitimate way, all politics out of it—and I have said this for a couple of years—of seeing the South Australian local government sector take a serious look at how it generates its income, diversifies its income stream, and hopefully generates more income that is not going to make the pensioner down the road have to pay more and more.*⁸⁹

On this latter point, it was pointed out by several members of the Committee that there is nothing in the current Act to prevent councils from pursuing these alternative revenue streams, without the introduction of a rate cap to act as an incentive. When pushed on the question as to why councils have not, to date, pursued these alternatives, Mayor Clyne was unable to offer an explanation.⁹⁰ When the member for Colton suggested that simply raising rates was an easier option, Mayor Clyne disagreed. Specifically:

...what has been the incapacity, notwithstanding the talent and the expertise that exists and lies within local government, to do that anyway? I presume, although you haven't said it, is that it breeds a level of laziness—again, these are my words, not yours—to not go down that path because it's so easy to raise rates, and that's what we are seeing.

*I wouldn't think that at all.*⁹¹

2.2 Democratic Rights of Local Government

The independence of local government and the right of the residents to both choose and provide guidance to their local representatives at council level, was raised by several witnesses. Mayor Rosenberg, representing the LGA expressed it as follows:

...we believe local democracy in South Australia is working extremely well. We believe it is vital that that local democracy continues. We believe it is vital that our

88. (Committee Hansard, 2016, p. 84)

89. (Committee Hansard, 2016, p. 90)

90. (Committee Hansard, 2016, pp. 95-97)

91. (Committee Hansard, 2016, p. 97)

*local communities continue to have a say in their local budgets and the local services that are provided to them.*⁹²

and

*The second thing I would say is that, if we are in a position where another level of government determines what services a local council can provide, then it's a pointless issue having a locally elected democracy because we have no flexibility to respond to our community plan...*⁹³

Mayor Rosenberg re-emphasised her stance when appearing, at a later hearing, as Mayor of the City of Onkaparinga.⁹⁴

The City of Norwood, Payneham & St Peter's mayor, Mr Bria expressed his view in terms of local government's responsibilities towards financial affairs:

The deleterious consequences of rate capping in whatever form it is introduced will result in absolving local government of its responsibilities and of its own financial affairs. It will see a diminished rate and focus on long-term planning, and it will undermine democratic bedrocks of local voice and local choice and thereby reduce local autonomy and the right of each local government authority to chart its own course for the future...

*...if a council gets it wrong - if they are profligate instead of prudent - then, like any democratic form of government, the ballot box will reflect what the community thinks. The electorate, I believe, is the best instrument to measure good financial governance.*⁹⁵

Mr Pearson, CEO of DCLEP, expressed his opinion as follows:

*The District Council of Lower Eyre Peninsula contends that the democratically elected council, in consultation with its community, should make the decision in relation to the level of rates to be collected.*⁹⁶

A different perspective of the democratic issues was provided by Mr Bray who, although appearing as a private rate payer, has had his views informed by his time as an elected councillor with the City of Onkaparinga. He is of the opinion that councillors are too often influenced by the council permanent staff:

The councillors legally and in theory are, but in reality they have very little influence at all. A couple of examples: consistently at council meetings when questions are

92. (Committee Hansard, 2015, p. 2)

93. (Committee Hansard, 2015, p. 5)

94. (Committee Hansard, 2015, p. 27)

95. (Committee Hansard, 2015, p. 26)

96. (Committee Hansard, 2015, p. 41)

raised longstanding councillors will get up and say, 'Look, we just have to defer to staff. They're the experts,' end of argument...⁹⁷

and

Democracy is important but, where you get at the governance, the elected member level, that necessary expertise, I really don't know the answer to that. One of the problems, though, in finding an answer is that we have now mandated elected member induction, which is an opportunity for the staff to inculcate in the new councillors the staff way of thinking about budgets, the necessity of rate rises to match what appear to be the needs of the organisation.⁹⁸

2.3 Asset Management and the Shifting of Responsibility to Future Generations

Mayor Rosenberg, on behalf of the LGA, expressed her concerns that rate capping would see a shift in the cost burden to future generations:

The second one is that rate capping carries some significant risks of pushing intergenerational costs onto those who come after us... I think that history shows pretty clearly in other jurisdictions of rate capping that there has been a cost transfer to other generations and there has definitely been a decline in services that have been provided to their communities, and the standard of those services has also decreased.⁹⁹

and

...We recognise that... as part of the act, every decision we make we have to take into account what's the financial implications for that into the future generations. We are very firm believers that if you just keep putting off maintaining or renewing your assets then you eventually hit a brick wall. Every asset will hit a brick wall and you haven't put aside the right things to then return that asset to the way that it needs to be. If you were to just simply just build something and then leave everything, sooner or later you will transfer all of those costs to the next generation when those things fail.¹⁰⁰

They recounted for the Committee the situation operating in South Australia in the early 2000s:

In that period around the early 2000s local government in South Australia recognised that we were underfunding our asset responsibilities, so through that period of time we have also been trying to catch up with our asset responsibilities. That issue about intergenerational equity was very much alive back in the early

97. (Committee Hansard, 2015, p. 18)

98. (Committee Hansard, 2015, p. 22)

99. (Committee Hansard, 2015, p. 2)

100. (Committee Hansard, 2015, p. 5)

2000s when we weren't spending what we were required to to maintain our assets.¹⁰¹

They also indicated that changes made at that time resulted in an improvement to local councils' ability to manage their infrastructure:

...Local government, compared with the other spheres of government, was very asset intensive, lots of infrastructure relative to income. Effectively, that infrastructure was wearing down at a rate in excess of the revenue that was available to renew and regenerate it.

Since that time, all states have put measures in place to help councils focus on the longer term—mandated long-term financial planning, mandated assets management planning, etc. South Australian councils as a result of those changes are now generating sufficient revenue, on average at least, to offset depreciation of infrastructure, so we are operating break even. That wasn't the case a decade ago.

Effectively, South Australian councils are generating enough capacity, broadly speaking, to offset infrastructure decline...¹⁰²

Similar points were made by those representing individual councils. Mayor Bria of the Norwood, Payneham & St Peters council stated:

We all know what happens when governments of any level do not maintain their infrastructure. You can keep the cost down, you can artificially stretch out the life of your assets, but eventually someone—and it is the taxpayers or, in the council's case, ratepayers—will have to pay.¹⁰³

and

...it remains to be seen what will happen in the future. Will that mean that we have to artificially stretch out the life of our assets so that we don't maintain them to the degree that we are now?

That has impacts on depreciation, that has impacts on backlogs and future ability for ratepayers. Someone is going to have to pay that eventually. I won't be in office when someone has to pay that, but I know where they'll be pointing the finger.¹⁰⁴

Mr Pearson from the District Council of the Lower Eyre Peninsula stated that in his opinion:

...a sustainable and well-functioning council has limited discretion in regard to its management of existing infrastructure. A well-researched asset and infrastructure management plan will set out the current replacement costs and life of the various categories of infrastructure and, as such, reveal the levels of depreciation to be

101. (Committee Hansard, 2015, p. 9)

102. (Committee Hansard, 2015, p. 4)

103. (Committee Hansard, 2015, p. 26)

104. (Committee Hansard, 2015, p. 30)

*charged against the infrastructure. In addition, the council will know the intervention points in relation to maintenance which are required to maximise the life of infrastructure, an example being the point at which sealed roads should be resealed to prevent the incursion of moisture. So, in effect, council has a very clear idea of the rating levels required to most efficiently manage infrastructure.*¹⁰⁵

He continued on to highlight the disparity between councils' revenue and the infrastructure they are required to maintain:

*Given that local government manages 34 per cent of the nation's infrastructure and collects only 3 per cent of the national taxes, the capping of rates would put at risk the maintenance of significant community infrastructure.*¹⁰⁶

Although he appeared before the Committee to speak on behalf of the introduction of rate capping, Mayor Clyne from the City of Unley acknowledges the shortcomings of a simple rate capping model based on the CPI index. Specifically:

*I can see how, if a model of rate capping was to be based on CPI, you would very quickly have a problem when it comes to councils not being able to generate the income that they need to service the infrastructure demands of their communities... I wouldn't want to see any rate capping measure that was based on CPI.*¹⁰⁷

2.4 The New South Wales Experience with Rate Pegging

Multiple witnesses made reference to the impact of rate pegging, as rate capping is known in New South Wales. The issues they raised reflect closely those raised in *Chapter 1*. A selection of comments follows.

From Mr Comrie of the Local Government Association:

*Under a rate capping regime in New South Wales, councils have, there is no doubt... that councils there have not been [sic.] been spending enough on asset renewal, and they would say that the fact that they have had rate capping in place has been the major inhibitor.*¹⁰⁸

From Mayor Bria representing the City of Norwood, Payneham & St Peters:

*...are well evidenced in New South Wales, where the independent inquiry found that rate capping resulted in excessive cuts in expenditure leading to backlogs and unrealistic expectations by the community that rate increases will remain low indefinitely.*¹⁰⁹

105. (Committee Hansard, 2015, p. 40)

106. (Committee Hansard, 2015, p. 41)

107. (Committee Hansard, 2016, p. 95)

108. (Committee Hansard, 2015, p. 4)

109. (Committee Hansard, 2015, p. 27)

From Mr Barone representing the same council:

It's because of the infrastructure backlog. One of the big issues for local government is the maintenance of infrastructure... So I think infrastructure backlog is a significant issue in New South Wales and their financial sustainability because of that is causing them problems.¹¹⁰

From Mr Scales, secretary of the local branch of the Australian Services Union:

The report I referred to earlier found that rate pegging in New South Wales has generated among council constituents an expectation that services and infrastructure should be able to be provided without any commensurate increases to rates. This is simply impossible.

Rate capping would also certainly lead to the loss of vital services and infrastructure backlogs. This has been the experience in New South Wales. The risk in South Australia is even greater. South Australian councils are particularly reliant on rate income, having less access to their interstate counterparts to grants from other government sectors and interest income. Rates account for almost two-thirds of local government revenue in South Australia and an artificial limit on councils' capacity to gather income would be uniquely devastating.¹¹¹

He continued on to suggest a user pays system would likely result from the introduction of rate capping, and also to make comparison with the effects in the United Kingdom:

The New South Wales experience shows that user fees and charges would likely need to be implemented. This would put a burden of meeting the cost of these amenities and services squarely on those who can least afford it.¹¹²

A member of the community has to pay less, but once that happens all that results, as we have seen in Australia, but we also have seen abroad when similar attempts have happened in the UK, is that there is a backlog in infrastructure, the council can't deliver the same services it once delivered.¹¹³

Mr Gannon from the Property Council of Australia reminded the Committee of the reasons behind the introduction to rate pegging in New South Wales, and indicated the changes that his organisation is advocating there:

Learnings from New South Wales must be considered in terms of shaping a rate capping mechanism for South Australia: we need to look at the fact that rate capping was introduced in New South Wales back in the mid-1970s. So, between 1973 and 1976 rates had increased on average by 188 per cent, whereas wages increased by 75 per cent and inflation was at 56 per cent. The Property Council in

110. (Committee Hansard, 2015, p. 33)

111. (Committee Hansard, 2015, p. 50)

112. (Committee Hansard, 2015, p. 51)

113. (Committee Hansard, 2015, p. 51)

that state has noted that the rate capping policy has resulted in some councils deferring infrastructure investment. Having said that, we have called for changes to rate pegging as part of a wider reform package of the entire sector.

What we have called for in New South Wales is greater fiscal discipline and accountability of local government, compulsory infrastructure strategies with a forward capital expenditure program, council amalgamations and linking rate increases with a decrease in levies.¹¹⁴

2.4.1 Professor Graham Sansom

Of particular interest to the Committee concerning this specific subject was the evidence provided by Professor Graham Sansom, who had previously chaired an extensive review into local government in New South Wales, of which rate pegging was a major component. He spoke at length about many aspects of the New South Wales rate pegging regime. Professor Sansom also served on the Local Excellence Expert Panel, chaired by The Hon Greg Crafter AO, and tasked by the South Australian branch of the LGA to explore possible local government reform. Specific aspects of this body's report are discussed in a subsequent section.

He reiterated strongly a point previously made in his written submission concerning the position of local government within the broader public sector:

I wanted to highlight the really self-evident fact that is often forgotten in these discussions; that is, local government is part of the state public sector. It's not something separate that's floating off the coast somewhere, it is part of the state public sector and rates are part of the overall revenue available for the state public sector. When governments contemplate something like rate capping, it is absolutely vital that that simple fact be taken into account.¹¹⁵

He also described the broader economic consequences of poor financial management by local councils:

...That poor financial management in particular in New South Wales extended into failure to adequately maintain and renew infrastructure. The consequence of that for the state government down the track was that far from rate capping being a free hit, a nice thing to do, it wound up costing the state government a lot of money because it had to provide funds for a loan subsidy scheme to dig a number of councils out of the hole they had created for themselves.¹¹⁶

114. (Committee Hansard, 2015, p. 67)

115. (Committee Hansard, 2016, p. 81)

116. (Committee Hansard, 2016, p. 70)

The question of the infrastructure backlog in New South Wales, estimated at some \$7.2 – 7.4 billion in his Panel's report¹¹⁷ received a wide hearing. He described the numbers as being 'absolutely horrific' and continued:

...Even more horrific was the fact that we had, on numbers provided for us, I think it was more than 80 New South Wales councils, out of 152, so more than half, were running substantial operating deficits, operating deficits that could only be recovered with rate increases of 10, 20 per cent or more.¹¹⁸

When asked if there was evidence indicating the backlog to be worse in New South Wales than in other jurisdictions, he replied:

I am pretty confident... that we did have evidence that it was worse than in some other jurisdictions.¹¹⁹

He went on to suggest that the political ramifications of seeking rate increases above the published cap were a significant factor, and then reiterated his earlier point:

The impact was not directly the existence of rate pegging but more the political message that asking for more was not a good thing to do if you wanted to get re-elected at the next council election. I am pretty confident... that the relative extent of the backlog was more severe in New South Wales.¹²⁰

He finished his point by stating:

What I can say is that rate pegging had become a barrier to dealing with that problem, and there is no doubt about that. The reluctance of councils to go through the rate pegging process was definitely a barrier to raising the additional revenue that they required.¹²¹

He did indicate, however, that the situation in New South Wales was improving, largely due to the cooperative attitude of IPART. As he explained:

That is why I keep saying that the improvements to the New South Wales rate pegging system over the last few years have been such a boon because of the attitude that IPART is now taking, of encouraging councils to do proper financial planning and then go to it and say, 'Look, we have done our sums, we need this money', and knowing that they will get a good hearing from IPART. As I said, in I think 35 out of 36 cases in recent years they will get the increase they need.¹²²

He gave a personal example from his experiences with his own local council that indicate the better aspects of the NSW system:

117. (Independent Local Government Review Panel, 2013, p. 49)

118. (Committee Hansard, 2016, p. 74)

119. (Committee Hansard, 2016, p. 78)

120. (Committee Hansard, 2016, p. 79)

121. (Committee Hansard, 2016, p. 79)

122. (Committee Hansard, 2016, p. 79)

*The council gave residents three different options for levels of rate increase related to levels of service and infrastructure, and I think most of the community actually went for the most expensive rate increase option. One of the benefits, if you like, of rate pegging in New South Wales is we have a huge amount of evidence on what communities are willing to pay for. Communities actually will pay for specific improvements to infrastructure and services...*¹²³

In relation to options available to the South Australian government for possible rate capping policies, Professor Sansom described three scenarios. The first of these involved a greater role for the Auditor-General and the provision of a reserve power for the Minister:

...introducing the Auditor-General into the audit process, and thereby providing a stream of consistent data across councils, you can have a very effective benchmarking and scrutiny regime around rates. It's not a cap, but all the evidence suggests that if there is good benchmarking and good scrutiny very few councils are going to go berserk... you can give the minister a reserve power to rein in individual councils that do go berserk, where rate increases are occurring that clearly are not justified based on the financial data.

The second option is where we have now got to in New South Wales, where, after 30-odd years of it really being a bit of a dog's breakfast, we now have quite a good system run through the Independent Pricing and Regulatory Tribunal, where councils undertake their normal medium to long-term financial planning and if that financial planning reveals a need for an above-cap rate increase, they go to the tribunal...

*The third approach—which I would strongly urge this parliament and the government of South Australia to avoid at all costs—is the way the Victorians have just gone... the system they are introducing, which involves a cap, annual applications or, possibly, down the track two or three or four year applications to the Essential Services Commission, a continuing right of the minister to override things and a very complicated submission process by all accounts, is going to be expensive and it is going to be cumbersome. I suspect that over a period of years, as happened in New South Wales, it will come back to bite people. I think it is just unnecessary and unfortunate that Victoria has decided to go down that path.*¹²⁴

123. (Committee Hansard, 2016, p. 76)

124. (Committee Hansard, 2016, p. 71)

2.5 Council Responses to the Introduction of Rate Capping

Mayor Rosenberg, when representing the LGA, informed the Committee that she would indicate clearly that responsibility for any reduction in services lay elsewhere:

From my personal perspective I think our local government area would probably put on every rates notice, 'These are the things we are not building this year thanks to rate capping.' I think that's the sort of thing we would do; and with no question in my mind, politically it would be a short-term gain for a long-term pain, in my view.¹²⁵

She reiterated this stance when appearing for a second time, as Mayor of the City of Onkaparinga:

Our council will definitely make sure that our community is absolutely aware of why services are cut or projects are not being done. We will be absolutely clear about that. I will be out there more than happy to fly the flag, because at the moment local government takes the blame for a lot of things and we wear it...

...That's the flexibility I'm talking about. That's the flexibility that we will lose, and we will lose it immediately rate capping comes in, and we will make sure that every resident who comes as a deputation to my desk knows exactly why.¹²⁶

Ms Jessep from the City of Victor Harbor expressed her concern that the existing budget process would be abandoned and that councils would default to a situation where the maximum allowable rate increase was imposed:

This then leads to the concern, from our point of view, which is: if rate capping on the total annual revenue increase comes in, we may see council rates automatically then be driven by raising the amount every year by the maximum they can raise, instead of the current system, which is driven by a very consultative and engaged process with our communities to make sure we are delivering what the community is telling us they need and want, and then with all the checks and balances we have through our budget process.¹²⁷

Mr Scales indicated that his union would actively campaign against the introduction of rate capping in South Australia:

If it's not clear, if rate capping were to progress in South Australia, the ASU, on behalf of its members, would stand firmly against it and campaign against it.¹²⁸

125. (Committee Hansard, 2015, p. 5)

126. (Committee Hansard, 2015, p. 31)

127. (Committee Hansard, 2015, p. 39)

128. (Committee Hansard, 2015, p. 51)

2.6 The Crafter Report

In 2013 the local division of the LGA appointed an expert panel to look into local government reform. This panel was chaired by The Hon Greg Crafter AO, who appeared before the committee to discuss aspects of the panel's report and specific recommendations. Mr Crafter expressed his opinion on the scale of local government in South Australia:

*Unfortunately, I think that in this state we have far too many councils as they are currently configured. I think there needs to be local representation, but I think the configuration is making it much more difficult to achieve the outcomes that the community might expect of local government.*¹²⁹

He gave a specific example of this configuration issue:

*There are 58,000 people who live on Eyre Peninsula, for example, and there are 11 councils. That includes Whyalla of 24,000 people, Port Lincoln and Ceduna. So there is a large number of councils... We saw that local government had that huge potential, but there is little will to embrace a different way of doing business.*¹³⁰

It was explained to the Committee that in comparison with other states, South Australian councils have a lower proportion of goods and services revenue, but a higher proportion of rate revenue. Some reasons for this were highlighted:

In part, it's because South Australian councils, unlike Queensland councils and non-metropolitan New South Wales councils, don't run water supply and sewerage businesses, which are a very important component of the gross revenue of councils in those areas. I believe also, generally speaking, they are less involved in commercial enterprises than in some other states.

*Children's services, and so on, selling those products.*¹³¹

The reason for the Panel's recommendation that the Auditor-General oversee local government audits was explained:

*If the Auditor-General is playing that oversight role, you're going to get good consistent standardised information. You will be able better to benchmark what different councils are doing. You will be able to spot whether a council is in a much more advantageous position, and maybe consider appropriate action. However, without good, consistent data across the sector it is very difficult to impose the level of accountability and transparency that is fundamental to this discussion.*¹³²

Mr Crafter was asked if he had any suggestions as to how the capacity of local government could be increased? In reply he stated that, in regards to compulsory voting:

129. (Committee Hansard, 2016, p. 71)

130. (Committee Hansard, 2016, pp. 71-72)

131. (Committee Hansard, 2016, p. 73)

132. (Committee Hansard, 2016, p. 77)

...we thought local government should be on a parity with state and federal government in terms of its constituency. We thought that it lacked the authority in its relationship with others... because of its constituent base and very low turnout at elections, it lacked that authority, so we brought down the recommendation that we did to have a parity with state and commonwealth voting, but it was certainly a very strongly debated issue.¹³³

He discussed, with concern, the ease with which some people can get elected to local council:

You can get elected quite easily in local government. At times the turnout I think in South Australia is less than 30 per cent in metropolitan Adelaide and it's over 30 per cent in non metropolitan South Australia, so it's on the border of not being safe. In some areas you can get elected on just a handful of votes—your family and friends can get you elected in some of these places and that's not good for democracy.¹³⁴

The role of mayors was discussed:

It says nothing about the mayor. The mayor has been elected by the community to be the leader of that community, and yet in the crucial area of financial management nothing is mentioned; the mayor is just like any other councillor.

In Queensland, the mayors, who are all directly elected, have to present the budget. So the mayor actually has to take some personal responsibility for saying to the community, 'This is a sound budget for our area,' and to explain why. It's exactly analogous to a state treasurer or premier standing up and doing that. I think if we had that kind of arrangement in local government you might find the elected arm of the council not just accepting the easy option but taking a more rigorous look at it.¹³⁵

In his concluding remarks, Mr Crafter mentioned his Panel's recommendation that a local government Commission be established:

...we did believe that there was a need for a lot more strategic planning and economic planning between commonwealth, state and local government and a vehicle to bring those three together, particularly in a state like South Australia where infrastructure is such a major issue...

The integration of state and local government is of fundamental importance... So the cooperation and accountability structures that we think are not there—and we actually made a recommendation about a local government commission structure which would be linked to the South Australian parliament. Local government is a creature of the state, so there was a formal structure in terms of regulation making

133. (Committee Hansard, 2016, p. 79)

134. (Committee Hansard, 2016, p. 80)

135. (Committee Hansard, 2016, pp. 80-81)

*powers and infrastructure, provision of economic planning, strategic planning and the development of the state.*¹³⁶

2.6.1 The Auditor-General of South Australia

The Presiding Member, Mr Odenwalder MP, took the opportunity of putting several of the issues raised by Prof Sansom and Mr Crafter to the Auditor-General Mr Andrew Richardson, when he appeared before the Committee on unrelated business. Mr Richardson indicated that, while he had the authority to investigate councils in relation to matters arising from the ICAC commissioner, his department did not conduct individual audits. Specifically:

*...So, we're not the auditor of individual councils, they all have their own arrangements, but we do have a capacity and authority to conduct examinations.*¹³⁷

He continued on to discuss some of the practical aspects of such an arrangement, indicating that the actual auditing would likely be conducted by the same people, before concluding by questioning its overall value:

...For us to even get ourselves properly familiarised with how the sector operates is quite a time consuming process...

For the most part, in the metropolitan area in particular, you have very reputable firms, so the practical reality of it might be that, if the mandate was handed broadly to the Auditor-General, they would, for practical purposes, essentially be obliged to contract the work out back to the firms who were already doing that, so there has got to be a real value in adding that relationship into the scheme of things...

*...At the moment, I would say it's not obvious to me that there is a great advantage in the Auditor-General being the auditor.*¹³⁸

136. (Committee Hansard, 2016, pp. 81-82)

137. (Committee Hansard, 2016(2), p. 21)

138. (Committee Hansard, 2016(2), p. 21)

Chapter 3

Rate Capping in Other Jurisdictions

3.1 New South Wales

The experiences in New South Wales with rate pegging have been discussed, in varying levels of detail, in the preceding sections of this report. However, a brief recapitulation is warranted. Rate pegging was introduced by the Wran government in 1977. In the years 1973 to 1976, rates had increased by an average of almost 200 per cent, whereas wages had increased by an average of 75 per cent. Over the same period the inflation figure was 56 per cent.¹³⁹

Under the New South Wales system councils are able to apply to IPART for a special rate variation to the rate peg, which can last up to seven years. As stated in multiple submissions to the inquiry, councils appear reluctant to make this application, even though, as indicated in Professor Sansom's evidence, very few such applications are rejected. The Independent Local Government Review Panel, of which Professor Sansom was chair, stated in its final report:

The Panel's conclusion is that, whilst there is certainly a case for improving efficiency and keeping rate increases to affordable levels, the rate-pegging system in its present form impacts adversely on sound financial management. It creates unwarranted political difficulties for councils that really can and should raise rates above the peg to meet genuine expenditure needs and ensure their long-term sustainability. The Panel can find no evidence from experience in other states, or from the pattern and content of submissions for Special Rate Variations, to suggest that councils would subject their ratepayers to grossly excessive or unreasonable imposts if rate-pegging were relaxed.¹⁴⁰

Since 2010, the determination and announcement of the rate peg has been the responsibility of IPART. Table 1 contains the rate peg values over the period 2010/11 - 2016/17.

Table 1: NSW rate peg values for the period 2010/11 – 2016/17, as set by IPART.¹⁴¹

2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17
2.6%	2.8%	3.6%	3.4%	2.3%	2.4%	1.8%

139. (Dollery, 2010, p. 57)

140. (Independent Local Government Review Panel, 2013, p. 42)

141. Available at: <http://www.ipart.nsw.gov.au/Home>, accessed 29-6-2016

3.2 Victoria

Shortly after winning the November 2014 state election, the Andrews government announced an inquiry by the Essential Services Commission into local government rate capping. The final report was released in late 2015 and contained a total of eighteen recommendations.¹⁴²

Among these was the recommendation that there should be one rate cap and that it should apply equally to all 79 local councils in Victoria.¹⁴³ The new system is to be known as the *Fair Go Rates System*.

The Commission recommended that the annual rate cap should be a weighted combination of both the Consumer Price Index and Wage Price Index, as determined using the following equation:¹⁴⁴

$$\begin{aligned}\text{Annual Rate Cap} &= (0.6 \times \text{rate of increase in CPI}) \\ &+ (0.4 \times \text{rate of increase in WPI}) \\ &- (\text{efficiency factor})\end{aligned}$$

The efficiency factor is to be set initially at zero, but will increase in annual increments of 0.05 per cent.

