



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 23 January 2017 -
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 Monday 12
December 2016

Minutes issued separately

DEFERRED / ADJOURNED ITEMS

PETITION

ITEM NO**PAGE NO****PRESENTATION****DEPUTATIONS**

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| 724 | Deputation re Submission for Funding – Rosefield Community Shed | 3 |
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REPORTS OF COMMITTEES

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

- | | | |
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| 725 | Minutes of the Unley Business and Economic Development Committee | 4 – 5 |
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Minutes of the Unley Business and Economic Development Committee Meeting – 7 December 2016

Minutes Attached

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| 726 | Minutes of the Strategic Property Committee | 6 – 7 |
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Minutes of the Strategic Property Committee Meeting – 13 December 2016

Minutes Attached**Confidential Item 4 – Move to End of Meeting**

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| 727 | Minutes of the Audit and Governance Committee | 8 |
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Minutes of the Audit and Governance Committee Meeting – 19 December 2016

Minutes Attached**Confidential Item 44 – Move to End of Meeting****REPORTS OF OFFICERS**

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| 728 | Submission for Funding – Rosefield Community Shed | 10 – 14 |
| 729 | Finance Performance Report for Quarter Ended December 2016 | 15 – 18 |

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SUGGESTED ITEMS FOR NEXT AGENDA

Forestville LATM	Part time turning restriction trial – report on the trial, including traffic data to Council (Item 441 – May 2016)
Pay for Use Parking	Outcomes of community consultation
Rugby/Porter Streets Bikeway – Design and Community Engagement	Report due back to Council outlining the community consultation and DPTI funding application – Item 490/16
Existing Encroachment	Information on the number, type and location of existing encroachments and recommends a licensing system that passes risk from Council to the property owner.
Road Closure Haslop Reserve (Rugby Street)	
Land Swap (includes Road Closure Myrtle Bank	
Road Opening – Blyth Street Parkside	
Review of Confidentiality Orders	For Council to note the confidentiality orders reviewed by the Chief Executive Officer
Second Quarter Budget Review 2016-17	
Parking Control Sturt Football Club	
Hyde Park Tavern Alfresco Dining	

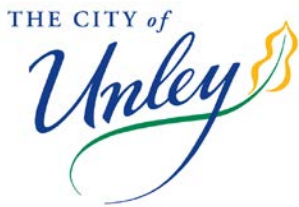
NEXT MEETING

Monday 27 February 2017 – 7.00pm.

CONFLICT OF INTEREST

TITLE:	CONFLICT OF INTEREST
ITEM NUMBER:	722
DATE OF MEETING:	23 JANUARY 2017
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 12 DECEMBER 2016

ITEM NUMBER: 723

DATE OF MEETING: 23 JANUARY 2017

ATTACHMENTS: NIL

RECOMMENDATION

MOVED:
SECONDED:

That:

1. The minutes of the Council Meeting held on Monday 12 December 2016, as printed and circulated, be taken as read and signed as a correct record.
-

DEPUTATION

TITLE:	DEPUTATION RE SUBMISSION FOR FUNDING - ROSEFIELD COMMUNITY SHED
ITEM NUMBER:	724
DATE OF MEETING:	23 JANUARY 2017
ATTACHMENTS:	NIL

Mr Gerhard Ganser of Fullarton and Mr John Carrangis of Beaumont, to make a deputation on behalf of the Rosefield Community Shed in respect to the application for the position of a part time coordinator for the Rosefield Community Shed.

REPORT OF COMMITTEE

TITLE: MINUTES OF UNLEY BUSINESS AND
ECONOMIC DEVELOPMENT COMMITTEE –
7 DECEMBER 2016

ITEM NUMBER: 725

DATE OF MEETING: 23 JANUARY 2017

ATTACHMENTS: 1. MINUTES OF MEETING

EXECUTIVE SUMMARY

ITEM 31

KING WILLIAM ROAD IMPLEMENTATION – BUSINESS CASE

Committee were happy with the report and the recommendation.
Members queried the current annual repair bill for maintaining King William Road.

ITEM 32

CITY OF UNLEY MAINSTREET ASSOCIATION REVIEW 2016

Committee were comfortable with this report and as such, the report went through with minimal discussion.

ITEM 33

VACANCY RATE REVIEW

Members queried the usefulness and the accuracy of the data.
What can we do with the data provided?
Suggested that Colliers attend the meeting when this report is on the Agenda.

ITEM 34

ASSOCIATION COORDINATORS QUARTERLY REPORTS FOR THE PERIOD 1 JULY - 30 SEPTEMBER 2016

Trader representatives provided updates from their Associations to the Committee.
Craig Phillips gave a detailed update of the King William Road Association and advised that he will no longer be the Trader representative on UBED.

ITEM 35

UNLEY BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE MEETING DATES 2017

Committee were happy with the suggested meeting dates but also wanted to include that the first Wednesday of each calendar month be set aside for UBED workshops or additional meetings if required.

RECOMMENDATION

MOVED:

SECONDED:

That:

1. The minutes of the Unley Business and Economic Development Committee meeting held on Tuesday, 7 December 2016, be received.
2. The recommendations listed under:

Item 31

King William Road Implementation – Business Case

Item 32

City of Unley Mainstreet Association Review 2016

Item 33

Vacancy Rate Review

Item 34

Association Coordinators Quarterly Reports for the period 1 July - 30 September 2016

Item 35

Unley Business and Economic Development Committee Meeting Dates 2017

inclusive, be adopted.

ATTACHMENT 1

UNLEY BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE

Minutes of Meeting

**Held Wednesday, 7 December 2016 commencing at 6.30pm
Council Chambers
181 Unley Road Unley**

MEMBERS PRESENT:

Councillor John Koumi – Presiding Member
Councillor Anthony Lapidge
Councillor Don Palmer
Councillor Luke Smolucha arr. at 6.34pm
Doug Strain
Orren Pruncken
Alison Snel arr. at 6.36pm
Jodie Gaffney
Craig Phillips

OFFICERS PRESENT:

Mr P Tsokas, Chief Executive Officer
Ms A Klingberg, Coordinator Economic Development
Ms K Jaensch, Executive Assistant City Development

ACKNOWLEDGMENT:

The Presiding Member welcomed Members to the meeting and opened the meeting with the Acknowledgement.

APOLOGIES:

Mayor Lachlan Clyne – ex Officio
James Morris
Susan Straschko

OBSERVERS:

Cr Michael Rabbitt

CONFIRMATION OF MINUTES:

MOVED: Councillor Palmer

SECONDED: Councillor Lapidge

That the minutes of the meeting of the Unley Business and Economic Development Committee held on Wednesday, 7 September 2016 as printed and circulated, be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

DEPUTATIONS

Nil

PRESENTATION:

Nil

ITEM 30 **CONFLICT OF INTEREST**

Nil

ITEM 31 **KING WILLIAM ROAD IMPLEMENTATION – BUSINESS CASE**

MOVED: Councillor Palmer

SECONDED: Doug Strain

The Committee recommends to Council that:

1. The report be received.
2. That the expenditure of funds for the Implementation of *King William Road Master Plan – Kerb build outs*, be redirected to the design development of the *Curated Street Upgrade*; which includes the entire road reserve inclusive of the footpath, on-street car parks, vehicle carriageway, and all of the fitments and associated infrastructure. The extent of the upgrade is defined as the High Street and extends from the intersection of Park/Mitchell to the intersections of Arthur and Union Street.

CARRIED UNANIMOUSLY

ITEM 32
CITY OF UNLEY MAINSTREET ASSOCIATION REVIEW 2016

MOVED: Doug Strain
SECONDED: Alison Snel

The Committee recommends to Council that:

1. The report be received.
2. Tthe Association Separate Rate Agreements be reviewed to include a mandatory requirement for the Mainstreet Associations to undertake approved governance training. Council may offer assistance with the coordination of group training. To assist with this, Council may provide a 50% subsidy for the initial group training to be undertaken by 30 June 2017. After this, training is to be undertaken at a cost borne by each Mainstreet Association.
3. This requirement becomes a condition of the Agreement.

CARRIED UNANIMOUSLY

***ITEM 33**
VACANCY RATE REVIEW

MOVED: Councillor Lapidge
SECONDED: Councillor Smolucha

The Committee recommends to council that:

1. The report be received.
2. The Unley Business and Economic Development Committee invites Colliers International to attend the next meeting to discuss the City of Unley commercial vacancy report.

CARRIED UNANIMOUSLY

***ITEM 34**

**ASSOCIATION COORDINATORS QUARTERLY REPORTS FOR THE PERIOD 1
JULY - 30 SEPTEMBER 2016**

SUSPENSION OF MEETING PROCEDURES

The Presiding Member advised that he thought the meeting would benefit from a short term suspension of meeting procedures, up to 20 minutes, to discuss the Association Coordinators reports.

This was agreed with a two thirds majority.

Meeting procedures were suspended at 7.24pm.

FURTHER SUSPENSTION OF MEETING PROCEDURES

Meeting procedures were suspended for a further 5 minutes with a two thirds majority at 7.44pm.

Meeting procedures resumed at 7.49pm.

MOVED: Councillor Palmer

SECONDED: Doug Strain

The Committee recommends to Council that:

1. The report be received.
2. The Unley Business and Economic Development Committee extends its congratulations to Steve Finos on being a finalist in the Mainstreet Australia Awards in the Mainstreet Champion category and winner in the Mainstreet SA's Outstanding Contribution.
3. The Unley Business and Economic Development Committee express its concern at the noncompliance relating to reporting requirements from the King William Road Traders Association.

CARRIED UNANIMOUSLY

***ITEM 35**

**UNLEY BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE MEETING
DATES 2017**

MOVED: Doug Strain

SECONDED: Councillor Lapidge

The Committee recommends to Council that:

1. The report be received.
2. The Unley Business and Economic Development Committee meet quarterly on the first Wednesday of the month at 6.30pm at the Council Chambers, 181 Unley Road Unley, with appropriate adjustments to accommodate other meetings, in accordance with the meeting schedule outlined below:

Wednesday,	1 March 2017
Wednesday,	7 June 2017
Wednesday,	6 September 2017
Wednesday,	6 December 2017

3. The first Wednesday of each calendar month be set aside for UBED workshops or additional meetings if required.

CARRIED

CLOSE OF MEETING:

The Presiding Member closed the meeting at 7.55pm.

.....
PRESIDING MEMBER

.....

REPORT OF COMMITTEE

TITLE: MINUTES OF STRATEGIC PROPERTY
COMMITTEE –
13 DECEMBER 2016

ITEM NUMBER: 726

DATE OF MEETING: 23 JANUARY 2017

ATTACHMENTS: 1. MINUTES OF MEETING

EXECUTIVE SUMMARY

ITEM 2 **FINANCIAL CONTEXT FOR STRATEGIC PROPERTY ACQUISITION AND** **DIVESTMENT OPPORTUNITIES**

The Committee were satisfied with this report and as such, the report was endorsed with minimal discussion.

CONFIDENTIAL ITEM – MOVE TO END OF MEETING

ITEM 4 **INVESTIGATION OF POTENTIAL FUTURE PROPERTY PURCHASES –**

RECOMMENDATION

MOVED:

SECONDED:

That:

1. The minutes of the Strategic Property Committee meeting held on Tuesday, 13 December 2016, be received.
2. The recommendations listed under:

Item 2

Financial Context for Strategic Property Acquisition and Divestment Opportunities

Item 3

Confidentiality Motion for Item 4 – Strategic Property Purchase

Item 4 - **Confidential**

Investigation of Potential Future Property Purchases

Item 5

Confidentiality Motion to Remain in Confidence Item 4 – Strategic Property Purchase

inclusive, be adopted.

STRATEGIC PROPERTY COMMITTEE

Minutes of Meeting

**Held Tuesday, 13 December 2016 commencing at 6.00pm
First Floor meeting room
181 Unley Road Unley**

MEMBERS PRESENT:

Councillor John Koumi – Presiding Member
Mayor Lachlan Clyne – ex Officio
Councillor Peter Hughes
Councillor Luke Smolucha arr. at 6.08pm
Councillor Don Palmer

OFFICERS PRESENT:

Mr P Tsokas, Chief Executive Officer
Mr J Devine, General Manager City Development
Ms N Tinning, General Manager Business Support & Improvement
Mr A Johns, Manager Property Assets
Ms K Jaensch, Executive Assistant City Development

ACKNOWLEDGMENT:

The Presiding Member welcomed Members to the meeting and opened the meeting with the Acknowledgement.

APOLOGIES:

Nil

OBSERVERS:

Councillor Rob Sangster
Councillor Michael Rabbitt
Councillor Rufus Salaman

DEPUTATIONS

Nil

PRESENTATION:

Nil

ITEM 1 **CONFLICT OF INTEREST**

Nil

ITEM 2 **FINANCIAL CONTEXT FOR STRATEGIC PROPERTY ACQUISITION AND** **DIVESTMENT OPPORTUNITIES**

MOVED: Councillor Hughes
SECONDED: Councillor Palmer

That:

1. The report be received.

CARRIED UNANIMOUSLY

ITEM 3 **CONFIDENTIALITY MOTION FOR ITEM 4 – STRATEGIC PROPERTY** **PURCHASE**

MOVED: Councillor Palmer
SECONDED: Councillor Smolucha

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:

Councillor Rob Sangster
Councillor Michael Rabbitt
Councillor Rufus Salaman
Mr P Tsokas, Chief Executive Officer
Mr J Devine, General Manager City Development
Ms N Tinning, General Manager Business Support & Improvement
Mr A Johns, Manager Property Assets
Ms K Jaensch, Executive Assistant City Development

on the basis that it will receive and consider the report on Strategic Property Purchase and that the Committee 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 the Committee to consider this matter in confidence.

CARRIED UNANIMOUSLY

The doors were closed at 6.18pm.

ITEM 5
CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE ITEM 4 –
STRATEGIC PROPERTY PURCHASE

MOVED: Councillor Palmer
SECONDED: Councillor Smolucha

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.

CARRIED UNANIMOUSLY

The doors were opened at 7.37pm.

CLOSE OF MEETING:

The Presiding Member closed the meeting at 7.37pm.

.....
PRESIDING MEMBER

.....

REPORT OF COMMITTEE

TITLE:	MINUTES OF AUDIT AND GOVERNANCE COMMITTEE
ITEM NUMBER:	727
DATE OF MEETING:	23 JANUARY 2017
ATTACHMENTS:	1. MINUTES OF AUDIT & GOVERNANCE COMMITTEE – CONFIDENTIAL

EXECUTIVE SUMMARY

A confidential report on the Centennial Park Cemetery Authority Strategic Plan and Asset Management Plan was presented to the Audit and Governance Committee meeting on 19 December 2016.

The Committee discussed the report at length and asked quite a few questions of the Chief Executive Officer of Centennial Park.

The Confidential recommendation is provided to Council for adoption.

RECOMMENDATION

MOVED:
SECONDED:

That:

1. The minutes of the Audit and Governance Committee meeting held on Monday 19 December 2016, be received.
2. The recommendations listed under:

Item 44
Centennial Park Cemetery Authority Strategic Plan and Asset Management Plan

be adopted.

MINUTES

**Minutes of the Audit & Governance Committee
Held Monday 19 December 2016 at 5.35pm
Council Chambers
181 Unley Road Unley**

MEMBERS PRESENT

Mr J Rawson, Presiding Member
Mr Ed Parker
Mr Sean Tu
Councillor Michael Rabbitt
Councillor Rob Sangster

OFFICERS PRESENT

Chief Executive Officer, Mr P Tsokas
General Manager Business Support & Improvement, Ms N Tinning
Group Manager Governance and Risk, Ms R Wilson
Executive Assistant to CEO & Mayor, Ms C Gowland

OBSERVERS

Councillor J Koumi
Councillor D Palmer
Councillor P Hughes
Councillor M Hewitson
Councillor A Lapidge
Councillor L Smolucha
Councillor R Salaman

GUEST

Ms J Miller, CEO Centennial Park Cemetery Authority

WELCOME

The Presiding Member welcomed Members to the Audit and Governance Committee Meeting.

APOLOGIES

Nil

CONFIRMATION OF MINUTES

MOVED Councillor Rabbitt

SECONDED Councillor Sangster

That:

1. The minutes of the Audit and Governance Committee Meeting held on Wednesday 19 October 2016, as printed and circulated, be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

ITEM 42 **CONFLICT OF INTEREST**

Nil

ITEM 43

**CONFIDENTIALITY MOTION FOR ITEM 44 – CENTENNIAL PARK CEMETERY
AUTHORITY STRATEGIC PLAN AND ASSET MANAGEMENT PLAN**

MOVED Councillor Rabbitt
SECONDED Councillor Sangster

That:

1. Pursuant to Section 90(2) and 90(3)(d) of the Local Government Act 1999 the Audit and Governance Committee orders the public be excluded, with the exception of the following:

Mr P Tsokas, Chief Executive Officer
Ms N Tinning, General Manager Business Support & Improvement
Ms R Wilson, Group Manager Governance & Risk
Ms C Gowland, Executive Assistant to CEO and Mayor
Ms J Miller, Chief Executive Officer Centennial Park Cemetery Authority
Councillor J Koumi
Councillor D Palmer
Councillor P Hughes
Councillor M Hewitson
Councillor A Lapidge
Councillor L Smolucha
Councillor R Salaman

on the basis that it will receive and consider the report and attachments on the Centennial Park Cemetery Authority's Asset Management Plan 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.

CARRIED UNANIMOUSLY

The doors to the meeting room were closed at 5.36pm.

SUSPENSION OF MEETING PROCEDURES

The Presiding Member advised members that he thought the meeting would benefit from a short term suspension of meeting procedures, for up to 30 minutes, to enable members of the Committee to ask questions of Ms Miller.

This was agreed with a two thirds majority.

Meeting procedures were suspended at 5.37pm.

EXTENSION TO SUSPENSION OF MEETING PROCEDURES

It was agreed, with a two thirds majority, to extend the suspension of meeting procedures for a further 15 minutes.

Meeting procedures suspended at 6.07pm.

Meeting procedures resumed at 6.23pm.

Ms J Miller left the meeting at 6.25pm.

Sean Tu left the meeting at 6.00pm returning at 6.02pm during discussion on the above Item.

CONFIDENTIAL

ITEM 45
CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE FOR ITEM 44 –
CENTENNIAL PARK CEMETERY AUTHORITY STRATEGIC PLAN AND ASSET
MANAGEMENT PLAN

MOVED Councillor Sangster
SECONDED Ed Parker

That:

1. The report be received.
2. Pursuant to Section 91(7) and (3)(d) of the Local Government Act:

2.1 The

- ☒ Minutes
- ☒ Report
- ☒ Attachments

remain confidential on the basis that the information contained in this report could prejudice the commercial position of the person who supplied the information, or confer a commercial advantage on a third person, and

- 2.2 the minutes, report and attachments will be kept confidential until the item is revoked by the Chief Executive Officer.

CARRIED UNANIMOUSLY

The doors to the Council Chambers were opened at 7.13pm.

MEETING DATES 2017

Wednesday 15 February 2017 – 6.30pm
Wednesday 10 May 2017 – 6.30pm
Wednesday 9 August 2017 – 6.30pm
Wednesday 11 October 2017 – 6.30pm

CLOSURE

The Presiding Member closed the meeting at 7.15pm.

.....
PRESIDING MEMBER
.....

DECISION REPORT

REPORT TITLE:	SUBMISSION FOR FUNDING - ROSEFIELD COMMUNITY SHED
ITEM NUMBER:	728
DATE OF MEETING:	23 JANUARY 2017
AUTHOR:	REBECCA COX
JOB TITLE:	ACTING MANAGER COMMUNITY DEVELOPMENT

EXECUTIVE SUMMARY

The purpose of this report is to consider a request from the Rosefield Community Shed for financial assistance of \$7,500 per year for two years via a Community Grant Agreement. The funding will employ a part-time Coordinator with the aim of improving sustainability and the income stream of the service.

Men's sheds are a recognised strategy to improve men's health by providing opportunities for social connection to combat isolation, loneliness and depression and to provide wellbeing by providing opportunities for participants to be productive and give back to their communities. Open to all in the community and although not exclusively for men, the majority of participants are older men.

The Rosefield Community Shed is one of two men's sheds currently operating within the City of Unley. The program provides opportunities for social connection and improved quality of life for the 45 people registered in the program. The Shed also contributes to the wider community, through a repair service and the support of other programs (e.g. Blaze Aid, support for victims of the Pinery fire, support for local individuals in need).

RECOMMENDATION

That:

1. The report be received.
 2. A funding agreement be established with the Rosefield Community Shed, providing \$7,500 (ex GST) funding per annum in 2016/17 and 2017/18 to support the employment of a paid Coordinator.
 3. The Rosefield Community Shed be formally advised of the decision.
-

1. RELEVANT CORE STRATEGIES/POLICIES

Living: Our Path to a Thriving City.

2. DISCUSSION

Council has received a submission for funding from Rosefield Community Shed ('The Shed'), located at Highgate Park (Attachments 1 and 2 to Item 728/17). The Shed is seeking funds to support the employment of a Coordinator whose role will be to improve sustainability of the group by securing an income stream.

Attachments 1 and 2

In their proposal, the Rosefield Community Shed outlines the key benefits of the program, including social inclusion outcomes for people who are isolated or have a disability.

The Shed has determined that engaging a paid Coordinator will ensure the delivery of:

- A business plan and vision developed in consultation with users and the Management Committee.
- Growing the program to potentially offer more sessions and become more financially sustainable, which is beyond current volunteer capacity. The workload is currently shared principally with three volunteers who provide approximately 4-6 hours of additional time outside of operating hours.
- Financial sustainability through the development of an income stream.

The Rosefield Community Shed has been successfully in operation since June 2013, located at Highgate Park on Fisher Street.

The Shed operates each Tuesday morning from 9.00am until 12noon and participants are supervised by volunteers. Of the 45 community members, on average 15 attend weekly, several with some form of disability, and regular attendees include Highgate Park residents. Members are encouraged with their own projects, however most undertake joint community projects. Attendees pay \$5 per session to cover the cost of materials.

Men's sheds are a recognised strategy to improve men's health by providing opportunities for social connection to combat isolation, loneliness and depression and to provide wellbeing by providing opportunities for participants to be productive and give back to their communities. Additionally, there may also be physical health benefits for attendees of similar circumstances to socialise and share information with each other. Open to all in the community and although not exclusively for men, the majority of participants are older men.

The Rosefield Community Shed program is one of a few programs that cater to older men in the area and targets people with mental health issues or who are

socially isolated. The program provides opportunities for social connection and improved quality of life for the 45 people registered in the program. The Shed also contributes to the wider community, through a repair service and the support of other programs (e.g. Blaze Aid, support for victims of the Pinery fire and for local individuals in need).

There is one other men's shed program operating in the Unley Council area. The Clarence Park Community Centre facilitates the T.O.Y.S. program, which operates three days a week from 9am-12noon. T.O.Y.S. received funding of \$15,000 per annum from Council in 2014/15 and 2015/16 to support its transition to an independent model of operation.

Council offers several funding options to community groups who require financial support to deliver a program or service to benefit the Unley community:

- Community Grant Agreements are accepted on an ad-hoc basis through the year and have a focus on supporting community groups and organisations to build community capacity through multi-year funding. Proposed Grant Agreements are provided to Council for endorsement.
- Community Grants of up to \$4,000 are offered twice yearly through a competitive process for the delivery of innovative and diverse community projects and/or programs.
- Community Event Sponsorship offers sponsorship packages of up to \$6,000 to assist individuals, community groups, organisations and not-for-profit groups to coordinate events that directly benefit the City of Unley community.
- Small Sponsorship and Donations Scheme offers up to \$250 to City of Unley residents to participate in specific cultural, sporting, or recreational activities and events at state, national or international level.
- Youth Sponsorship Program assists local young people up to \$250 to participate in a specific cultural, sporting or recreational activity/event which is of state, national or international significance.

This proposal has been submitted to the Community Grant Agreement program.

Currently, Community Grant Agreement funding is provided to Clarence Park Community Centre Incorporated's volunteer program (Item 304/2015) and Broughton Arts Society Incorporated (Item 60/2015).

3. ANALYSIS OF OPTIONS

Option 1 – A funding agreement be established with the Rosefield Community Shed, providing \$7,500 (ex GST) funding per annum in 2016/17 and 2017/18 to support the employment of a paid Coordinator.

This option provides Rosefield Community Shed with a two year transition period to build a more financially sustainable model.

The funding for 2016/17 is available within the current budget allocation, however, if approved funding would need to be committed for the 2017/18 budget process. At the end of this period, the Shed would be fully responsible for the ongoing funding.

The Administration will negotiate a Service Level and Contribution Agreement which will outline responsibilities and obligations of both parties over the agreed period.

This option is in line with similar funding timeframes that Council has previously endorsed for Clarence Park Community Centre Incorporated's volunteer program and Broughton Arts exhibition and workshop program, both of which will conclude in 2017/18.

Option 2 – A funding agreement be established with the Rosefield Community Shed, providing \$7,500 (ex GST) in 2016/17 to support the employment of a paid Coordinator.

This option provides the Rosefield Community Shed with less financial support than requested. While providing some financial assistance to employ a Coordinator will offer the opportunity for the Shed to commence planning to improve sales, this option does not provide financial backing for adequate time to build sales and improve sustainability of the group.

This option is not recommended.

Option 3 – Financial support is not provided the Rosefield Community Shed to support the employment of a Coordinator.

Feedback from the Shed indicates that without financial support, growth and sustainability of the service are affected, which may lead to a decrease in its offering.

Additionally, rejection of this proposal would see a lost opportunity for Council to actively demonstrate its support for a well-managed and valuable centre and to respond to local community need.

This option is not recommended.

4. RECOMMENDED OPTION

Option 1 is the recommended option.

5. POLICY IMPLICATIONS

5.1 *Financial/budget*

The Shed has previously received support from the City of Unley via a community grant of \$2,157 in Round 1 of the 2013/2014 funding round, which was used to purchase woodworking equipment.

This proposal has been submitted for a Grant Agreement rather than to the Community Grants Program, which offers up to \$4,000 per round to applicants. A Grant Agreement provides the opportunity for submissions of multi-year funding, enabling certainty of continued support to successful applicants.

The \$7,500 per annum for the current financial year requested is available within the existing budget allocation for Community Grant Agreements, which has a total allocation of \$41,000 in 2016/17. Currently this budget also funds Council's financial commitments to Clarence Park Community Centre Inc volunteer program (\$5,000 per year, concluding December 2018) and Broughton Art Society Inc (\$5,000 per annum, concluding 2017/18).

If funding for two years is approved, funding for the Rosefield Community Shed would be committed for the 2017/18 budget process within the allocated budget for Community Grant Agreements. This would bring all existing funding commitments to a close in the 2017/18 funding period.

6. ATTACHMENTS

- 1 – Submission Cover Letter
- 2 – Submission

7. REPORT AUTHORISERS

<u>Name</u>	<u>Title</u>
Megan Berghuis	General Manager City Services
Michael Carey	Manager Finance

Mandy Smith
Manager Community Development
City of Unley

29 November 2016

Hello Mandy

Rosefield Community Shed Submission for funding from the City of Unley for a paid Coordinator

The Rosefield Community Shed at Highgate Park is into its fourth year of operation from Highgate Park, meeting each Tuesday morning.

We are indebted to Highgate Park & SA Gov for the free use of the facility & much of the woodworking equipment.

With an average attendance of 15 members, male (predominantly) & female we are proud of the; friendship, camaraderie, fun, meaningful projects & support developed. Several members have some form of disability.

We seek funding of \$15,000 over two years (\$144 per week) to;

- Make the Shed sustainable
- Develop an income stream (we have had some success to date)
- Develop a Business Plan – Vision.

Our advisory team would work closely with the Coordinator, putting in place an appropriate reporting mechanism. We would like to establish key performance indicators. Day-to-day running of The Shed would continue along similar lines to the existing system. Flexibility of our current system is a key to success.

We are presently limited in our current operation, for growth, which is a major aim. Day-to-day running takes our current resources. Additional sessions are negotiable.

Attached is our Submission.

We welcome the opportunity to present our case and discuss further the details presented.

Kind regards & Season's Greetings.

John Carrangis
Coordinator, the Rosefield Community Shed
1/5 Bennett Avenue
BEAUMONT SA 5066
M 0478 074 238 E jmcarrangis@gmail.com

Submission: Paid Coordinator Rosefield Community Shed @ Highgate Park. 29 Nov 2016

Rosefield Community Shed has been successfully in operation since June 2013, at Highgate Park.

The FOCUS: Camaraderie-belonging, friendship, coffee-chat & meaningful-productive activity

The Shed operates each Tuesday morning from 9 a.m. until 12 noon, supervised by volunteers on a roster.

Weekly attendance has increased steadily. The average attendance of community members is around 15, with 2-4 Supervisors per session. Of the regular members, some six members have some form of disability, requiring 1-to-1 supervision. Women now make up The Community Shed membership.

In addition to the regular members, some 2-4 wheel-chair bound Highgate Park residents attend weekly.

Many activities are undertaken for community groups including; Unley Council, St. Chad's Anglican Church, Walford Anglican School, St. John's Primary School, Rosefield Uniting Church, as well as local residents.

Members are encouraged with their own 'projects', however, most undertake joint community projects. Additional activities undertaken: Blaze Aid (6 days) & furniture collection (4 truckloads) for The Pinery fire victims, BackyardBlitz for a local quadriplegic victim (10 helpers-100 hours labour) & locals building repairs.

SA Gov, Disability Services provides the venue & much equipment gratis, a fantastic gesture.

A MoU between Disability Services & Rosefield Community Shed exists. The period is for the 12 months.

Members are invited to contribute \$5 each per session, *if they can*, paying for consumables.

The Shed has a website rosefieldcs.orgfree.com

Competencies of individuals to operate equipment are in place, with safety the priority.

The current organisational work-load is shared principally with three volunteers.

Work load outside the three hours of weekly operation is between 4-6 hours per week.

The Shed has received support from the City of Unley, The Rotary Club of Hyde Park, Grants & donations.

All financial transactions are currently undertaken by the Treasurer of Rosefield Uniting Church, Highgate.

The Management Group meets about every 2 month, via email, & as needs arise.

Expansion into more sessions weekly has been flagged, however this will require additional volunteer time, perhaps more volunteers! Engaging a paid coordinator is one suggested improvement, similar to Mitcham & Burnside Councils.

Rosefield Community Shed Management hereby makes application to the City of Unley to fund a Coordinator for the Rosefield Community Shed @ Highgate Park.

We would value the opportunity to discuss this proposal.

John Carrangis E jmcarrangis@gmail.com M 0478 074 238

Coordinator Rosefield Community Shed @ Highgate Park E rosefieldcs@gmail.com

INFORMATION REPORT

REPORT TITLE: FINANCE PERFORMANCE REPORT FOR THE
QUARTER ENDED 31 DECEMBER 2016

ITEM NUMBER: 729

DATE OF MEETING: 23 JANUARY 2017

AUTHOR: MIKE CAREY

JOB TITLE: MANAGER FINANCE & PROCUREMENT

1. **EXECUTIVE SUMMARY**

The report highlights the year to date financial position as at 31 December 2016.

Operating income and expenditure are favourable to budget to the end of December 2016 and there are no budget concerns for both Operating and Capital projects at this time. A budget variance for Capital Projects exists and relates largely to a strategic land purchase endorsed by Council in September 2016 along with the recommendation to update the budget accordingly at the next budget review.

A positive cash flow of \$2.5m has been realised year to date. This has resulted in an increase in Cash & Short Term Investments of \$0.3m and a repayment of \$2.2m of the Short Term Draw Down Facility.

As a result, with fixed term principal repayments of \$0.5m, the borrowing liability has reduced by \$2.6m for the half year to \$5.0m as at 31 December 2016.

2. **RECOMMENDATION**

That:

1. The report be received.
-

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	Full Year Revised Budget \$'000
Operating income	42,540	42,049	491	45,634
Operating expenditure	20,121	20,467	346	41,895
Funding surplus before Projects	22,419	21,582	837	3,740
Net expenditure - Operating projects	304	369	65	1,459
Operating Surplus after Projects	22,115	21,213	902	2,280
Net expenditure - Capital projects	4,379	3,138	(1,241)	14,771
Net Lending / (Borrowing) for Financial Year	21,192	21,531	(339)	(5,578)

Operating income and expenditure are favourable to budget to the end of December 2016. Further information on these items is included in Attachments 1 and 2 of the report.

There are no budget concerns for both Operating and Capital projects at this time. The minor variations in relation to Operating Projects relate to timing. The major budget variance for Capital Projects relates to a strategic land purchase endorsed by Council in September 2016 along with the recommendation that an adjustment be made to reflect the transaction at the relevant quarterly budget review. Further information on these items is included in Attachments 3 and 4 of the report.

These will be considered as part of Budget Review 2 which is currently underway.

Statement of Financial Position

	Dec 2016 \$'000	June 2016 \$'000	Movement \$'000
Assets	591.4	576.0	15.4
Liabilities - Borrowings	(5.0)	(7.6)	2.6
Other Liabilities	(5.8)	(9.9)	4.1
Net Assets (Liabilities)	580.6	558.5	22.1

The movement in the Statement of Financial Position represents:

- an increase in Assets due to a higher Rates Accounts Receivable balance;
- an overall reduction in borrowings of \$2.6m is largely as a result of rate receipts; and
- the decrease in Other Liabilities, largely being the payment of creditors that were outstanding at the end of June.

Cash Flow

	Dec 2016 \$'000
Net Flows from Operating	7,339
Net Flows from Investing	(4,373)
Net Flows from Financing Activities	(499)
Net Change in Cash Position	2,467

A positive cash flow of \$2.5m has been realised year to date. This has reduced short term borrowings by \$2.2m and increased Cash & Short Term Investments by \$0.3m.