The report also outlined the process by which variations to the proposed rate cap may be sought by councils. The Commission recommended that the variation framework should not specify individual events that would qualify for a variation.¹⁴⁵ The Commission further recommended that the following five matters be specifically addressed in each application:

- *the reason(s) for the proposed rate increase greater than the cap*
- *how the application takes account of ratepayers' and communities' views*
- *how the outcomes being pursued in the variation reflect the efficient use of council resources*
- *what consideration has been given to reprioritising proposed expenditures and pursuing alternative funding options, and*
- *that the assumptions and proposals in the application are consistent with those in the council's long-term strategic planning and financial management instruments.*¹⁴⁶

The report proposes that only variations covering a single year be approved in the framework's first year of implementation. Subsequently, variations covering up to four years will be possible.¹⁴⁷ The recommended timelines for the variation process are outlined below, for the 2016-17 financial year.¹⁴⁸

142. (Essential Services Commission, 2015)

143. (Essential Services Commission, 2015, p. 8)

144. (Essential Services Commission, 2015, p. 29)

145. (Essential Services Commission, 2015, p. 45)

146. (Essential Services Commission, 2015, p. 52)

147. (Essential Services Commission, 2015, p. 112)

148. (Essential Services Commission, 2015, p. 107)

<i>ESC announces cap</i>	<i>December 2015</i>
<i>Councils notify ESC of intent to seek a variation</i>	<i>End January 2016</i>
<i>Council applies for a variation</i>	<i>From 1 February 2016</i>
<i>Last date for submission of application</i>	<i>End March 2016</i>
<i>ESC notifies councils of decisions</i>	<i>Within 2 months of receipt</i>
<i>Councils formally adopt budget</i>	<i>June 2016</i>

The Commission also recommended that it publish annual reports detailing how well councils have adhered to the cap and approved variations, as well as a report outlining the overall outcome of the new policy for ratepayers and communities.¹⁴⁹

In October 2015, the Victorian Government released its response to the Essential Services Commission report. While accepting almost all of the report's recommendations, it chose not to accept two, specifically those numbered 1 and 12. In regards to the former, which recommended that there be one rate cap that should apply equally to all councils, the Government response stated:

Although the government notes the difficulties in identifying the factors for applying varied caps that the ESC has highlighted, the government is of the view that sufficient information may be available from analyses undertaken by the Auditor-General and other authorities to form the basis for adopting varied caps.

*Allowing the Minister to adopt different caps has the potential to improve the efficiency of the system and help to minimise costs that councils facing ongoing structural and circumstantial difficulties would otherwise have to incur in applying for higher caps through the variation process.*¹⁵⁰

In regards to the latter, which recommended the timeline for announcements shown above, the Government response indicated that while it accepted in principle the timeline, it would not accept the proposal that the ESC announce the cap. Rather their response indicated that this task should fall to the Minister.¹⁵¹

In December 2015, the Commission announced that the initial cap, to operate from the 2016-17 financial year would be set at 2.5 per cent.¹⁵²

In June 2016, the Environment and Planning Committee released its second report into the operation of the new policy, set to commence in July 2016. This report contained a total of seven recommendations, mainly designed to simplify the rate cap variation application procedure.¹⁵³ The Committee Chair, the Hon David Davis MLC, wrote in his foreword that:

...One council put the cost of preparing and submitting their application for a rate cap variation at \$250,000. The Committee finds in this Report that where councils have a reasonable case for seeking a rate increase above the cap they should not

149. (Essential Services Commission, 2015, pp. 93, 101)

150. (Victoria State Government, 2015, p. 3)

151. (Victoria State Government, 2015, p. 10)

152. (Natalie Hutchins MP, 2015)

153. (Parliament of Victoria, Environment and Planning Committee, 2015, pp. 31-32)

*be prevented from doing so simply because the ESC has a costly and overly onerous administrative regime.*¹⁵⁴

One other recommendation was that the rate cap for the forthcoming year should be announced earlier than December.¹⁵⁵

The Municipal Association of Victoria has published the average annual rate increase across all of Victoria's 79 local councils. These values, for the period 2010/11 – 2015/16 are collected in Table 2.

Table 2: Average rate increases in Victoria, in both percentage and dollar terms, for the period 2010/11 – 2016/17, as published by the MAV.^{156,157}

2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17
6.1%	5.9%	5.0%	4.8%	4.23%	3.83%	2.5%
\$79	\$82	\$75	\$76	\$70	\$67	--

3.3 South Australia

In late 1995, the state government introduced provisions that limited the increases in rate revenue permitted by councils for the 1997-98 and 1998-99 financial years.¹⁵⁸ This one off measure was part of the government's stated objective of encouraging, on a voluntary basis, amalgamations between neighbouring councils. The net effect was a reduction in the total number of councils from 118 to 68.

The LGA provided the Committee, upon request, with their most recent residential rate increase data for South Australian Councils. These are displayed in Table 3. Full data for all 68 councils was not available for all years. A more detailed explanation of the acquisition of these figures can be found in Chapter 4, in relation to Recommendation 3.

Table 3: Average residential rate increases in South Australia, for the period 2011/12 – 2014/15, as provided by the LGA.

Year	2011/12	2012/13	2013/14	2014/15
Average increase	7.0%	5.3%	5.2%	4.7%
No. respondents	54	56	54	60

154. (Parliament of Victoria, Environment and Planning Committee, 2015, p. vii)

155. (Parliament of Victoria, Environment and Planning Committee, 2015, p. 29)

156. Available at: <http://www.mav.asn.au/about-local-government/local-government-finance/Pages/more-rates-packages.aspx>, accessed 27-6-2016

157. The value for 2016/17 has been capped at 2.5% as part of the newly established *Fair Go Rates System*

158. (Australian Local Government Association, 2015, p. 11)

3.4 Northern Territory

In 2007, after council amalgamations a three year cap on rates was introduced. A subsequent review into council sustainability declared:

Upon amalgamation, the eight largest Councils inherited roads, infrastructure assets and plant and equipment that were in poor condition or beyond useful life. There have been insufficient funds to repair, maintain, upgrade or replace assets. As a result, there is a significant backlog of infrastructure investment...

The Councils are unable to derive a level of own source revenue. The limited number of rateable properties within the Council areas combined with the application of legislated conditional rating has resulted in an inequitable application of rates and user fees making the Councils overly reliant on grant funding.¹⁵⁹

Furthermore, councils in the Northern Territory are restricted to some degree in their ability to collect rate revenue by a system known as 'conditional rating'. Under the NT *Local Government Act* (section 142) land which is held either under a pastoral lease, or is occupied under a mining tenement is only considered rateable after a specific rating proposal has been approved by the Minister.¹⁶⁰ An example highlighting the inequity of this system was provided by the ALGA:

As an example, data provided by the Roper Gulf Regional Council shows the Macarthur River Mine is levied some \$17,800 annually in rates as a result of this restriction. A similar sized mine (440 workers) in Queensland, where most councils use employment numbers as part of their categorisation, would have been levied at least \$500,000.¹⁶¹

3.5 The United Kingdom

In 1984 the Thatcher Conservative Government enacted legislation allowing for a cap to be imposed on local authorities it deemed to be increasing their rate revenue in an unjustified manner. In response a total of 15 local authorities refused to set a budget for the 1985/86 financial year, in direct breach of the new legislation. However, their actions failed to change government policy and all of the dissenting bodies eventually relented. This action has become known colloquially as the 'Rate Capping Rebellion.' The Government's powers to restrict councils' budget setting remain in place.¹⁶²

More recently, the Cameron led Coalition Government offered councils a cash grant if they agreed to freeze their council tax rates. The grant, in most cases amounted to approximately 2.5% of the preceding year's revenue total. From 2013, any council wishing to raise its rates above their relevant limit would be required to hold a referendum among its constituents. The referendum result would

159. (Deloitte, 2012, p. 11)

160. (Local Government Association of the Northern Territory, 2016)

161. (Australian Local Government Association, 2015, p. 12)

162. Available at: https://en.wikipedia.org/wiki/Rate-capping_rebellion, accessed 1-9-2015

be binding on all parties. To date no council has held such a referendum. As of 2015/16, the policy has seen five successive freezes amounting to a total grant spend of approximately £5 billion.¹⁶³

3.6 The United States

Several states have instituted a Taxpayer Bill of Rights (TABOR) beginning with Colorado in 1992. Under this system, increases in overall state tax revenue must be tied to inflation and population increases; larger increases are only permitted following a referendum. In Colorado, the applicable formula is:

$$\begin{aligned} \text{Limit} &= \text{previous year's base} \\ &\quad \times (\text{annual change in inflation plus population growth}) \\ &\quad + \text{voter-approved revenue changes.} \end{aligned}$$

A subsequent amendment, known as Referendum C, was passed in Colorado in 2005 allowing the state to retain and spend revenue raised above the original TABOR limit base, with a new cap being put in place. Any funds raised in excess of this new cap must be refunded to the taxpayers.¹⁶⁴

163. Available at: <https://www.gov.uk/government/collections/council-tax-freeze-scheme>, accessed 27-6-2016

164. Available at: <https://www.colorado.gov/pacific/cga-legislativecouncil/tabor>, accessed 29-6-2016

Chapter 4

Recommendations

Recommendation 1

Local Councils retain full authority to set their own rates and that no rate cap be introduced.

The vast majority of evidence received by the Committee in the conduct of this inquiry was opposed to the introduction of an external rate cap. This sentiment applied to both written submissions and verbal testimony. A number of issues were raised on multiple occasions (Section 1.1) in opposition to such a policy. These included:

- the imposition of such a policy would erode the principles of democracy that allow a community to be governed by the people of its choice;
- rate capping would restrict councils' budgetary flexibility to address long-term community needs;
- maintenance of infrastructure and other essential assets would suffer. Many examples of the current backlog in New South Wales - estimated to be in excess of \$7 billion – were given;
- rate caps tend to be blunt instruments, and insufficient consideration is given to the different needs and requirements of individual councils;
- rate caps would likely result in council attempts to recoup lost rate revenue by the increase of current and introduction of new user pays schemes;
- provisions allowing individual councils to apply for increase above a mandated cap tend to be cumbersome and overly bureaucratic. Again, many examples were given of New South Wales councils' reluctance to make applications to IPART, despite their seeming willingness to approve such applications in recent years.

A small minority of evidence was received listing the benefits of a rate capping policy. Some of the benefits listed (Section 1.2) included:

- a rate cap would protect rate payers from excessive rate rises;
- a cap would impose financial discipline on councils and force them to become more efficient.

The Committee recommends that the *status quo* be maintained, and that no external rate cap mechanism be introduced at this time.

Recommendation 2

Local Councils continue to set rates after full consultation with their communities.

Sections 123(3) and (4) of the *Local Government Act 1999* require councils to consult with their community on the proposed annual business plan and budget.¹⁶⁵ However, as pointed out by Mr Burgess, Mayor of the Mid Murray Council and President of the LGA, even with this publicity the community response can be disappointing:

*We go out to consultation with our business plan and our budget and seek community support. In some years, we will get feedback. This year, we got zero, but it was heavily publicised and put out there so people could access it without any great effort. It wasn't just hidden in one newspaper: we spread it across our 6,000 square kilometres through our three offices and through our community newspapers.*¹⁶⁶

Mayor Rosenberg from the City of Onkaparinga expressed her opinion about the failings of the current system:

*Frankly, I don't think the public meeting works, and we have done a whole lot of stuff where we go out with iPads and we go into the shopping centres and ask, 'What do you think about these things?' It's very hard. Good consultation is very hard, so we are always looking for that...*¹⁶⁷

She continued on to describe the approaches her council has adopted to gauge community response:

*We have about 700 people on an EPanel, so we go out to them and survey them. We also use like a cafe, where people can just walk in during a day and make comment about what is proposed on the budget. We use our youth committee, and we get our youth committee to come in, and we have a group which we call Leadership Onkaparinga, and they come in as well and we workshop with them. They are relatively informed people. What we want is really informed people who can then really feed back something to us. The citizen jury might be the way to do that.*¹⁶⁸

Professor Sansom described, from the New South Wales perspective, the benefits of proper community consultation:

Over the past three years, since more rigorous financial management has been required, nearly every increase request has been granted because they have been shown to be justified, and there has been adequate community consultations so

165. Available at: http://www.austlii.edu.au/au/legis/sa/consol_act/lga1999182/s123.html

166. (Committee Hansard, 2015, p. 42)

167. (Committee Hansard, 2015, p. 6)

168. (Committee Hansard, 2015, pp. 6-7)

*that people know why this increase is occurring and the facts demonstrate that it is a reasonable thing to do.*¹⁶⁹

In the modern electronic age, the requirement that notice regarding the annual business plan and budget be published (only) in a local newspaper is limiting. As increasing numbers of people are conducting both their business and wider aspects of their life online, greater use could be made of this technology to engage the wider community in regards to local government activity. The preparation and distribution of documents such as e-newsletters could be a good starting point. Another especially useful approach could be a greater utilization of social networking sites.

Recommendation 3

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*.

Recommendation 4

Councils be required to publish, on an annual basis, these audits.

The Committee, during the conduct of this inquiry, has both observed and experienced the impact of a lack of properly collected data. After their appearance before the Committee on 28 August, the LGA took on notice several questions. One of these was a request to provide the inquiry with the details of the last five years' residential rates increases for each of the state's local governments. In their response (section 3.3), they were only able to provide the full data for 43 (out of a total of 68) councils.¹⁷⁰ This was a result of them having to acquire this information by email request to each council, of whom only 43 provided the requested information in full. As put in the LGA's written response:

Not only is the data incomplete, it is also inconsistent between Councils, because:

- *under section 146 of the Local Government Act 1999 Councils may impose a service charge for specified services, including waste collection and disposal. While some Councils integrate this expense into their general rate revenue others impose a separate service charge which is not calculated as part of residential rates.*
- *this data is collected through self-reporting. Some Councils have included mandatory and discretionary rebates in their data while others have not.*¹⁷¹

The Committee considers this lack of standardised data collection to be totally unsatisfactory, and an impediment to the dialogue necessary for a properly informed consideration of the rating question.

¹⁶⁹. (Committee Hansard, 2016, p. 71)

¹⁷⁰. (Local Government Association of South Australia, 2015(4), pp. 3-4)

¹⁷¹. (Local Government Association of South Australia, 2015(4), p. 2)

As put by Mr Crafter (section 2.6): *“without good, consistent data across the sector it is very difficult to impose the level of accountability and transparency that is fundamental to this discussion.”*¹⁷²

Mr Crafter is of the further opinion, as is Professor Sansom (section 2.4.1) that the auditing role should fall under the auspices of the Auditor-General. Implementing this change would bring South Australia into the majority of Australian States; Queensland, Victoria and Tasmania currently employ this standard of oversight. Mr Crafter believes that placing these audits under the aegis of the Auditor-General 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.”*¹⁷³

The South Australian Auditor-General, Mr Richardson expressed doubts (section 2.6.1) as to the advantages such an arrangement would bring. From a practical standpoint, he believes *“...if the mandate was handed broadly to the Auditor-General, they would, for practical purposes, essentially be obliged to contract the work out back to the firms who were already doing that...”*¹⁷⁴ However, this arrangement was anticipated and specifically addressed by Mr Crafter in his 2013 report:

*Most of the work is done by contractors but the Auditor-General can ensure a consistency of approach and high standard of reporting.*¹⁷⁵

Section 36 of the *Public Finance and Audit Act 1987* describes the preparation and delivery of the Auditor-General's report to the South Australian Parliament.¹⁷⁶ The result of the expanded council auditing process would therefore be included in the Auditor-General's report. However, the Committee notes that it is perhaps unreasonable to expect members of the public to trawl through documents such as the Auditor-General's report in order to locate information that might relate to their own local council. Therefore, it recommends that each council publish, on an annual basis, the results of these audits. Such publication would go hand in hand with the public consultation phase already required of councils in the budget setting process, as described in Recommendation 2 (above).

The Committee recognises that some councils in South Australia are already performing this task, and performing it very well. For example, the City of Norwood Payneham and St Peters publishes in the budget edition of its community newsletter the details of its income and expenditure. This information is presented in an easy to follow graphical manner.¹⁷⁷ Evidence from multiple submissions and witnesses indicated that a properly informed council electorate is more willing to accept rate increases, especially if these exceed the published CPI figure for the jurisdiction in question.

172. (Committee Hansard, 2016, p. 77)

173. (Local Excellence Expert Panel, 2013, p. 38)

174. (Committee Hansard, 2016(2), p. 21)

175. (Local Excellence Expert Panel, 2013, p. 38)

176. Available at: http://www.austlii.edu.au/au/legis/sa/consol_act/pfaaa1987189/s36.html

177. (City of Norwood Payneham & St Peters, 2015, p. 16)

Appendix 1

Inquiry Terms of Reference

In May 2015, the Economic and Finance Committee of the South Australian House of Assembly, on its own motion, resolved to inquire into and report on:

1. The operation of rate capping elsewhere in Australia given the commonality of local government system in place, including:
 - the period the policy has operated for;
 - conditions attached to the policy;
 - any opportunities for increases above the regulated increase and details of conditions required to submit such a request;
2. Peer review of the outcomes of rate capping policy.
3. Information on other nations in which a local government rate capping policy operates.
4. Any other relevant matter.

Appendix 2

The Economic and Finance Committee

Membership

The Economic and Finance Committee (the Committee) is established under section 4 of the *Parliamentary Committees Act 1991*. Section 5 states that the membership of the Committee is to comprise seven members of the House of Assembly. A Minister of the Crown is not eligible for appointment to the Committee.

The seventh Economic and Finance Committee was appointed by the House of Assembly on May 6, 2014 following the State Election, held 20 March 2014. The following members were appointed to the Committee: Mr Lee Odenwalder MP; the Hon Paul Caica MP; the Hon Iain Evans MP; Mr Martin Hamilton-Smith MP; Ms Katrine Hildyard MP; Mr Chris Picton MP and Mr David Pisoni MP.

- On 15 May 2014 Mr Lee Odenwalder MP was nominated as the Presiding Member.
- On 27 May 2014 Mr Martin Hamilton-Smith MP resigned from the Committee.
- On 17 June 2014 Mr Dan van Holst Pellekaan MP was appointed to the Committee.
- On 30 October 2014 the Hon Iain Evans MP resigned from the Committee and Parliament.
- On 30 October 2014 Mr David Speirs MP was appointed to the Committee.
- On 10 February 2015 Ms Katrine Hildyard MP resigned from the Committee.
- On 10 February 2015 the Hon Jennifer Rankine MP was appointed to the Committee.
- On 27 January 2016 Mr Chris Picton MP resigned from the Committee.
- On 5 February 2016 Mr Dan van Holst Pellekaan MP resigned from the Committee.
- On 9 February 2016 Mr David Pisoni MP resigned from the Committee.
- On 9 February 2016 Mr Tony Piccolo MP was appointed to the Committee.
- On 9 February 2016 Mr Vincent Tarzia MP was appointed to the Committee.
- On 9 February 2016 Mr Stephan Knoll MP was appointed to the Committee.

The following Members currently comprise the Economic and Finance Committee:

Mr Lee Odenwalder MP (Presiding Member)

The Hon Paul Caica MP

The Hon Jennifer Rankine MP

Mr Stephan Knoll MP

Mr Tony Piccolo MP

Mr David Speirs MP

Mr Vincent Tarzia MP

Executive Officers to the Committee

Mrs Lisa Baxter, Ms Kendall Crowe and Ms Susie Barber

Research Officer to the Committee

Dr Gordon Elsey

Members of the Committee are appointed pursuant to section 20, and cease to be members pursuant to section 21 of the *Parliamentary Committees Act 1991*.

Functions

The functions of the Economic and Finance Committee are set out in section 6 of the *Parliamentary Committees Act 1991*. These are:

- (a) *to inquire into, consider and report on such of the following matters as are referred to it under this Act:*
 - (i) *any matter concerned with finance or economic development;*
 - (ii) *any matter concerned with the structure, organisation and efficiency of any area of public sector operations or the way in which efficiency and service delivery might be enhanced in any area of public sector operations;*
 - (iii) *any matter concerned with the functions or operations of a particular public officer or a particular State instrumentality or publicly funded body (other than a statutory authority) or whether a particular public office or a particular State instrumentality (other than a statutory authority) should continue to exist or whether changes should be made to improve efficiency and effectiveness in the area;*
 - (iv) *any matter concerned with regulation of business or other economic or financial activity or whether such regulation should be retained or modified in any area;*
- (b) *to perform such functions as are imposed on the Committee under this or any other Act or by resolution of both Houses.*

References

Pursuant to section 16 (1) of the *Parliamentary Committees Act 1991*, any matter that is relevant to the functions of the Committee may be referred to the Committee -

- (a) by resolution of the House of Assembly;
- (b) by the Governor, by notice published in the Gazette;
- (c) of the Committee's own motion.

Subsection (1) is in addition to, and does not derogate from, the provisions of any other Act under which a matter may be referred to the Committee.

Ministerial responses

Pursuant to section 19 of the *Parliamentary Committees Act 1991*, if a report contains recommendations, the Minister with responsibility in the area concerned is required to respond within four months and include in the response statements as to -

- which (if any) recommendations of the Committee will be carried out and the manner in which they will be carried out;
and
- which (if any) recommendations will not be carried out and the reasons for not carrying them out.

The Minister must cause a copy of the response to a Committee's report to be laid before the Committee's appointing House within six sitting days after it is made.

Appendix 3

Submissions Received¹⁷⁸

No.	Name	Position	Organisation
1	Cr Martin Bray	Private Citizen	
2	Ms Kate Jessep	Director, Corporate & Community Services	City of Victor Harbor
3	Mr Russell Peate	CEO	Mid-Murray Council
4	Mr Terry Buss	CEO	City of West Torrens
5	Mr Roy Blight	CEO	Clare and Gilbert Valley Council
6	Mr Ryan McMahon	Director, Organisational Services & Excellence	City of Tea Tree Gully
7	Ms Gillian Aldridge	Mayor	City of Salisbury
8	Mr Peter Harder	CEO	District Council of Copper Coast
9	Ms Annette Martin	Manager, Financial Services	City of Charles Sturt
10	Mr Rodney Pearson	CEO	District Council of Lower Eyre Peninsula
11	Mr Joseph Scales	Secretary	Australian Services Union (SA and NT Branch)
12	Ms Lorraine Rosenberg	Mayor	City of Onkaparinga
13	Mr Mark Searle	Acting CEO	Local Government Association (SA)
14	Mr Kevin Kaeding	President	SA Federation of Residents and Ratepayers Associations, Inc.
15	Mr Mario Barone	CEO	City of Norwood, Payneham & St Peters
16	Mr Daniel Gannon	SA Executive Director	Property Council of Australia
17	Mr Paul Barker	Private Citizen	
18	Mr Trevor Carbins	Private Citizen	
19	Name Withheld	Private Citizen	
20	Mr John Houlahan	Private Citizen	
21	Prof Graham Sansom	Adjunct Professor	University of Technology Sydney

178. All publicly released documents pertaining to this inquiry can be found at the committee's webpage: <https://www.parliament.sa.gov.au/Committees/Pages/Committees.aspx?CTId=5&CId=292>

Appendix 4

Public Hearings

Date	Name	Position	Organisation
28 August 2015	Ms Lorraine Rosenberg	Vice President	Local Government Association (SA)
	Mr Mark Searle	Acting CEO	
	Mr John Comrie	Lead Consultant for Financial Sustainability	
	Mr Rob Donaldson	CEO	City of Port Lincoln
28 August 2015	Mr Martin Bray	Councillor	
24 September 2015	Mr Robert Bria	Mayor	City of Norwood, Payneham & St Peters
	Mr Mario Barone	CEO	
	Ms Lorraine Rosenberg	Mayor	City of Onkaparinga
	Mr Darren Styler	Manager, Finance	
	Ms Joan Murrell	Team Leader, Revenue	
24 September 2015	Mr Dave Burgess	Mayor	Mid Murray Council
	Mr Russell Peate	CEO	
	Mr Steve Wilkinson	Councillor	
	Ms Kate Jessep	Acting CEO	City of Victor Harbor
	Ms Kellie Knight-Stacey	Finance Officer	
	Mr Rodney Pearson	CEO	District Council of Lower Eyre Peninsula
26 November 2015	Mr Joseph Scales	Secretary	Australian Services Union (SA and NT Branch)
	Ms Kristen Gilbertson	President	
	Ms Anne Purdy	Director, Industrial and Legal	
26 November 2015	Mr Daniel Gannon	SA Executive Director	Property Council of Australia
1 February 2016	Prof Graham Sansom	Adjunct Professor	University of Technology Sydney
	Hon Greg Crafter AO	Former Chair	LGA Local Excellence Expert Panel
9 May 2016	Mr Lachlan Clyne	Mayor	City of Unley

Appendix 5

Glossary

ALGA	Australian Local Government Association
AO	Officer of the Order of Australia
ASU	Australian Services Union
CEO	Chief Executive Officer
CPI	Consumer Price Index
DCCC	District Council of the Copper Coast
DCLEP	District Council of Lower Eyre Peninsula
ESC	Essential Services Commission (Victoria)
ICAC	Independent Commissioner Against Corruption
ICT	Information and Communications Technology
IPART	Independent Pricing and Regulatory Tribunal (NSW)
LGA	Local Government Association of South Australia
LTFP	Long Term Financial Plan
LGPI	Local Government Price Index
MAV	Municipal Association of Victoria
MLC	Member of the Legislative Council
MP	Member of Parliament
NSW	New South Wales
SA	South Australia
SMP	Strategic Management Plan
SRV	Special Rate Variation
TABOR	Taxpayer Bill of Rights (USA)
TIF	Tax Increment Funding
UK	United Kingdom
WPI	Wage Price Index

Appendix 6

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Appendix 7

Minority Report

A Minority Report from Mr Speirs MP, Mr Knoll MP and Mr Tarzia MP was received and is included on the following pages.

Inquiry into Local Government Rate Capping Policies

Minority Report
of the
ECONOMIC AND FINANCE COMMITTEE

By David Speirs MP
Stephan Knoll MP
& Vincent Tarzia MP

July 2016

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1.0 Executive summary

The Economic and Finance Committee of the South Australian House of Assembly announced an inquiry into Local Government Rate Capping Policies in May 2015 in response to ongoing concerns that local councils continue to increase rates well above the Consumer Price Index and the Local Government Price Index.