Operating Result

How well are we managing our Operating Income compared to Budget	On track
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Attachment 1

How well are we managing our Operating Expenditure compared to Budget	On track
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Attachment 2

Operating Projects

How well are we managing our Operating Projects?	In Progress
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Attachment 3

Capital Works Projects

Overall, how well are we managing our Capital Works?	On track
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Attachment 4

Overall Funding Statement

Attachment 5

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. ATTACHMENTS

1. Operating Result – Income (Excluding Projects).
2. Operating Result – Expenditure (Excluding Projects).
3. Operating Projects
4. Capital Works
5. Overall Funding Statement

(This is page 17 of the Council Agenda Reports for 23 January 2017)

4. **REPORT AUTHORISERS**

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

How well are we managing our Operating Income compared to Budget?

On track

	Actual YTD \$'000	Budget YTD \$'000	YTD Variance Fav/(Unfav) \$'000	Full Year Revised Budget \$'000	Forecast position \$'000
Operating income					
Rates	38,550	38,563	(13)	38,611	38,611
Statutory income	936	825	111	1,389	1,389
User charges	833	784	48	1,610	1,610
Grants, subsidies and contributions	1,646	1,593	53	3,457	3,457
Other income	575	283	292	568	568
Total Operating Income	42,540	42,049	491	45,634	45,634

Year to Date Result

Income is favourable by 1.2% compared to budget year to date. Contributing factors include:

Statutory Income \$111k favourable to budget

- Parking control fees received favourable by \$100k

User Charges \$48k favourable to budget

- Parking Control – permits \$29k favourable
- Fullarton Park Centre – facility hire \$17k favourable
- Offsetting unfavourable variance from the Swimming Centre of \$24k.

Grants, subsidies & contributions \$53k favourable to budget

- Community Services, timing of receipt of grant payments for Active Ageing Program.

Income – Other \$292k favourable to budget

- \$139k relates to special distributions received from the Mutual Liability Scheme, LGA Workers Compensation, Asset Mutual Fund and LGA Income Protection.
- \$63k is a result of a number of minor private works/damage to Council infrastructure
- \$25k from waste event invoicing
- \$15k in regards to parking fines recovery from the Courts
- The remaining favourable variance relate to smaller variances across services.

Forecast

Budget Review 2 is currently underway and will be presented to Council in February 2017.

How well are we managing our Operating Expenditure compared to Budget?

On track

	Actual YTD \$'000	Budget YTD \$'000	YTD Variance Fav/(Unfav) \$'000	Full Year Revised Budget \$'000	Forecast position \$'000
Operating expenditure					
Total Employment costs	9,006	9,132	126	17,724	17,724
Materials, contracts and other expenses	7,460	7,603	144	16,543	16,543
Depreciation and amortisation	3,456	3,456		6,912	6,912
Finance costs	199	276	76	716	716
Total Operating Expenditure	20,121	20,467	346	41,895	41,895

Year to Date Result

A favourable expenditure variance (1.7%) compared to budget year to date.

For employment costs, the favourable variance relates to vacancies.

The favourable variance for Materials, contracts and other expenses relates to timing in waste (\$232k), power (\$43k), and water (\$32k). Offsetting these favourable variances are unfavourable variances for Legal (\$59k), Postage & Freight (\$35k) & Building Maintenance (\$31k). All are timing differences.

The favourable variance for finance costs is due to the 30 June 2016 borrowing balance being nearly \$6m less than expected. This has resulted in finance costs for both the cash advance facility and fixed term borrowings being much less than anticipated.

Forecast

Budget Review 2 is currently underway and will be presented to Council at the February Meeting.

How well are we managing our Operating Projects compared to Budget?

In progress

City of Unley Operating Projects as at December 2016					
	Division	Actual YTD \$'000	Budget YTD \$'000	YTD Variance Fav/(Unfav) \$'000	Annual Budget \$'000
Income					
202582 - Pay for Use Parking Trial	City Development	18	6	12	24
201919 - Unley Gourmet Gala	City Services	57	47	10	47
202559 - Events - Ignite Unley	City Services	1	-	1	-
202642 - Events - Promotion & Staffing	City Services	5	-	5	-
201995 - Main Street Digital Economy Strategy	Office of CEO	7	8	(1)	14
Income Total		87	61	26	85
Expenditure					
202231 - Improvement Plan-Design Goodwood Oval/Millswood Complex	City Development	2	1	(1)	30
202233 - Healthy Community Program	City Development	7	5	(2)	20
202239 - CRC Water Sensitive Cities	City Development	10	10	-	10
202351 - Undergrounding of Goodwood Road - Stage 2	City Development	-	-	-	353
202365 - Review of Unley Integrated Transport Strategy (UITS)	City Development	16	16	-	50
202367 - Second Generation Street Tree Implementation (Year 1)	City Development	28	33	5	75
202368 - Tree Risk Assessment Implementation	City Development	-	-	-	30
202370 - Removal of Feral Olive Trees	City Development	1	1	-	25
202371 - Community Fruit Trees in Parks	City Development	1	3	1	5
202373 - Identification of Encroachments (2 year program)	City Development	13	14	1	50
202582 - Pay for Use Parking Trial	City Development	7	7	-	7
202619 - Royal Adelaide Show Traffic Mgmt	City Development	-	-	-	20
202620 - Street Tree Watering Well Program	City Development	-	-	-	69
202622 - Unley City Wide Greening	City Development	-	-	-	50
201919 - Unley Gourmet Gala	City Services	65	63	(2)	223
202234 - Tour Down Under	City Services	15	42	27	70
202358 - Age Friendly Strategies	City Services	3	12	9	40
202559 - Events - Ignite Unley	City Services	26	18	(8)	25
202561 - Events - Every Generation Festival	City Services	5	-	(5)	-
202563 - Events - Australia Day	City Services	-	4	4	10
202564 - Events - Event Attraction	City Services	5	10	5	10
202618 - Events - Fringe in Unley	City Services	1	10	9	40
202642 - Events - Promotion & Staffing	City Services	9	8	(1)	15
201995 - Main Street Digital Economy Strategy	Office of CEO	32	29	(3)	84
201999 - Unley Central Project	Office of CEO	39	43	4	88
202598 - Variety on KWR	Office of CEO	10	17	7	17
202599 - Community Event - Evening Under the Stars	Office of CEO	-	-	-	20
202600 - Goodwood Grove	Office of CEO	-	-	-	5
202617 - Records Management Compliance Project	Office of CEO	96	85	(11)	104
Expenditure Total		392	430	38	1,544
Net Operating Projects Expenditure		305	369	64	1,459

Income

Additional income received from the Pay for Use Parking Trial (timing) and the Unley Gourmet Gala. Unbudgeted income has been received for the Ignite Unley Event, this offsets against the expenditure.

Expenditure

No areas of concern with a number of small timing differences across projects.

How well are we managing our Capital Works?

On track

City of Unley Capital Works Summary as at December 2016

	Actual YTD \$'000	Budget YTD \$'000	YTD Variance Fav/(Unfav) \$'000	Full Year Current Budget \$'000
Income Total	170	174	(4)	526
Expenditure				
NEW - New Capital	2,080	695	(1,385)	5,907
REPLACE - Replacement Capital	2,469	2,617	148	8,560
PROJDEL - Project Delivery	-	-	-	830
Expenditure Total	4,549	3,312	(1,237)	15,297
Net Capital Projects Expenditure	4,379	3,138	(1,241)	14,771

City of Unley Key New Capital Projects as at December 2016

	Division	YTD Actuals \$'000	YTD Budget \$'000	YTD Variance fav / (unfav) \$'000	Annual Budget \$'000	Project Status
201709 - BHKC Project	City Development	-	-	-	250	
201736 - Strategic Land Purchase	City Development	1,412	-	(1,412)	-	
202092 - Implementation of Asset Management System	City Development	11	6	(6)	83	
202352 - Implementation of Public Lighting & Energy Opportunities	City Development	1	25	24	25	
202359 - LATM Implementation	City Development	3	2	(1)	390	
202376 - Goodwood Road Streetscape & Way finding Strategy Delivery -	City Development	86	80	(6)	3,317	
202379 - Sport & Recreation Pilot Project	City Development	-	-	-	8	
202383 - Traffic Calming to Reduce Speed - Grove & George Streets	City Development	6	8	2	8	
202384 - Development of Katherine Street Open Space	City Development	248	254	6	254	
202385 - Stormwater & Water Sensitive Urban Design Implementation	City Development	19	20	2	120	
202388 - Green Infrastructure Implementation	City Development	21	25	4	55	
202509 - Frew Street, Fullarton	City Development	89	89	-	89	
202609 - Unley Staff Bike Fleet	City Development	3	4	1	4	
202623 - Unley Central Entrance Oxford Tce	City Development	15	10	(5)	200	
202624 - KWR Masterplan - Kerb Build Outs	City Development	28	25	(3)	200	
202626 - COU Cycling & Walking Plan	City Development	-	20	20	225	
202627 - Traffic Calming Wood Street	City Development	3	-	(3)	40	
202628 - Pedestrian Refuge Facility - Marlborough St	City Development	-	-	-	40	
202629 - Safety Works - Goodwood Primary School	City Development	-	-	-	60	
202630 - Road Safety Speed Monitoring	City Development	14	20	6	40	
202631 - Solar Panels & Battery Storage	City Development	-	-	-	30	
202648 - Rugby/Porter Bikeway	City Development	-	-	-	67	
201983 - Main Street Allocation	Office of CEO	-	-	-	69	
202356 - Unley Oval Upgrade Council Contribution	Office of CEO	69	56	(13)	56	
202503 - King William Road Trader Association	Office of CEO	7	-	(7)	40	
202504 - Unley Road Trader Association	Office of CEO	-	-	-	25	
202505 - Fullarton Road South Trader Association	Office of CEO	-	-	-	16	
202506 - Goodwood Road Business Association	Office of CEO	-	-	-	15	
202507 - Glen Osmond Road Association	Office of CEO	-	-	-	15	
202576 - Goodwood Precinct Banner Infrastructure	Office of CEO	-	-	-	12	
202590 - Good Rd - Marketing / Event Infrastructure & Christmas Decs	Office of CEO	-	-	-	23	
202378 - Public Art Strategy Implementation - Pilot Projects	City Services	17	18		22	
202380 - Four Elements Public Art Upgrade	City Services	17	22	5	22	
202502 - Public Art Strategy Implementation	City Services	-	-	-	65	
202594 - Electronic Assessment for Development Services	City Services	10	11	1	22	
Total		2,080	695	(1,385)	5,907	

New Capital Expenditure

The major budget variance relates to a strategic land purchase endorsed by Council to negotiate the purchase and authorise borrowings, if required in September 2016. Council also endorsed that an adjustment be made to reflect the transaction at the relevant quarterly budget review. This will occur as part of Budget Review 2 in February 2017.

Asset Replacement Expenditure

On track

Project Delivery Costs

On track

The City of Unley

Overall Funding Statement
for the year to date ended December 2016

	Actual YTD \$'000	Budget YTD \$'000	YTD Variance Fav/(Unfav) \$'000	Full Year Revised Budget \$'000
Operating income				
Rates	38,550	38,563	(13)	38,611
Statutory income	936	825	111	1,389
User charges	833	784	48	1,610
Grants, subsidies and contributions	1,646	1,593	53	3,457
Other income	575	283	292	568
Total Operating Income	42,540	42,049	491	45,634
Operating expenditure				
Total Employment costs	9,006	9,132	126	17,724
Materials, contracts and other expenses	7,460	7,603	144	16,543
Depreciation and amortisation	3,456	3,456		6,912
Finance costs	199	276	76	716
Total Operating Expenditure	20,121	20,467	346	41,895
Funding surplus/(deficit) before Projects	22,419	21,582	837	3,740
Project Summary				
Operating projects				
Income	87	61	26	85
Expenditure	391	430	38	1,544
Net expenditure - Operating projects	304	369	65	1,459
Capital projects				
Income	170	174	(4)	526
Expenditure	4,549	3,312	(1,237)	15,297
Net expenditure - Capital projects	4,379	3,138	(1,241)	14,771
Total Operating projects and capital works program (net)	4,683	3,507	(1,177)	16,230
Depreciation and amortisation	3,456	3,456		6,912
Net Lending / (Borrowing) for Financial Year	21,192	21,531	(339)	(5,578)
Operating Surplus after Projects	22,115	21,213	902	2,280

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.

DECISION REPORT

REPORT TITLE:	COMMUNITY CONSULTATION AND DESIGN REVIEW OF OXFORD TERRACE STREETSCAPE CONCEPT
ITEM NUMBER:	730
DATE OF MEETING:	23 JANUARY 2017
AUTHOR:	KEITH DAVIS
JOB TITLE:	MANAGER CITY DEVELOPMENT

1. EXECUTIVE SUMMARY

Council has embarked upon creating a vision of a new future for Unley's heart. The Guiding Principles of the Unley Central Precinct Plan describe the type of urban environment Unley aspires to; one which prioritises people, which enlivens streets, with appropriate provision of pedestrian infrastructure and overall provides a high quality socially engaging environment. The proposal to redevelop Oxford Terrace is an opportunity for Council to demonstrate its commitment to Unley Central by creating such an environment.

The Oxford Terrace Streetscape Concept Design considers Oxford Terrace in two Stages. Stage 1, with an intensity of people movement generated by the commercial, civic and community functions between the Unley Road and Rugby Street intersections, is considered separately from Stage 2, with its larger residential land use between Rugby Street to Trimmer Terrace.

Stage 1 proposes to fundamentally alter the traffic function with a one-way westbound vehicle movement; an at grade footpath/road way design; 90 degree car parking consolidated at the eastern end of this stage; and a pedestrian plaza at the intersection with Unley Road, with existing car parks removed. The 18 dominant Plane trees are retained and 7 other trees replaced with new Plane trees.

Stage 2 is proposed to retain the same overall configuration of grade separation, with new surfaces to footpaths and road way but with a raised threshold at the intersections at Rugby Street and Trimmer Terrace. Vehicle movements remain two-way. All car parking and existing trees remain.

The next stage is to review the design with input from community consultation to test the Oxford Terrace Streetscape Concept Design.

2. RECOMMENDATION

That:

1. The report be received.
 2. The concept report Oxford Terrace Streetscape Concept Design be adopted for community consultation.
 3. A design review process be undertaken with input from the community consultation, and the result of the design review be presented to Council
-

1. **RELEVANT CORE STRATEGIES/POLICIES**

2.1 Unley Central Precinct Plan and Draft Unley Central DPA

2. **DISCUSSION**

Oxford Terrace is an important location within the Unley Central precinct. It provides the setting for many of the key civic and community functions of the City, as well as contributing to the traffic function by connecting the Unley Shopping Centre to the premier sporting precinct of Unley Oval.

The Oxford Terrace Streetscape Concept Design acknowledges this importance and provides Council with the opportunity to demonstrate its commitment to the Guiding Principles of the Unley Central Precinct Plan (Attachment 1 to Item 730/16).

Attachment 1

- *create a pedestrian dominant precinct*
- *create high quality, socially engaging, human scale public realm with activated and connected edges*
- *create vibrant high quality, medium to high density mixed use / mixed age developments*
- *create high quality and enlivened streetscapes that connect to adjacent activities and uses*
- *integrate sustainable principles into urban design*
- *prioritise active public transport and alternatives to cars*
- *quieten traffic*

Unley Central Precinct –Guiding Principles

The Oxford Terrace Streetscape Concept Design creates an environment that prioritises pedestrians, increases the amenity of the street, and provides a balanced, attractive, safe and functional space for all users of the street; including cars, pedestrians, and cyclists; young, elderly and all levels of mobility.

2.1 Unley Road to Rugby Street – a shared street concept

Oxford Terrace is more than a conduit for motor vehicles. The land use in Oxford Terrace between Unley Road and Rugby Street generates high volumes of people movement with church, schools, child-care, restaurant, council civic functions, library and community services all present.

In this section of Oxford Terrace, the concept prioritises the area as a destination rather than as a thoroughfare for vehicles. This means that the spatial requirement for car parking is prioritised over the spatial requirement for travel lanes. The concept arrives at a balance by proposing a single one way travel lane, and developing a calm traffic environment. The single travel lane enables wider footpaths and space for the provision of street furniture and greening; improving the comfort and convenience for people to gather and linger in the street.

Overall numbers of car park spaces are retained but consolidated away from the intersection at Unley Road; (the restaurant, library and Town Hall frontages become a pedestrianized plaza). By moving to one way traffic, the through traffic lane width can be reduced enabling ninety degree car parking to be provided thereby maintaining the overall number of car parks. All existing vehicle access crossovers are retained.

The improved amenity will promote initiatives to activate the street frontages. For this section of Oxford Terrace the concept proposes a kerb-less environment (road and footpath at the same level); rain gardens and additional tree plantings; street furniture; and high quality paving.

2.2 Oxford Terrace and Unley Road intersection

The intersection of Oxford Terrace and Unley Road is controlled by traffic signals, enabling a safe and controlled access to and from Unley Road. Westbound traffic is currently able to access both a left and right turn manoeuvre onto Unley Road; eastbound traffic is able to enter from Unley Road via a left turn manoeuvre only.

The concept proposes to remove eastbound traffic from Oxford Terrace, between the Unley Road intersection up to the Rugby Street intersection. The concept maintains the westbound traffic movement, including both left and right turn manoeuvres onto Unley Road. This is important as there are few signalised opportunities to conduct right hand turns onto Unley Road.

The impact on traffic flow throughout the local road network, by making this section of Oxford Terrace one way, will be tested as part of the design process. However, it is not expected to have a major impact on most users' route choice, or significantly change the traffic volumes on local streets; obviously Frederick Street and Edmund Avenue will be expected to have some increase in traffic volumes.

2.3 Rugby Street intersection

Rugby Street generates a high volume of cyclists along the bikeway with a direct connection between the Adelaide CBD and Mitcham. The concept proposes to create a raised threshold to the intersection of Oxford Terrace and Rugby Street, including kerb-build outs to increase the space for pedestrians to cross and to appropriately reduce the turning movements of motor vehicles entering the new Oxford Terrace boulevard. The proposed changes will improve the safety of cyclists travelling through the intersection.

2.4 Rugby Street to Trimmer Terrace

Between Rugby Street and Trimmer Terrace, land use is largely residential with the Sturt Football Club facilities, and the major draw card of Unley Oval at the eastern termination of Oxford Terrace. The concept proposes to retain all existing motor vehicle movements (two way travel lanes and access to all

crossovers); existing parallel car parks; all existing trees; and existing widths of footpaths and road carriageway. The grade separation between the footpath and road way is retained, although a transition to a level surface occurs at the Rugby Street intersection and at the termination of Oxford Terrace at Trimmer Terrace, to create a level surface 'plaza' to the entrance of Unley Oval. This will again 'signal' a pedestrian friendly environment near the oval (especially during match days).

2.5 Existing trees

An audit of the existing trees has been completed which included an assessment of the health, structure, crown form, and overall health of the trees. Between Unley Road and Rugby Street, the audit identified 18 Plane trees as suitable for retention; these trees have been incorporated into the Concept and will be retained. The Concept proposes to remove seven trees. Of these trees, the audit identifies two elm trees requiring removal due to poor form and health; five ash trees are not identified for removal, however one is of poor health, two are of poor structure, and the other two are of fair health and structure. Given the changes proposed to the physical environment between Unley Rd and Rugby St it is considered that it is opportune to remove all seven of these trees during the construction of Stage 1A. The Concept proposes to replace these trees with eight new Plane trees, creating a consistent species of tree throughout Stage 1. The Concept does not propose any changes impacting the existing trees between Rugby Street and Trimmer Terrace, therefore all of these trees can be retained (Attachment 2 to Item 730/16).

Attachment 2

2.6 Next Steps

Following Council endorsement the next steps will include:

- Preparing an appropriate design brief and engage a suitably qualified design consultant.
- Commence a design review, which will include engaging with the stakeholders directly impacted (e.g. Saint Spyridon Church), and the local community, to test the Oxford Terrace Concept Design.
- The result of the design review be presented to the Council.

3. ANALYSIS OF OPTIONS

Option 1 –

The concept report Oxford Terrace Streetscape Concept Design be adopted for community consultation.

A design review process be undertaken with input from the community consultation, and the result of the design review be presented to Council.

The design principles of the Concept are based on the Guiding Principles of the Unley Central Precinct Plan. The concept design is appropriate to

the scale of Oxford Terrace and its prominence within the Unley Central precinct.

The one-way traffic option balances the outcome of pedestrian dominance and motor vehicle accessibility with car parking. The westbound direction retains the right turn access to Unley Road.

It is important to consider the entire length of Oxford Terrace from Unley Road to Trimmer Terrace during the design process both in terms of impacts and to communicate an overall cohesive design strategy.

Option 2 – do not adopt the concept report Oxford Terrace Streetscape Concept Design as the urban design concept for the re-development of Oxford Terrace and do not undertake stakeholder engagement nor further design

By not adopting the Concept, Council would miss the opportunity to demonstrate its commitment to the Guiding Principles of the Unley Central Precinct Plan and the principles of the current DPA, subject to consultation.

By not adopting the Concept the remaining funding (\$190K of \$200K budget) for design work could be redirected to other projects or returned as a saving at the next budget review.

Capital funds earmarked for the construction of 1A in the LTFP for the 2017/18 period could be redirected.

4. RECOMMENDED OPTION

Option 1 is the recommended option.

5. POLICY IMPLICATIONS

5.1 *Financial/budget*

- Whilst an allowance has been made for the project in the current financial year, cost estimates will be refined as the concept is developed and a detail design prepared. Tenders will then be sought in due course for the construction of the project.

5.2 *Legislative/Risk Management*

- The Oxford Terrace road reserve is under the control of the Council.
- The proposed changes are significant impacts to the current operation and 'look and feel' of the road environment. Consequently, a thorough engagement process with the local community is planned.

5.3 Staffing/Work Plans

- The expenditure is for the procurement for an appropriately qualified design consultancy and an internal project manager resource will be required.
- An internal project team will be formed to oversee the design review

5.4 Environmental/Social/Economic

- The construction will improve the environmental performance of the site through integrated WSUD and greening.
- The promotion of a pedestrian environment will have broad social benefits.
- By building a “destination” rather than a thoroughfare the site will provide enhanced social and community benefits.

5.5 Stakeholder Engagement

- An appropriate engagement strategy is required to manage the engagement with key property/business/community members impacted by the proposal. A key part of the design review will be testing the concept with the community & understanding their needs
- The traffic impacts of the proposal must also be understood and will involve consultation with DPTI.

6. REPORT CONSULTATION

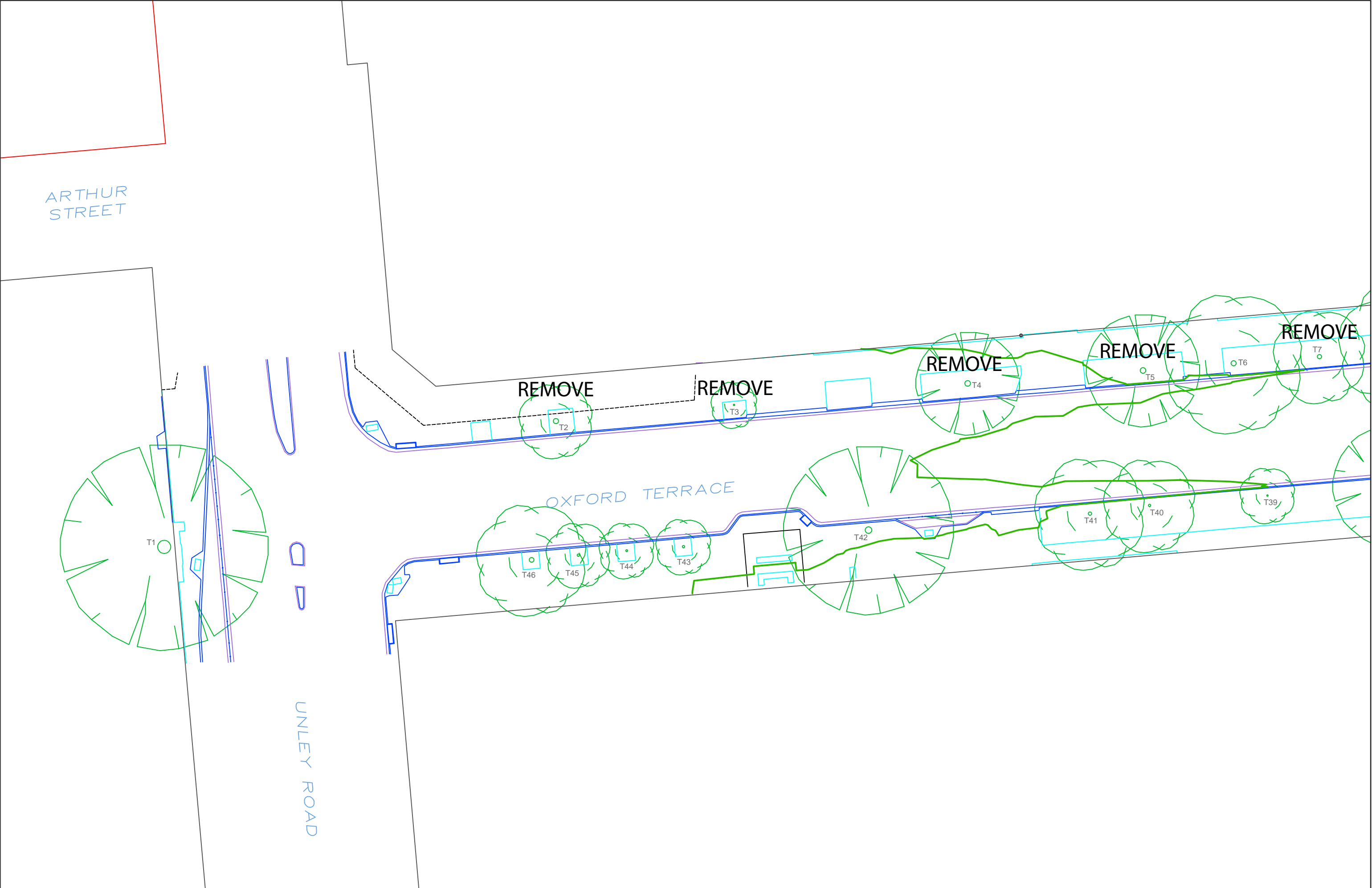
Executive Management Team.

7. ATTACHMENTS

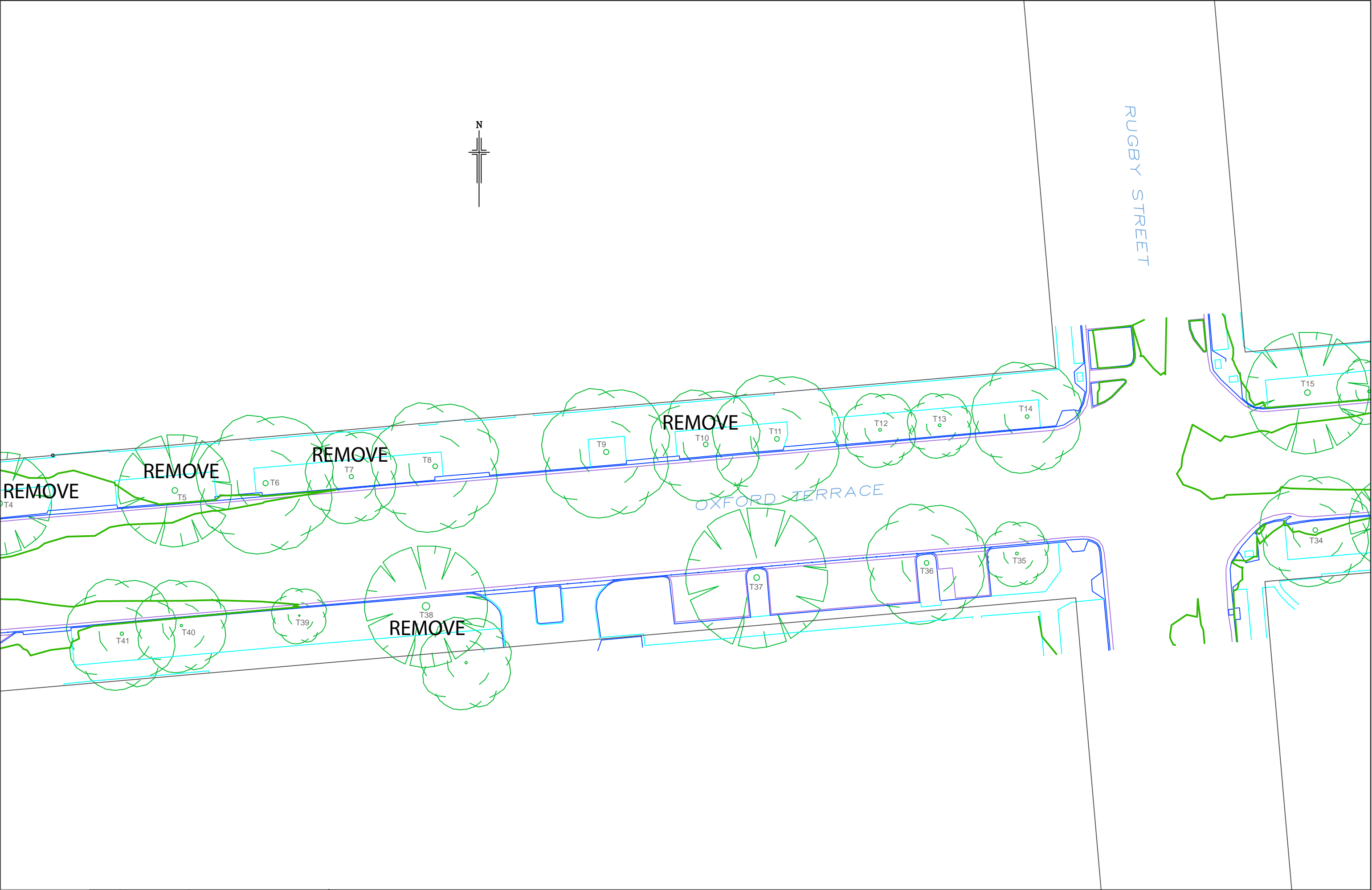
- Tree Map

8. REPORT AUTHORISERS

<u>Name</u>	<u>Title</u>
John Devine	General Manager City Development



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DECISION REPORT

REPORT TITLE:	BREACH OF CODE OF CONDUCT FOR COUNCIL MEMBER – CR MICHAEL HEWITSON
ITEM NUMBER:	731
DATE OF MEETING:	23 JANUARY 2017
AUTHOR:	PETER TSOKAS
JOB TITLE:	CHIEF EXECUTIVE OFFICER

EXECUTIVE SUMMARY

The purpose of this report is for Council to receive a recommendation from the Ombudsman in relation to a Breach of Code of Conduct Part 3 by Cr Hewitson and to consider appropriate action.

The Ombudsman has provided a final report to Council in relation to a matter referred to their office by the Independent Commissioner Against Corruption in relation to a potential issue of misconduct in public administration within the meaning of the *Independent Commissioner Against Corruption Act 2012* (the 'ICAC Act').

The referral arose out of a report to the Office of Public Integrity.

The issue assessed was whether Cr Hewitson committed misconduct in public administration by releasing confidential information. The Ombudsman concluded that Cr Hewitson had failed to comply with Part 3 of the Code and in doing so committed misconduct in public office within the meaning of section 5(3)(b) of the ICAC Act.

The Ombudsman has recommended that Council reprimand Cr Hewitson in relation to his disclosure of confidential information and then Council is required to report to the Ombudsman by 31 March 2017 on the steps taken to give effect to the Ombudsman recommendation or if no steps, the reason for the inaction.

In accordance with Part 3 of the Code of Conduct for Council Members, the final report of the Ombudsman:

- must be provided to a public meeting of the Council within two ordinary meetings of the Council receiving the recommendations; and
- Council confirm to the Ombudsman that the report has been tabled and a resolution passed reprimanding Cr Hewitson.

RECOMMENDATION

That:

1. The report be received.
 2. Council notes that having investigated the alleged breach of the Code of Conduct for Council Members, the Ombudsman finds that Cr Michael Hewitson has breached Part 3 of the Code and in doing so committed misconduct in public office.
 3. Council reprimands Cr Michael Hewitson and requires him to apologise for this behaviour. The apology to be made at the February 2017 Council meeting as a Personal Explanation in accordance with the *Local Government (Procedure at Meetings) Regulations 2013*, 15(3).
 4. Council requires that Cr Michael Hewitson undertake refresher training to ensure that he understands the legal obligations under the *Local Government Act 1999*, in particular the Code of Conduct for Council Members.
 5. The Administration respond in writing to the Ombudsman confirming the Final Report was tabled at Council within the stipulated timeframe and enclosing a copy of the resolution passed reprimanding Cr Hewitson.
 6. The Administration review the distribution of confidential emails and include a disclaimer below the signature line on all outgoing emails identifying or limiting the ways in which the information in emails can be distributed.
-

1. RELEVANT CORE STRATEGIES/POLICIES

1. 5.3 Good governance and legislative framework
2. Complaints Handling Procedure under Council Members' Code of Conduct
3. *Local Government Act 1999*, Code of Conduct for Council Members
4. *Independent Commissioner Against Corruption Act 2012*
5. *Ombudsman Act 1972*
6. *Local Government (Procedure at Meetings) Regulations 2013*

2. DISCUSSION

The Ombudsman has provided a final report to Council in relation to an Investigation pursuant to a referral by the Independent Commissioner Against Corruption (the "Commissioner") in relation to a potential issue of misconduct in public administration within the meaning of the ICAC Act.

The referral arose out of a report to the Office of Public Integrity.

The referral gave rise to one issue; to examine and report on whether Cr Hewitson committed misconduct in public administration by releasing confidential information to his son and nephew.

The Ombudsman's investigation in response to the referral included:

- Assessing the information provided by the Commissioner
- Seeking and receiving a written response from Cr Hewitson
- Reviewing relevant council communications as provided by Cr Hewitson
- Reviewing relevant media reports published in the InDaily newspaper
- Considering
 - the ICAC Act and the Ombudsman Act
 - the Local Government Act
 - the Code
 - preparing a provisional report and seeking the views of Cr Hewitson, the reporter and the council
 - providing a draft Final report to the Commissioner for comment and considering his response
 - preparing the Final Report (Attachment 1)

The Ombudsman concluded that Cr Hewitson had failed to comply with Part 3 of the Code and in doing so committed misconduct in public office within the meaning of section 5(3)(b) of the ICAC Act.