While the weight of evidence presented to the committee was against rate capping, this is to be expected given the majority of evidence came from the local government sector and could therefore be deemed self-interested. This minority report is being submitted to represent the interests of the individuals and businesses whose rates are being increased year on year well above the Consumer Price Index.

Key concerns addressed in this report include local government's management of infrastructure, the absence of a functional reporting system to maintain assets and deliver good service, and the financial sustainability of this sector as a whole.

Evidence presented to suggest that New South Wales is suffering an infrastructure backlog as a result of rate capping (or rate 'pegging') is called into question based on a Price Waterhouse Coopers report illustrating that infrastructure backlogs extend to the majority of councils Australia wide and do not seem to be worse in New South Wales than in other states. Furthermore, other evidence is presented to suggest that, despite capping rates, the capacity of New South Wales councils is forecasted to improve.

The following recommendation is made in response to these arguments:

Recommendation

That a local government rate capping regime be introduced in South Australia to reduce cost pressures on households and property owners.

2.0 Introduction

South Australian councils have consistently put financial pressure on ratepayers by increasing rates well above the Consumer Price Index and the Local Government Price Index over the last decade. Many councils have also forecast exorbitant increases in rates over the next ten years which are out of proportion to the cost of living in South Australia. While council rates contribute an average of 68% of SA councils' revenue and some councils are making an effort to keep costs low, it is evident that there are still serious and multiple problems which continually undermine the prudent use of ratepayers' contributions. These include a continuing focus on expenditure on new and upgraded infrastructure at the expense of financing renewal and replacement of infrastructure, despite increased expenditure in this area. Even more concerning is the absence of functional reporting systems, required to adequately maintain assets and deliver good service. These areas of

concern were noted in 2005 by the Financial Sustainability Review Board (FSRB) ¹ and again in 2014 by the Local Government Association of South Australia.² They were also raised by some witnesses who appeared before the committee.

The fact that they have not been addressed adequately since 2005 shows a disregard for ratepayers, especially when accurate information cannot be provided by councils. This makes it difficult to assess information gathered in reports and therefore an accurate picture of the state of South Australian councils cannot be firmly established. Thus, comments made indicating that rate capping would see services cut, as claimed by a number of councils and the Local Government Association when they presented to the committee, belle evidence which shows that financial mismanagement is undermining councils' ability to make the best use of their revenue. Under these circumstances, it seems incumbent upon the state to intervene on behalf of ratepayers by capping rate rises. Ratepayers should not be held responsible for all expenditure not being carried out as efficiently as possible.

While the weight of evidence received by the Committee favoured the anti-cap argument, it is to be expected that local government would mobilise against external control being exerted over their financial affairs. As such, this minority report is being submitted to represent the interests of the individuals whose rates are being increased year on year well above the Consumer Price Index.

While this report is in agreement with recommendation 2 of the 91st report of the Economic and Finance Committee, and while not opposed to the transparency and accountability measures set out in recommendations 3 and 4 of the report, in contrast to recommendation 1, this report recommends the following:

2.1 Recommendation

That a local government rate capping regime be introduced in South Australia to reduce cost pressures on households.

3.0 Evidence received

This report concludes that a rate capping regime would be beneficial and draws on evidence given to this effect by the Cr Martin Bray, Lachlan Clyne, Mayor of Unley, and the Property Council, as well as other independent research.

Further evidence is contained in the 91st report of the Economic and Finance Committee, with key points being:

¹ Financial Sustainability Review Board (FSRB) (2005). *Rising to the Challenge*, South Australian Local Government Association: Adelaide.

² Local Government Association. "SA Local Government Sector Financial Indicators Report 2014," <https://www.lga.sa.gov.au/webdata/resources/files/2014%20Financial%20Indicators%20report.pdf>

- Rate capping would require councils to control costs, improve productivity and reduce waste
- South Australian property owners are overtaxed and over governed compared to other jurisdictions and reform is desperately needed
- Many Councils have failed to self-regulate in this area, often implementing rate increases that are way out of line with inflation or CPI
- Local councils underutilise debt to finance infrastructure and rely too heavily upon rates revenue for capital works programs
- Local government has failed to explore different sources of revenue
- As per the Crafter report, otherwise known as Strengthening South Australian Communities in a Changing World, local government needs to change and improve its structures in order to be more financially sustainable.

4.0 Rate capping in other jurisdictions

A rate capping system is currently in place in New South Wales and Victoria.

4.1 New South Wales

Rate capping was introduced in New South Wales by the Wran Labor Government in 1977 in response to increased council rates, averaging 188 per cent from 1973-1976, compared to a 75 per cent increase in weekly wages and a 56 per cent inflation rate. On June 4, 2010, New South Wales Premier, Kristina Keneally transferred responsibility for setting the annual rate cap, assessing applications for a special variation in rates, and assessing applications for increases to rate minimums above the statutory limit from the Minister for Local Government to the Independent Pricing and Regulatory Tribunal (IPART). Under this arrangement, the Minister for Local Government retained authority for setting the policy framework under which applications are assessed. IPART was also given responsibility for setting a new Local Government Cost Index.

One of the main claims used against rate capping is that it does not enable councils to attend to infrastructure backlogs. However, Price Waterhouse Coopers (PWC) demonstrated that this backlog extended to the majority of councils Australia wide.³ The backlog does not seem to be worse in New South Wales than other states; therefore rate capping in New South Wales cannot be blamed for the infrastructure backlog. In fact, the report indicated that a key factor in the backlog was a tendency to defer or scale back renewals expenditure to upgrade existing infrastructure. This was reiterated by Percy Allan, in a Property Council of Australia forum, in which he stated that increased spending at the expense of capital works, rather than rate-pegging had contributed to an imbalance which resulted in an increased backlog in infrastructure.⁴

³ Price Waterhouse Coopers, "National Financial Sustainability Study of Local Government," Australian Local Government Association, Canberra, 2006.

⁴ Percy Allan, quoted in Vikki Campion, "Rates cap no bar to spending, Property Council of Australia forum hears," Daily Telegraph, Sept 15, 2011.

4.2 Victoria

The Victorian Essential Services Commission (ESC) undertook an inquiry into local government rate capping, releasing their findings and recommendations in late 2015. The ESC recommended one rate cap that should be made up of the Consumer Price Index and Wage Price Index and apply equally to all 79 local councils in Victoria. As is the case in New South Wales, there is provision for a variation to the proposed rate cap set each year.

While it is too early to draw meaningful conclusions from the operation of rate capping policy in Victoria, the ESC's inquiry in Victoria provides important insights into the benefits of a rate capping and variation framework.

5.0 Financial sustainability of local councils

The report by PWC⁵ also confirms that a sizable proportion of councils face long-term financial sustainability problems. These findings are in common with other state-based findings, including the Independent Inquiry into the Financial Sustainability of New South Wales Local Government (2006), the Western Australian Local Government Association (2006) Inquiry and the Local Government Association of Tasmania (2007). PWC suggest that associated infrastructure backlogs brought about by increases in operating costs and minimal sources of revenue have constrained expenditure, making it difficult to catch up.

Given these bleak outlooks, it would be easy to assume that substantial increases in rates would be advisable as opposed to the capping of rates. However, when taken in comparison, there is no greater infrastructure backlog in New South Wales than in other states, indicating that the infrastructure problem in New South Wales cannot be ascribed simply to rate-pegging. A report by Access Economics (2006) on the financial viability of New South Wales councils indicated that, based on projected outcomes, and with council willingness to utilise additional revenue-raising opportunities, the financial capacity of New South Wales councils would improve, despite rate-pegging.⁶

5.1 Internal reforms needed

Access Economics also noted problems in the financial governance of councils, including under-funding of depreciation, the outdated measurement of asset values and depreciation, poor asset management systems, and the inadequate monitoring and reporting of a council's financial position and performance. This is backed up by PWC, who found inconsistencies between states in methods of measuring and reporting financial records.

The PWC report recommended a combination of internal reforms aimed at improving efficiency and effectiveness, as well as reforming inter-government transfers, including providing partial funding to aid the development of tailored state-based reform programs.

⁵ PriceWaterhouseCoopers (2006). *National Financial Sustainability Study of Local Government*, Australian Local Government Association, Canberra.

⁶ Access Economics Pty Ltd (2006), *Local Government Finances in New South Wales: An Assessment*, Barton, ACT.

This last proposal is based on the report's comment that a significant proportion of councils have inadequate in-house skills to improve efficiency and to establish robust asset management and financial plans. The South Australian Financial Sustainability Review Board also reported problems with asset management and reporting, claiming it cast a cloud over the analysis of council finances based upon reported depreciation.

Although much attention has been given to the financial sustainability of councils and substantial problems with infrastructure backlogs, the evidence suggests similar problems in other Australian jurisdictions, which do not have rate capping. Not only are there inconsistencies between jurisdictions in their reporting methods but major internal issues which highlight inefficiencies, a lack of skills and serious gaps in the ability of councils to manage their finances.

The FSRB which assessed the financial sustainability of South Australian councils, concluded that 26 councils out of 68 were financially unsustainable and required sound financial management reforms to cut spending or substantial rate rises would be inevitable, something the report indicated should be a last resort. These councils had high operating deficits as well as substantial infrastructure renewal and replacement backlogs. However, the inquiry also reported that data was grossly lacking in terms of comprehensive council-by-council figures which show capital expenditure on the renewal or replacement of existing assets and so on the extent of any infrastructure renewal replacement backlog. The Panel therefore found it necessary to use proxy measures to analyse and present their findings.

Although a 2014 report by the Local Government Association (SA)⁷ found significant improvement over the last decade or so in the financial performance and position of the sector as a whole, it also stressed that some councils are financially unsustainable. The report also notes that while councils have increased expenditure on the renewal and replacement of existing assets for most years since 2005-06, there continues a worrying trend in the level of capital expenditure on new/upgraded assets by some councils which currently are recording operating deficits.

6.0 Discussion and recommendation

The results of this investigation lead to the conclusion that rate capping in South Australia would keep rates at an affordable, realistic level, thereby benefitting both residential and commercial ratepayers.

Councils should be working to achieve the best outcome for ratepayers in an efficient, transparent environment and as such, ratepayers should be foremost and central to this. The evidence from New South Wales shows that while a reported infrastructure backlog has been blamed on rate pegging, a similar infrastructure backlog has been reported in other Australian jurisdictions, where rate capping is not in use. Moreover, serious flaws in asset management and reporting as well as poor financial governance have contributed to

⁷ Local Government Association. "SA Local Government Sector Financial Indicators Report 2014," <https://www.lga.sa.gov.au/webdata/resources/files/2014%20Financial%20Indicators%20report.pdf>

unreliable data. As in South Australia, it is difficult to assess the actual infrastructure backlog and by continuing to employ inaccurate reporting methods councils are ensuring that their figures justify rate increases.

The New South Wales special rate variation process ensures a degree of flexibility when councils have a legitimate need to set rates above the rate cap. The argument that councils are reluctant to apply for variations does not hold up when almost all councils which apply are granted the variation in full. There does not appear to be a genuine reason why a council would not apply for a special rate variation where their purpose is clear, beneficial to the community, affordable and transparent. Local democracy is an important factor in this debate and can only be realised when councils are 'community sustainable' and 'financially sustainable'. Where councils do not hold themselves accountable to the public, the state must act on their behalf. Rate capping is recommended as a way to achieve this in South Australia.

6.1 Recommendation

That a local government rate capping regime be introduced in South Australia to reduce cost pressures on households and property owners.

7.0 Acknowledgements

The following Members currently comprise the Economic and Finance Committee:

Mr Lee Odenwalder MP (Presiding Member)

Hon Paul Caica MP

Hon Jennifer Rankine MP

Mr Stephan Knoll MP

Mr Tony Piccolo MP

Mr David Speirs MP

Mr Vincent Tarzia MP

Executive Officers to the Committee

Mrs Lisa Baxter, Ms Kendall Crowe and Ms Susie Barber

Research Officer to the Committee

Dr Gordon Elsey

Special thanks to Judith Spencer, Research Student, Office of David Speirs MP for her research which contributed to this report.

Submitted 4 July 2016 by:

X

David Speers MP
Member for Bright

X

Stephan Knoll MP
Member for Schubert

X

Vincent Tarzia MP
Member for Hartley

DECISION REPORT

REPORT TITLE:	REVIEW OF CODE OF PRACTICE FOR PROCEDURES AT MEETINGS
ITEM NUMBER:	553
DATE OF MEETING:	22 AUGUST 2016
AUTHOR:	SUE BAYLY
JOB TITLE:	GOVERNANCE OFFICER

EXECUTIVE SUMMARY

The purpose of the report is to seek Council endorsement of the reviewed and updated “Code of practice for procedures at meetings” (the code). Council should review its code at least once in every financial year.

The recent amendments to the Local Government Act 1999 (the Act) re conflict of interest have flowed through to the code, with wording added to clause 8(4), Minutes, to ensure consistency with the Act.

A “General business” section has been added to the code, the process for nomination/appointment of Elected Members to internal and external positions, and the time for adjournment of meetings upon reaching a set closing hour, have been amended to reflect Elected Members’ requests.

RECOMMENDATION

That:

1. The report be received.
 2. Council endorse the updated “Code of practice for procedures at meetings”.
-

1. RELEVANT CORE STRATEGIES/POLICIES

Goal 5.3; Good governance and legislative framework.

2. DISCUSSION

The Local Government (Procedures at Meetings) Regulations 2013 (the Regulations) provide the option for Councils to adopt some discretionary procedures for their Council and Committee meetings. If a Council decides to include some of the discretionary variations in its code, then in accordance with Regulation 6(2) it should review its code at least once in every financial year. Council's code was last reviewed in June 2015, and so another review is now due. Any resolution to adopt, amend, or revoke the code requires the support of two thirds of Elected Members entitled to vote on the resolution.

The Local Government (Accountability and Governance) Amendment Act 2015 came into effect on 31 March 2016, and brought with it some changes to the conflict of interest provisions, and to the conditions for meeting a quorum where a Council or Committee Member has declared a conflict. These changes include the requirement for more information to be included in Minutes and are shown highlighted at Clauses 7, 8(4)(f), and 25(1)(c) in the revised code at Attachment 1 to Item 553/16. As these conditions are mandatory, Council does not have the discretion to change them.

Attachment 1

Elected Members requested that the item of "General business" be returned to the Agenda as a standing item. A provision has been included for consideration but Members are asked to turn their mind to the following before proceeding. If considering the inclusion of 'general business' as a standing item, members need to give regard to the following legislative requirements:

1. One of the objects of the Local Government Act 1999 is 'to ensure accountability of Councils to the community' (s.3).
2. Section 83 requires that matters on the agenda are described with 'reasonable particularity and accuracy' and that reports and other documentation to be considered at a meeting are available to the public prior to the meeting.
3. The Guiding Principles (Regulation 4) provide that meeting procedures should be;
 - 'fair and contribute to open, transparent and informed decision-making', and
 - 'encourage appropriate community participation in the affairs of the Council', and that
 - 'procedures should be sufficiently certain to give the community and decision-makers confidence in the deliberations at the meeting'.

The above provisions serve to achieve transparency, certainty and accountability in proposed and actual decision making at Council and Committee meetings (i.e. they are specifically identified on the agenda that accompanies the notice of the meeting). The agenda therefore, promotes prior consideration of issues, open decision making and enables members of the community to attend, and to a limited extent, to participate in agenda items of interest to them.

Members are always able to raise a matter of urgency under Regulation 15(2) which provides a member may, **with leave of the meeting**, raise a matter of urgency. In most circumstances it would be the principal member who seeks leave to introduce an urgent matter to the meeting. Late items that the meeting does not resolve to be a matter of urgency should be deferred to the next meeting or a special meeting to allow time for the public notification of the matter and for relevant input from officers and due reading time and consideration by elected members. The Act also provides for calling special meetings to deal with matters of urgency.

And so, in summary, if Council do decide to proceed with allowing members to provide verbal general business updates as a standing item, it must be used with caution to ensure that the Council and its Committees comply with the requirements of the Act and Regulations in relation to responsible, informed and transparent decision-making processes. Also as per legal advice, it would be recommended that inclusion on the agenda of any items relating to 'General Business' be restricted by Council's code for the purposes of addressing only minor matters, issues arising from business discussed during the meeting, truly urgent matters (noting that matters of urgency may be raised by a Council member at any time during a Council meeting with leave of the meeting), for issues of civic or ceremonial nature and to call for reports for substantive decision making at future meetings.

Following feedback from the Elected Members, other changes were also made to the code:

- Clause 36; the closing time for a meeting has been changed from 11pm to 10pm.
- Clause 46(3); the method of counting votes for nomination or appointment to internal or external positions has been changed to simplify the counting process.

3. ANALYSIS OF OPTIONS

Option 1 – That Council endorse the updated “Code of practice for procedures at meetings”.

The code has been reviewed and revised to ensure compliance with legislative amendments. At the request of Elected Members, a clause for “General business” has been included at clause 31(3). The Act specifies that a code must be reviewed at least once a year.

Option 2 – Council continues to use the current code

Council could continue to use the current version of the code, but that would create a risk for Council as it does not cater for the recent legislative amendments.

4. RECOMMENDED OPTION

Option 1 is the recommended option.

5. POLICY IMPLICATIONS

5.1 *Legislative/Risk Management*

As discussed above, the Local Government (Accountability and Governance) Amendment Act 2015 came into effect in March this year. The amendments to the Act have an impact on Council and Committee meeting procedures, on the detail to be recorded in the Minutes, and then on the code.

The Amendment Act included a requirement for additional information under the confidentiality provisions at Section 90(7) to be included in the Minutes. Again this is mandatory rather than discretionary, and so a reference to Section 90(7) has been added to clause 8(4)(h) of the code.

The inclusion in the Agenda of a “General business” item raises some risk issues as whilst discussion and determination of significant matters under ‘general business’ is not expressly prohibited by the Act or Regulations, such decision making is not consistent with administrative law principles of good decision making and/or the requirements for transparency in South Australia legislation. The inclusion at a meeting of matters for which there has been no public notification, no relevant report from officers and, possibly, subsequent decisions being made by the Council, is not in keeping with the provisions or the tenor of the Act.

The ability to raise issues of Particular Interest or Concern for Members within the legislation is to do so through Motions on Notice, Motions without Notice, Questions on Notice and of course Questions Without Notice. To reinforce the need for accountability and public notification of matters to be considered at meetings, regulation 12(6) gives the presiding member the power to ‘refuse to accept a motion without notice if, after taking into account the Guiding Principles, he or she considers that the motion should be dealt with by way of a written notice of motion.’

6. REPORT CONSULTATION

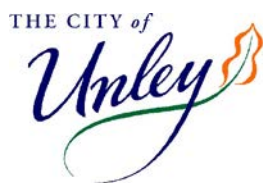
Elected Members have provided feedback which has now been reflected in the revised code.

7. ATTACHMENTS

Code of practice – Procedures at Meetings

8. REPORT AUTHORISERS

<u>Name</u>	<u>Title</u>
Peter Tsokas	Chief Executive Officer
Rebecca Wilson	Group Manager Governance



DRAFT 09/06/2016

CODE OF PRACTICE – PROCEDURES AT MEETINGS

Policy Type	Council Policy
Responsible Department	Office of the CEO
Responsible Officer	Group Manager Governance
Legislation:	Local Government Act 1999 Local Government (Procedures at Meetings) Regulations 2013
Related Policies	Code of practice – Access to meetings and documents. Code of Conduct for Council Members.
Community Goal:	O5.3 Good governance and legislative framework
Date adopted	28 January 2014 (C1013)
Last Council review	22 August 2016 (C...../16)
Next review date:	August 2017 (Meeting Regulation 6(2))
ECM Doc Set I.D.	2163518

Deleted: & Risk

Deleted: 22 June 2015 (C165)

Deleted: 2016

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CHAPTER ONE

Introduction

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

prescribed by the Act;

prescribed by regulation; and

in relation to council meetings, insofar as the procedure is not prescribed by either the Act or regulations — as determined by the council; and

in relation to committee meetings, insofar as the procedure is not prescribed by the Act or regulations, or determined by the council — as determined by the committee itself.

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

the meetings of the council;

the meetings of a council committee performing regulatory activities; and

the meetings of any other council committee to which the Council has resolved Part 2 will apply.

Regulation 6 provides that the council may develop a Code of Practice, where it chooses, to establish its own procedures in substitution for procedures under the Regulations which are expressed to allow variation.

This Code of Practice incorporates three types of procedures:

procedures contained in the Regulations;

procedures contained in the Regulations that are expressed to allow variation and are varied by the Council; and

procedures on which the council has determined both the Act and Regulations are silent and so has determined those matters itself.

For ease of reference this Code of Practice includes the Regulations and are referenced with the same regulation number. Procedures that are varied, or concern matters on which the Act and Regulations are silent, are shown in bold and italics and/or also enclosed in a border.

Note — whilst procedures contained in the Act are not incorporated into this Code of Practice, they must be adhered to in all council and council committee meetings.

This Code of Practice will be available to the public to assist their understanding of the procedures associated with the operation of both council and council committee meetings of the City of Unley.

In accordance with Regulation 6, the council should review the operation of this Code of Practice at least once in every financial year. The council may, at any time, by resolution supported by at least two-thirds of the members of the council entitled to vote, alter, substitute or revoke this Code of Practice - Procedures at Meetings.

In developing this Code of Practice, the council has at all times had regard to the Guiding Principles set out at Regulation 4 (see page 2).

CHAPTER TWO

Part 1 – Preliminary

1. Citation

These procedures may be cited as the “Code of Practice – Procedures at Meetings”.

2. Approval

These procedures were approved by the City of Unley Council on 22 August 2016

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3. Interpretation

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

“**Act**” means the Local Government Act 1999;

“**clear days**” — see clause 3(2) and 3(3);

“**deferment**” means to delay a motion until the next meeting as long as there is no question for determination before the meeting. It cannot be used in substitution for a formal motion.

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

“**formal motion**” means a motion—

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

“**Guiding Principles**” — see regulation 4;

“**member**” means a member of the council or council committee (as the case may be);

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

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

“**written notice**” includes a notice given in a manner or form determined by the council.

- (2) In the calculation of 'clear days' in relation to the giving of notice before a meeting—
 - (a) the day on which the notice is given, and the day on which the meeting occurs, will not be taken into account; and
 - (b) Saturdays, Sundays and public holidays will be taken into account.
- (3) For the purposes of the calculation of **clear days** under subclause (2), if a notice is given after 5p.m. on a day, the notice will be taken to have been given on the next day.
- (4) For the purposes of these meeting procedures, a vote on whether leave of the meeting is granted may be conducted by a show of hands (nothing in this subregulation prevents a division from being called in relation to the vote).

Note-

- 1 See clause 12 for specific provisions about formal motions.

4. Guiding Principles

- (1) The following principles (the **Guiding Principles**) should be applied with respect to the procedures to be observed at a meeting of the council or a council committee—
 - (a) procedures should be fair and contribute to open, transparent and informed decision-making;
 - (b) procedures should encourage appropriate community participation in the affairs of the council;
 - (c) procedures should reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting;
 - (d) procedures should be sufficiently certain to give the community and decision makers confidence in the deliberations undertaken at the meeting.

Part 2 - Meetings of councils and committees (to which Part 2 applies)

Division 1 - Preliminary

5. Application of Part 2

- (1) The provisions of this Part apply to:-
 - (a) the meetings of the council;
 - (b) the meetings of a council committee performing regulatory activities; and
 - (c) the meetings of any other council committee if the council has, by resolution, determined that this Part should apply to that committee.

6. Discretionary Procedures

- (1) Subject to the requirements of the Act, if a provision of this Part is expressed to be capable of being varied at the discretion of the council pursuant to this procedure, then a council may, by a resolution supported by at least two-thirds of the members of the council entitled to vote, determine that a code of practice prepared or adopted by the council that establishes its own procedures for the relevant matter or matters will apply in substitution for the relevant provision (and such a determination will have effect according to its terms).
- (2) A council should, at least once in every financial year, review the operation of a code of practice under this procedure.
- (3) A council may at any time, by resolution supported by at least two-thirds of the members of the council entitled to vote, alter a code of practice, or substitute or revoke a code of practice.
- (4) A council must, in considering the exercise of a power under this procedure, take into account the Guiding Principles.
- (5) A person is entitled to inspect (without charge) the code of practice of a council under this procedure at the principal office of the Council during ordinary office hours.
- (6) A person is entitled, on payment of a fee fixed by the council, to a copy of the code of practice.
- (7) Clause 12(4) does not apply to a motion under sub-clause (3).
- (8) This procedure does not limit or derogate from the operation of clause 20¹.

Note-

- 1 Furthermore, if a matter is not dealt with by the Act or this Code of Practice (including under a code of practice under this regulation), then the relevant procedure will be-
 - (a) As determined by the council; or
 - (b) In the case of a council committee where a determination has not been made by the council – as determined by the committee.
(see sections 86(8) and 89(1) of the Act.)

Division 2 - Prescribed Procedures

7. Commencement of Meetings and quorums

- (1) A meeting will commence as soon after the time specified in the notice of meeting as a quorum is present.

- (2) If the number of apologies received by the chief executive officer indicates that a quorum will not be present at a meeting, the chief executive officer may adjourn the meeting to a specified day and time.
- (3) If at the expiration of 30 minutes from the time specified in the notice of meeting as the time of commencement a quorum is not present, the presiding member or, in the absence of a presiding member, the chief executive officer, will adjourn the meeting to a specified day and time.
- (4) Section 74 of the Act contains the process for dealing with a declaration of a material conflict of interest by an elected member or independent member of a council committee and subsequent loss of a quorum.
- (5) Section 75A(3) of the Act contains the process for dealing with a declaration of an actual or perceived conflict of interest by an elected member or independent member of a council committee and subsequent loss of a quorum.
- (6) If a meeting is adjourned for want of a quorum, the chief executive officer will record in the minute book the reason for the adjournment, the names of any members present, the details required under Sections 74(5) or 75A(4) of the Act, and the date and time to which the meeting is adjourned.
- (7) If a meeting is adjourned to another day, the chief executive officer must—
 - (a) give notice of the adjourned meeting to each member setting out the date, time and place of the meeting; and
 - (b) give notice of the adjourned meeting to the public by causing a notice setting out the date, time and place of the meeting to be placed on display at the principal office of the council.