Section 5(3) of the ICAC Act provides:

(3) Misconduct in public administration means-

- (a) *contravention of a code of conduct by a public officer while acting in his or her capacity as a public officer that constitutes a ground for disciplinary action against the officer; or*
- (b) *other misconduct of a public officer while acting in his or her capacity as a public officer.*

Part 3 of the Code states:

Council members must

3.3 Not release or divulge information that the Council ordered be kept confidential or that the Council members should reasonably know is information that is confidential, including information that is considered by the Council in confidence’.

In accordance with Part 3 of the Code of Conduct for Council Members, the Final Report of the Ombudsman must be provided to a public meeting of the council within two ordinary meetings of the council receiving the recommendations and then Council is to confirm that the report has been tabled and resolution passed reprimanding Cr Hewitson.

As part of the report, the Ombudsman does make reference to the subject email as below:

“The email was not marked for external distribution, but neither was it marked as confidential. The contents of the email did not purport to identify or refer to any information that had been received by the council in confidence. The email lacked a disclaimer below the signature line identifying or limiting the ways in which the information in the email could be distributed, of the kind which might ordinarily follow communications between public officers.”

In response to this observation, the Administration recommends that there is a review of the distribution of confidential emails and the inclusion of a disclaimer below the signature line on all outgoing emails identifying or limiting the ways in which the information in emails can be distributed.

3. ANALYSIS OF OPTIONS

Option 1 – That:

1. Council notes that having investigated the alleged breach of the Code of Conduct for Council Members, the Ombudsman finds that Cr Michael Hewitson has breached Part 3 of the Code and in doing so committed misconduct in public office.
2. Council requires Cr Michael Hewitson to apologise for this behaviour. The apology to be made at the February 2017 Council meeting as a

Personal Explanation in accordance with the *Local Government (Procedure at Meetings) Regulations 2013, 15(3)*.

3. Council requires that Cr Michael Hewitson undertake professional development to ensure that he understands his legal obligations under the *Local Government Act 1999*, in particular the Code of Conduct for Council Members.
4. The Administration respond in writing to the Ombudsman to confirm the Final Report was tabled at Council within the stipulated timeframe and enclose a copy of the resolution passed reprimanding Cr Hewitson.
5. The Administration review the distribution of confidential emails and include a disclaimer below the signature line on all outgoing emails identifying or limiting the ways in which the information in emails can be distributed.

The Ombudsman has conducted an investigation pursuant to a referral by the Independent Commissioner Against Corruption Act 2012 in relation to potential misconduct in public administration. It concluded that Cr Hewitson failed to comply with Part 3 of the Code and in doing so has committed misconduct in public office. To remedy this error, the Ombudsman recommends that Council reprimand Cr Hewitson in relation to disclosure of confidential information and report to him by **31 March 2017** on what steps have been taken to give effect to the recommendations.

The Ombudsman must send a copy of any report or recommendation made to the responsible Minister.

If a member fails to comply with Council's resolution, Council is to ensure that a complaint is lodged against the member in the District Court. (LG Act s.263B (2))

Option 2 – No action is taken to give effect to the Ombudsman recommendations and a report be provided to the Ombudsman explaining the reasons for the inaction.

If it appears to the Ombudsman that appropriate steps have not been taken to give effect to a recommendation made, the Ombudsman may make a report on the matter (containing a copy of the earlier report and the recommendation) to the Premier.

Where the Ombudsman reports to the Premier, the Ombudsman may forward copies of the report to the Speaker of the House of Assembly and the President of the Legislative Council with a request that they be laid before their respective Houses.

4. **RECOMMENDED OPTION**

Option 1 is the recommended option.

5. ATTACHMENTS

1. OmbudsmanSA Final Report 2016/05629



OmbudsmanSA

FINAL REPORT

Investigation pursuant to referral
Section 24(2)(a) *Independent Commissioner Against Corruption Act 2012*

Public Authority	City of Unley (the council)
Public Officer	Cr Michael Hewitson
Ombudsman reference	2016/05629
ICAC reference	2016/000654
Date of referral	6 July 2016
Issue/s to be assessed	Whether Cr Hewitson committed misconduct in public administration by releasing confidential information to his son Dr Christopher Hewitson and nephew Mr Adam Carey

Jurisdiction

This matter was referred to the Ombudsman by the Commissioner pursuant to section 24(2)(a) of the *Independent Commissioner Against Corruption Act 2012* (the ICAC Act), as raising a potential issue of misconduct in public administration within the meaning of that Act (the referral).

The referral arose out of a report to the Office for Public Integrity (the report).

The referral gives rise to one issue; namely whether Cr Hewitson's release of information to Dr Christopher Hewitson and Mr Adam Carey was in breach of Part 3 of the Code of Conduct for Council Members¹ (the Code).

Under section 5(3)(a) of the ICAC Act, a contravention of a code of conduct by a public officer while acting in his or her capacity as a public officer that constitutes a ground for disciplinary action against the officer amounts to misconduct in public administration.²

As a breach of Part 3 of the Code does not constitute a ground for disciplinary action, I have considered whether there has been 'other misconduct' for the purpose of section 5(3)(b) of the ICAC Act.

Action taken

Using my powers under the *Ombudsman Act 1972*, I have conducted an investigation of the issue in response to the referral by:

- assessing the information provided by the Commissioner
- seeking and receiving a written response from Cr Hewitson

¹ The Code of Conduct was gazetted on 18 August 2013.

² Section 5(3)(a) of the ICAC Act.

- reviewing relevant council communications in the report and as provided by Cr Hewitson
- reviewing relevant media reports published in the InDaily newspaper
- considering:
 - the ICAC Act and the Ombudsman Act
 - the Local Government Act
 - the Code
- preparing a provisional report and seeking the views of Cr Hewitson, the reporter and the council
- providing a draft Final report to the Commissioner for comment and considering his response
- preparing this Final report.

Standard of proof

The standard of proof I have applied in my investigation and this report is on the balance of probabilities. However, in determining whether that standard has been met, in accordance with the High Court's decision in *Briginshaw v Briginshaw* (1938) 60 CLR 336 (*Briginshaw*), I have considered the nature of the complaint and the allegations made and the consequences if they were to be upheld. *Briginshaw* recognises that greater care is needed in considering the evidence in some cases,³ and it is best summed up in the decision as follows:

The seriousness of an allegation made, the inherent unlikelihood of an occurrence of a given description, or the gravity of the consequences flowing from a particular finding, are considerations which must affect the answer to the question whether the issue has been proved ...⁴

Response to my provisional report

1. Cr Hewitson responded to my provisional report by email dated 9 October 2016. In his response, Cr Hewitson indicated that he did not accept my conclusions. In explaining his position, Cr Hewitson sought to contest my view that he should reasonably have known the subject email contained confidential information, submitting, *inter alia*:
 - the subject email mounted a strong defence of the council's actions in anticipation of a critical story in the press and it was reasonable for him to believe that the council would want this information circulated
 - it was reasonable for him to assume that the subject email was not confidential in that similar emails relating to the council's internal operations are routinely sent to council members with the intention that they be circulated outside the council
 - he has subsequently learned that the subject email may have been forwarded by the council to other ERA members, demonstrating the information was not intended for internal recipients only
 - at the time he forwarded the subject email he was not aware that there were other issues relating to the public lighting tender process, beyond the scope of the email, that would be raised in the media
 - the subject email was not limited to internal readership by virtue of its opening, 'Hi all'
 - the content of the subject email was such that, at the time, he could not reasonably have known that some of the information was confidential.
2. I have addressed the issues raised by Cr Hewitson's response in the body of my report.

³ This decision was applied more recently in *Neat Holdings Pty Ltd v Karajan Holdings Pty Ltd* (1992) 110 ALR 449 at pp449-450, per Mason CJ, Brennan, Deane and Gaudron JJ.

⁴ *Briginshaw v Briginshaw* at pp361-362, per Dixon J.

3. I have otherwise made minor alterations to my report in accordance with clarifications provided by Cr Hewitson's response.
4. The reporter responded to my provisional report such that they were satisfied with my conclusion and had no further submissions to make.
5. The Principal Officer of the council, Mayor Lachlan Clyne, did not make any comments in response to my provisional report.

Background

6. Cr Hewitson is an elected member of the council.
7. At 9:00pm on 18 January 2016 Cr Hewitson received an email from his son, Dr Christopher Hewitson, the Managing Director of Inside Infrastructure. The email forwarded a chain of correspondence between Christopher and Mr Adam Carey, Cr Hewitson's nephew and the Managing Director for the Australia and New Zealand operations of Citelum Group. Citelum Group is an international company specialising in city lighting.
8. In his emails with Dr Christopher Hewitson that were subsequently forwarded to Cr Hewitson, Mr Carey expressed his concerns regarding a perceived conflict of interest arising out of the tender process for the provision of public lighting services to the Eastern Regional Alliance (ERA), a cooperative association of seven councils of which the council is a member.
9. In his emails, Mr Carey alleged that the tender process was 'riddled with conflicts of interest' and 'ridiculous', owing to the identity of a consultant engaged by the council to audit its public lighting infrastructure and by the ERA to assist the ERA to prepare a technical brief for the tender process for the provision of public lighting infrastructure across the seven member councils. It was said that this consultant was also the 'Director of 4 other companies, one of which is identified as a Citelum competitor.'
10. At 5:09pm on 19 January 2016 Cr Hewitson sent an email to Cr Lachlan Clyne, the mayor of the council, alerting Mayor Clyne to the allegations made by Mr Carey, which he described as 'a serious matter of concern.' This email was sent from Cr Hewitson's personal email account and copied to his council email address 'to ensure protocol is being followed', as well as Dr Christopher Hewitson's email account. Cr Hewitson also asked Mayor Clyne if he should 'cc the deputy mayor to ensure protocol is fully followed'.
11. At 4:07 pm on 20 January 2016 Cr Hewitson sent a follow-up email to Mayor Clyne, marked 'FORMAL' in the subject line, stating, *inter alia*, that:
 - the probity allegations first came to his attention through his son and wife and he had asked Mayor Clyne to enquire into the matter to avoid giving rise to a potential conflict of interest
 - that he himself had not made contact with Mr Carey
 - he requested that Mayor Clyne alert 'either the retiring or the new deputy mayor' to the matter in order to also 'protect [Mayor Clyne] in dealing with what might be a very tricky issue'
 - he believed that if the matter was not the subject of an inquiry, potential tenderers could 'lose confidence' in the council, that these tenderers might accordingly decline to participate in the public lighting tender process and that the council's ratepayers would no longer benefit from a competitive tender process

- he understood Mr John Devine, the council's General Manager, Assets and Environment, to have received a separate email from Mr Carey alerting him to Mr Carey's concerns.
12. Cr Hewitson copied into this email the text of another email sent by Mr Carey and addressed to his wife, Ms Roslyn Hewitson, which itself purported to be a 'copy of an email sent to John Devine and Len Carter today.' In this email, Mr Carey outlined Citelum's concerns regarding the tender process in more detail, concluding, '[t]he combination of this latest information and the information provided to Unley and the phone conversation with Len Carter confirming that Complete Urban are [sic] the Project Director for the ERA Council LED Bulk Change forces us to have no further involvement in the tender.' I understand Len Carter to be the Procurement & Contracts Coordinator for the City of Unley and to have been the designated point of contact within the council for the public lighting tender process.
 13. Cr Hewitson affirmed in his response to my queries that he had no contact whatsoever with Mr Carey throughout the relevant period (other than the disclosure subject to this investigation). I have no reason to doubt Cr Hewitson on this issue.
 14. At 6:31 pm on 25 May 2016 Mr Devine sent an email to staff of the council (**the subject email**) in which he purported to 'give [staff] an update of the ERA Public Lighting Project, particularly since there is some current media interest in the project.' The subject email proceeded to outline the genesis and benefits of the project, the circumstances surrounding the selection of the consultant Project Director, the potential conflicts of interest identified by 'one potential bidder' and the manner in which the council had identified and responded to them, and the nature of recent queries made by 'an In Daily [sic] journalist' relating to the project.
 15. The subject email concluded:

Tomorrow there may be some press regarding this project related to the matters above. I can assure you that we have endeavoured to ensure that there is a clean, professional evaluation and procurement process in place for this tender. Any potential conflicts were known at the start, we have tested the probity issues with lawyers and made suitable adjustments and we have a Probity Advisor on board.
 16. The subject email was sent to the council's 'Elected Members' and 'Executive Team' distribution lists and four other individual employees with the subject, 'ERA Public Lighting Project'. The email was not marked for external distribution, but neither was it marked as confidential. The contents of the email did not purport to identify or refer to any information that had been received by the council in confidence. The email lacked a disclaimer below the signature line identifying or limiting the ways in which the information in the email could be distributed, of the kind which might ordinarily follow communications between public officers.
 17. On 30 May 2016 a report was published by the InDaily online newspaper entitled 'Probity concerns flagged on huge council streetlight tender'.⁵ This report proceeded to outline Citelum's concerns regarding the tender process for the public lighting project. Among other statements from involved parties, the report quoted comments made by Mr Carey to the newspaper, as well as portions of the subject email, which the report claimed InDaily had 'acquired', describing it as 'an email from the City of Unley's General Manager of Assets and Environment, John Devine, sent to stakeholders regarding the tender'.

⁵ Bension Siebert, 'Probity Concerns Flagged on Huge Council Streetlight Tender', *InDaily*, 30 May 2016 <<http://indaily.com.au/news/2016/05/30/probity-concerns-flagged-on-huge-council-streetlight-tender/>> last accessed 8 September 2016.

18. After becoming aware of the InDaily report, the council conducted an internal investigation to find the source of the disclosure. This investigation identified an email sent by Cr Hewitson at 1:07pm on 26 May 2016 to Dr Christopher Hewitson and Mr Carey, in which Cr Hewitson forwarded the subject email to the two external recipients. Cr Hewitson provided no additional information to the recipients, other than to mark the email 'FYI'.
19. Cr Hewitson informed my investigation that, upon becoming aware of the council's investigation, he immediately contacted the council's Chief Executive Officer to 'fess up'.
20. On 15 July 2016 my Officer wrote to Cr Hewitson asking for a response to the allegations. Cr Hewitson replied on 24 July 2016 acknowledging that he forwarded the subject email to his son and nephew and stating, *inter alia*, that:
 - at the time he forwarded the subject email he was not aware that it contained confidential information and that to him the email read like a 'defensive press release, certainly not confidential'
 - the subject email did not contain anything that was commercial in confidence, because the probity concerns were likely to be imminently published in the media in any case
 - other recipients of the subject email were similarly unaware that the email contained confidential information, and members of the council would routinely receive press releases for external circulation through similar channels
 - he had been careful to distance himself from the review into Mr Carey's concerns owing to his family ties to both Mr Carey and Dr Christopher Hewitson. As a result he was unaware that Dr Christopher Hewitson had not been interviewed as part of the review into the concerns and that Mr Carey's company had not tendered for the project
 - he forwarded the subject email on the mistaken assumption that Mr Carey's company had ultimately tendered for the project after Mr Carey's concerns had been resolved and because he didn't want either Dr Christopher Hewitson or Mr Carey to be 'misadvised' by the potential negative press foreshadowed by Mr Devine
 - forwarding the email was the right thing to do, in that he was passing on information that portrayed the council responding appropriately to probity concerns, and he considered himself to have complied with the Code of Conduct for Council Members.

Relevant law

21. Section 5(3) of the ICAC Act provides:

(3) *Misconduct in public administration* means—

- (a) contravention of a code of conduct by a public officer while acting in his or her capacity as a public officer that constitutes a ground for disciplinary action against the officer; or
- (b) other misconduct of a public officer while acting in his or her capacity as a public officer.

22. Part 3 of the Code states:

Council members must

...

- 3.3 Not release or divulge information that the Council has ordered be kept confidential, or that the Council member should reasonably know is information that is confidential, including information that is considered by the Council in confidence'.

Whether Cr Hewitson committed misconduct in public administration by releasing confidential information to his son Dr Christopher Hewitson and nephew Mr Adam Carey

23. In considering whether Cr Hewitson's disclosure contravened Part 3 of the Code, I must first be satisfied that the subject email contained confidential information.
24. Cr Hewitson has submitted that the form and content of the subject email, insofar as it contained a detailed response from the City of Unley to both the probity concerns and anticipated media enquiries relating to those concerns, gave him the impression that it was intended or otherwise suitable for external circulation.
25. While I accept that, on the one hand, the subject email lacked any express indications as to the confidentiality of information contained within it, I note that it nonetheless contained:
 - observations critical of existing public lighting infrastructure in the ERA council areas
 - information pertaining to the genesis and evolution of the public lighting tender process, and that the ERA had thought it necessary to engage a probity advisor in the matter
 - information as to the precise status of the evaluation process and the factors being actively considered by the evaluation team
 - information that 'one potential bidder' had raised probity concerns, and information outlining the nature of those concerns and the ERA's response
 - observations as to the attitude of other bidders towards the probity of the tender process
 - confirmation that the ERA and/or the council had obtained legal advice and information purporting to summarise aspects of that advice.
26. In my view, it is likely that the council would not have deemed at least some of this information to be intended for external audiences. In this respect, it is irrelevant that certain information contained within the subject email was already known to Mr Carey and Dr Christopher Hewitson, or that Mr Carey, through Dr Christopher Hewitson, may have been responsible for first raising the probity concerns as the 'one potential bidder' referred to in the email.
27. Indeed, I am satisfied that the mere existence of an email such as this, insofar as it showed an apparent need for a public agency to defend a tender process to its staff in the face of adverse media interest, was something a public agency might ordinarily wish to keep confidential. That the issue was already generating some media interest does not mean that the council did not have an interest in determining the exact time and nature of its response.
28. In considering whether Cr Hewitson should reasonably have known that some or all of the information in the subject email was confidential, I have considered the information submitted in the report, the record of communication between the relevant parties prior to the disclosure supplied by Cr Hewitson, Cr Hewitson's response to my Officer's queries, reports published in the InDaily newspaper as a result of the disclosure and all the circumstances of the matter.
29. It can be inferred from the chain of correspondence between Cr Hewitson and council staff that he was appreciative of the need to protect the council and its employees from

allegations of impropriety, both in regard to the council's acknowledgement and investigation of the probity concerns and in how those concerns came to be forwarded to the council.

30. I also accept Cr Hewitson's assertion that he had reason to believe that the two recipients of the disclosure were already at least partially aware of the contents of the subject email. In this sense I am satisfied that Cr Hewitson did not intentionally set about to disclose information he considered to be confidential to his son and nephew.
31. Nonetheless, I consider that a public officer in receipt of an email sent exclusively to internal recipients which includes information relating to the agency's internal operations, its response to allegations of impropriety and the substance of legal advice received, at least some of which is not in the public domain, should reasonably know that some or all of the information in the email is confidential. In this respect I do not consider the presence or absence of an explicit indication of the confidentiality of information contained within an email to be determinative.
32. I accept Cr Hewitson's submission, raised in response to my provisional report, that the subject email sought to show the council in a positive light. I accept that this is a consideration that could reasonably have informed Cr Hewitson as to whether or not the council might have deemed the information within the email to be confidential. I do not, however, accept that the fact that the email attempted to put a positive spin on the council's actions was determinative of its confidentiality. The council may have had good reason to want to assure its employees as to the propriety of its actions whilst simultaneously remaining sensitive to members of the public (or indeed the media) learning of this fact. Moreover, that the subject email contained some information that the council may have intended recipients to communicate to others in coming to the defence of the council, does not, in my view, mean that all of the information within the email was intended for such a purpose.
33. In support of his contention that the subject email was similar to other emails sent internally within the council intended for circulation to the public, Cr Hewitson's response to my provisional report attached two such emails.
34. The first is an email from the council's Principal Policy Planner, sent to the council's elected members and executive team, advising of the consultation process surrounding the council's Central Development Plan Amendment. The email attaches a brochure of a type usually circulated during major public consultation initiatives.
35. While I accept that the brochure was clearly intended for public circulation, I do not believe the accompanying email, addressed to 'All elected members', was necessarily intended to be distributed outside the council. I accept, however, that the email does not appear to contain any information that was not already in (or intended for) the public domain, and that the purpose of the email appears to have been to equip the recipient with information needed to respond to public enquiries regarding the Development Plan Amendment.
36. The second email supplied by Cr Hewitson appears to have been sent to the council's elected members, executive team and other individual council employees and refers to an upcoming storm event. An attached memo provides information about the council's response efforts and instructions to employees as to how public enquiries might be appropriately dealt with.
37. Again, with all respect to Cr Hewitson, and although I accept that the information within the memo was largely intended for external recipients, I am not of the view that the council necessarily intended for the email or memo themselves to be distributed to

members of the public. In saying this, I stress that I am not necessarily of the view that the email or memo contained confidential information.

38. In my view, in respect to both of the emails supplied by Cr Hewitson (and in the case of the subject email), Cr Hewitson appears to have mistakenly conflated the sender's intention that information within a communication be disseminated with an intention that the communication itself be disseminated. Although I do not necessarily believe this led to any harm in the case of the two emails proffered by Cr Hewitson, the risk inherent in this approach is in my view underscored by what occurred with regard to the subject email.
39. To the extent that the subject email may have been forwarded to other councils within the ERA, I do not consider this to impact upon my finding that Cr Hewitson should reasonably have known that it contained confidential information. Specifically, Cr Hewitson has not suggested that this was a consideration which informed his decision to forward the email outside the council. To the extent that it could have informed his decision, I do not consider the fact that a communication has been distributed to other members within a local government alliance to determine its suitability for release to the general public.
40. I accept Cr Hewitson's submission, raised in response to my provisional report, that at the time he forwarded the subject email to Dr Christopher Hewitson and Mr Carey, he was not aware of any other issues relating to the public lighting tender process with the potential to be raised in the media. This merely serves to reinforce the need, in my view, for caution before disseminating information beyond its original intended recipients.
41. I do not accept Cr Hewitson's suggestion that the subject email's greeting, 'Hi all' in any way indicated that it was suitable for dissemination beyond its original recipients.
42. I have considered Cr Hewitson's submissions, raised in response to my provisional report, in regard to the content of the subject email and the lack of sensitivity (as he saw it) in its circulation outside the council. I accept that the council may have had no objection to much of the information within the subject email being made known to the public. Nevertheless, I repeat my conclusion that there is significant information within the email which I consider a person in Cr Hewitson's position, and possessing his knowledge, skills and acumen, should reasonably have known to be confidential.
43. To give just one example, I consider a reasonable person in Cr Hewitson's position should have had real misgivings about it being made known that the council had obtained legal advice on the probity concerns and, even more significantly, had deemed it appropriate to modify its actions in response to that legal advice. Such information could have been of real strategic import to an aggrieved tenderer seeking to litigate a claim against the council. It is in my view not to be discounted that one of the two recipients to Cr Hewitson's email had at least the potential to be such a person.
44. In his response to my provisional report, Cr Hewitson has expressed concern that one result of my findings will be that council members may feel reluctant going forward to distribute information they receive to the community. I do not believe it is unduly onerous to expect council members, in circumstances where they may (or should) have misgivings about the confidentiality of information they receive in their official capacity, to seek to clarify the nature of this information with its source before distributing it further.
45. On the evidence, and for the reasons outlined above, I am satisfied that Cr Hewitson should reasonably have known that information contained within the subject email was confidential. I accordingly find that, in disclosing this information to Dr Christopher

Hewitson and Mr Carey, Cr Hewitson failed to comply with Part 3 of the Code and in doing so committed misconduct in public administration within the meaning of section 5(3)(b) of the ICAC Act.

46. In reaching this conclusion I am mindful of Cr Hewitson's stated motivations in disclosing the information and the relatively benign nature of the information from the subject email that ultimately came to be published in media reports. In these circumstances, I consider the appropriate remedy to be a reprimand.

Conclusion

In light of the above, I consider that Cr Hewitson failed to comply with Part 3 of the Code and in doing so committed misconduct in public office within the meaning of section 5(3)(b) of the ICAC Act.

Recommendation

To remedy this error, I make a recommendation under section 263B of the Local Government Act that the council reprimand Cr Hewitson in relation to his disclosure of confidential information.

In accordance with section 25(4) of the Ombudsman Act, I request that the council report to me by 31 March 2017 on what steps have been taken to give effect to my recommendation above; and, if no such steps have been taken, the reason(s) for the inaction.

Final Comments

I intend to send a copy of my final report to the Principal Member of the council as required by section 18(5) of the *Ombudsman Act 1972*.

In accordance with Part 3 of the Code of Conduct for Council Members, my final report must be provided to a public meeting of the council within two ordinary meetings of the council receiving my recommendations.

I request that the council report to me by 31 March 2016 on what steps have been taken to give effect to my recommendations; and, if no such steps have been taken, the reason(s) for the inaction.

In particular, I request that the council confirm:

- (a) that this report has been tabled within the stipulated timeframe
- (b) a resolution has been passed reprimanding Cr Hewitson.


Wayne Lines
SA OMBUDSMAN

30 November 2016

DECISION REPORT

REPORT TITLE:	NOMINATIONS CALLED – LOCAL GOVERNMENT ADVISORY COMMITTEE
ITEM NUMBER:	732
DATE OF MEETING:	23 JANUARY 2017
AUTHOR:	SUE BAYLY
JOB TITLE:	GOVERNANCE OFFICER

EXECUTIVE SUMMARY

The Local Government Association (LGA) has called for nominations for the Local Government Advisory Committee on the implementation of the new Planning system.

The purpose of this report is to determine if Council wishes to nominate an Elected Member for selection by the LGA as one of its nominees to the Minister for Planning.

Nominations must be received by the LGA by close of business Thursday 9 February 2017.

RECOMMENDATION

That:

1. The report be received.
 2. Councillor be nominated as a Local Government representative on the Local Government Advisory Committee.
-

1. RELEVANT CORE STRATEGIES / POLICIES

- Goal 1.3; A dynamic mix of uses and activities in selected precincts
- Goal 2.1; Highly desirable and diverse lifestyle
- Goal 5.3; Good governance and legislative framework

2. DISCUSSION

LGA circular 51.5 dated 16 December 2016 calls for nominations for the Local Government Advisory Committee (the Committee) on the implementation of the new Planning system. See Attachment 1 to Item 732/17. The Minister for Planning has advised the LGA of his intention to establish three advisory committees to provide guidance during the implementation of the new *Planning, Development and Infrastructure Act 2016*. One of these committees will be focussed on local government and will comprise representatives from metropolitan and regional councils.

Attachment 1

The Committee's Terms of Reference (TOR) set out its objectives and principles. See Attachment 2 to Item 732/17. These include providing advice to the Minister and acting as a conduit of information between local government and the Department of Planning, Transport and Infrastructure (DPTI) Planning Reform Project Team.

Attachment 2

Membership is voluntary (ie. no sitting fee applies) for a term of 12 months and will comprise no less than 10 council representatives. The TOR also set out Members' obligations re conflict of interest, confidentiality, and public officer status in relation to the Independent Commissioner Against Corruption legislation. It is expected that Committee Members will approach the role with a professional attitude and be open to differing views. The Chairperson will be an Independent Member who is appointed by the Minister and an Executive Officer will be assigned from DPTI.

While no formal qualifications are required, the Selection Criteria Part A show that nominees should have suitable experience and knowledge of the Local Government Act 1999 and Development legislation. Elected Members or staff may be nominated. See Attachment 3 to Item 732/17.

Attachment 3

Nominations including form Part B plus Curriculum Vitae must be received by the LGA by close of business Thursday 9 February 2017. See Attachment 4 to Item 732/17.

Attachment 4

The LGA will consider nominations at the LGA Executive Committee meeting on 23 February 2017, and then forward selected nominees to the Minister.

There will be at least four Committee Meetings in a calendar year or more frequently as required.

3. ANALYSIS OF OPTIONS

Option 1 – That Council nominate an Elected Member or staff member for the Local Government Advisory Committee

Council may wish to nominate an Elected Member or staff member as a local government representative on the Committee.

Option 2 – No nomination is made

Council is not obliged to nominate anyone for the Committee and may simply receive the report.

4. RECOMMENDED OPTION

For decision of Council.

5. ATTACHMENTS

- 1) LGA circular 51.5 (dated 16 December 2016)
- 2) Terms of Reference for the Local Government Advisory Committee
- 3) Part A form – Selection Criteria.
- 4) Part B form – Nominations to outside bodies

6. REPORT AUTHORISERS

<u>Name</u>	<u>Title</u>
Peter Tsokas	Chief Executive Officer
Rebecca Wilson	Group Manager Governance and Risk



Local Government Association
of South Australia

Call for nominations for the Local Government Advisory Committee on the Implementation of the new Planning System - Circular 51.5

To

**Chief Executive Officer
Elected Members
Environment Staff
Governance Officers
Planning - Building Staff
Policy and Strategic Planning Staff
Sustainability Officers**

Date

16 December 2016

Contact

Stephen Smith

Email: stephen.smith@lga.sa.gov.au

Response Required

Yes

Respond By

9 February 2017

Summary

The Planning, Development and Infrastructure Act 2016 was assented to in April 2016, the Minister for Planning is now seeking nominations for membership to the Local Government Advisory Committee on the implementation of the new system, for a term not exceeding twelve months. Nominations must be forwarded to the LGA by COB Thursday 9 February 2017.

The Minister for Planning has written to the LGA advising of his intention to establish three advisory committees to provide guidance on the implementation of the new planning system. One of these committees specifically relates to the local government sector.

The objectives of the Local Government Advisory Committee will be to:

1. Meet the requirements set out in Section 244 of the Planning, Development and Infrastructure Act 2016 (the Act)
2. Provide advice on and represent the interests of local government in South Australia on matters related to the implementation of the Act as referred to it by the Minister
3. Act as a conduit for information and assist in the facilitation of engagement activities between local government and the DPTI Planning Reform Project team through the implementation process.

A copy of the Terms of Reference for the Committee is available [here](#).

The Committee will comprise up to 10 members and nominations are sought from inner, middle and outer metropolitan councils and regional councils. Appointments are for a term not exceeding twelve months.

It's vital that local government from across the State is represented on this Committee, and the LGA would encourage people within our sector with the relevant expertise and an interest in serving to consider putting their name forward.

Membership of the Local Government Advisory Committee will be on a voluntary basis with the Committee meeting at least four times during the year; details to be determined once the Committee has been finalised. The Committee is only required to operate during the implementation phase of the new planning system as outlined in the Act.

LGA nominations on outside bodies will, unless determined otherwise by the LGA Executive Committee, be currently serving Council Members or Council Staff. To view the LGA Nominations to Outside Bodies Policy [click here](#).

Nominations addressing the Selection Criteria provided in [Part A](#) for the Local Government Advisory Committee must be forwarded to lgasa@lga.sa.gov.au by a Council using the attached [Part B](#) by close of business 9 February 2017. Due to changes in State Government requirements all nominees must also provide an up-to-date CV/resume.

The LGA Executive Committee will consider nominations received at its meeting on Thursday 23 February 2017.



Terms of Reference – Local Government Advisory Committee

OBJECTIVE

The objective of the Local Government Advisory Committee is to:

- Meet the requirements set out in Section 244 of the *Planning, Development and Infrastructure Act 2016* (the Act).
- Provide advice on and represent the interests of Local Government in South Australia on matters related to the implementation of the Act as referred to it by the Minister.
- Act as a conduit for information and assist in the facilitation of engagement activities between Local Government and the DPTI Planning Reform Project team through the implementation process.

PRINCIPLES

The Committee will work together to support the successful implementation of the Planning Reform Project by:

- Working with purpose and alignment to achieve quality outcomes for the new system;
- Creating an environment of participation, where honest, open and robust discussions are encouraged;
- Remaining open, acting with integrity and providing frank and fearless advice;
- Being professional on all fronts, including in the respectful recognition of differing views and opinions; and
- Recognising that Communication, information sharing and consultation are the keys to facilitating effective cooperation and a spirit of trust.

MEMBERSHIP

The Local Government Advisory Committee will be constituted of no more than 12 persons appointed by the Minister.

Each member will be appointed for a term not exceeding 12 months.

Membership is on a voluntary basis and, as such, will not be remunerated.

Membership will include an independently appointed Chair, an Executive Officer from within DPTI and no less than 10 representatives from Local Government to be selected from a pool of nominees provided to the Minister by the Local Government Association. The membership of this Committee shall be broadly inclusive of all areas of the state, including regions, as far as practicable.

Presiding member (Chairperson)

The Minister will appoint an independent Member of the Committee to act as the Presiding Member (Chairperson).

ROLES & RESPONSIBILITIES

Minister

In accordance with the Act, the Minister will be responsible for determining:

- The membership of the Committee
- The procedures of the Committee
- The functions and scope of operation of the Committee; and
- Any other matters of interest.

Chairperson

The primary role and function of the Chairperson is to lead and manage the processes and practices of the Committee and ensure the effective delivery of the group's Objectives.

Executive Officer

An Executive Officer shall be assigned from the DPTI Planning Reform management team to support the Committee.

The Executive Officer will ensure agendas, minutes, including a record of agreed actions, and other appropriate documentation for each meeting are recorded, prepared and distributed.

The Executive Officer provides advice in relation to project management aspects of planning reform.

Guests

The Minister or Executive Officer may arrange for guests to attend or contribute to scheduled meetings for the purpose of providing specialised expertise or guidance on a particular item.

Conflict of Interest

Committee Members must declare any conflicts of interest at the start of each meeting or before discussion of the relevant agenda item. The Chairperson will determine whether the Committee member should:

- Not take part in any discussion by the Board relating to the matter; and
- Not vote in relation to the matter; and
- Be absent from the meeting room when any such discussion or voting takes place.

Independent Commission Against Corruption

In accordance with the Directions and Guidelines published by the Independent Commissioner Against Corruption, members of the Committee are classified as 'public officers' because they are:

- A person who is a member of a local government body; and
- A person who is an officer or employee of a local government body.