8. Minutes

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

- (c) each motion or amendment, and the names of the mover and seconder; and
- (d) any variation, alteration or withdrawal of a motion or amendment; and
- (e) whether a motion or amendment is carried or lost; and
- (f) any disclosure of interest made by a member and the details required under Sections 74(5) or 75A(4) of the Act; and
- (g) an account of any personal explanation given by a member; and
- (h) details of the making of an order under section 90(2) and 90(7) of the Act and;
- (i) a note of the making of an order under Section 91(7) of the Act in accordance with the requirements of Section 91(9); and
- (j) details of any adjournment of business; and
- (k) a record of any request for documents to be tabled at the meeting; and
- (l) a record of any documents tabled at the meeting; and
- (m) a description of any oral briefing given to the meeting on a matter of council business; and
- (n) any other matter required to be included in the minutes by or under the Act, or any regulation.

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9. Questions

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

10. Petitions

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

<p>(2) <i>If a petition is received under sub-clause (1), the chief executive officer must ensure that the petition is placed on the agenda for the next ordinary meeting of the council or appropriate committee of the council (as determined by the chief executive officer).</i></p>

- (3) Sub-clause (2) may be varied at the discretion of the Council pursuant to clause 6.

11. Deputations

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

12. Motions

- (1) A member may bring forward any business in the form of a written notice of motion.
- (2) The notice of motion must be given to the chief executive officer at least 5 clear days before the date of the meeting at which the motion is to be moved.¹
- (3) A motion the effect of which, if carried, would be to revoke or amend a resolution passed since the last general election of the council must be brought by written notice of motion.

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¹ The motion will have background information and officers' comments where relevant.

- (4) If a motion under sub-clause (3) is lost, a motion to the same effect cannot be brought—
- (a) until after the expiration of 12 months; or
 - (b) until after the next general election,
- whichever is the sooner.
- (5) Subject to the Act and these procedures, a member may also bring forward any business by way of a motion without notice.
- (6) The presiding member may refuse to accept a motion without notice if, after taking into account the Guiding Principles, he or she considers that the motion should be dealt with by way of a written notice of motion.
- (7) The presiding member may refuse to accept a motion if the subject matter is, in his or her opinion, beyond the power of the council or council committee (as the case may be).
- (8) A motion will lapse if it is not seconded at the appropriate time.

(9)(a) A member moving a motion will speak to the motion at the time of moving the motion.

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

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

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

(11)(b) A member who has seconded a motion, and has reserved their right to speak to the motion at a later stage pursuant to sub-regulation (13), may not move or second an amendment to the motion.

- (12) A member who has not spoken in the debate on a question may move a formal motion.
- (13) A formal motion must be in the form of a motion set out in sub-clause (14) (and no other formal motion to a different effect will be recognised).
- (14) If the formal motion is—

- (a) that ***the meeting proceed to the next business***, then the effect of the motion, if successful, is, in the case of an amendment, that the amendment lapses and the meeting proceeds with the consideration of the motion before the meeting without further reference to the amendment and, in the case of a motion, that the motion lapses and the meeting proceeds to the next item of business; or
 - (b) that ***the question be put***, then the effect of the motion, if successful, is that debate is terminated and the question put to the vote by the presiding member without further debate; or
 - (c) that ***the question lie on the table***, then the effect of the motion, if successful, is that the meeting immediately moves to the next item of business and the question can then only be retrieved at a later time by resolution (and, if so retrieved, debate is then resumed at the point of interruption); or
 - (d) that ***the question be adjourned***, then the effect of the motion, if successful, is that the question is disposed of for the time being but debate can be resumed at the later time (at the point of interruption); or
 - (e) that ***the meeting be adjourned***, then the effect of the motion, if successful, is that the meeting is brought to an end immediately without the consideration of further business.
- (15) If seconded, a formal motion takes precedence and will be put by the presiding member without discussion unless the motion is for an adjournment (in which case discussion may occur (but only occur) on the details for resumption).
- (16) A formal motion does not constitute an amendment to a substantive motion.
- (17) If a formal motion is lost—
- (a) the meeting will be resumed at the point at which it was interrupted; and
 - (b) if the formal motion was put during debate (and not at the end of debate) on a question, then a similar formal motion (i.e., a motion to the same effect) cannot be put until at least one Member has spoken on the question.
- (18) A formal motion for adjournment must include the reason for the adjournment and the details for resumption.
- (19) Any question that lies on the table as a result of a successful formal motion under sub regulation (14) (c) lapses at the next general election.
- (20) The chief executive officer must report on each question that lapses under subregulation (19) to the council at the first ordinary meeting of the council after the general election.
- (21) Sub-clauses (9), (10) and (11) may be varied at the discretion of the council pursuant to clause 6.

13. Amendments to Motions

(1) (a) Subject to sub-clause 11(a), a member who has not spoken to a motion at an earlier stage of the debate may move or second an amendment to the motion.

(b) A member moving an amendment will speak to the amendment at the time of moving the amendment.

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

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

14. Variations etc.

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

15. Addresses by Members etc.

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

16. Voting

- (1) The presiding member, or any other member, may ask the chief executive officer to read out a motion before a vote is taken.
- (2) The presiding member will, in taking a vote, ask for the votes of those members in favour of the question and then for the votes of those members against the question (and may do so as often as is necessary to enable him or her to determine the result of the voting), and will then declare the outcome.

- (3) A person who is not in his or her seat is not permitted to vote.
- (4) Sub-clause (3) -
 - (a) may be varied at the discretion of the council pursuant to clause 6; and
 - (b) does not apply in relation to a member participating in a council committee meeting by telephone or electronic means approved in accordance with procedures determined by the council or council committee for the purposes of section 89 of the Act.

17. Divisions

- (1) A division will be taken at the request of a member.
 - (2) If a division is called for, it must be taken immediately and the previous decision of the presiding member as to whether the motion was carried or lost is set aside.
 - (3) The division will be taken as follows—
 - (a) the members voting in the affirmative will, until the vote is recorded, stand in their places; and
 - (b) the members voting in the negative will, until the vote is recorded, sit in their seats; and
 - (c) the presiding member will count the number of votes and then declare the outcome.
- (d) ***A member who is unable to stand due to injury, illness, infirmity, disability or other cause, must advise the presiding member that they require special arrangements to be made in order for their vote to be adequately signalled to those persons present, and so that such vote is accurately recorded in the minutes. The presiding member may, in consultation with the member concerned, determine the manner in which the member is to signal their vote.***
- (4) The chief executive officer will record in the minutes the names of Members who voted in the affirmative and the names of the members who voted in the negative (in addition to the result of the vote).
 - (5) Sub-clause (3) may be varied at the discretion of the council pursuant to clause 6.

18. Tabling of Information

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

19. Adjourned Business

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

20. Short-term Suspension of Proceedings

- (1) If the presiding member considers that the conduct of a meeting would benefit from suspending the operation of all or some of the provisions of this Division for a period of time in order to allow or facilitate informal discussions, the Presiding Member may, with the approval of at least two-thirds of the members present at the meeting, suspend the operation of this Division (or any part of this Division) for a period determined by the presiding member.
- (2) The Guiding Principles must be taken into account when considering whether to act under sub-clause (1).
- (3) If a suspension occurs under sub-clause(1) —
 - (a) a note of the suspension, including the reasons for and period of suspension, must be entered in the minutes; and
 - (b) the meeting may proceed provided that a quorum is maintained but, during the period of suspension —
 - (i) the provisions of the Act must continue to be observed²; and
 - (ii) no act or discussion will have any status or significance under the provisions which have been suspended; and
 - (iii) no motion may be moved, seconded, amended or voted on, other than a motion that the period of suspension should be brought to an end; and
 - (c) the period of suspension should be limited to achieving the purpose for which it was declared; and
 - (d) the period of suspension will come to an end if —
 - (i) the presiding member determines that the period should be brought to an end; or

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² Note - See particularly Part 4 of Chapter 5 and Chapter 6 of the Act.

- (ii) at least two-thirds of the members present at the meeting resolve that the period should be brought to an end.

▼
21. Chief executive officer may submit report recommending revocation or amendment of council decision

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

Deleted: Note - 1. See particularly Part 4 of Chapter 5 and Chapter 6 of the Act

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Part 3 - Meetings of other committees (to which Part 2 does not apply)

22. Application of Part 3

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

23. Notice of meetings for Members

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

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

24. Public Notice of committee meetings

- (1) Pursuant to section 88(7) of the Act, section 88 is modified in its application in relation to the meetings of a committee to which this Part applies as if subsections (2), (3) and (4) provided as follows:
 - (a) that public notice need not be given for each meeting separately; and
 - (b) that public notice may be given by displaying a notice and agenda in a place or places determined by the chief executive officer after taking into account the nature and purpose of the committee.

25. Minutes

- (1) The minutes of the proceedings of a meeting must include—
 - (a) the names of the members present at the meeting; and
 - (b) each motion carried at the meeting; and
 - (c) any disclosure of interest made by a member under sections 74 or 75A(3) of the Act; and
 - (d) details of the making of an order under subsection (2) of section 90 of the Act (see subsection (7) of that section); and
 - (e) a note of the making of an order under subsection (7) of section 91 of the Act in accordance with the requirements of subsection (9) of that section.
- (2) The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.

Part 4 - Miscellaneous

26. Quorum for committees

- (1) The prescribed number of members of a council committee constitutes a quorum of the committee and no business can be transacted at a meeting unless a quorum is present.
- (2) For the purposes of this regulation, the **prescribed number** of members of a council committee is—
 - (a) unless paragraph (b) applies—a number ascertained by dividing the total number of members of the committee by 2, ignoring any fraction resulting from the division, and adding 1; or
 - (b) a number determined by the council.

Note-

See also section 41(6) of the Act.

27. Voting at committee meetings

- (1) Subject to the Act and these procedures, a question arising for decision at a meeting of a council committee will be decided by a majority of the votes cast by the members present at the meeting and entitled to vote on the question.
- (2) Each member of a council who is a member of a council committee and who is present at a meeting of the committee must, subject to a provision of the Act to the contrary, vote on a question arising for decision at that meeting.

(3) *Each member of a council committee (regardless of whether they are also a member of the council) who is present at a meeting of the committee must, subject to a provision of the Act to the contrary, vote on a question for decision at that meeting.*

- (4) The presiding member of a council committee has a deliberative vote on a question arising for decision at the meeting but does not, in the event of an equality of votes, have a casting vote.

28. Points of Order

- (1) The presiding member may call to order a member who is in breach of the Act or these procedures.
- (2) A member may draw to the attention of the presiding member a breach of the Act or these procedures, and must state briefly the nature of the alleged breach.
- (3) A point of order takes precedence over all other business until determined.
- (4) The presiding member will rule on a point of order.
- (5) If an objection is taken to the ruling of the presiding member, a motion that the ruling not be agreed with must be moved immediately.
- (6) The presiding member is entitled to make a statement in support of the ruling before a motion under sub-clause (5) is put.
- (7) A resolution under sub-clause (5) binds the meeting and, if a ruling is not agreed with—

- (a) the ruling has no effect; and
- (b) the point of order is annulled.

29. Interruption of meetings by members

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

Maximum penalty: \$1 250.

30. Interruption of meetings by others

A member of the public who is present at a meeting of the council or council committee must not—

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

Maximum penalty: \$500.

Part 5 – Supplementary Procedures for council and committees**31. Setting of Agenda**

- (1) *The following will appear at the beginning of the agenda of all council meetings and will be read by the presiding member at the commencement of each council meeting and other appropriate functions of council;*
 - (a) *“We would like to acknowledge that this land that we meet on today is the traditional lands for the Kaurna people and that we respect their spiritual relationship with their country. We also acknowledge the Kaurna people are the custodians of the Adelaide region and that their cultural and heritage beliefs are still important to the living Kaurna people today.”*
 - (b) *Almighty God, we humbly beseech Thee to bestow Thy blessing upon this Council. Direct and prosper our deliberations for the advancement of Thy Kingdom and true welfare of the people of this city.*

Members will stand in silence in memory of those who have made the Supreme Sacrifice in the service of their country, at sea, on land and in the air.

Lest We Forget.

- (2) *Presiding Members of Council committees can use their discretion regarding the Acknowledgement, Prayer and minutes silence by either insertion of an alternative shortened version or exclusion.*
- (3) *Sufficient opportunity is afforded to members to raise any other issue in accordance with this Code of Practice, the Act and Regulations. An item of “General Business” may be raised by a member only if it meets the objects of the Act and adheres to the Guiding Principles as outlined at Clause 4. An item in this category will be restricted to;*
 - (a) *minor matters,*
 - (b) *issues arising from business discussed during the meeting,*
 - (c) *issues of civic or ceremonial nature, or*
 - (d) *to call for a report for substantive decision making at future meetings.*
- (4) *All items for inclusion in the agenda of a Council or Committee meeting must be given to the chief executive officer at least 5 clear days before the date of the meeting at which the item is to be considered.*
- (5) *Reports of members should be restricted to items of particular interest or concern to the council. Reports that merely register attendance or representation of the council are to be written and handed to the minute secretary for recording in the minutes of the meeting.*
- (6) *Decisions not yet completed are to be listed at the beginning of the agenda with a very brief indication of their status and estimated time of completion, or instigation, in the case of ongoing activities.*
- (7) *At the end of the agenda there be provided a list and a précis of officers reports currently being prepared by the administration for the next meeting of the*

Deleted: *There will be no item of “Other Business” on the agenda of Council or Committee meetings.*

Deleted: *<#>Committees can include an Agenda Item “Urgent Business” however matters must be limited to matters within the terms of reference of the Committee.¶*

council or committee (i.e. if to be dealt with at a committee level then they are listed in that committee's agenda)

Sub-paragraphs (4) and (5) above do not apply to items that are, or likely to be, confidential.

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32. Notice of meeting for members

- (1) *That notice of a meeting of a committee must be given in writing, at least 3 clear days prior to the date of the meeting;*
- (2) *That notice will be given for each meeting separately except where the chief executive officer considers that it is more appropriate in the circumstances to provide notice of multiple meetings in a single notice (for example where a series of meetings are required within a short period of time); and*
- (3) *That, where reasonably practicable, the notice of meeting will be accompanied by the agenda and any associated papers — in the event that notice of meeting is not accompanied by the agenda and any associated papers, adequate time will be provided during the meeting for members to read additional documents prior to discussion of them.*

33. Officer's Presentation of Late Material

- (1) *An officer's report which has not been included in the agenda for a meeting may only be placed before the meeting where the officer responsible for the report has obtained the agreement, before the meeting, of both the presiding member and the chief executive officer that the report be presented.*
- (2) *The presiding member and the chief executive officer may only grant their consent to a report being presented to a council or committee meeting pursuant to sub-paragraph 1 above where, in their opinion, an urgent decision is required from the council or committee which cannot be delayed until the next meeting.*
- (3) *Where the material relevant to the presentation of a late report under this clause has been supplied to members just prior to or during a meeting, the presiding member must allow adequate reading time prior to consideration of the matter, in consultation with, and at the discretion of, the members.*

34. Commencement of Meetings

- (1) *Clause 7 (1), (4), (5), (6) and (7) of this Code of Practice apply to meetings of all other committees.*
- (2) *If at the expiration of 30 minutes from the time specified in the notice of meeting as the time of commencement a quorum is not present, the presiding member will adjourn the meeting to a specified day and time.*

Deleted: and

35. Variation of Order of Agenda

- (1) *The presiding member may, with the consent of the majority of the council or committee, vary the order of the agenda.*
- (2) *Where there are members of the public present in the gallery, council staff should (where possible) determine any agenda item(s) of particular interest to those persons and provide such information to the presiding member as soon as practicable (and preferably before the meeting commences).*

36. Adjournment of Meetings

Where a meeting continues to 10pm, unless there is a specific motion adopted at the meeting that it continue beyond this time, the meeting (and, hence, all remaining business) will be adjourned to a date and time specified by the presiding member.

Deleted: 11pm

37. Deputations

A deputation must not exceed five minutes except with the consent of the council or committee.

38. Reports of Members

Where a Member makes a report to the council under paragraph 31(6) of this Code, the minutes will reflect only that the member made a report and a brief description of the matter. In all cases the chief executive officer will determine the content of the brief description in his/her absolute discretion.

39. Questions for clarification purposes

- (1) *A member may ask a question prior to the moving of a motion or during a debate on a motion or amendment to a motion for clarification purposes only without losing their right to speak to the motion or amendment. At the discretion of the presiding member, a question can be directed by any member, irrespective of whether that member has spoken to the motion or not, to another member for the purpose of;*
 - (a) *Seeking clarification of that other member's submissions in the debate;*
or
 - (b) *Obtaining information within the intrinsic knowledge or expertise of that other Member.*
- (2) *Members are encouraged to seek answers to questions prior to a council or committee meeting.*

40. Motion on Notice

Where a member who has given notice of a motion in accordance with sub-clause 12 (2) is absent from the meeting at which the motion is to be considered, the motion will lapse unless the council or committee determines that it be deferred to the next meeting, or the member has provided written authority for the notice of motion to be moved by another member.

41. Questions without Notice

- (1) *A member may ask a question without notice at a meeting.*
- (2) *If the presiding member rules that a question without notice can be answered and the meeting resolve to record an entry in the minutes, the member will be asked to supply their question in writing to the minute secretary.*

42. Committee Reports to the council

- (1) *Committees are to report to the council through the presentation of minutes of the committee. The confirmed minutes must be submitted at intervals as determined by the council.*
- (2) *Committee reports are to be presented to the council by the presiding member of the committee where the presiding member is also an elected member of the council. Where this is not the case an elected member on the committee nominated by the presiding member will perform this function. In presenting the*

report, the presiding member of the committee is to merely put the motion that the report be accepted by the council and provide a general overview.

- (3) *Where a committee makes a recommendation that differs from an officer's recommendation in any respect:*
 - (a) *the officer's recommendation will be retained in the agenda and the recommendation of the committee will be detailed in the minutes or report placed before the council meeting; and*
 - (b) *the committee's recommendation will be marked with an asterisk ("**").*
- (4) *Where a committee makes a recommendation to the council which defers a particular item, the reason for the deferment will be included in the committee's report.*
- (5) *A motion (where successful) to the effect that a committee report be accepted by the council, is sufficient to endorse the recommendations contained in the report as decisions of the council.*
- (6) *Where the presiding member of a committee is not in favour of a particular recommendation being offered to the council by the committee, they may request that another member of the relevant committee present the recommendation to the council and be offered the opportunity to speak to the motion to present the reasons why they are not in favour of a particular recommendation*

43. Addresses by Members

- (1) *A member who intends to speak at a council meeting must raise their hand to signal their intention. A member is not required to stand whilst addressing the meeting.*
- (2) *The presiding member of a committee will determine how members are to signal their intention to speak. Members are not required to stand when addressing a committee. Members must at all times address the meeting through the presiding member.*
- (3) *Where two or more members indicate their intention to speak at a meeting at the same time, the presiding member will determine in which order the members will be heard.*
- (4) *A member is at all times during a meeting to address and refer to another member or an officer or employee by their official title or designation.*
- (5) *A member speaking at a meeting is not to make a personal reflection upon, or impute an improper motive to, another member or to an officer or employee.*

44. Elected member non-committee member contribution at committee meetings

- (1) *Any elected member who is not a member of the committee is able to address members of the committee and provide contribution at any committee meeting of which they are not a member in accordance with the following process:*
 - (a) *The committee will need to resolve to suspend the meeting procedures (by approval of at least two thirds of the committee members present).*
 - (b) *The presiding member can then invite elected members (non-committee members) to 'sit' at the table and provide contribution on any issue*

relevant to any item of business. The contribution will be limited to 5 minutes duration per person.

- (c) *Following conclusion of the contribution provided, the presiding member will ask that each elected member who is not a member of the committee return to the gallery to be seated. There will be no further contribution or participation in the meeting by any elected member non-committee member.*
- (d) *The period of suspension will come to an end as determined by the presiding member or at least two-thirds of the committee members present will resolve that the period should be brought to an end.*
- (e) *The meeting will resume for consideration of the balance of the agenda and then for the formal decision making function of the committee to proceed by calling for movers and seconders of any proposed motions.*

45. Mobile electronic devices

- (1) *Mobile telephones, smart devices (including but not limited to iPad's etc.) must be placed in silent mode during a meeting by members and officers so as to be contactable in case of family emergency or for the review of council documentation ONLY. Electronic devices are not to be used for texting etc. throughout council or committee meetings.*
- (2) *Mobile telephones, smart devices (including but not limited to iPad's etc.) may not be used during a meeting by media representatives or persons in the public gallery. Mobile phones, if brought into the Council chambers, or Committee room, must be switched to silent before the meeting commences.*

Deleted: Telephones

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46. Nomination/Appointment of elected members to internal and external positions

Procedure for nomination/appointment of elected members to internal and external positions

- (1) *Before debate on the item, the presiding member will call for a short term suspension of proceedings to undertake a ballot process. Note - this requires the consent of two thirds of the members present.*
- (2) *The presiding member will call for nominations.*
- (3) *All elected members (including the presiding member) will record their vote by placing a 1, 2, and 3 (in the case of 3 vacancies with the 1 going to the most preferred candidate, 1, 2, 3, and 4 in the case of 4 vacancies etc.) against the preferred elected member's name (or names for more than one position) on the ballot paper.*
- (4) *A General Manager will collect the ballot papers.*
- (5) *The chief executive officer and the General Manager will count the votes separately and confirm numbers.*
- (6) *The chief executive officer will then report the numbers to the presiding member. The presiding member will confirm by counting the votes.*
- (7) *The presiding member will announce the successful candidate.*
- (8) *The presiding member will then bring the suspension of meeting procedures to an end.*
- (9) *The presiding member will ask for an elected member to move a motion in relation to the item to confirm the outcome of the ballot.*

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Appendix A

Specific powers of the presiding member

The Regulations give specific powers and responsibilities to the presiding member in the following circumstances -

Minutes

- *Signing the minutes once a motion of confirmation has been carried - R8.*

Questions

- *The presiding member may allow the answer to a question without notice to be given at the next meeting - R9(4).*
- *The presiding member may rule that a question with or without notice not be answered if the presiding member considers that the question is vague, irrelevant, insulting or improper - R9(6).*

Deputations

- *A request for a deputation must be in writing to the CEO who passes it to the presiding member.*
- *The presiding member may refuse to allow a deputation to appear at a meeting. If the presiding member refuses to allow a deputation he/she must report the decision to the next meeting of the Council or committee. The Council or committee may resolve to allow the deputation to appear despite a contrary ruling by the presiding member - R11(5) & (6).*

Motions

- *The presiding member may refuse to accept a motion without notice if, after taking into account the Guiding Principles, he/she considers that the motion should be dealt with by way of written notice of motion - R12(6).*
- *The presiding member may refuse to accept a motion if the subject matter is, in his/her opinion, beyond the power of the Council or committee.*

Short-term suspension

- *The presiding member, with the consent of two thirds of the members present, may suspend the operation of all or part of Division 2 of the Regulations for a short time if he/she considers that the conduct of the meeting would benefit from such a suspension. The presiding member may in his/her discretion determine that a short term suspension be brought to an end - R20.*

Point of order

A point of order is a breach of the provisions of the Act or Regulation.

- *The presiding member may call to order a member who is in breach of the Act or Regulations.*
- *The presiding member will rule on a point of order - R28.*
- *If an objection is taken to the ruling of the presiding member, a motion that the ruling not be agreed with must be moved immediately. The presiding member is entitled to make a statement in support of his/her ruling before putting the motion to not agree with the ruling.*

iii
Code of Practice – Procedures at Meetings

DOCUMENT HISTORY

Date	Council or Committee	Comment
28/7/2008	CSP 310/08	Was policy number 48.
21/8/2008	C 149/08	
19/7/2010	CSP 341/10	
26/7/2010	C 701/10	
16/5/2011	CSP 31/11	
23/5/2011	C 135/11	
22/8/2011	C 231/11	
19/9/2011	CSP 64/11	
26/9/2011	C 240/11	
14/5/2012	CSP 108/12	
28/5/2012	C 420/12	
26/11/2012	C 601/12	
28/1/2014	C 1013/14	
26/5/2014	C 1146/14	
22/6/2015	C 165/15	Policy number COU 004 discontinued.
...2016		

DECISION REPORT

REPORT TITLE:	REVIEW OF COUNCIL COMMITTEE STRUCTURE
ITEM NUMBER:	554
DATE OF MEETING:	22 AUGUST 2016
AUTHOR:	PETER TSOKAS
JOB TITLE:	CHIEF EXECUTIVE OFFICER

EXECUTIVE SUMMARY

The purpose of this report is to seek Council direction on the future of Section 41 Committees.

With the expiration of the terms of the Elected Members and Independents due in early 2017 it is timely to review the structure, purpose and need for the existing Section 41 Committees.

A general review of the Council's Section 41 Committee structure has been undertaken to assess whether there is a continued need. Many of the strategic projects proposed or underway when the Committees were first set up in 2012 have been completed or have become routine operational or administrative practice. For example, development of the Active Ageing Strategy which was overseen by the Community and Culture Committee has been endorsed by Council, and is now being implemented.

A number of options are presented for Council's consideration that would improve the current arrangements by increasing efficiency of options and a reduction in costs.

RECOMMENDATION

That:

1. The report be received.
2. Council disband the Community & Culture, Infrastructure & Sustainability and Development Strategy & Policy Committees and replace these with a City Strategy and Development Committee effective from 30 September 2016.
3. The City Strategy and Development Committees will also meet as the Development Strategy and Policy Committee to satisfy the requirements of Section 101A of the Development Act, 1993.

4. The Chief Executive Officer write to the Independent Members of Council's Community & Culture, Infrastructure & Sustainability and Development Strategy & Policy Section 41 Committees thanking them for their contribution and advising of the dissolving of the Committees effective as of 30 September 2016.
 4. A further report be submitted to Council in October 2016, outlining the membership and terms of reference for the City Strategy and Development Committee.
-

1. RELEVANT CORE STRATEGIES/POLICIES

Goal 5.3: Good governance and legislative framework.

Goal 5.5: A financially sustainable approach to business and planning activity.

2. DISCUSSION

2.1 *Establishment of Committees – the Legislation*

The Local Government Act 1999 (the *Act*), Section 41, provides that a council may establish committees to:

- (a) assist the council in the performance of its functions
- (b) inquire into and report to the council on matters within the ambit of the council's responsibilities
- (c) provide advice to the council
- (d) exercise, perform or discharge delegated powers, functions or duties.

These committees are generally referred to as S.41 Committees and examples of their functions might include carrying out a project, managing property or facilities, or overseeing works on behalf of the Council.

Membership of a committee may include persons who are not Elected Members and appointment of its presiding member is determined by the Council. Members hold office at the pleasure of the Council.

Committees have no direct decision-making powers unless the Council has delegated its power to the Committee for a specific purpose or function. In most instances, a Committee makes a recommendation to Council for consideration and resolution.

All members of a Council Committee are bound by the provisions of the Act and where applicable, the Local Government (General) Regulations 2013.

There are two Committees which are mandatory under legislation:

(a) Audit Committee

In accordance with Section 126 of the Act, Council “*must* have an audit committee” to review annual financial statements, provide input to the strategic management and annual business plans, liaise with Council’s auditor, and review the adequacy of accounting systems and internal controls.

(b) Strategic Planning and Development Policy Committee

The Development Act 1993, Section 101A, requires Council to establish a committee to provide advice to the Council and ensure that its strategic planning and development policies accord with the (State) Planning Strategy. It also monitors development activity with a view to achieving orderly and efficient development within the area of the

Council. The Development Act, Section 101A function, could be undertaken by Council as a whole when required.

The Act has been amended, effective from 31 March 2016, to include changes to the conflict of interest provisions under Sections 73 to 75B. Members, including Independent Members, of Council Committees are subject to these new requirements. In some instances, the very reason for the Independent Members having been chosen (ie. for their specific knowledge), will now result in them having to declare a conflict of interest.

2.2 Unley Council – Current Section 41 Committees

Following the Local Government elections in November 2014, the Unley Council at its meeting of 27 January 2015, resolved (C43/15) to set up the following Section 41 Committees;

- Community and Culture
- Development Strategy and Policy (includes S.101A responsibilities)
- Infrastructure and Sustainability
- Unley Business and Economic Development (UBED).

Each Committee has a Terms of Reference (TOR) which sets out its objectives, membership, and meeting procedures. None of the Committees have delegation to make decisions. In all cases, the Committees make recommendations to Council for consideration and resolution.

The Mayor is ex officio on the above 4 Committees. Elected Members were appointed to the Committees for a term ending 28 January 2017 and each committee is chaired by an Elected Member. The Committees also include Independent Members who bring specialised expertise to the subject matter of the committees. Independent Members were appointed for a two year term ending 24 March 2017.

All Members (including Independents) are required to complete the Register of Interests return each year, must report any conflict of interest and comply with any confidentiality orders. Members are also required to undertake all relevant training when new or amended legislation, such as the Independent Commissioner against Corruption Act 2012, is introduced that relates to their Committee role.

Each Committee is supported by the respective General Manager and associated staff/ administrative support. On average, the Committees meet quarterly and report their findings, via the Committee Minutes, to Council for consideration and decision.

Since the establishment of the Community & Culture, Development Strategy & Policy and Infrastructure and Sustainability Committees in 2013, the committees have met on average 4 times a year.

As mentioned under 2.1 above, Council has established an Audit Committee, which Unley Council has called the Audit and Governance Committee (A&G)

and this Committee will continue to operate in the future. The Council can, in the future, review the terms of reference of this Committee (for example, to focus it back on audit functions). The term of Independents on the A&G ends in May 2019.

The Council has also established a Committee for the purposes of Section 101A of the Development Act 1993. This role is included in the TOR for the Development Strategy and Policy Committee.

UBED has not been discussed further in this report due to the additional complexity of having trader representatives as Members of that Committee. A separate report will come to Council for consideration of the future of UBED.

2.3 Unley Council – Assessment of Section 41 Committees and future steps

The Council first established the current Section 41 Committees in November 2012. This decision was made for a number of reasons including allowing the workload of the Elected Members to be spread across a range of committees. Furthermore, by meeting on a bi-monthly or quarterly basis as recommended, this would allow Members to focus on strategic issues of interest as well as reducing meeting commitments. All three Committees discussed in this report have met 14-15 times over the past three and a half years.

The decision was also made to include relevant Independent Members to each Committee on the basis of expert advice they could provide to the Council. This was especially the case given the number of strategies that needed to be developed or reviewed at that time.

In this regard the Committees have achieved this task admirably and over the past four years have assisted Council in the development of a number of key strategies and plans including:

- Active Ageing Strategy
- Animal Management Plan
- Public Arts Strategy
- Living Well Regional Public Health Plan
- Living Young Action Plan
- Library Strategic Plan
- Sport and Recreation Plan
- Unley Central Precinct DPA
- Local Heritage Places DPA
- Village Living and Desirable Neighbourhoods DPA
- General City of Unley DPA
- Inner and Metropolitan Corridor Infill Ministerial DPA
- Environmental Sustainability Strategy
- Open Space Strategy
- Tree Strategy
- Walking and Cycling Plan
- Waste Management Strategy

Given that Council has most of its key strategies developed and endorsed, the focus has now shifted to implementing actions arising from these strategies. This has led in some instances in the Committees considering items that would normally be considered by Council directly or resulted in occasions where there has been insufficient business to warrant calling a Committee meeting. At other times, meetings have been held where the agenda has been “fairly light”.

While the creation of the 3 Committees has allowed Elected Members to focus their efforts on a specific Committee that may interest them, this has also resulted in some operational issues. For example, in the past there has been confusion re: the involvement of Elected Members who have not been appointed to a Committee and their input at Committee meetings. The strict legal position states that, unless an Elected Member is an appointed member of a Committee, the Member has no entitlement to participate in a meeting over and above that provided to a member of the public. This resulted in Members attending as observers or requesting the opportunity to speak as would normally be afforded a member of the public. Furthermore, by their very nature, the Committees provided an opportunity for Members to brainstorm and explore/ discuss concepts in a free flowing manner. This often required the Presiding Member to suspend meeting procedures in order to allow this to occur.

In terms of recommendations to the Council, some members in the past have made the comment that they felt they were not in a position to approve a recommendation because they were not at the meeting where the discussion took place to understand the context behind the recommendation. To address this matter, the Administration provides brief notes attached to the Committee minutes to provide some context to the recommendations. The Presiding Member also reports back verbally at the Council meeting in support of the recommendations.

In summary, since the current Section 41 Committees were established in February last year, some of the projects and strategies under their purview have been completed or have moved on to the operational stage. It is therefore timely to review the current committee structure to assess if there is a more efficient and effective way to achieve the intended strategic goals when measured against Member’s time, double handling of reports and supporting material, and associated running costs (see 5.1 below).

There are a number of options available to Council for consideration:

1. Disband the Community & Culture, Infrastructure & Sustainability and Development Strategy and Policy Committee and replace these with a City Strategy and Development Committee.

2. Disband the Community & Culture, Infrastructure & Sustainability Committee and retain the Development Strategy & Policy Committee.
3. Disband the Community & Culture, Infrastructure & Sustainability Committees and replace these with a City Strategy Committee and retain the Development Strategy and Policy Committee
4. Disband the Community & Culture, Infrastructure & Sustainability and Development Strategy & Policy Committees with all matters going to Council.
5. Retain the current arrangements.

A discussion of each option is provided below in Section 3 Analysis of Options. Based on feedback to date, it is strongly recommended that Independent Members be retained in any future Committee Structure.

2.4 Exclusions

The following Panels and Committee have not been established under Section 41 of the Act and are not being considered as part of this review:

- Chief Executive Officer Performance Review Panel
- Development Assessment Panel (mandatory) - established under Section 56A of the Development Act 1993 with specific conditions.
- Building Fire Safety Committee (mandatory) - established with specific conditions under Section 71(18) of the Development Act 1993 as the “appropriate authority”. Membership of this Committee comprises suitably qualified staff and external experts, including a staff member of the Metropolitan Fire Service.

No changes are proposed to these Panels and Committee.

3. ANALYSIS OF OPTIONS

Option 1 – Disband the Community & Culture, Infrastructure & Sustainability and Development Strategy & Policy Committees and replace these with a City Strategy & Development Committee.

Under this option, the three existing committees would be replaced with one committee comprising all of the Elected Members and a number of expert independent members. The Committee would meet as required to consider strategic matters and provide direction to council. It would also consider development strategy and policy matters for the purposes of Section 101A of the Development Act 1993.

The advantages of this option are as follows:

- A specific ‘forum’ for consideration of strategic matters is retained.
- Expert advice from independent members is allowed for.
- The requirements of meeting Section 101A of the Development Act 1993 are maintained.

- All the Elected Members are on the committee, meaning there is no requirement for 'double handling' of information.
- There would be a reduction in administrative costs associated with running committees.

The disadvantages are:

- Elected Members and Independent Members are still subject to conflict of interest provisions.

Option 2 – Disband the Community & Culture, Infrastructure & Sustainability Committee and retain the Development Strategy & Policy Committees.

Under this option, the existing Development Strategy & Policy Committee would be retained to ensure that Council's strategic planning and development policies are in line with the State Planning Strategy.

All matters previously considered by the Community & Culture Committee and Infrastructure & Sustainability Committee would go directly to Council for consideration.

The advantages of this option are:

- A reduction in the number of Section 41 committees (and associated costs).
- A strategic focus on development policy is retained (including involvement from independent members).

The disadvantages of this option are:

- Not all Elected Members are on the existing Section 41 Committee (this could be changed).
- There would be no independent members advising Council on community or infrastructure matters.
- The meeting frequency may be irregular (depending on State Government planning priorities).

Option 3 – Disband the Community & Culture and Infrastructure & Sustainability Committees and replace these with a City Strategy Committee to consider community and infrastructure related matters; retain the Development Strategy & Policy Committee.

This option is a variation of Option 2 whereby a City Strategy Committee is established to consider strategic issues relating to community/culture and infrastructure/sustainability.

The advantages of this option are:

- Reduction from the existing three committees to two.

- Independent members would be retained to provide expert advice/feedback to Council.
- Some reduction in operating costs and improvement in functionality.

The disadvantages of this option are:

- There would still be some replication of information, as not all Members would be on the committees.
- The association administrative costs are higher than Options 1 and 2.
- Conflict of Interest issues still arise for independent members

Option 4 – Disband all three committees and all matters go to Council

The advantages of this option are:

- Reduction of committees therefore a reduction in operating costs.

The disadvantages of this option are:

- Increase of information being presented at Council directly.
- There would be no independent members advising Council.

Option 4 – Retain the current arrangements

Under this option, the current three Section 41 committees would be retained.

This is not considered to be the best option because of the reasons discussed in this report.

4. RECOMMENDED OPTION

Option 1 is the recommended option.

5. POLICY IMPLICATIONS

5.1 *Financial/budget*

Sitting fees

The Section 41 Committees including the Audit and Governance Committee are “Prescribed Committees” as outlined in the (State) Remuneration Tribunal Determination no. 7 of 2014 for Allowances for Members of Local Government Councils as handed down on 28 July 2014. Remuneration for the Presiding Member (if an Elected Member) is 1.25 times the standard Elected Member

Allowance (the current allowance is \$4020 per annum). The Independent Members are also paid a sitting fee per meeting attended.

The proposed changes would result in savings to the Council as the number of committees, meeting frequency and associated costs would be reduced.

5.2 Legislative/Risk Management

- Local Government Act 1999
 - Section 75B(1) Application of Division to members and meetings of committees and subsidiaries.
 - Section 126 Audit Committee.
- Development Act 1993; Section 101A.

Under the current system, the Agendas and Minutes of every Section 41 Committee are provided to all Elected Members. The Committee Minutes are sent to Council for adoption of the Committee recommendations, such as adopting a new or amended policy, or expenditure of Council funds. A Committee recommendation to the Council must be dealt with in the same way as a recommendation made by an officer of Council. A resolution adopting minutes of a Committee meeting does not have the effect that a recommendation contained in those Minutes would, if passed as a resolution of the Council.

Disbanding the existing Committee structure would reduce the risk of an allegation or perception that Members may not have turned their mind to the detail behind the recommendation during the decision making process.

The new material conflict of interest provisions apply to a Council Committee as if it were the Council and to a member of a Committee as if they were a member of the Council. This is regardless whether the Committee is making decisions under delegations which have been conferred on it by the Council or is making decisions without any delegated powers, therefore just recommendations to Council: The amended conflict of interest provisions operate at the time the matter is to be discussed at a meeting and the outcome of the consideration of that discussion is an agreed position of the Committee to make a recommendation to the Council.

5.3 Staffing/Work Plans

Staff attend Committee meetings when required and in accordance with the relevant Industrial Awards, some are entitled to payment of overtime. The average Committee meeting including set up and take down time, lasts for three hours. If the number of Section 41 Committees were reduced, then there would be a small saving in the salary overtime budget.

Staff prepare reports for Committees and Council. With the current structure, this means that some of the report material is double handled by staff and then presented twice to Elected Members. There is also a significant amount of work involved in writing and checking reports and preparation of agendas. Having 3

committees (plus UBED and A&G) and 1 Council meeting per month, means that the Administration is constantly in an agenda cycle with up to 3 sets of reports and agendas per month being required to be prepared. This is a significant workload for Administration. Should the number of Committees be reduced, then there would be a saving of Elected Members' and staff time.

The compilation of hard copy agendas and minutes also consumes a substantial amount of staff time at all levels of the organisation. There is double handling of material which is prepared for a Committee and then goes on to Council. The associated costs are hard to quantify, and the double handling is not efficient use of staff resources. This also means that there is duplication in paper and photocopying costs.

5.4 Stakeholder Engagement

All of the Section 41 Committees including Independent Members, who may be sitting as individuals in their own right or as representatives of another organisation have been advised of Council's review. Feedback from Independent Members indicates that they have valued the opportunity to contribute to Council's strategic direction.

6. ATTACHMENTS

Nil

7. REPORT AUTHORISERS

<u>Name</u>	<u>Title</u>
Peter Tsokas	Chief Executive Officer
Rebecca Wilson	Group Manager Governance

INFORMATION REPORT

REPORT TITLE: REVIEW OF CONFIDENTIALITY ORDERS
ITEM NUMBER: 555
DATE OF MEETING: 22 AUGUST 2016
AUTHOR: CAROL GOWLAND
JOB TITLE: EXECUTIVE ASSISTANT TO CEO & MALYOR

EXECUTIVE SUMMARY

Section 91(9)(a) of the Local Government Act, 1999 (Act) requires Council to undertake a review of its confidentiality orders that operate for a period exceeding 12 months. This report provides Council on the status of documents with confidentiality orders as per Section 91(9)(a) of the Act up to 29 July 2016.

RECOMMENDATION

MOVED:
SECONDED:

That:

1. Council note the confidential items revoked by the Chief Executive Officer.
-

1. **RELEVANT CORE STRATEGIES / POLICIES**

Under Section 91(9)(a) of the Local Government Act, Council is required to review any order that has operated for a period not exceeding 12 months, at least once in every year.

2. **DISCUSSION**

Once the confidentiality orders are revoked by the Chief Executive Officer, the documents are made available on Council's website under 'Agenda and Minutes' on the page named 'Confidentiality Orders' removed.

A review of each confidentiality order has been undertaken on an Item by Item basis by the responsible officer and those orders which have been able to be revoked by the Chief Executive Officer are listed in Attachment 1 to Item 555/16.

Attachment 1

Confidentiality orders which are to remain in place until the next review are detailed in Attachment 2 to Item 555/16.

Attachment 2

A number of items need to remain confidential because they contain legal advice, personal information, or 'commercial in confidence'. The table below shows the number of items and the reason for the confidentiality order.

No of Items	Reason for confidentiality
7	Section 90(2) and (3)(a) of the Local Government Act – personal affairs
1	Section 90(2) and (3)(h) of the Local Government Act – legal advice / litigation
22	Section 90(2) and (3)(d) of the Local Government Act – commercial in confidence

Of the above 30 documents, 17 of these are attachments only which are required to remain in confidence (some due to legal advice). Nine of the documents remaining in confidence relate to Centennial Park Cemetery Authority.

3. **ATTACHMENTS**

- Confidentiality Orders revoked by the CEO under delegation
- Confidentiality Orders still in place

4. **REPORT AUTHORISERS**

Chief Executive Officer

ATTACHMENT 1**ITEMS REVOKED BY THE CHIEF EXECUTIVE OFFICER**

Council Meeting Date	Item	Confidentiality Order Removed
February 2011	Item 5 – Prosecution	27/7/16
August 2013	Item 880 – Land Encroachment	27/7/16
May 2014	Item 1164 – Land Encroachment	27/7/16
August 2015	Item 238 – Strategic Land Acquisition – Recommendation 4 only	27/7/16
August 2015	Item 235 – Damage to Flooded Gum	29/7/16
November 2015	Item 318 – Goodwood Community Centre Lease Arrangements	27/7/16
November 2015	Item 324 – Damage to Flooded Gum	29/7/16
February 2016	Item 401 – Revocation of Community Land Status	27/7/16
March 2016	Item 428 – Revocation of Community Land Status	27/7/16
March 2016	Item 425 – Encroachment onto Council Land – Attachment 2 remains confidential	19/7/16
April 2016	Item 459 – Goodwood Community Centre Lease Agreement – Attachment 3 remains confidential	27/4/16

CONFIDENTIALITY ORDERS AS AT 29 JULY 2016

KEY : Attachments only remain confidential

Committee and/or Council Meeting Date and Item No.	Topic	Section 90(3) Grounds for Confidentiality (Note: Amendments to Sn 90 became operative on 22 May 2003)	Duration of the Order or Circumstances it will cease (and comments if necessary)	Status of Document and Recommendation re Confidentiality Order
2009				
City Strategy and Policy Item 259 21 September 2009	Water Supply Council Reserves (Report & Attachments only) Maintain for life of contract. 35 years.	Disclosure of the commercial information could prejudice the commercial position of the person who supplied the information.	Remain in confidence until the order is reviewed by the CEO in December 2009. Report and attachments only.	Maintain confidentiality in accordance with Council resolution. Reviewed – February 2010 and July 2010. Remake of confidential order May 2011. Maintain confidentiality for life of contract or until revoked by CEO. Reviewed by CEO 30/3/12 – Maintain confidentiality. Reviewed by CEO 8/3/13 – Maintain confidentiality. Reviewed by CEO 30/8/13 – Maintain. Reviewed by CEO 10/2/14. Maintain on report and attachments for life of contract. Reviewed by CEO 3/10/14. Maintain on report and attachments for life of contract. Reviewed by CEO 11/3/15. Maintain on report and attachments for life of contract. Reviewed by CEO 30/11/15. Maintain. Reviewed by A/CEO 27/7/16. Maintain on report and attachments for life of contract.
2010				
Item 660 Council 27 April 2010	Brown Hill Keswick Creek Stormwater Project – Legal opinion – Stormwater Management Plan and Implications Attachments 3 – 7 confidential	Pursuant to Section 90(2) and (3)(h) of the Local Government Act. Information provided in confidence.	Report and attachments remain confidential until reviewed by the CEO – June 2010.	Attachments only remain confidential as per Council resolution. Reviewed – July 2010 – Attachments to remain confidential. Remake of confidential order May 2011. Maintain confidentiality until revoked by CEO. Reviewed by CEO 3/10/12 – Attachments remain confidential (information provided

Committee and/or Council Meeting Date and Item No.	Topic	Section 90(3) Grounds for Confidentiality (Note: Amendments to Sn 90 became operative on 22 May 2003)	Duration of the Order or Circumstances it will cease (and comments if necessary)	Status of Document and Recommendation re Confidentiality Order
				in confidence.) Reviewed by CEO 8/3/13 – Attachments remain confidential. Reviewed by CEO 30/8/13 – Confidentiality order removed on Attachments 1 and 2. Maintained on Attachments 3 – 7. Reviewed by CEO on 10/2/14 – Maintain on Attachments 3 – 7. Reviewed by CEO on 3/10/14 – Maintain on Attachments 3 – 7. Reviewed by CEO on 11/3/15 – Maintain on Attachments 3 – 7. Reviewed by CEO on 30/11/15 – Maintain on Attachments 3 – 7. Reviewed by A/CEO 27/7/16. Maintain on Attachments 3 – 7.
2011				
Item 9 CEO Recruitment Committee 5 September 2011	Presentation by Stillwell Management Consultants re Applicants	Section 90(2) and (3)(a)	Keep confidential until revoked by CEO.	Reviewed by CEO 16/3/12 – Maintain confidentiality. Reviewed by CEO 3/10/12 – Maintain confidentiality. Reviewed by CEO 8/3/13 – Maintain confidentiality. Reviewed by CEO 30/8/13 – Maintain. Reviewed by CEO 10/2/14 – Maintain. Reviewed by CEO 3/10/14 – Maintain. Reviewed by CEO 11/3/15 – Maintain. Reviewed by CEO 30/11/15 – Maintain. Reviewed by A/CEO 27/7/16 – Maintain.
Item 12 CEO Recruitment Committee 15 September 2011	Applicants for the position of Chief Executive Officer	Section 90(2) and (3)(a)	Keep confidential until revoked by CEO. Delegated to CEO.	Reviewed by CEO 16/3/12 – Maintain confidentiality. Reviewed by CEO 3/10/12 – Maintain confidentiality. Reviewed by CEO 8/3/13 – Maintain confidentiality. Reviewed by CEO 30/8/13 – Maintain. Reviewed by CEO 10/2/14 – Maintain.

Committee and/or Council Meeting Date and Item No.	Topic	Section 90(3) Grounds for Confidentiality (Note: Amendments to Sn 90 became operative on 22 May 2003)	Duration of the Order or Circumstances it will cease (and comments if necessary)	Status of Document and Recommendation re Confidentiality Order
				Reviewed by CEO 3/10/14 – Maintain. Reviewed by CEO 11/3/15 – Maintain. Reviewed by CEO 30/11/15 – Maintain. Reviewed by A/CEO 27/7/16 – Maintain.
2012				
Adjourned item 132 CSP Item 556 Council 27 August 2012	Street Tree Removal 26 Porter Street Parkside – Attachments 6 and 7 only remain confidential	Pursuant to Section 90(2) and (3)(h)(i) of the LGA. Legal advice and litigation	Until revoked by the CEO	Reviewed by CEO 20 November 2012 – Confidentiality order removed on all except Attachment 6 – Legal advice Reviewed by CEO 8/3/13 – Maintain confidentiality on attachments 6 and 7. Reviewed by CEO 30/8/13. Reviewed by CEO 10/2/14 – Maintain on Attachments 6 & 7. Reviewed by CEO 3/10/14 – Maintain on Attachments 6 & 7. Reviewed by CEO 11/3/15 – Maintain on Attachments 6 & 7. Reviewed by CEO 30/11/15 – Maintain on Attachments 6 & 7. Reviewed by A/CEO 27/7/16 – Maintain on Attachments 6 & 7.
Item 615 Council 26 November 2012	CPCA Provision of Services to Other Local Government Councils	Section 90(2) and (3)(d) of the LGA. Commercial advantage	Until revoked by the CEO	Reviewed by CEO 30/8/13. Maintain. Reviewed by CEO 10/2/14 – Maintain. Reviewed by CEO 3/10/14 – Maintain. Reviewed by CEO 11/3/15 – Maintain. Reviewed by CEO 30/11/15 – Maintain. Reviewed by A/CEO 27/7/16 – Maintain.
2013				
Item 715 Council March 2013	CPCA Strategic Plan 2012-2033 Attachment only confidential.	Section 90(2) and (3)(d) of the LGA. Commercial advantage	Until revoked by the CEO	Attachments only confidential. Reviewed by CEO 30/8/13. Maintain on attachments. Reviewed by CEO 10/2/14 – Maintain on attachments. Reviewed by CEO 3/10/14 – Maintain on attachment. Reviewed by CEO 11/3/15 – Maintain on

Committee and/or Council Meeting Date and Item No.	Topic	Section 90(3) Grounds for Confidentiality (Note: Amendments to Sn 90 became operative on 22 May 2003)	Duration of the Order or Circumstances it will cease (and comments if necessary)	Status of Document and Recommendation re Confidentiality Order
				attachment. Reviewed by CEO 30/11/15 – Maintain on attachment. Reviewed by A/CEO 27/7/16 – Maintain on attachment.
Item 780 Council May 2013	CPCA Operating Budget Attachment 2 only confidential.	Section 90(2) and (3)(d) of the LGA. Commercial advantage	Until revoked by the CEO	Attachment 2 only confidential. Reviewed by CEO 30/8/13. Maintain on attachments. Reviewed by CEO 10/2/14 – Maintain on Attachment 2 only. Reviewed by CEO 3/10/14 – Maintain on Attachment 2 only. Reviewed by CEO 11/3/15 – Maintain on Attachment 2 only. Reviewed by CEO 30/11/15 – Maintain on Attachment 2 only. Reviewed by A/CEO 27/7/16 – Maintain on Attachment 2 only.
Item 808 Council 24 June 2013	Council Owned Property 166 – 168 Unley Road Unley Report and attachment confidential	Section 90(2) and 3(d) of the LGA. Commercial advantage	Until revoked by the CEO	Reviewed by CEO 10/2/14 – Maintain on report and attachments. Reviewed by CEO 3/10/14 – Maintain. Reviewed by CEO 11/3/15 – Maintain. Reviewed by CEO 30/11/15 – Maintain. Reviewed by A/CEO 27/7/16 – Maintain.
Item 842 Council 22 July 2013	Centennial Park Cemetery Authority Operating Budget 2013-2014 Attachment 1 confidential	Section 90(2) and 3(d) of the LGA. Commercial Advantage	Until revoked by the CEO	Attachment 1 only confidential Reviewed by CEO 10/2/14 – Maintain on Attachment 1. Reviewed by CEO 3/10/14 – Maintain on Attachment 1 only. Reviewed by CEO 11/3/15 – Maintain on Attachment 1 only. Reviewed by CEO 30/11/15 – Maintain on Attachment 1 only. Reviewed by A/CEO 27/7/16 – Maintain on Attachment 1 only.
Item 845 Council 22 July 2013	Centennial Park Cemetery Authority Annual Business Plan 2013 – 2016	Section 90(2) and 3(d) of the LGA. Commercial Advantage	Until revoked by the CEO	Attachment 1 only confidential. Reviewed by CEO 10/2/14 – Maintain on Attachment 1.