In accordance with the Commissioner's Directions and Guidelines all 'public officers' have an obligation to report a matter that is reasonably suspected of involving corruption, misconduct or maladministration in public administration to the OPI. The process for reporting such a matter to the OPI is outlined in the Directions and Guidelines document and on the Independent Commissioner Against Corruption internet site at www.icac.sa.gov.au.

Confidentiality

Committee Members must ensure confidential information received in the process of acting as a Committee Member remains confidential and is not disclosed improperly to others.

Committee Members must refer all enquiries from all external parties (including media) directly to the Executive Officer for action.

MEETINGS & PROCEEDINGS

Meeting schedule

The Committee shall meet at least four times in a calendar year or more frequently as required by the Minister or his delegate.

Special meetings may be held at any time as required and agreed by the Minister or his delegate.

Agendas and supporting documentation

An agenda and any associated papers for prior reading will be distributed through the Executive Officer not less than one week (five working days) prior to the next scheduled meeting.

Proceedings

The Chairperson presides at meetings of the Committee. If the Chairperson is absent, an Acting (Alternate) Chairperson or a Committee Member chosen by the Committee Members present presides at the meeting.

A quorum of the Committee consists of a number ascertained by dividing the total number of appointed Members by half, ignoring any fraction resulting from the division, and adding one (and no business may be transacted at a meeting of the Board unless a quorum is present).

Meetings are carried out in such a manner as to ensure the fair and full participation of all Committee Members

If required, Committee business may be conducted 'out-of-session' by electronic correspondence between the Executive Officer on behalf of the Chairperson and Committee Members.

Proxy

If a Member is not able to attend a scheduled meeting, a proxy of appropriate level and experience may attend in their place, otherwise an apology is to be tendered.

Minutes

Minutes are to be collated and distributed electronically by the Executive Officer to the Minister's office, Chairperson and Committee Members no later than one week after the meeting was held.

REVIEW

These Terms of Reference, including membership composition, shall be reviewed:

- Every 12 months, or more frequently at the discretion of the Minister; and
- The review will include an assessment of the effectiveness of the Committee and individual members with particular reference to the group meeting its Objectives and its interface with the CAT.

TERMS

Minister	Minister for Planning
DPTI	Department of Planning, Transport and Infrastructure
LGA	Local Government Association

ADOPTED

.....

Date: / /

ADOPTED by the Chairperson

Nominations to Outside Bodies



PART A

Name of Body	Local Government Advisory Committee
Legal Status of Body	Advisory Committee
Summary Statement	<p>The objectives of the LGAC are to:</p> <ol style="list-style-type: none">1. Meet the requirements set out in Section 244 of the Planning Development and Infrastructure Act 20162. Provide advice on and represent the interests of local government in South Australia on matters related to the implementation of the Act as referred to it by the Minister3. Act as a conduit for information and assist in the facilitation of engagement activities between local government and the DPTI Planning Reform Project team through the implementation process.
<u>SELECTION CRITERIA FOR MEMBERSHIP ON OUTSIDE BODIES</u> The following selection criteria must be addressed when completing Part B	
Qualifications Required <i>(formal qualifications relevant to the appointment)</i>	No formal qualifications required
Industry Experience	Experience and knowledge of the Local Government Act and Development Act.
Board / Committee Experience	n/a
Key Expertise	Description of likely contribution in terms of skills and experience with local government sector.
<u>LIABILITY AND INDEMNITY COVER</u> The LGA requires that representatives on outside bodies be appropriately insured throughout the period of their appointment and seeks to collect details of the insurances provided by that organisation (on an annual basis)	
Insurance information (Certificates of Currencies or equivalent) supplied by the Outside Body	Yes
Insurance Policies are Valid & Current	Yes

PART B: Nominations to Outside Bodies



This form:

- must not exceed 2 pages;
- must be submitted by a Council; and
- must be emailed in PDF format to lgasa@lga.sa.gov.au
- upon receipt at the LGA, will be acknowledged by return email.

Name of Body: Local Government Advisory Committee

COUNCIL DETAILS			
Name of Council submitting the nomination			
Name of person submitting this form on behalf of Council	Name: Email: Telephone:		
NOMINEE DETAILS			
Name of Nominee	Title	First name	Surname
<input type="checkbox"/> Current Elected Member <u>OR</u> <input type="checkbox"/> Current Council Officer			
Home / Postal Address			
Work Phone		Facsimile:	
A/H Phone		Mobile:	
Email			
INFORMATION RELEVANT TO THE APPOINTMENT SOUGHT (forms part of the selection criteria for nomination)			
Formal qualifications:			
Experience:			
Board/Committee Experience (short description of likely contribution in terms of skills and expertise in the local government sector)			
Key Expertise:			
Any other comments:			
Undertaking: The LGA Board resolved in January 2015 to ensure that appointees to external Boards and Committees remain current Local Government Members or officers. If you leave Local Government for any reason during the term of your appointment, are you prepared to resign your appointment if requested to do so by the LGA? Yes <input type="checkbox"/> No <input type="checkbox"/> Signature of Nominee: _____			

DECISION REPORT

REPORT TITLE:	NOMINATIONS CALLED – STATE RECORDS COUNCIL
ITEM NUMBER:	733
DATE OF MEETING:	23 JANUARY 2017
AUTHOR:	REBECCA WILSON
JOB TITLE:	GROUP MANAGER GOVERNANCE & RISK

EXECUTIVE SUMMARY

The Local Government Association (LGA) has called for nominations for the State Records Council which is pursuant to the *State Records Act 1997* (the Act).

The purpose of this report is to determine if Council wishes to nominate an Elected Member or staff member for selection by the LGA as one of its nominees to the State Records of SA.

Nominations must be received by the LGA by close of business Tuesday 14 February 2017.

RECOMMENDATION

That:

1. The report be received.
 2. Councillor be nominated as a Local Government representative on the State Records Council.
-

1. RELEVANT CORE STRATEGIES / POLICIES

Goal 5.3; Good governance and legislative framework

2. DISCUSSION

LGA circular 1.4 dated 4 January 2017 calls for nominations for the State Records Council (the Council). See Attachment 1 to Item 733/17.

Attachment 1

The Council's Terms of Reference (TOR) are set out in Part 4 of the Act. These include providing advice to the Minister or Director of State Records with respect to policies relating to record management or access to official records as well as to approve determinations made by the Director of State Records relating to the disposal of records. See Attachment 2 to Item 733/17.

Attachment 2

The appointment is for a period of just under three years commencing immediately and expiring on 22 November 2019. The LGA was most recently represented by Ms Jane Fetherstonhaugh (District Council of Grant) whose term expired on 22 November 2016.

The current approved fee structure for payment to members is a fee of \$206 per session (2-4 hours duration) plus \$51.50 per hour for every hour of preparation time beyond the third hour.

The State Records Council meets every two months on a Tuesday held at State Records, Pirie Street, Adelaide.

While no formal qualifications are required, the State Records website requires a person must have experience in local government. Elected Members or a staff may be nominated. See Attachment 3 to Item 733/17.

Attachment 3

Nominations including form Part B plus Curriculum Vitae must be received by the LGA by close of business Tuesday 14 February 2017. See Attachment 4 to Item 733/17.

Attachment 4

The LGA will consider nominations at the LGA Executive Committee meeting on 23 February 2017, and then forward selected nominees to State Records SA.

3. ANALYSIS OF OPTIONS

Option 1 – That Council nominate an Elected Member or staff member for the State Records Council

Council may wish to nominate an Elected Member or staff member as a local government representative on the Council.

Option 2 – No nomination is made

Council is not obliged to nominate anyone for the Council and may simply receive the report.

4. RECOMMENDED OPTION

For decision of Council.

5. ATTACHMENTS

- 1) LGA circular 1.4 (dated 4 January 2017)
- 2) Terms of Reference as set out in Part 4 of the State Records Act
- 3) Part A form – Selection Criteria.
- 4) Part B form – Nominations to outside bodies

6. REPORT AUTHORISERS

<u>Name</u>	<u>Title</u>
Peter Tsokas	Chief Executive Officer



Local Government Association
of South Australia

Nominations sought for the State Records Council - Circular 1.4

To

**Chief Executive Officer
Corporate Services Staff
Elected Members
Governance Officers**

Date

4 January 2017

Contact

Jacqui Kelleher

Email: jacqui.kelleher@lga.sa.gov.au

Response Required

No

Summary

State Records of SA has written to the LGA requesting nominations for a local government member on the State Records Council for a term commencing immediately. Nominations must be forwarded to the LGA by COB 14 February 2017.

The State Records Council is pursuant to the [State Records Act 1997](#).

The role of the State Records Council is to provide advice to the Minister or Director of State Records with respect to policies relating to record management or access to official records as well as to approve determinations made by the Director of State Records relating to the disposal of official records. The terms of reference are set out in Part 4 of the Act.

The appointment to the State Records Council will be for a period of just under three years, commencing immediately and expiring 22 November 2019. The LGA was most recently represented by Ms Jane Fetherstonhaugh (District Council of Grant) whose term expired on 22 November 2016.

The current approved fee structure for payment to members is a fee of \$206 per session (2-4 hours duration) plus \$51.50 per hour for every hour of preparation time beyond the third hour.

The State Records Council meets every two months on a Tuesday. Meetings will be held at State Records, Pirie Street, Adelaide.

LGA nominations on outside bodies will, unless determined otherwise by the LGA Board or Executive Committee be currently serving council members or council staff. To view the LGA Nominations to Outside Bodies Policy [click here](#).

Nominations addressing the Selection Criteria provided in [Part A](#) for the State Records Council must be forwarded by councils to lgasa@lga.sa.gov.au using the attached [Part B](#) by close of business, Tuesday 14 February 2017. In addition to the Part B, the Department of Premier & Cabinet requires up to date fulsome CV's of candidates. Councils must provide these at the time of submitting nominations.

The LGA Executive Committee will consider nominations received at its meeting on Thursday 23 February 2017.

Part 4—State Records Council

9—Establishment of Council

- (1) The *State Records Council* is established.
- (2) The Council is to consist of nine persons appointed by the Minister, of whom—
 - (a) one will be a historian nominated by the Minister to whom the administration of the *History Trust of South Australia Act 1981* is committed after consultation with academic historians from South Australian tertiary education institutions; and
 - (b) one will be a person eligible for professional membership of the Australian Society of Archivists; and
 - (c) one will be a person eligible for membership of the Records Management Association of Australia; and
 - (d) one will be the chief executive of an agency nominated by the Commissioner for Public Sector Employment, or a delegate of the chief executive; and
 - (e) one will be a person with experience in local government (who may, but need not, be a member or officer of a council) nominated by the Local Government Association of South Australia; and
 - (f) one will be a person with practical business experience; and
 - (g) one will be a person nominated by the Chief Justice of the Supreme Court; and
 - (h) one will be an Aboriginal person engaged in historical research involving the use of official records nominated by the Chief Executive of the administrative unit of the Public Service that is, under a Minister, responsible for the administration of the *Aboriginal Heritage Act 1988*; and
 - (i) one will be a person who, as a member of the public, makes use of official records in the custody of State Records for research purposes.
- (3) One member of the Council will be appointed by the Minister to chair the Council.
- (4) At least two members of the Council must be women and at least two must be men.

10—Functions

The Council has the functions of—

- (a) approving determinations under this Act relating to the disposal of official records; and
- (b) providing advice to the Minister or the Manager, either on its initiative or at the request of the Minister or the Manager, with respect to policies relating to record management or access to official records.

11—Terms and conditions of office

- (1) A member of the Council is to be appointed for a term, not exceeding three years, specified in the instrument of appointment and is, on the expiration of a term of office, eligible for reappointment.

- (2) A member of the Council is entitled to such remuneration and expenses as may be determined by the Governor.
- (3) A member of the Council may be removed from office by the Minister—
 - (a) in the case of a member appointed on the nomination of a person or body—at the request of that person or body; or
 - (b) for misconduct; or
 - (c) for incapacity or failure to carry out satisfactorily the duties of his or her office.
- (4) The office of a member of the Council becomes vacant if the member—
 - (a) dies; or
 - (b) completes a term of office and is not reappointed; or
 - (c) resigns by written notice addressed to the Minister; or
 - (d) is removed from office under this section.
- (5) On the office of a member becoming vacant, a person must be appointed in accordance with this Act to the vacant office.

Nominations to Outside Bodies – Part A



Name of Body	State Records Council
Legal Status of Body	Council established under the State Records Act 1997
Summary Statement	<p>The Council has the functions of:</p> <p>(a) approving determinations under the State Records Act 1997 relating to the disposal of official records; and</p> <p>(b) providing advice to the Minister or the Director, either on its initiative or at the request of the Minister or the Director, with respect to policies relating to record management or access to official records.</p>

SELECTION CRITERIA FOR MEMBERSHIP ON OUTSIDE BODIES

The following selection criteria must be addressed when completing Part B

Qualifications Required <i>(formal qualifications relevant to the appointment)</i>	No formal qualifications required.
Industry Experience	Relevant knowledge of records management issues as they impact on local government.
Board / Committee Experience	Relevant experience serving on high level intergovernmental boards or committees is highly desirable.
Key Expertise <i>(other relevant experience i.e. those requirements established for a Board/Committee under an Act)</i>	<ul style="list-style-type: none"> • Practical knowledge of and experience in local government, including processes, community consultation and the law as it applies to local government. • Experience in the administration of legislation, particularly the State Records Act 1997. • Knowledge of policies as they relate to matters of records management and access to official records.

LIABILITY AND INDEMNITY COVER

The LGA requires that representatives on outside bodies be appropriately insured throughout the period of their appointment and seeks to collect details of the insurances provided by that organisation (on an annual basis)

Insurance information (Certificates of Currencies or equivalent) supplied by the Outside Body	Yes
Insurance Policies are Valid & Current	Yes

Nominations to Outside Bodies - Part B



This form:

- must not exceed 2 pages;
- must be submitted by a council; and
- must be emailed in PDF format to lga@lga.sa.gov.au
- upon receipt at the LGA, will be acknowledged by return email.

Name of Body: STATE RECORDS COUNCIL

COUNCIL DETAILS			
Name of council submitting the nomination			
Name of person submitting this form on behalf of council	Name: Email: Telephone:		
NOMINEE DETAILS			
Name of Nominee	Title	First name	Surname
<input type="checkbox"/> Current Elected Member <u>OR</u> <input type="checkbox"/> Current council officer			
Home / Postal Address			
Work Phone		Facsimile:	
A/H Phone		Mobile:	
Email			
INFORMATION RELEVANT TO THE APPOINTMENT SOUGHT (forms part of the selection criteria for nomination)			
Formal qualifications:			
Experience:			
Board/Committee Experience:			
Key Expertise:			
Any other comments:			
Undertaking: <p>The LGA Board resolved in January 2015 to ensure that appointees to external Boards and Committees remain current local government members or officers. If you leave local government for any reason during the term of your appointment, are you prepared to resign your appointment if requested to do so by the LGA?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Signature of Nominee: _____</p>			

DECISION REPORT

REPORT TITLE:	LOCAL NUISANCE AND LITTER CONTROL ACT 2016 - NEW DELEGATIONS
ITEM NUMBER:	734
DATE OF MEETING:	23 JANUARY 2017
AUTHOR:	SUE BAYLY
JOB TITLE:	GOVERNANCE OFFICER

EXECUTIVE SUMMARY

The purpose of this report is to seek Council endorsement of the proposed delegation to the Chief Executive Officer of the powers and functions under the new Local Nuisance and Litter Control Act 2016.

The Local Nuisance and Litter Control Act 2016 (the LN&LC Act) commences in part on 1 February 2017. It is being formally introduced in a staged approach with the littering elements of the legislation coming into effect from 1 February 2017, and the local nuisance provisions to commence on 1 July 2017.

The provisions of the LN&LC Act are mostly operational and Council staff will need sub-delegations and Authorised Officer powers to enforce its provisions.

RECOMMENDATION

That:

1. The report be received.
2. **Delegations made under Local Government Act 1999**
 - 2.1 In exercise of the power contained in Section 44 of the Local Government Act 1999, the powers and functions under the Local Nuisance and Litter Control Act 2016 and specified in the proposed Instrument of Delegation contained in Attachment 1 to Item 734/17 are hereby delegated this 23rd day of January 2017 to the person occupying the office of Chief Executive Officer subject to the conditions and or limitations specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.
 - 2.2 Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the Local Government Act 1999 as the Chief Executive Officer sees fit,

unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.

- 2.3 It is a condition of this delegation to the Chief Executive Officer that such powers under the Local Nuisance and Litter Control Act 2016 are to be effective and exercised only according to the following timetable;
- (i) Commencing 1 February 2017; provisions relating to litter control.
 - (ii) Commencing 1 July 2017; provisions relating to local nuisance.