Committee and/or Council Meeting Date and Item No.	Topic	Section 90(3) Grounds for Confidentiality (Note: Amendments to Sn 90 became operative on 22 May 2003)	Duration of the Order or Circumstances it will cease (and comments if necessary)	Status of Document and Recommendation re Confidentiality Order
	Attachment 1 confidential			Reviewed by CEO 3/10/14 – Maintain on Attachment 1 only. Reviewed by CEO 11/3/15 – Maintain on Attachment 1 only. Reviewed by CEO 30/11/15 – Maintain on Attachment 1 only. Reviewed by A/CEO 27/7/16 – Maintain on Attachment 1 only.
2014				
Item 1161 Council 26 May 2014	Centennial Park Cemetery Authority Draft Operating Budget 2014-15 Attachment 2 only confidential	Section 90(2) and (3)(d) of the LGA. Commercial advantage	Until revoked by the CEO	Attachment 2 only confidential. Reviewed by CEO 3/10/14 – Maintain on Attachment 2 only. Reviewed by CEO 11/3/15 – Maintain on Attachment 2 only. Reviewed by CEO 30/11/15 – Maintain on Attachment 2 only. Reviewed by A/CEO 27/7/16 – Maintain on Attachment 2 only.
Item 1164 Council 26 May 2014	Land Encroachment Recommendation 2 only confidential	Section 90(2) and (3)(i) of the LGA. Litigation	Until revoked by the CEO	Recommendation 2 only confidential. Reviewed by CEO 3/10/14 – Maintain on recommendation 2 only. Reviewed by CEO 30/11/15 – Maintain on recommendation 2 only. Confidentiality order removed on all except Recommendation 2.
Item 1209 Council 28 July 2014	Domestic Health Issue	Section 90(3)(a) Personal affairs	Until revoked by the CEO	Report confidential. Reviewed by CEO 3/10/14. Maintain. Reviewed by CEO 11/3/15. Maintain. Reviewed by CEO 30/11/15 – Maintain. Reviewed by A/CEO 27/7/16 – Maintain.
Item 1226 Council 11 August 2014	Unley Central Precinct Property Development Options	Section 90(2) and (3)(b)(i) and (ii). Commercial advantage	Until revoked by the CEO	Minutes and report confidential. Reviewed by CEO 30/11/15 – Maintain. Reviewed by A/CEO 27/7/16 – Maintain.
Item 151 Council 25 May 2015	CEO Employment Contract	Section 90(3)(a) Personal affairs	Until revoked by the CEO	Reviewed by CEO 30/11/15 – Maintain on Report. Remove confidentiality motion on Minutes. Reviewed by A/CEO 27/7/16 – Maintain.

Committee and/or Council Meeting Date and Item No.	Topic	Section 90(3) Grounds for Confidentiality (Note: Amendments to Sn 90 became operative on 22 May 2003)	Duration of the Order or Circumstances it will cease (and comments if necessary)	Status of Document and Recommendation re Confidentiality Order
Item 173 Council 27 June 2015	CPCA Proposal	Section 90(2) and (3)(b)(i) and (ii). Commercial advantage	Until revoked by the CEO	Reviewed by CEO 30/11/15 – Maintain. Reviewed by A/CEO 27/7/16 – Maintain.
Item 207 Council 27 July 2015	CEO Performance Review	Section 90(3)(a) Personal affairs	Until revoked by the CEO	Reviewed by CEO 30/11/15 – Maintain Reviewed by A/CEO 27/7/16 – Maintain.
Item 238 Council 24 August 2015	Strategic Land Acquisition	Section 90(2) and (3)(b)(i) and (ii) Commercial advantage	Until revoked by the CEO	Reviewed by CEO 30/11/15 – Maintain Reviewed by A/CEO 27/7/16 – Maintain on report and removed on recommendation 4 in the minutes only.
Item 241 Council 24 August 2015	CEO Contract	Section 90(3)(a) Personal affairs	Until revoked by the CEO	Reviewed by CEO 30/11/15 – Maintain on report and attachments. Reviewed by A/CEO 27/7/16 – Maintain on report and attachments.
Item 10 – DSP Council 28 September 2015	Draft Inner and middle metropolitan Corridor Infill Minister Development Plan Amendment	Section 90(2) and (3)(j) Information provided on a confidential basis	Until revoked by the CEO	Reviewed by CEO 30/11/15 – Maintain Reviewed by A/CEO 27/7/16 – Maintain.
Item 275 Council 28 September 2015	Unley Central	Section 90(2) and (3)(b)(i) and (ii) Commercial advantage	Until revoked by the CEO	Reviewed by CEO 30/11/15 – Maintain Reviewed by A/CEO 27/7/16 – Maintain
Item 321 Council 23 November 2015	CPCA Quarterly Progress Report	Section 90(2) and (3)(b)(i) and (ii) Commercial advantage	Until revoked by the CEO	Reviewed by CEO 30/11/15 – Maintain on Attachment only. Reviewed by A/CEO 27/7/16 – Maintain on attachment only
Item 356 Council December 2015	Unley Central Property Development Opportunities	Section 90(2) and (3)(b)(i) and (ii) Commercial advantage	Until revoked by the CEO	Reviewed by A/CEO 27/7/16 – Maintain
Item 375 Council January 2016	Property Development Opportunities Unley Central	Section 90(2) and (3)(b)(i) and (ii) Commercial advantage	Until revoked by the CEO	Reviewed by a/CEO 27/7/16 – Maintain
Item 398 Council February 2016	Revocation Community Land Classification and Property Disposal of Land Malvern Report & Attachments in confidence	Section 90(2) and (3)(b)(i) and (ii) Commercial advantage	Until revoked by the CEO	Confidentiality order revoked on minutes by CEO on 8/3/16 – Report and Attachments remain in confidence

Committee and/or Council Meeting Date and Item No.	Topic	Section 90(3) Grounds for Confidentiality (Note: Amendments to Sn 90 became operative on 22 May 2003)	Duration of the Order or Circumstances it will cease (and comments if necessary)	Status of Document and Recommendation re Confidentiality Order
Item 459 Council April 2016	Goodwood Community Centre Lease Attachment 3 only in confidence	Section 90(2) and (3)(b)(i) and (ii) Commercial advantage	Until revoked by the CEO	Confidentiality order removed by CEO on 27 April 2016 – on all documents except Attachment 3
Item 480 Council May 2016	Unley Central Property Development Report in confidence	Section 90(2) and (3)(b)(i) and (ii) Commercial advantage	Until revoked by the CEO	Report remains in confidence. Reviewed by A/CEO 127/7/16 – Maintain
Item 6 Special Council June 2016 Item 516 Council June 2016	CEO Remuneration Review	Section 90(2) and 3(a) Personal Affairs	Until revoked by the CEO	Maintain until next review
Item 33 Audit & Governance Item 510 Council June 2016	Centennial Park Cemetery Authority – Upkeep Fund	Section 90(2) and (3)(b)(i) and (ii) Commercial advantage	Until revoked by the CEO	Report and Attachments remain in confidence.

INFORMATION REPORT

REPORT TITLE: COUNCIL ACTION RECORDS
ITEM NUMBER: 556
DATE OF MEETING: 22 AUGUST 2016
AUTHOR: CAROL GOWLAND
JOB TITLE: EXECUTIVE ASSISTANT TO CEO & MAYOR

EXECUTIVE SUMMARY

To provide an update to Members on information and actions arising from resolutions of Council.

RECOMMENDATION

MOVED:
SECONDED:

That:

1. The report be noted.
-

COUNCIL ACTION REPORTS - ACTIONS TO August 2016

Meeting	Item	Subject and Council Resolution	Resp.	Status/Progress
DSP	3	<p>Draft General Development Plan - 2. Do not endorse the draft General DPA in its current form.</p> <p>3. An opportunity be provided for the scope, nature and timetable of the DPA to be revised to address the issues of concern of the Committee.</p> <p>4. A further report be provided to the Committee in June 2015.</p>	General Manager Economic Development & Planning	<p>Draft General DPA reviewed by DSPC in May 2015. Some revisions sought but further progress delayed at that time due to priority with progressing Council Residential Growth DPA (DPA 2) and responding to Minister's Activity Centres and Corridors DPAs. Activity Centres Ministerial DPA approved in April 2016 and Corridors DPA delayed.</p> <p>Currently reviewing impacts on scope and nature of policy in General DPA and seeking advice from DPTI on proceeding with DPA before reporting back to DSPC.</p>
AUDIT & GOV	13	<p>Motion on Notice re Service Review - The Audit and Governance Committee requests the Chief Executive Officer to develop a brief to appoint an experienced sector consultancy to undertake a service and organisational review which will include but not be limited to assessment and recommendations on the following:</p> <ul style="list-style-type: none"> • The efficiency and effectiveness of its operations; the adequacy and deployment of resources in operational activity • The manner in which its resources are directed towards the Council's priorities and provide value for money to the community • Strategic opportunities that will maximise return on Council's major assets • Opportunities to improve the efficiency and/or effectiveness of its services including options to use alternative service delivery mechanisms • Opportunities for cash savings and revenue growth. 	Group Manager Business Support and Improvement	<p>The project is currently being completed and a draft report is expected to be circulated at the end of August.</p>

COUNCIL ACTION REPORTS - ACTIONS TO August 2016

Meeting	Item	Subject and Council Resolution	Resp.	Status/Progress
COUNCIL	316	Notice of Motion from Councillor Boisvert re Pedestrian Safety on Shared Pathways - 1. Investigate the risks associated with cyclists and pedestrians travelling along shared pathways in the same direction on the same side of the path; 2. Consider whether there is a need to change the laws to make it common practice to have contra flow lanes operating on shared pathways, with cyclists travelling on the left hand side and pedestrians the right hand side.	General Manager Economic Development and Planning	DTPI response is awaited, Administration has followed up the matter with Office of Walking and Cycling, DPTI.
UBED	19	Review of Separate Rates - 1. The Unley Business & Economic Development Committee engage and consult with Main Street Trader Associations to discuss and investigate the possible capping for the application of separate rates, and provide recommendations to Council as to any changes that may be prudent so they can be assessed at the proposed March 2016 UBED meeting. 2. An independent consultant be engaged to undertake a review of the role and operation of the Trader Associations, in conjunction with the Associations, to ensure they are still the most appropriate method for promotion of the precincts, and are supported by the businesses of those precincts. The review is to include face to face interviews with a broad cross section of those who pay the separate rate.	General Manager Economic Development and Planning	Rates were capped. Trader review to be presented to UBED in September 2016.
I & SC	11	City of Unley Walking and Cycling Plan 2015-2020 Draft for Consultation - 2. The draft City of Unely Walking and Cycling Plan 2015-2020 as amended be supported for community engagement. 3. A report outlining the outcomes of the community engagement be provided to Council in early 2016.	General Manager Assets and Environment	Report in this Agenda. COMPLETED

COUNCIL ACTION REPORTS - ACTIONS TO August 2016

Meeting	Item	Subject and Council Resolution	Resp.	Status/Progress
	373	Notice of Motion from Councillor Hewitson re amendments to endorsed plans for Rugby/Porter Cycleway -	General Manager Economic Development and Planning	Report presented to Council at June 2016 meeting. Currently community consultation is being undertaken as per Council endorsement. Following DPTI funding application for the project and conclusion of community engagement process, Council will be updated on the matter.
	440	Unley Wayville and Goodwood Local Area Traffic Management Student (LATM1) Draft Plan - 1. The report be received. 2. Community consultation be undertaken for the LATM 1 Draft Concept Plan as shown in Attachment 2 to Item 440/16, and that the community be advised as part of the consultation process, that if road closures in Hardy and Weller Streets are supported, Council will initially only agree to trial them for a period of six months. 3. The Community be further advised that if there is widespread support for the adoption of the Draft Plan, only the High Priority Treatments will be undertaken in the next two financial years, and that Medium and Low Priority treatments will be subject to subsequent funding allocations if deemed to still be required. 4. A further report be presented to Council as soon as practicable following the community consultation process.	General Manager Economic Development & Planning	Report to be presented to Council - 12 September 2016.
	441	Forestville Local Area Traffic Management (LATM) Part Time Turning Restrictions Trial - Part time turn restrictions (between 8am to 9am) for vehicles turning left into Norman and Everard Terraces from Leah Street be maintained. 3. Administration continue to liaise with SA Police to ensure the turning restrictions are enforced on an appropriate basis. 4. Monitoring of the study area continue and a report, including the traffic data be brought back to Council in 12 months' time.	General Manager Economic Development & Planning	The report requested in point 4 will be presented at the February 2017 Council meeting.

COUNCIL ACTION REPORTS - ACTIONS TO August 2016

Meeting	Item	Subject and Council Resolution	Resp.	Status/Progress
	443	<p>Update on Library Service Review - 2. The update on the progress of the Library Service Review recommendations be noted.</p> <p>3. Council endorse the Administration to proceed with a community engagement program on the redistribution of existing opening hours for Unley and Goodwood libraries.</p> <p>4. A report with the outcomes of community engagement will be presented to Council in October 2016 for further consideration.</p>	General Manager Community	<p>Undertake Community engagement program to review the library service opening hours.</p> <p>Community consultation concluded 10 July. Results of the survey will determine future actions, however, preliminary results suggest the majority of users are satisfied with the existing opening hours for both libraries.</p> <p>Report to Council in October.</p>
	444	<p>Ferguson Avenue Myrtle Bank - Street Tree Removal - 2. Council endorse a three staged (over 6 years) street tree renewal program for Ferguson Avenue, Myrtle Bank.</p> <p>3. Council endorse the replacement of 36 White Cedar trees in the first stage of this program (2016) with advanced specimens of Chinese Pistachio. A street tree risk reduction pruning program for the remaining White Cedar trees will occur concurrently.</p> <p>4. The tree removal process will also involve the safeguarding of any native fauna that currently use the trees as habitat.</p> <p>5. Property owners and residents of Ferguson Avenue be advised of the impending works and the matter only be brought back to Council if significant objections are received.</p>	General Manager Assets and Environment	<ul style="list-style-type: none"> • All Non- Regulated trees as consulted and notified for removal have been removed. • Risk street tree pruning works has been completed. • 36 replacement trees have been planted. • There are two Regulated trees awaiting to be removed. <p>Approval has been provided and Council is waiting for the contractor to schedule these removal works.</p> <ul style="list-style-type: none"> • Council has identified a further 7 street tree replacement locations. Sapling trees have been ordered and awaiting delivery for planting. <p>COMPLETED</p>

COUNCIL ACTION REPORTS - ACTIONS TO August 2016

Meeting	Item	Subject and Council Resolution	Resp.	Status/Progress
	467	<p>Resilient East Climate Change Adaptation Plan - 2.</p> <p>Council gives in principle endorsement of the Resilient East Regional Climate Change Adaptation Plan (Attachment 1).</p> <p>3. Council endorses Adelaide City Council's continued involvement in the Resilient East Regional Climate Change Adaptation project partnership.</p> <p>4. Council notes that the Resilient East Project Steering Group will continue to oversee the project and develop recommendations for the ongoing governance and implementation framework for project partners, including councils and State Government.</p> <p>5. A subsequent report be presented to Council outlining the priority projects, partners, and funding expectations included in the Resilient East Regional Climate Change Adaptation Plan.</p>	General Manager Assets and Environment	The Resilient East Project Steering Group is in the process of developing the governance and implementation framework for the project which will also outline recommended priorities for the project partners. It is anticipated that a report would not be coming back to Council until late 2016 or early 2017.
COUNCIL	490	<p>Rugby/Porter Sstreets Bikeway - Design and Community Engagement - 1. The report be received.</p> <p>2. Concept designs outlined in Attachment 1 to Item 490/16 be endorsed.</p> <p>3. Community engagement be undertaken on the matter and a funding application be made to DPTI for co-contribution towards the project.</p> <p>4. If there is significant opposition to any proposed changes, further guidance be sought from Council.</p>	General Manager Economic Development & Planning	Report presented to Council at June 2016 meeting. Currently community consultation is being undertaken as per Council endorsement. Following DPTI funding application for the project and conclusion of community engagement process, Council will be updated on the matter.

COUNCIL ACTION REPORTS - ACTIONS TO August 2016

Meeting	Item	Subject and Council Resolution	Resp.	Status/Progress
	491	Revocation of Community Land Classification, Part 168 Unley Road - 1. This report, and the letter received from the Department of Planning, Transport and Infrastructure dated 24 May 2016, approving the Council's proposal to revoke the community land classification over a portion of 168 Unley Road, Unley (Allotment 1000 in DP 58810, being a portion of Certificate of Title volume 5880 folio 539) (the Land) be received. 2. Pursuant to sections 194(1) and 194(3)(b) of the Local Government Act 1999, Council hereby resolve to revoke the classification of the Land, as community land. 3. The CEO give notice of the revocation of the classification of the land as community land to the Registrar-General in accordance with Section 195(2) of the Local Government Act 1999. 4. The CEO publish a notice of the revocation in the Eastern Courier Messenger. 5. The confidentiality provisions relating to those sections of previous reports 356/2015 and 428/2016 that deal with matters other than the revocation remain at this time, but the provisions be removed for the balance of those reports.	General Manager Economic Development & Planning	Completed.
	493	Greening Opportunities - Leader Street Streetscape Project - The Leader Street Streetscape design includes the removal of 10 car parking spaces to incorporate the installation of raingardens.	General Manager Assets and Environment	Detailed design 80% complete.
	494	Annual Business Plan and Budget Adoption	Group Manager Business Support and Improvement	COMPLETED
	495	2016-17 Fees and Charges Schedule - The schedule of fees and charges referred to in Attachment 1 of Item 495/16 for the 2016-17 financial year be approved to take effect from 1 July 2016, or until varied. Council notes that the statutory fees will be included on the schedule of fees and charges available for public inspection subsequent to being gazetted.	Group Manager Business Support and Improvement	Schedule of fees and charges endorsed. Statutory fees available for public inspection via website and Register at Reception. COMPLETED

COUNCIL ACTION REPORTS - ACTIONS TO August 2016

Meeting	Item	Subject and Council Resolution	Resp.	Status/Progress
	507	<p>Motion on Notice from Councillor Boisvert Re Page Park - The Administration undertake community consultation about extending the off-leash hours in the following parks:</p> <ul style="list-style-type: none"> • Everard Park Reserve, Everard Park • Forestville Reserve, Forestville • Fraser Reserve, Myrtle Bank • Fullarton Park, Fullarton • Heywood Park (western sector), Unley Park • Howard Florey Reserve, Parkside • McLeay Park, Unley • Page Park, Clarence Park • Scammell Reserve, Myrtle Bank • Soutar Park (open play area and south of the east/west path), Goodwood • Village Green, Unley • Wayville Reserve, Wayville <p>The consultation will propose the following options for the community's consideration:</p> <ol style="list-style-type: none"> 1. Make no changes to the off-leash hours in the parks listed: off leash hours to remain 5pm to 10am. 2. Amend the off-leash hours in the parks listed to: off leash between 4pm and 10am from 1 April to 30 September only, with 1 October to 31 March to remain 5pm to 10am. 3. Amend the off-leash hours in the parks listed to: off leash between 4.30pm and 10am from 1 April to 30 September only, with 1 October to 31 March to remain 5pm to 10am. 	General Manager Community	Community consultation to be undertaken in August 2016 - Report to Council in October 2016. COMPLETED

COUNCIL ACTION REPORTS - ACTIONS TO August 2016

Meeting	Item	Subject and Council Resolution	Resp.	Status/Progress
COUNCIL AND AUDIT & GOV.	510	Centennial Park Cemetery Authority - Future Upkeep Fund - 1. The report be received. 2. The report at Attachment 1, from BRM Holditch on the Centennial Park Upkeep Fund, be received. 3. Council request the CPCA Board to develop a new strategic plan and associated asset management plan for Centennial Park by the end of September 2016 for Council approval. 4. Elected Members from both Unley and Mitcham Councils be involved in workshops with the Centennial Park Board to provide direction on the development of both plans. 5. Elected members from Unley and Mitcham Councils formulate strategic objectives they require from CPCA in relation to capital distributions and ongoing dividends, or consider whether the continuing investment in Centennial Park is appropriate. 6. Any upkeep provision funds received from CPCA should be quarantined for major capital projects or debt reduction.	Group Manager Business Support and Improvement	Letter sent to CEO of Centennial Park Cemetery Authority and copy to CEO of Mitcham Council, advising them of the Council's resolution. COMPLETED
	522	Parkside on Street Parking - 2. Subject to approval from DPTI of the concept, community engagement on (pay for use) parking bay indention along Greenhill Road be supported. 3. Further investigation into the introduction of Smart Parking technology occur, and if the proposal looks to have promise, a report be provided to a future meeting regarding a trial in the Parkside area. 4. A report outlining the outcome of the above community engagement be presented to Council as soon as the results are available.	General Manager Economic Development & Planning	Community engagement and design works are scheduled for commencement in late 2016 with a view to provide a further report to Council in mid-2017 on this matter.

COUNCIL ACTION REPORTS - ACTIONS TO August 2016

Meeting	Item	Subject and Council Resolution	Resp.	Status/Progress
	523	<p>Walking and Cycling Plan Review - 2. The draft Walking and Cycling Plan 2016-2021 be adopted to provide a plan to guide future works, and the implementation of projects not completed in the 2016/17 year be considered in future budgets to allow further information regarding those projects to be provided.</p> <p>3. The projects identified from the Walking and Cycling Plan that are proposed for implementation in 2016/17 be approved, noting the issues relating to extending Mike Turtur bikeway to Greenhill Road, and Administration be authorised to change the scope of works if necessary, when detailed costs are known, to keep the works within the approved budget.</p> <p>4. A future report be presented to Council discussing the impacts of projects completed in the first year, and funding options for the remaining projects.</p>	General Manager Economic Development & Planning	The works to be undertaken in FY 16/17 as per Council endorsement with an update report to be provided in mid-2017.
	525	<p>Appointment of DAP Members - 2. The following Independent Members be appointed to the Unley DAP for a term of one year commencing on 18 March 2017, or until the Panel's existence is terminated because of legislative change before the one year term is completed:</p> <ul style="list-style-type: none"> • Mr Brenton Burman (Presiding Member) • Mr Roger Freeman • Mrs Ann Nelson • Ms Barbara Norman <p>3. The following Elected Members be appointed to the Unley DAP for a term of one year commencing on 18 March 2017, or until the Panel's existence is terminated because of legislative change before the one year term is completed :</p> <ul style="list-style-type: none"> • Cr Jennifer Boisvert • Cr Rufus Salaman • Cr Rob Sangster 	General Manager Economic Development & Planning	The appointment of DAP Members for a term of one year was advertised in a public notice in the Advertiser on 3 August 2016 as required by section 56A of the Development Act 1993. COMPLETED

COUNCIL ACTION REPORTS - ACTIONS TO August 2016

Meeting	Item	Subject and Council Resolution	Resp.	Status/Progress
	526	Review of Council Policies - 2. Council endorse the revised "Construction of crossing places and stormwater pipes to properties" policy at Attachment 2 to Item 526/16. 3. Council endorse the revised "Disposal of surplus non-community land" policy at Attachment 4 to Item 526/16. 4. The Chief Executive Officer or person acting in the position of Chief Executive Officer be delegated to negotiate deferred payment subject to clause 5.5 of the "Disposal of surplus non-community land" policy. 5. Council endorse the revised "Graffiti removal" policy at Attachment 6 to Item 526/16. 6. The "World War 1 Honour Roll" policy be revoked and replaced by the Administration procedure of the same name at attachment 8 to Item 526/16. 7. The Chief Executive Officer or person acting in the position of Chief Executive Officer be delegated to manage and approve requests for the addition of names to the World War 1 Honour Roll, and that this delegation may be further sub-delegated by the Chief Executive Officer.	Group Manager Governance	Policy register updated, website listing updated. Copies sent to relevant Council Staff.
	527	Council Representative to the LGFA AGM - 2. Mayor Lachlan Clyne be appointed as the Unley Council's representative to the Local Government Finance Authority Annual General Meeting. 3. The Deputy Mayor be appointed as proxy to the Mayor to the Local Government Finance Authority Annual General Meeting. 4. Councillor Rabbitt be nominated as a Board Member of the Local Government Finance Authority.	Group Manager Governance	Forms signed and sent to LGA. COMPLETED

ITEM 557
QUESTIONS ON NOTICE FROM COUNCILLOR SALAMAN RE BUSINESS PERMIT

At the Council meeting on 25 July 2016, Councillor Salaman asked a question regarding the breakdown of business permits issued. The answer was not able to be provided at the meeting and the answer is now provided below.

Questions

1. A number of business permits have been issued throughout the Council area. Which are the areas where the 25 business permits have been issued.

Answer

25 business permits have been issued outside of the Goodwood and Maple Avenue Areas. The table below provides a breakdown of all business permits issued and what areas.

Business address	Number of permits applied for	Total number of permits issued
89 Goodwood Rd	1	1
104-106 Goodwood Rd	23	8
24 Maple Ave	8	8
20A Maple Ave	4	4
11 Maple Ave	5	5
7/89 Goodwood Rd Goodwood	1	1
28 Maple Ave	20	20
15 Maple Ave	10	10
95 Goodwood Rd Goodwood	1	1
level 1 132 Greenhill Road Unley	2	2
89a Goodwood Rd Goodwood	2	2
154 Goodwood Road Goodwood	2	1
97 Goodwood Road Goodwood	5	4
89B Goodwood Road Goodwood	3	1
Level 1 170 Greenhill Rd Parkside	15	3

31 Rosa Street Goodwood	7	4
46-52 Glen Osmond Road Parkside	8	3
Level 1, 132 Greenhill Rd Unley	up to 8	3
18 Greenhill Road Parkside 5063	17	0
116 Greenhill Rd Unley	7	6
117 Greenhill Road Unley	2	2
21 Maple Ave Forestville	5	5
level 1 132 Greenhill Road Unley	4	nil
50 King William Road Goodwood	4	2

ITEM 558
QUESTIONS ON NOTICE FROM COUNCILLOR SCHNELL RE
LEGISLATIVE CHANGES

The following Questions on Notice have been received from Councillor Schnell.

Preamble

"WARD councillors have been left unable to vote on their local issues after legislative changes unintentionally stripped them of their powers. Adelaide City Council north ward councillor Phil Martin has written to Local Government Minister Geoff Brock asking him to urgently review the amendment — which was made in a bid to tackle conflict of interest. The amendment in question relates to the removal of the words "area or ward" from a passage of the Local Government Amendment Bill, which enabled councillors to participate in the decision making. But, with the deletion of those three words, it hamstringing ward councillors, including seven within the Adelaide City Council, from making decisions."

Questions:

1. *What is the legal advice that Unley Councillors should consider with regard to voting on Ward related matters?*

Answer

The recently introduced conflict of interest provisions now fall into three categories, Material, Actual and Perceived.

A Member will not be taken to have a material conflict of interest in a matter discussed at a meeting of the council *'if the relevant benefit or loss would be enjoyed or suffered in common with all or a substantial proportion of the ratepayers, electors or residents of the council area'* Local Government Act 1999 (Act), (section 73(2) (a).

At this stage 'substantial proportion' is not defined by the Act but by way of general advice:

- There is no threshold number or percentage of persons which will constitute a "substantial proportion" for the purpose of this provisions; and
- The question will always be one of fact, depending on the circumstances.

Given there are different interpretations of what will constitute a 'substantial proportion of ratepayers, electors or residents' will exist and causing uncertainty, a Council Member, Committee Member or Board Member of a Subsidiary should be cautious in relying on the exception where the benefit or

loss is not shared in common with all ratepayers, electors or residents in the council area.

The greater proportion of ratepayers, electors or residents in the council area sharing the benefit or loss the more certainty there will be that the exception from the material conflict of interest provisions will apply.

Actual or Perceived Conflict

Under the 'Actual' and 'Perceived' conflict of interest identifications, there are various exclusions which apply when determining whether or not a Member has a conflict of interest. A Member will not be regarded as having a conflict of interest in a matter to be discussed at a meeting by reason only of:

- (a) An engagement with a community group, sporting club or similar organisation undertaken by the member in his or her capacity as a Member;
- (b) Membership of a political party;
- (c) Membership of a community group, sporting club or similar organisation (if the member is not an officeholder for the group, club or organisation);
- (d) The Member having been a student of a particular school or his or her involvement with a school as a parent of a student at the school; or
- (e) A nomination or appointment as a member of a board or a corporation or other association, if the Member was nominated for appointment by the Council or subsidiary (as relevant).

A Member will also not be regarded as having a conflict of interest in a matter to be discussed at a Meeting in prescribed circumstances.

In summary, to discharge a Members responsibility when considering whether they have a conflict of interest and therefore should consider with regard to voting on Ward related matters, the process of considering whether there is a material, actual or perceived conflict will need to be worked through and then if you can apply any exemptions.

2. Is the Mayor affected when it comes to a vote?

Answer

The Mayor has the same responsibilities as all Members in that under the Act, it is the Mayor's responsibility to identify where he or she has a conflict or perceived conflict of interest and then to act as required by the Act.

To discharge this responsibility, the Mayor needs to be aware of the matters which are to come before a Meeting and consider whether he or she has an interest which may give rise to a conflict in respect of any matter.

3. *Has there been any involvement of the LGA on this matter?*

Answer

The LGA wrote to Minister Brock on 24 May 2016 informing the Minister of the complaints from council members about the complexity and in some cases the complete unworkability of the new conflict of interest provisions which commenced 31 March 2016.

On the 27 July the CEO of the LGA wrote to CEOs to advise that he had recently been informed by the Office of Local Government that arrangements are currently underway to amend the Local Government (General) Regulations to address the issues raised by the LGA and councils.

The City of Unley is also with other ERA councils writing to the Minister to seek exemption in relation to Centennial Park Members.

4. *Has the Minister for Local Government provided any response or direction?*

Answer

See above response in relation to LGA involvement.

5. *What happens in the case of where a Councillor applies common sense and decides to vote? In such a circumstance would the Administration/Mayor be obliged to report such a breach to the Minister?*

Answer

If a Member votes on a matter with intention to gain a benefit or avoid a loss for the member or other person, there is a maximum penalty of \$15,000 or 4 years imprisonment. All other breaches a maximum penalty of \$5,000.

If there is a Material Conflict of Interest, Members and Administration are subject to Mandatory reporting obligations under the ICAC Act as the above offences are statutory offences.

In relation to actual or perceived conflict of interests, any breaches would be subject to investigation for misconduct for the purposes of the ICAC Act.

6. *Provide a typical example of where a Councillor may vote on a matter that pertains to her Ward.*

Answer

A Council Member who lives within the Council area has an interest in common with all ratepayers in respect of the proposed general rates for the next financial year.

7. *Provide a typical example of where a Councillor may not vote on a matter that pertains to his Ward.*

Answer

A Council Member could not rely upon the exception to a material conflict of interest in respect of a separate rate which has been levied on a discrete part of the Council area in which the Council Member lived.

8. *Is there any further information that you can provide to assist in guidance on this matter?*

Answer

The Conflict of Interest Guidelines produced by the LGA provide detailed process charts setting out the key issues to be considered to determine whether or not a conflict or perceived conflict of interest exists. They also provide legal consequences of failing to comply and appropriate action required to be taken.

Each Council and Committee Agenda also contains a Conflict of Interest Disclosure Form which administration recommends Members review for each report to consider whether there is an interest that should be declared so Members can discharge their responsibility.

QUESTIONS WITHOUT NOTICE

TITLE: QUESTIONS WITHOUT NOTICE
ITEM NUMBER: 559
DATE OF MEETING: 22 AUGUST 2016
ATTACHMENTS: NIL

Mayor to ask the Members if there are any questions without notice.

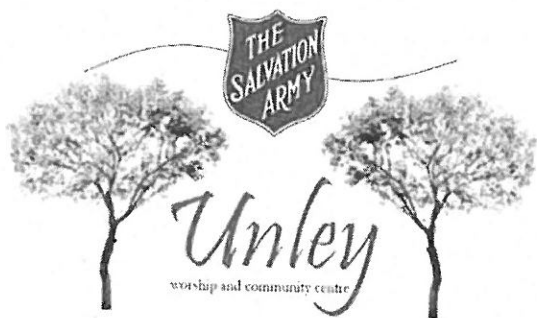
CORRESPONDENCE

TITLE: CORRESPONDENCE
ITEM NUMBER: 560
DATE OF MEETING: 22 AUGUST 2016
ATTACHMENTS: 1. CORRESPONDENCE

The correspondence from

- The Salvation Army Unley
- Minister for Transport and Infrastructure
- Veterans SA
- Minister for Local Government
- Department of Planning Transport and Infrastructure

be noted.



The Unley Corps of The Salvation Army
Where Life, Faith & Service Connect.

Corps Officers
Major Reno Elms
Major Roslyn Elms

25th July, 2016

Mayor Lachlan Clyne
Unley City Council
PO Box 1
Unley, SA 5041

Dear Lachlan,

Reno has asked me to let you know the results from this year's Red Shield Appeal.

Our Unley Corps raised an all time high record of \$63,000 which was the highest amount raised in our State.

This was absolutely amazing and could only be achieved with the co-operation of people like yourself for which we most sincerely thank you.

The dates for next year are the 27th & 28th May but we will be in touch long before then and trust that we continue to enjoy our relationship with you.

With kind regards,

Beryl Di Cicco
Volunteer Assistant to Reno.

Subject: <u>UNLEY SALVATION ARMY</u>	
Property: <u>Unley</u>	
Application No.	
Doc. No.	29 JUL 2016
FOR INFORMATION	CLASS. <u>ALL IN</u>
C. Grewland	

State Government	
Property/Street	
Application No.	
Doc. No.	0107 90V 70 Class. <i>High</i>
For info/	<i>C. G. G. G.</i>
16MTR/0407	
16MTR/0844	



Government
of South Australia

The Hon Stephen Mullighan MP

Mr Lachlan Clyne
Mayor
City of Unley
PO Box 1
UNLEY SA 5061

Dear Mayor *Lachlan*

Thank you for your letter about Council's participation in the study into the electrification of public transport in Adelaide, including AdeLINK. I note Mr Peter Tsokas, Chief Executive Officer, City of Unley, also wrote to me about this.

I understand the Department of Planning, Transport and Infrastructure (DPTI) wrote to the City of Unley on 3 June 2016, inviting Council representatives to participate in the corridor planning process. I have enclosed a copy of DPTI's letter for your information.

I also understand engagement with Council officers about this matter has already begun and that DPTI is regularly meeting with your Chief Executive Officer about this.

I look forward to Council's continued involvement in this exciting project.

Yours sincerely

HON STEPHEN MULLIGHAN MP
MINISTER FOR TRANSPORT AND INFRASTRUCTURE

27 July 2016

Enc



Property/Street	
Application No.	
Doc. No.	02 AUG 2016
For Info/Action	



Government of South Australia
Department of Planning,
Transport and Infrastructure

In reply please quote
Enquiries to Phil Lawes
Telephone 8343 2835

2016/04602

Mr Peter Tsokas
Chief Executive Officer
City of Unley
PO Box 1
UNLEY SA 5061

DEVELOPMENT DIVISION

77 Grenfell Street
Adelaide SA 5000

GPO Box 1533
Adelaide SA 5001

Telephone: 08 8343 2222
Facsimile: 08 8343 2768

ABN 92 366 288 135

Dear Mr Tsokas, *PETER*

Re Electrification of Public Transport in Adelaide – Including AdeLINK

The State Government recently announced funding of \$4 million to advance planning for the proposed AdeLINK tram network across inner and middle Adelaide, as part of the study of the electrification of public transport in Adelaide. AdeLINK will underpin the principles and objectives of the *Integrated Transport and Land Use Plan (ITLUP)* and *The 30-Year Plan for Greater Adelaide*.

The study will prepare business cases for the delivery of the AdeLINK network. The business cases will include planning and design, as well as an analysis of project costs and the full range of benefits in supporting urban development.

The Department of Planning, Transport and Infrastructure (DPTI) has appointed InfraPlan, a locally based transport and planning consultancy, to project manage all aspects of this important public transport initiative, and undertake some of the planning, over the next 18 months.

In a letter to the Lord Mayor of the City of Adelaide and Mayors of relevant Councils (dated 19th April, 2016), the Hon Stephen Mulligan MP, Minister for Transport and Infrastructure, emphasised the importance of collaboration between Councils and the AdeLINK project team.

I am therefore inviting Council to participate in a collaborative planning process.

Given the primary objective of the AdeLINK network is to attract investment, boost economic growth and jobs, and encourage urban uplift in the CBD, and inner and middle Adelaide, this process is to be undertaken in conjunction with planning for *The 30-Year Plan for Greater Adelaide*. This will ensure that the principles and objectives of ITLUP and *The 30-Year Plan for Greater Adelaide* are fully integrated.

While ITLUP has identified proposed tram routes, it is recognised that other route options may need to be considered. To this end DPTI and InfraPlan are intending to undertake a two stage assessment process:

1. In the first instance a 'Multi-Criteria Analysis' (MCA) process will be applied to assess the transport and land use opportunities and constraints of feasible tram route options for each AdeLINK corridor. The AdeLINK project team will seek Council input into the assessment criteria for the MCA, and for data that will help to inform this process.
2. A 'Design Lab' process for the preferred AdeLINK corridor will then be undertaken with Councils as an interactive workshop to explore land use, urban design and transport opportunities. This Design Lab process will establish a collaborative and cooperative design process to shape the implications of *The 30 Year Plan for Greater Adelaide* and inform tram patronage demands. This process will require council involvement into design opportunities and constraints and as well as indicative tram stop locations.

Please note that all relevant Councils will be invited to jointly participate in the planning for each corridor.

A member of InfraPlan will make contact with you, or your nominated representative in the coming days to discuss this engagement process in more detail. Given the MCA and Design Lab process will be seeking input regarding the urban planning and transport imperatives of AdeLINK, it is suggested that the selected staff appropriately cover these disciplines.

I look forward to working with your Council on this city shaping project.

Yours sincerely



Andrew McKeegan
CHIEF DEVELOPMENT OFFICER

3 June 2016



Government of South Australia

Veterans SA

Veterans SA
GPO Box 1045
Adelaide SA 5001
Phone: (08) 8226 8541

Wednesday, 10 August 2016

Mayor Lachlan Clyne
City of Unley

Dear Lachlan,

Thank you for contributing to the Anzac Centenary Think Piece series with your piece "*Unley's Own at The Windmill, Pozieres.*" It was unique in its focus and was widely read by our loyal reader audience.

As you know the intention of the series is to encourage discussion in relation to different perspectives on the meaning of the Anzac Centenary. Recently we reached publication of our 60th Think Piece, with the series proving very popular amongst our readership.

In addition to distributing each Think Piece to our subscriber base of approximately 900, we also publish each on the Anzac Centenary South Australia Facebook page where we have a following of approximately 1600 to date. We have received some very good anecdotal feedback via Facebook along with a number of followers sharing particular Think Pieces to other Facebook pages, extending the reach of the series further.

Due to this interest we have also published the series within the Stories section of our website: <http://anzaccentenary.sa.gov.au/stories/think-piece-series/>

This ensures each Think Piece is captured as part of the Anzac Centenary South Australia Time Capsule project, for future generations of South Australians to revisit in the future.

Thank you again for your contribution and please feel free to share the links above with your networks. I hope you continue to find the series of interest and look forward to any feedback you may have, including any suggestions for future contributors.

Yours sincerely

Rob Manton
Director, Veterans SA

Subject: LOCAL GOVERNMENT ACT (8)	
Property/Street	
Application No.	
Doc. No.	Class.
10 AUG 2016	ALM
For info/action CLOWLAND	

eA179577



Government
of South Australia

Mr Lachlan Clyne
Mayor
Corporation of the City of Unley
PO Box 1
UNLEY SA 5061

Dear Mayor Clyne *LACHLAN*

I am writing to encourage your Council to provide comments on the draft Local Government (Boundary Adjustment) Amendment Bill 2016 (the Bill).

The legislative framework underpinning the Bill is based on the review work undertaken by the Office of Local Government (OLG) and the Local Government Association (LGA), as overseen by the Premier's State/Local Government Forum (the Forum).

The framework sets out principles for local government boundary reform and a process for boundary adjustments that have been endorsed by the LGA Board and the Forum.

To give effect to the framework, the Bill proposes to amend Chapter Three, Part Two of the *Local Government Act 1999* to allow for a more efficient process to progress minor boundary changes, and to enable freer debate and discussion on more significant structural reform proposals.

The key elements of the Bill are—

- a simpler and broader initiation process, allowing proposals to be initiated by a single council or the Minister for Local Government;
- the introduction of a simplified pathway for administrative (minor) proposals;
- an independent Commission to undertake the initial assessment of proposals, and to make recommendations to the Minister; and

Minister for Regional Development
Minister for Local Government

Level 17, 25 Grenfell Street Adelaide SA 5000 | GPO Box 2557 Adelaide SA 5001 DX 667
Tel 08 8226 1300 | Fax 08 8226 0316 | pisa.MinisterBrock@sa.gov.au



- independent analysis of general proposals—significant boundary changes, amalgamations or significant structural reform—by one or more investigators with the relevant expertise for each proposal.

The draft Bill and accompanying Explanatory Paper, which provides greater context and a full explanation of the draft clauses, is available on the OLG website dpti.sa.gov.au/local_govt. The closing date for submissions is Friday 30 September 2016.

Yours sincerely



Hon Geoff Brock MP
Minister for Regional Development
Minister for Local Government

8 August 2016

Subject -	Department Transport (7)	
Priority/Street		
App. No.		
Doc. No.	11 AUG 2016	Class. <i>ALM</i>
For Info/Action	<i>C. Gowland</i>	



Government of South Australia

Department of Planning,
Transport and Infrastructure

Mayor Lachlan Clyne
City of Unley
PO Box 1
UNLEY SA 5061

OFFICE OF THE CHIEF
EXECUTIVE

Roma Mitchell House
136 North Terrace
Adelaide SA 5000.

GPO Box 1533
Adelaide SA 5001

Telephone: 13 10 84
Facsimile: 08 8343 2768

ABN 92 366 288 135

Dear Mayor Clyne

On 29 July 2016, the Hon Stephen Mullighan MP, Minister for Transport and Infrastructure released for public consultation the *Draft South Australian Railway Crossing Safety Strategy*.

The draft strategy aims to inform South Australians about important safety issues at railway crossings and details a number of ways to manage the safety risks at metropolitan and rural level and pedestrian railway crossings.

Between 2011 and 2015, four people were killed and six people were seriously injured at railway crossings in this State and 660 near-misses were reported by rail operators.

While they do not occur often, any incident at a railway crossing can cause service disruptions, motorist delays, property damage and, in the most serious cases, injury and death. The impacts on communities and the economy, as well as the loss of confidence in the rail transport system, can be significant and far-reaching.

Responsibility for managing railway crossing safety is shared by many organisations, including State and local governments and rail infrastructure owners. As a key road owner, local councils are an important stakeholder with 555 railway crossings out of the 710 railway crossings across South Australia located on council roads.

As a community we need to consider what more can be done to reduce the risk of any incident occurring. Engineering and infrastructure improvements, warning signals and automatic pedestrian gates, education and enforcement are some of the possible solutions. But, like many other States, we need to consider reducing the number of railway crossings and discouraging new crossings. Those that remain should be as safe as possible.

The fewer opportunities for people and vehicles to meet at an intersecting train or tram track, the safer and more reliable the transport network will be. Other benefits include improved traffic flow and reduced travel times, allowing us to more efficiently move people, goods and services on our roads and public transport networks.

I am inviting you, along with the community to provide feedback on the *Draft Railway Crossing Safety Strategy* by 5:00pm on Friday 9 September 2016. A copy is enclosed and details are also available on the website www.yoursay.sa.gov.au.

I look forward to hearing your thoughts.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Gelston', written in a cursive style.

Paul Gelston
ACTING CHIEF EXECUTIVE

8 August 2016

Encl.

MAYOR'S REPORT

TITLE:	MAYOR'S REPORT FOR MONTH OF AUGUST 2016
ITEM NUMBER:	561
DATE OF MEETING:	22 AUGUST 2016
ATTACHMENTS:	NIL

As the Mayor was absent from 16 July until 17 August, no report has been presented for this meeting.

A detailed report on the Mayor's visit to France will be provided at the next meeting of Council.

DEPUTY MAYOR'S REPORT

TITLE: DEPUTY MAYOR'S REPORT FOR MONTH OF
AUGUST 2016

ITEM NUMBER: 562

DATE OF MEETING: 22 AUGUST 2016

ATTACHMENTS: 1. REPORT

RECOMMENDATION

MOVED:
SECONDED:

That:

1. The report be received.
-

DEPUTY MAYOR'S REPORT

(1) Storms - Brown Hill Creek / Orphanage Park - (2) Property Fencing Depot Response Team

While I was away, I received an email from a resident who was not aware that I was overseas. With the forecast of heavy rain, the resident was concerned about a blocked drainage pit & potential blockages from debris washed into the creek in Orphanage Park.

Late on the afternoon of Friday, 12 August, I noticed that a section of fence had come loose along the boundary of a vacant allotment & the footpath. As this presented a potential danger, I contacted the Depot & the fence was secured.

Thanks to our Response Team who attended and resolved these matters.

23 July

Dedication of the Windmill Memorial Park and Australian National Commemorative Service at Pozières

While holidaying in France, I attended two services in Pozières

Early Saturday morning there was the dedication of the Pozières Memorial Park which surrounds the Windmill site & it will now be kept as a peaceful reflective place to honour those who died in the Battle of Pozières.

A Remembrance service was held for those who died in the fields of Pozières, with 4,112 Australians having a white cross laid for the first time in 100 years. The Australian, New Zealand, British, Canadian, French & German flags were symbolically placed on the ground. These flags would normally be placed on a soldier's coffin; however the grassed field of the Pozières Memorial Park represents the thousands of coffins of the fallen who were never found.

After the service, I was speaking to M. Bernard DeLattre, Mayor of Pozières, who was very pleased that the City of Unley was represented at these Centenary events.

Much more work is still required in the park, including a Memorial Wall & Gardens of Reflections. Some \$300,000 is required to complete this part of the project & I hope that individuals & organisations might help with this.

In the afternoon, I attended the Australian National Commemorative Service at the site of the 1st Australian Division Memorial, where Mayor Clyne was part of the wreath laying ceremony.

It was reported that 3,500 people attended this ceremony, which was telecast by the ABC. 1.6 minutes of the 1.25 hour service can be seen via the following link:-

<http://video.defence.gov.au/play/4790#>

I met Unley residents whose family fought at Pozières. They were also pleased to see the City of Unley represented at the ceremonies & that Council had supported Mayor Clyne's trip.



Windmill Site – Memorial Park



Mayor Clyne laying wreath

For the record, as my attendance was part of a personal trip - it was not funded by Council, but I was privileged to be there.

While in France & Belgium, I looked at various matters through an Elected Member's eyes, rather than just as a tourist, particularly in regard to issues that have been at the forefront of some of our discussions recently.

In mentioning the following, I fully appreciate that we are bound by rules & regulations that do not necessarily apply in other countries & vice versa.

Road Traffic

France makes extensive use of roundabouts – large and small; they also use traffic calming devices such as road humps, road narrowing devices and one way streets.

Where streets are narrow, they also have flatter kerbing so that cars are parked half on the road and half on the footpath.

Trams

Trams are used extensively in many cities – from the narrow streets of Ghent to the wide corridors of Le Havre. Services are frequent & hence, local residents (& tourists) use this mode of transport.

Cycling

I cycled in Vernon & Giverny where there are designated bike paths – some off-road, some on-road & some on footpaths. Where cyclists are permitted to ride on footpaths, the footpaths are wide & the area for cyclists clearly defined.

I did not cycle in Paris, despite the fact that the city provides 20,000 bikes for hire. Judging by the empty racks & the number of bikes on the roads, the service is well used by those brave enough to do so. However, this little bunny was not prepared to put life & limb at risk – I did very well walking & using the Metro.

10 August

Centennial Park Cemetery Tour

I accepted the invitation to join other EMs from Unley & Mitcham to tour Centennial Park Cemetery.

This was a very worthwhile exercise - to be able to see the work being undertaken, then participate in a discussion with the CEO & staff following the tour.

REPORTS OF MEMBERS

TITLE: REPORTS OF MEMBERS
ITEM NUMBER: 563
DATE OF MEETING: 22 AUGUST 2016
ATTACHMENTS: 1. MEMBER'S REPORTS

Council to note the attached reports from Members

1. Councillor Salaman
 2. Councillor Hewitson
 3. Councillor Hughes
 4. Councillor Palmer
 5. Councillor Schnell
- (a) Items of particular interest, concern or urgency
- (b) Development Matters
- .
-

REPORTS OF MEMBERS

TITLE: AUGUST 2016

**REPORT FROM COUNCILLOR
RUFUS SALAMAN**

-
- Sunday 31 July Attended the opening of my daughter, Pippa's SALA exhibition at the Light Bulb Cafe, King William Road. Last minute negotiations ensured Cr Hudson and his snake did NOT attend.
 - Friday 5 August. Attended a SALA preview of miniature paintings by Helaka Ruwanpura at the Campbelltown Arthouse, which is a recent imitative of the Campbelltown Council.
 - Sunday 7 August. Stood in for the Mayor at the Unley Symphony Orchestra's August concert. After nearly 25 years of holding their events at St Augustine's church at Unley this was their first event at their new venue, Annesley Junior School, Gillingham Hall.

Following a recent , Council workshop where future enhancements to King William Road were workshopped, an article in this week's Courier spruiking the reconstruction of the road created enormous media and public interest. It seems everyone has a strong opinion on its future, and the pavers in particular, however the views are deeply divided. This looks like shaping up as an interesting decision for Council to say the least.

REPORTS OF MEMBERS

TITLE: AUGUST 2016

REPORT FROM COUNCILLOR

MICHAEL HEWITSON

Items of Interest and concern.

Both the Unley Council **Environmental Sustainability Strategy** and **Tree Strategy** being recommended to Council enjoyed high praise from all members of the Infrastructure and sustainability Committee and these thoughts were passed on to staff and are represented in a recommendation to Council.

Keswick and Glen Osmond creek flooding on Simpson Pde.

The U Bug Chair wrote to the I&S committee giving strong support for our work in implementing the Unley Walking and Cycling Plan but expressed concern about the officer's report casting doubt on the Simpson Pde Connector to the Mike Turtor bikeway. The importance of this connector was underlined by community feedback to the plan and by U BUG.

This connector was discussed in the I& S committee in light as a means of solving the flooding at this junction of two creeks. The \$600,000 cost is not just about a walking and cycling connector... it is also about solving the flooding in Simpson Pde caused by the inadequate capacity of the existing creek. It may be a deeper Culvert Street solution with a concrete top suitable for this walking and cycling connection is the answer. It will be discussed with advice at our December meeting.

REPORTS OF MEMBERS

TITLE: AUGUST 2016

**REPORT FROM COUNCILLOR
PETER HUGHES**

(a) Items of particular interest, concern or urgency

(b) Functions Attended

July 23rd – Hosted Council's guests at the Sturt Football Club luncheon and home game. Guests were community representatives including from Living Choice, Fern Ave Community Garden, Local Artist and Unley Art Prize Judge, Former Urban Myth Director and Community Volunteers.

July 29th – Attended Unley's National Tree Day event at Fullarton Park. Students from Glen Osmond Primary School and Concordia College planted 500 under story natives. The day was very well organised by our Kat Ryan. This almost brings to a conclusion a 4 year project to revitalise the park.

July 29th – Attended the official opening of SALA 2016 at the Art Gallery. Speeches highlighted the very, very significant value that SALA provides for the arts throughout the state. Unley's key support was acknowledged. Unley resident, artist, art lecturer and judge of the Unley Art Prize, Chris Orchard, was announced as the SALA feature artist for 2017. His work will be celebrated in a specially commissioned book to be launched at the 2017 SALA festival.

Aug 3rd – 5.00 Attended the Unley Museum's SALA exhibition opening. Our Museum is currently hosting 3 separate exhibitions.

Aug 3rd – 6.00 Attended Living Choice's SALA opening. There are over 150 works on display from 22 artists. A very professional event and another example of why Living Choice is being recognised as a leading retirement complex in Australia. Update: So much art has been sold that artists have been invited to submit extra work so that pieces are still available for sale. Apartment sales have also had a boost!!

Aug 4th – Attended Highgate House (Disability SA) in Fisher Street to attend the Adelaide Guitar Festival Resonance Program provided by Council. Residents who are mostly confined to wheelchairs were a very appreciative audience together with their carers. ABC Television News featured a short item.

Aug 7th – Attended a SALA opening at Willunga that included works by All Connections to Unley finalist Helen Sheriff.

Aug 8th – Attended the Art Gallery, to represent the Mayor, for a SALA opening 'Put your hat on and come with me'. Artist and change agent Mary Freer worked with dementia residents in Southern Cross Care facilities to create around the theme of 'hats' and then curated this exhibition. Themes were Connecting, Intergenerational, Moments (in life), Purpose and Repurposing; all very relevant to dementia patients. The project included working with residents of Southern Cross Care, Fullarton Road and Lourdes Valley Nursing Home and Lodge, Cross Road, Myrtle Bank.

REPORTS OF MEMBERS

TITLE

REPORT FROM COUNCILLOR PALMER

(a) Items of particular interest, concern or urgency

Nil

(b) Functions Attended

These functions/events are in excess of those I would normally attend.

26 th July	Millswood Neighbourhood Watch meeting
27 th July	Clarence Park Community Centre BOM meeting
29 th July	Tree planting at Fullarton Reserve by Glen Osmond Primary School and Concordia College.
	Opening of 2016 SALA on behalf of the Mayor at SA Art Gallery
30 th July	With Crs Hudson & Salaman, the birthday party of Robert Freak at the Town Hall.
1 st August	Guitar Festival at Parkrose Village
	Clarence Park Community Kindergarten SALA launch
2 nd August	Unley Business Breakfast
	Goodwood Road SALA launch at Gingers
10 th August	Tour of Centennial Park
	Met with new chair and new co-ordinator of King William Road Traders Association.
18 th August	Met with CEO and residents of Mills Street

REPORTS OF MEMBERS

TITLE

REPORT FROM COUNCILLOR SCHNELL

The list below mostly excludes events and activities that I would normally attend as an Elected Member eg. Council/Committee meetings, Workshops, Ward and Briefing sessions, discussions with staff and community events.

At all events attended, any expense incurred was funded by myself.

SALA, SALA, SALA ...

So much SALA to see across the State, from Willunga, throughout Unley, to Port Adelaide and Semaphore. I stopped to view the art work at places as I passed by.

Monday 25 July

In the absence of the Mayor and Deputy Mayor (both away overseas) I chaired the July Council Meeting. A good meeting with a solid agenda.

There was significant comment on the word 'aspirational' that was used twice in an agenda report. I thought that it was appropriately used in its context. After consideration of that report, most debate made reference to matters of an aspirational nature.

Tuesday 26 July

Attended Centennial Park Cemetery (CP) and enjoyed a golf buggy tour of the Cemetery with Councillor Michael Hewitson and CP staff. It was a cold and wind swept morning. The tour was to inspect the facilities and to identify areas that warranted repair and renovation. Afterwards, over coffee, we discussed opportunities and works that needed to be done. It was an extremely worthwhile tour and discussion.

Later, in the carpark, Councillor Hewitson and I shared thoughts about nominating for the positions of board members of Centennial Park; when the positions fall due in late 2016.

Wednesday 27 July

Meeting with residents in Charles Street, Forestville with regard to the species of tree(s) to replace the existing gums. There must be more native gums planted in the northern section; rather than creating an avenue of Manchurian Pears. The bird corridor along Charles Street must be maintained.

Monday 01 August

The City of Unley has partnered with the Adelaide Guitar Festival. The sponsorship is for the Guitar Resonance Program to travel to two of Unley's aged care facilities; at Everard Park and Fullarton. Very similar to the Fringe in Unley program earlier this year, the Resonance Program takes the festival to those who can't otherwise attend. To quote the blurb ... 'Recognising the inherent human need for music and inspired by the growing understanding of music's role in

health, wellbeing and recovery, this program will treat some of Unley's residents to world class musical performances.'

I had intended to attend the event at Parkrose Village, 34 Norman Terrace, Everard Park. However, due to an e-calendar issue I missed the event.

According to Councillor Don Palmer (who attended) it was fantastic.

It featured the following artists:

Andy Salvanos chapman stick (guitar-like instrument) - beautiful, lush, original instrumental music <http://andysalvanos.com/>

Alex Tsiboulski, classical guitar <http://www.tsiboulski.com/>

Mike Bevan & Lauren Henderson guitar + voice – jazz, standards and maybe a touch of Brazilian jazz www.facebook.com/MikeBevanTrio

<http://www.laurenkatehenderson.com/>

Tuesday 02 August

KESAB party and then SALA on GWR.

Celebrated KESAB's 50th birthday; 50 years of KESAB.

Represented the Mayor (who was away overseas).

Held at Duncan Gallery @ Adelaide Showgrounds, Wayville.

About 350 people in attendance.

Minister Ian Hunter jovially told us that he contemplated just sending a cardboard cut-out, but decided that he should attend.

Much talk about schnitzel-gate that had inadvertently been launched by KESAB in an attempt to encourage restaurants to serve smaller meals and reduce food waste.

The Minister told us that the Premier was outraged and asked that his favourite pub at Port Adelaide be exempt from the scheme. A lot of fun on this theme. Jane Riley (one of the MCs) also wanted the Earl of Leicester (@ Parkside) exempt so that the pub could continue to serve their super up-sized schnitzels.

There was song, dance and a lot of audience participation.

A fantastic night. I will remember it as the one of the best functions ever held in Unley. You had to be there.

At 9:15pm I walked down Goodwood Road hoping to join the locals who were on the SALA trail; visiting venues that were displaying SALA exhibits; and enjoying nibbles and bubbles at the various venues. I caught the tail end of the tour.

Goodwood retailers are making a huge effort to participate in SALA this year.

Wednesday 03 August

Coffee catch-up with members of my local WatchSA (formerly known as Neighbourhood Watch).

Sunday 07 August

Attended the launch of the SALA Pisa Art Exhibition at Bethany Hall, Willunga.

To quote a media report ...

"Through photography, painting, printmaking and books the three members of the Pisa Collective draw stories and meaning from common unnoticed things. Nadia Caon, Helen Sherriff, Nina Bosco are the three artists known as the Pisa Collective. Their name was chosen at the time of their first exhibition in a café called The Pisa Café. Two of the artists are Italian. Helen describes the trio as 'fresh local Adelaide artists'."

Many of the exhibits had an Unley familiarity. I was quite taken by exhibit # 47, acrylic and oil on shaped canvas, \$350, by artist Helen Sherriff, titled 'Where now?'. The painting showed a man standing in the middle of the road and reading a map at an iconic Unley location. That person had an uncanny resemblance to me. I should have bought it.

Monday 08 August

Catch-up and coffee with Councillor Mike Hudson.

Discussed footpaths and DDA compliance.

Unley being an old Council with some narrow streets (especially in Parkside) presents challenges for modern DDA compliance.

Tuesday 09 August

Attended the Infrastructure and Sustainability Committee meeting.

Rod Hook (former head of DPTI) gave a presentation on the emerging concept of SkyWay; a driverless, battery powered, overhead public transport system.

He presented a concept of SkyWay built down the centre of Unley Road.

A fascinating presentation.

During his presentation, Rod Hook confirmed my previous assertion that trams simply will not fit down narrow and busy roads like Unley Road or Goodwood Road.

Tuesday 16 August

Went out early in the morning in a Council truck with a horticultural team. The team were revitalising a local street by improving the soil, adding water retention gel and planting ground covers in areas that didn't survive the initial planting.

A great team dedicated to their work.

An enjoyable experience.

Looking forward to the major SALA event in the Soldiers Memorial Garden, Unley Road on Sunday 21 August. The event always pulls a huge crowd. It has a more family and relaxed atmosphere at this venue. Years ago it was held on King William Road and required a road closure.

For more detailed information about my monthly activities, visit my website

<http://bobschnell.blogspot.com.au/>

ITEM 564

**NOTICE OF MOTION FROM COUNCILLOR SALAMAN RE RESCISSION MOTION
RE KING WILLIAM ROAD**

Councillor Salaman has given notice of intention to move the following motion at the Council meeting to be held on 25 July 2016:

That

Pursuant to Regulation 12(3) of the Local Government (Procedures at Meetings) Regulations 2013, the decision 425/2016 made at the Ordinary Council meeting on the 29 March 2016 as outlined below, be revoked.

1. The report be received.
2. Council determines not to sell the land at the rear of 75 King William Road.
3. A fence be erected on the actual boundary at Council's cost.
4. Council advise the owners of 2, 4, 4a, 6 and 8 Cleland Avenue of Council's decision.

Should this motion be successful, I intend to move the following alternative motion:

That:

1. The report be received.
2. Council determines not to sell the land at the rear of 75 King William Road.
3. Residents be offered continuing use of the land at a peppercorn rental until such time that it is required by Council.
4. A legally binding agreement between the residents and the Council, which includes acknowledgement of Council's ownership, the liability issues, be prepared and signed by both parties.
5. The cost of the legal agreement be borne by the owners of 2, 4, 4a and 8 Cleland Avenue.
6. The existence of the encroachments and (Lease/Permit) be noted on the Property Files of Nos 2, 4, 4a & 8 and (Section 7 Statements).
7. Council advise the owners of 2, 4, 4a, 6 and 8 Cleland Avenue of Council's decision.

Comments by Councillor Salaman

The decision to reclaim the land was made by Council in March, when all the documentation and deliberations were in confidence. When the residents made a deputation to Council, they were unaware of the issues raised in the report, and the recommendations, and were in a very poor position to argue their case.

Although I was in Singapore at the time of the Council meeting, I understand that the decision was made principally because of members' concerns of

1. Risk (potential liability) to council, and
2. "Squatter rights", or future claims to ownership of the encroached land.

In the case of "risk", internal legal advice suggested that with the current fencing arrangements, the existing risk to Council is minimal, since the individual residents have access to the land behind their houses, however reclaiming the land by fencing it off increases the potential risk. In relation to the encroachment claims, now having knowledge of the arrangements, Council must act.

Now Council is aware of the encroachments, it must act to terminate or formalise the situation.

I understand the residents have taken legal advice, and now acknowledge that they do not have any legal claim to the land. This can be reinforced by noting the encroachment on the individual property files which will alert our development officers and potential buyers via the Section 7 Statement.

There will be a significant saving for council with the "business as usual" approach. Fencing is likely to be in the order of \$8 000 and there will be ongoing maintenance costs to council to maintain the land. If it gets overgrown, there will be increased risks of fire and vermin, for example.

The land is currently no use to council or any third party, so it makes sense to allow the residents to continue to care for and enjoy the encroachment behind their houses, and significantly reduce risk and costs to Council.

OFFICER'S COMMENTS

When considering this matter at its meeting in March 2016, Council recognised the need to retain ownership of the land in question in the event of redevelopment of the site in the future. Following Council's resolution, a meeting was held between the Council's CEO and Manager Governance with a number of residents in Cleland Avenue. At that meeting, the Council's position was explained together with an offer that Council would provide a mutually acceptable fence and vegetation.

ITEM 565

MOTION OF WHICH NOTICE HAS BEEN GIVEN

NOTICE OF MOTION FROM COUNCILLOR HEWITSON GOVERNANCE

Councillor Hewitson has given notice of intention to move the following motion at the Council meeting to be held on Monday 22 August 2016:

That:

Council requests staff to prepare an investigative review into the optimum size of the composition of the governing council body for future discussion and consideration.

OFFICER'S COMMENTS

Based on the City of Unley Options Paper of 2012, compiled by CL Rowe and Associates Pty Ltd, the following options were presented to Members:

Option 1

6 Wards – 12 councillors, each Ward represented by 2 councillors.

Option 2

5 Wards – 11 councillors, 4 wards represented by 2 councillors – 1 ward represented by 3

Option 3

5 Wards – 10 councillors, each ward represented by 2 councillors.

Option 4

3 Wards – 9 councillors, each ward represented by 3 councillors.

Option 5

No Wards.

All of the above options are on the basis that a Mayor is elected by the people.

After consideration of these options, Council resolved to maintain the status quo (ie Option 1). If Council requests the Administration to investigate an alternative to the current situation, it is suggested that Council resolve which option it wishes to explore further.

ITEM 566

NOTICE OF MOTION FROM COUNCILLOR HEWITSON RE FUTURE GREENING

Councillor Hewitson has given notice of intention to move the following motion at the Council meeting to be held on Monday 22 August 2016:

That:

The City of Unley notes the 30-Year Plan for Greater Adelaide Update 2015 is contemplating a tree canopy cover target of 20%, acknowledging Unley Council maintaining its target of 26%. Further to this, Unley wishes to seek a meaningful level of green infrastructure in new development as a key contribution with wider Council public realm initiatives in the overall future greening of all our suburbs, centres and city.

To support these outcomes, the State Government be encouraged and Unley Council staff be asked to investigate, as part of the development of the new Planning and Design Code, the inclusion of design principles and mandatory criteria to underpin attainment of desired greening targets. The resources and expertise of Unley Council be invited to contribute to the development of an effective new sustainable and green development policy, for at least, but not exclusive to, the City of Unley.

Unley Council staff to report progress in the October meeting.

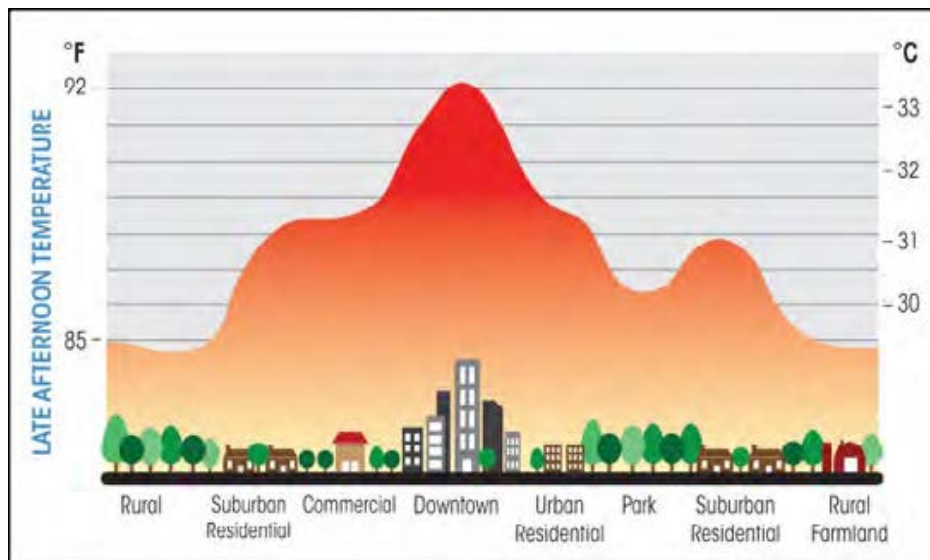
Reasons:

The Environmental Sustainability Strategy is the lead document to guide the Council's initiatives to achieve the Greening goals identified in the Community Plan 2033. The draft was reviewed by the Infrastructure and Sustainability Committee at its meeting on 12 April 2016 and released for community engagement by Council on 26 April 2016. Community Consultation closed on 8 July 2016.

There were 228 individual visitors to the Your Say Unley page and 30 formal responses were received, including 5 by hard copy. Overall, the feedback for the draft Environmental Sustainability Strategy has been positive and no major changes are recommended. A common element of a number of submissions related to setting higher or more ambitious targets.

The strategy seeks to maintain the 26% green cover for the city of Unley.

The Tree strategy clear describes the heat island effect and how Unley will be between 3 and 5 degrees cooler reducing air-conditioning heating of the air outside, reducing electricity consumption.



The Motion reflects the public feedback by not being prescriptive, but by being just a little more ambitious.

We rely on the support of the SATE GOVERNMENT for our planning rules to mandate green cover. However If we do not ask we will not receive a change. I acknowledge the input of the Administration and Cr Don Palmer in preparing the motion and the approach required.

OFFICER'S COMMENTS

A set target for attainment of policy intent may seem simple and desirable. However, for legal and practical purposes, any quantitative policy requirement would need to be readily and clearly definable and easily measurable. Complexities include whether to measure existing or future potential canopy/plant area, vertical versus horizontal areas, different cool surfaces as well as trees, other plants, grass etc.

It should be noted that planning policy criteria cannot be mandatory as a matter of law. Such policy is a guideline that must allow for some variance, but it can be made clear and robust to strengthen its application.

For the development process, the contribution from private sites would need to be quantified separate from the total target and public areas (where Council controls and manages the greening) and define the contribution from tree cover versus other broader greening measures. Further, the applicable scale and type of development would need to be clearly defined, eg all new mixed use development (small and/or large) or also single detached dwelling or additions etc. Impacts from development are many and varied, and so are possible mitigating solutions.

To seriously investigate the concept and achieve a workable policy, the resolution of legal, technical and practical issues of scope, components and measures, including pilot field model analysis and proof of concepts, would require a significant investment - in terms of staff time and financial to engage specialist assistance with field modelling. There is no current budget provision.

The State Government's inclusion of such a target in the *Draft 30 Year Plan for Greater Adelaide Update 2016* suggests recognition of need for support by improved development policy in the forthcoming new Planning and Design Code being developed. This would be an appropriate avenue for Council to promote such policy, and to offer to contribute to local road testing.

Comprehensive investigations and effort by Council would divert resources from other priorities and may end up being of limited value to the ultimate direction and determination of the State Government's approach. It may be best to first resolve the desired approach and then dovetail any contribution of local research, road testing and critique as the State Government policy development proceeds.

The Planning and Design Code is to be developed through 2017. Accordingly, other than promoting the concept and offering to help in the process, little will occur in the short-term or by October.

ITEM 567

NOTICE OF MOTION FROM COUNCILLOR HUGHES RE SECTION 41 COMMITTEE

Councillor Hughes has given notice of intention to move the following motion at the Council meeting to be held on Monday 22 August 2016:

“That:

Council establishes a Section 41 Committee to investigate and make recommendations to Council on Strategic Property acquisition and divestment.”

Rationale

Council has been committed to this concept since a motion was passed 22 July 2013 (Item 839).

In August 2015 Crs Koumi and Hughes led a Council Briefing session on strategic land acquisition with the theme of 'Using the control of land to achieve Council's goals'. Examples were given and valuable input was provided by Elected Members, CEO and General Managers.

Follow up included the need to establish a mechanism to progress the concept.

In December 2015 a meeting of the Strategic Property Acquisition group was held. The group included CEO, Mayor, 3 x EM's, 2 x GM's and an Audit Committee member. An external property consultant was subsequently engaged to assist with establishing a due diligence framework. Some (theoretical) potential properties were reviewed to test the due diligence criteria.

The group met on 3 occasions. At the conclusion of the 3rd meeting it was agreed that formality of the meeting structure should be created to align with the Informal Gatherings Policy recently adopted by Council.

A S41 Committee would meet the requirements.

Further details of committee composition and the use of independent members for professional and probity advice can be established later, once Council endorses this concept.

OFFICER'S COMMENTS

Council establishes Committees to assist in the performance of its functions, inquire into and report to the Council on matters (within the ambit of the Council's responsibilities), to provide advice and exercise, perform and discharge delegated powers functions or duties.

The Council currently has a number of Section 41 Committees which are under review to determine if they should continue or not. It is appropriate that Committees be reviewed to ensure they continue to serve the purpose for which they are created. This is especially so, given that Council priorities may evolve or change over a period of time.

The current Council has expressed a desire to focus on a strategic approach to property acquisition and divestment.

Should the Strategic Property Acquisition Group become a Section 41 Committee, the meetings would then be guided by the Council's Code of Practice Meeting Procedures which provides consistency for Elected Members and Independents on what Councils meeting procedure requirements are. The establishment would also ensure that Council is meeting the new legislative requirements for Informal Gatherings including meetings being open to the public and media, confidentiality requirements and the process for recommendations to Council.

Accordingly, the creation of a Section 41 Committee is supported, and if approved, a report detailing proposed Terms of Reference and membership composition will be submitted to Council in September 2016.

DECISION REPORT

REPORT TITLE: CONFIDENTIALITY MOTION FOR ITEM 569–
CENTENNIAL PARK CEMETERY AUTHORITY –
PROGRESS REPORT

ITEM NUMBER: 568

DATE OF MEETING: 22 AUGUST 2016

AUTHOR: CAROL GOWLAND

JOB TITLE: EXECUTIVE ASSISTANT TO CEO & MAYOR

PURPOSE

To recommend that Item 569 be considered in confidence at the 22 August 2016 Council meeting and that the Minutes, Report and Attachment remain confidential until the confidentiality order is revoked by the Chief Executive Officer at a future date.

RECOMMENDATION

MOVED:
SECONDED:

That:

1. Pursuant to Section 90(2) and 90(3)(d) of the Local Government Act 1999 the Council orders the public be excluded, with the exception of the following:

Mr P Tsokas, Chief Executive Officer
Ms M Berghuis, General Manager Community
Mr J Devine, General Manager Assets and Infrastructure
Mr D Litchfield, General Manager Economic Development and Planning
Ms R Wilson, Group Manager Governance
Ms N Tinning, Group Manager Business Support and Improvement
Ms C Gowland, Executive Assistant to CEO and Mayor

on the basis that it will receive and consider the report and attachments on the Centennial Park Cemetery Authority's Operating Budget and that the Council is satisfied that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter on the grounds that they contain:

- (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which –
 - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
 - (ii) would, on balance, be contrary to the public interest.

DECISION REPORT

REPORT TITLE: CONFIDENTIALITY MOTION TO REMAIN IN
CONFIDENCE ITEM 569 – CENTENNIAL PARK
CEMETERY AUTHORITY PROGRESS REPORT

ITEM NUMBER: 570

DATE OF MEETING: 22 AUGUST 2016

AUTHOR: CAROL GOWLAND

JOB TITLE: EXECUTIVE ASSISTANT TO THE CEO &
MAYOR

PURPOSE

To recommend that the Attachment to Item 569 remain in confidence at the 22 August 2016 Council meeting until the order is revoked by the Chief Executive Officer.

RECOMMENDATION

MOVED:
SECONDED:

That:

1. The report be received.
2. Pursuant to Section 91(7) and (9) of the Local Government Act:
 - 2.1 The
 - ☒ Attachmentremain confidential on the basis that the information supplied is commercial in confidence and disclosure of which may confer a commercial advantage on a third party; and would on balance be contrary to the public interest.
 - 2.2 The Attachment be kept confidential until the item is revoked by the Chief Executive Officer.

DECISION REPORT

REPORT TITLE: CONFIDENTIALITY MOTION FOR ITEM 572 –
UNLEY CENTRAL – CIVIC REDEVELOPMENT

ITEM NUMBER: 571

DATE OF MEETING: 22 AUGUST 2016

AUTHOR: KELLEY JAENSCH

JOB TITLE: EXECUTIVE ASSISTANT ECONOMIC
DEVELOPMENT AND PLANNING

PURPOSE

To recommend that Item 571 be considered in confidence at the 22 August 2016 Council meeting and that the Minutes, Report and Attachments referring to this report remain confidential until the item is revoked by the Chief Executive Officer at a future date.

RECOMMENDATION

MOVED:
SECONDED:

That:

1. Pursuant to Section 90(2) and (3)(b) of the Local Government Act 1999 the Council orders the public be excluded, with the exception of the following:

Mr P Tsokas, Chief Executive Officer
Mr D Litchfield, General Manager Economic Development & Planning
Mr J Devine, General Manager Assets and Environment
Ms M Berghuis, General Manager Community
Ms N Tinning, Group Manager Business Support & Improvement
Ms R Wilson, Group Manager Governance
Ms C Gowland, Executive Assistant to CEO and Mayor

on the basis that it will receive and consider the report on Unley Central, and that the Council is satisfied that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter because:

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

It would be in the best interest of Council to consider this matter in confidence.

DECISION REPORT

REPORT TITLE: CONFIDENTIALITY MOTION TO REMAIN IN
CONFIDENCE ITEM 572 – UNLEY CENTRAL –
CIVIC REDEVELOPMENT

ITEM NUMBER: 573

DATE OF MEETING: 22 AUGUST 2016

AUTHOR: KELLEY JAENSCH

JOB TITLE: EXECUTIVE ASSISTANT ECONOMIC
DEVELOPMENT AND PLANNING

PURPOSE

To recommend that Item 572 remain in confidence at the 22 August 2016 Council meeting until the order is revoked by the Chief Executive Officer.

RECOMMENDATION

MOVED:
SECONDED:

That:

1. The report be received.
2. Pursuant to Section 91(7) and (3)(b) of the Local Government Act:

2.1 The

- ☒ Minutes
- ☒ Report
- ☒ Attachments

remain confidential on the basis that the information contained in this report could confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, and

- 2.2 the minutes, report and attachments will be kept confidential until the item is revoked by the Chief Executive Officer.

DECISION REPORT

REPORT TITLE: CONFIDENTIALITY MOTION FOR ITEM 575 –
POSSIBLE PROPERTY ACQUISITION
OPPORTUNITY

ITEM NUMBER: 574

DATE OF MEETING: 22 AUGUST 2016

AUTHOR: KELLEY JAENSCH

JOB TITLE: EXECUTIVE ASSISTANT ECONOMIC
DEVELOPMENT AND PLANNING

PURPOSE

To recommend that Item 574 be considered in confidence at the 22 August 2016 Council meeting and that the Minutes, Report and Attachments referring to this report remain confidential until the item is revoked by the Chief Executive Officer at a future date.

RECOMMENDATION

MOVED:
SECONDED:

That:

1. Pursuant to Section 90(2) and (3)(b) of the Local Government Act 1999 the Council orders the public be excluded, with the exception of the following:

Mr P Tsokas, Chief Executive Officer
Mr D Litchfield, General Manager Economic Development & Planning
Mr J Devine, General Manager Assets and Environment
Ms M Berghuis, General Manager Community
Ms N Tinning, Group Manager Business Support & Improvement
Ms R Wilson, Group Manager Governance and Risk
Ms C Gowland, Executive Assistant to CEO and Mayor

on the basis that it will receive and consider the report on the purchase of a property and that the Council is satisfied that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter because:

(b) information the disclosure of which

- (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
- (ii) would, on balance, be contrary to the public interest.

It would be in the best interest of Council to consider this matter in confidence.

DECISION REPORT

REPORT TITLE: CONFIDENTIALITY MOTION TO REMAIN IN
CONFIDENCE ITEM 575 – POSSIBLE
PROPERTY ACQUISITION OPPORTUNITY

ITEM NUMBER: 576

DATE OF MEETING: 22 AUGUST 2016

AUTHOR: KELLEY JAENSCH

JOB TITLE: EXECUTIVE ASSISTANT ECONOMIC
DEVELOPMENT AND PLANNING

PURPOSE

To recommend that Item 575 remain in confidence at the 22 August 2016 Council meeting until the order is revoked by the Chief Executive Officer.

RECOMMENDATION

MOVED:
SECONDED:

That:

1. The report be received.
2. Pursuant to Section 91(7) and (3)(b) of the Local Government Act:

2.1 The

- ☒ Minutes
- ☒ Report
- ☒ Attachments

remain confidential on the basis that the information contained in this report could confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, and

- 2.2 the minutes, report and attachments will be kept confidential until the item is revoked by the Chief Executive Officer.