3. Amendments

- 3.1 Council notes the amendment to Section 236 of the Local Government Act 1999 effective from 1 February 2017 as shown at Attachment 2 to Item 734/17.
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1. **RELEVANT CORE STRATEGIES / POLICIES**

Goal 5.3; Good governance and legislative framework

Local Government Act 1999

Local Nuisance and Litter Control Act 2016

2. **DISCUSSION**

The new *Local Nuisance and Litter Control Act 2016* has been enacted to improve the local management of environmental complaints. Councils have been empowered by the State Government to assess, manage, and control the various provisions of the legislation as shown below:

Section 4—Objects of Act

- (1) *The objects of the Act are —*
- (a) *to protect individuals and communities from local nuisance; and*
 - (b) *to prevent littering; and*
 - (c) *to improve the amenity value of local areas; and*
 - (d) *to promote the creation and maintenance of a clean and healthy environment.*

Section 7—Functions of councils

- (1) *Subject to this Act, a council is the principal authority for dealing with local nuisance and littering in its area.*
- (2) *In connection with sub-section (1), the following functions are conferred on a council by this Act:*
- (a) *to take action to manage local nuisance and littering within its area;*
 - (b) *to cooperate with any other person or body involved in the administration of this Act;*
 - (c) *to provide, or support the provision of, educational information within its area to help detect, prevent and manage local nuisance and littering;*
 - (d) *such other functions as are assigned to the council by this Act.*

For purposes of the LN&LC Act, litter and local nuisance are described as:

(a) **Litter**

Section 22(5) lists that material which may be considered as “litter” and may include but is not limited to the following;

- Class A - hazardous litter such as asbestos, and/or any substance, material or thing of a kind prescribed by Regulation.
- Class B - live cigarettes or cigarette butts, used syringes, waste glass, and/or any substance, material or thing of a kind prescribed by Regulation.

- General litter – food scraps, beverage containers, packaging, garden waste, dead animals, vehicles or vehicle parts etc.

(b) Local nuisance

Section 17(1) lists examples which may be considered as “local nuisance” and may include but are not limited to the following;

- Noise, odour, smoke, fumes, aerosols, dust, or
- Animals dead or alive, or
- any other agent or class of agent declared by Schedule 1 and
- which unreasonably interferes with ... the enjoyment of the area by person(s) in the area or vicinity.

Many of the management and enforcement functions have previously been undertaken by the Environment Protection Authority (EPA). There has historically been confusion over the roles of the EPA and local government and inconsistencies and delays in handling complaints. The intention of the LN&LC Act is for Councils to provide a local response to litter, dust, noise and smoke complaints which are relatively minor environmental issues but which are significant in terms of the affected community. The EPA will continue to manage more major nuisances, material or serious environmental harm, and licensing etc for “prescribed activity of environmental significance” under Section 36 of the *Environment Protection Act 1993*. The EPA will also offer training and support as well as the loan of some measuring devices (at least in the short term) to Councils. The City of Unley has a noise measuring device on site as arrangements were previously made for Unley to handle noise complaints.

To carry out their duties, the Chief Executive Officer (CEO) and other Council officers will need to have relevant sub-delegations under the LN&LC Act. As with other legislation, Council holds the “head” powers, which it may, in accordance with Section 44 of the *Local Government Act 1999*, delegate to the CEO and provide for the CEO to further sub-delegate to other suitably qualified and/or experienced staff. The delegation template has been provided by the Local Government Association and is shown at Attachment 1 to Item 734/17. A delegation made by Council may be revoked at any time and does not prevent Council from acting in a matter.

Attachment 1

The LN&LC Act applies to all Councils in South Australia, and it is anticipated that there will be some instances under this legislation which will require working across council boundaries to resolve matters.

3. ANALYSIS OF OPTIONS

Option 1 – Council delegates powers and functions of the Local Nuisance and Litter Control Act 2016 to the Chief Executive Officer and notes the amendment to Section 236 of the Local Government Act 1999

Section 7 of the LN&LC Act makes Council the “principal authority for dealing with local nuisance and littering in its area”. The operational functions of this

legislation fall to the CEO and Council staff, who must therefore be delegated appropriately. The CEO may also then appoint the Environmental Health Officers and General Inspectors as “Authorised Officers” for purposes of the LN&LC Act.

There is some transfer of powers and duties to the LN&LC Act from the *Local Government Act 1999* and so some minor amendments are needed to the delegations under the latter Act. These are shown at Attachment 2 to Item 734/17. Where a Section of legislation is deleted, any delegation under that Section automatically lapses, and no formal resolution of revocation by Council is required. There are a few words deleted from Section 236, Abandonment of vehicles, but the remainder of that delegation continues.

Attachment 2

The Transitional provisions in the LN&LC Act provide for the continuation of the bill-posting powers in Council by-laws, Roads (no.2) and Local Government Land (no.3).

The recommendation is drafted to show that the delegations are to commence on two separate dates. This is because the litter provisions of the LN&LC Act are due to commence on 1 February 2017, and the nuisance provisions on the 1 July 2017. As the same background information is relevant to both aspects of the Act, they have been combined in this single report.

Option 2 – Council delegates powers and functions of the Local Nuisance and Litter Control Act 2016 – Litter only delegations

Council could delegate the litter provisions now and wait until later in the year to make the delegations for the nuisance aspect of the LN&LC. As noted above, this would result in unnecessary duplication of report material for Council to consider.

4. RECOMMENDED OPTION

Option 1 is the recommended option.

5. POLICY IMPLICATIONS

5.1 *Financial*

It is not known at this stage what resource implications will result from Council undertaking these new tasks. These will be monitored and the costs considered for inclusion in the Council’s 2017-2018 Business Plan.

5.2 *Legislative / Risk Management*

Council’s obligations under legislation are explained above.

5.2 *Environmental*

The LN&LC Act brings new responsibilities to Council and its staff. It will take some time for the Administration to become fully trained and comfortable with all the nuances of their new tasks. In the longer term, the benefits to the community of a more prompt response to local nuisances and littering should become apparent.

6. REPORT CONSULTATION

Regulatory Services and Environmental Health have been consulted re the report.

7. ATTACHMENTS

- 1) Instrument of Delegation to the Chief Executive Officer under the Local Nuisance and Litter Control Act 2016.
- 2) Local Government Act 1999 – Amended delegations.

8. REPORT AUTHORISERS

<u>Name</u>	<u>Title</u>
Peter Tsokas	Chief Executive Officer
Rebecca Wilson	Group Manager Governance and Risk

CITY OF UNLEY**INSTRUMENT OF DELEGATION****LOCAL NUISANCE AND LITTER CONTROL ACT 2016****NOTES**

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

1. Authorised Officers	
1.1	The power pursuant to Section 12(3) of the Local Nuisance and Litter Control Act 2016 (the Act), to appoint:
1.1.1	specified officers or employees of the Council; or
1.1.2	a specified class of officers or employees of the Council,
	to be authorised officers for the purposes of the Act.
1.2	The power pursuant to Section 12(4) of the Act to make an appointment subject to conditions specified in the instrument of appointment.
1.3	The power pursuant to Section 12(6) of the Act to, at any time, revoke an appointment, or vary or revoke a condition specified in the instrument of an appointment or impose a further such condition.
2. Identity Cards	
2.1	The duty pursuant to Section 13(2) of the Act where the Minister has not designated a card issued by the Council to an authorised officer appointed by the Council as an identity card for the purposes of the Act, to issue an authorised officer appointed under the Act, with an identity card in a form approved by the Minister:
2.1.1	containing the person's name and a recent photograph of the person; and

INSTRUMENT OF DELEGATION - LOCAL NUISANCE AND LITTER CONTROL ACT 2016

2.1.2	stating that the person is an authorised officer for the purposes of the Act; and
2.1.3	specifying the name of the Council.
2.2	The duty pursuant to Section 13(3) of the Act to issue an identity card as soon as is reasonably practicable after the appointment is made.
3.	Limit of Area of Authorised Officers Appointed by Councils
3.1	The power pursuant to Section 15(a) of the Act to agree in writing to an authorised officer appointed by another council exercising powers under the Act in the Council's area.
4.	Provisions Relating to Seizure
4.1	The duty pursuant to Section 16(1)(a) of the Act if a substance, material or thing has been seized under Division 3 of the Act, to hold the substance, material or thing seized pending proceedings for an offence against the Act.
4.2	The power pursuant to Section 16(1)(a) of the Act, on application, authorise the release of the substance, material or thing seized to the person from whom it was seized, or to any person who had legal title to it at the time of its seizure, subject to such conditions as the delegate thinks fit.
4.3	The power pursuant to Section 16(1)(e) of the Act if a person is, under section 16 of the Act, entitled to recover any substance, material or thing, to request the person do so.
4.4	The power pursuant to Section 16(1)(f) of the Act to direct that any substance, material or thing forfeited under Section 16 of the Act be disposed of.
5.	Exemptions from Application of Section 18
5.1	The power pursuant to Section 19(1) of the Act to declare by notice in writing in accordance with Section 19 of the Act that a person is exempt from the application of Section 18 of the Act in respect of a specified activity to be carried on in the Council's area.
5.2	The power pursuant to Section 19(2) of the Act to require an application for a declaration under Section 19 of the Act made to the Council to be accompanied by any other information in connection with the application that the delegate may require.
5.3	The duty pursuant to Section 19(3) of the Act to not make a declaration under Section 19 of the Act unless the delegate is satisfied that:
5.3.1	there are exceptional circumstances that justify the making of the declaration; and

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5.3.2	the applicant's nuisance management plan adequately sets out the measures that the person will take to prevent, minimise or address any anticipated adverse effects from the specified activity on the amenity value of the area concerned.
5.4	The power pursuant to Section 19(4) of the Act to make a declaration unconditional or subject to conditions, including (but not limited to) conditions relating to:
5.4.1	the permitted times or periods of time for carrying on the activity; or
5.4.2	the manner of carrying on the activity.
5.5	The power pursuant to Section 19(5) of the Act to, by further notice in writing, vary or revoke a declaration under Section 19 of the Act.
5.6	The:
5.6.1	power pursuant to Section 19(7) of the Act to determine the website for publishing a declaration made under Section 19 of the Act and any variations of the declaration; and
5.6.2	duty pursuant to Section 19(7) of the Act to publish a declaration made under Section 19 of the Act and any variations of the declaration, on a website determined by the Council or the delegate.
6.	Disposing of Litter
6.1	The power pursuant to Section 22(3)(a)(i) of the Act to provide a bin or other receptacle in the Council's area for the disposal of litter.
6.2	The power pursuant to Section 22(3)(a)(ii) of the Act to approve or authorise the manner of the disposal of litter in the Council's area.
7.	Liability of Vehicle Owners
7.1	The duty pursuant to Section 26(3) of the Act, to accompany an expiation notice or expiation reminder notice given under the Expiation of Offences Act 1996 to the owner of a vehicle for an alleged offence against Section 26 of the Act involving the vehicle with a notice inviting the owner, if he or she was not the alleged principal offender, to provide the Council or officer specified in the notice, within the period specified in the notice, with a statutory declaration:
7.1.1	setting out the name and address of the person who the owner believes to have been the alleged principal offender; or
7.1.2	if he or she had transferred ownership of the vehicle to another prior to the time of the alleged principal offence and has complied with the Motor Vehicles Act 1959 or the Harbors and Navigation Act 1993 (as

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	the case may require) in respect of the transfer – setting out details of the transfer (including the name and address of the transferee).
7.2	The power pursuant to Section 26(4) of the Act, to bring a prosecution for an offence against Section 26 of the Act against one of the owners or against some or all of the owners jointly as co-defendants.
7.3	The duty pursuant to Section 26(5) of the Act, before proceedings are commenced against the owner of a vehicle for an offence against Section 26 of the Act to send the owner a notice:
7.3.1	setting out particulars of the alleged principal offence; and
7.3.2	inviting the owner, if he or she was not the alleged principal offender or the owner of the vehicle at the time of the alleged principal offence, to provide the Council, within 21 days of the date of the notice, with a statutory declaration setting out any matters referred to in subsection 3(a)(and (b).
7.4	The duty pursuant to Section 26(9) of the Act, if:
7.4.1	an expiation notice is given to a person named as the alleged principal offender in a statutory declaration under Section 26, or
7.4.2	proceedings are commenced against such a person,
	to accompany the notice or summons, as the case may be, with a notice setting out particulars of the statutory declaration that named the person as the alleged principal offender.
7.5	The duty pursuant to Section 26(10) of the Act to not include in the particulars of the statutory declaration provided to the alleged principal offender the address of the person who provided the statutory declaration.
8.	Notification of EPA of Serious or Material Environmental Harm
8.1	The duty pursuant to Section 29 of the Act, if the delegate has reason to believe that an offence committed under Sections 18 or 22 of the Act has, or may have, resulted in material environmental harm, or serious environmental harm, within the meaning of the Environment Protection Act 1993, to, as soon as practicable, notify the Environment Protection Authority of that belief.
9.	Nuisance and Litter Abatement Notices
9.1	The power pursuant to Section 30(1)(a) of the Act to issue a nuisance abatement notice for or in connection with securing compliance with Part 4 Division 1 of the Act.
9.2	The power pursuant to Section 30(1)(b) of the Act to issue a litter abatement notice for or in connection with securing compliance with Part 4 Division 2 of

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the Act.	
9.3	The:
9.3.1	duty pursuant to Section 30(2) of the Act in relation to a notice under Section 30 of the Act to ensure it:
9.3.1.1	is in the form of a written notice served on the person to whom it is issued; and
9.3.1.2	specifies the person to whom it is issued (by name or by a description sufficient to identify the person); and
9.3.1.3	specifies the purpose for which it is issued; and
9.3.2	power pursuant to Section 30(2) of the Act, in relation to a notice under Section 30 of the Act, to:
9.3.2.1	direct two or more persons to do something specified in the notice jointly; and
9.3.2.2	impose a requirement that the person do one or more of the following:
(a)	discontinue, or not commence, a specified activity indefinitely or for a specified period or until further notice;
(b)	not carry on a specified activity except at specified times or subject to specified conditions;
(c)	take specified samples or conduct specified tests, examinations, monitoring or analyses at specified times or intervals or for a specified period or until further notice;
(d)	furnish to the Council specified results or reports within a specified period;
(e)	clean up litter that the Council or delegate considers to have been caused by a contravention of this Act;
(f)	make good any damage to property that the Council or delegate considers to have been caused by a contravention of this Act;
(g)	prepare, in accordance with specified requirements and to the satisfaction of the Council or delegate, a plan of action for the purposes of securing compliance with any requirement of the Act or

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	preventing any future contravention of the Act;
(h)	take such other specified action in a specified way, and within a specified period or at specified times or in specified circumstances; and
(i)	in the case of a litter abatement notice, impose a requirement that the person prepare, in accordance with specified requirements and to the satisfaction of the Council or delegate, a plan of action for the purposes of:
	A. preventing the escape of litter from business premises; or
	B. keeping a specified area (not exceeding 100 metres) around business premises free from litter; and
(j)	impose any other requirement prescribed by regulation; and
(k)	ensure it states that the person may, within 14 days, appeal against the notice to the Environment Resources and Development Court.
9.4	The power pursuant to Section 30(3) of the Act to issue a notice under Section 30 of the Act jointly with one or more other councils to prevent the person contravening a provision of the Act in those council areas.
9.5	The power pursuant to Section 30(4) of the Act to issue a notice under Section 30 of the Act that relates to an activity or conditions on premises to:
9.5.1	the owner or occupier of the premises; or
9.5.2	a person who has the management or control of the premises; or
9.5.3	a person who is the trustee of a person referred to in paragraph (a) or (b) or Section 30(4) of the Act, or is managing the affairs of such a person on some other basis.
9.6	The duty pursuant to Section 30(6) of the Act, if an emergency notice issued orally, to advise forthwith the person to whom the notice is issued of the person's right to appeal against the notice to the Environment, Resources and Development court.
9.7	The power pursuant to Section 30(8) of the Act, to, by written notice served on a person to whom a notice under section 30 of the Act has been issued by the Council, vary or revoke the notice.

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10. Action on Non-compliance with Notice	
10.1	The power pursuant to Section 31 of the Act, if the requirements of a nuisance abatement notice or litter abatement notice issued by Council are not complied with, to take any action required by the notice.
10.2	The power pursuant to Section 31(2) of the Act to authorise a person to take action under section 31(1) of the Act on behalf of the Council.
10.3	The duty pursuant to Section 30(3) of the Act, if the delegate authorises a person to take action under section 31(2) of the Act to issue the person with an instrument of authority.
10.4	The power pursuant to Section 31(5) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 31 of the Act as a debt from the person who failed to comply with the requirements of the notice.
10.5	The power pursuant to Section 31(6) of the Act, if an amount is recoverable from a person under Section 31 of the Act, to by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person, and, if the amount is not paid by the person within that period, the person is liable to pay interest charged at the prescribed rate per annum on the amount unpaid.
11. Civil Remedies	
11.1	The power pursuant to Sections 33(1) and (6) of the Act to apply to the Environment, Resources and Development court for one or more of the following orders:
11.1.1	if a person has engaged, is engaging or is proposing to engage in conduct in contravention of the Act – an order restraining the person from engaging in the conduct and, if the court considers it appropriate to do so, requiring the person to take any specified action;
11.1.2	if a person has refused or failed, is refusing or failing or is proposing to refuse or fail to take any action required by the Act – an order requiring the person to take that action;
11.1.3	if a person has caused damage to property by a contravention of the Act – an order requiring the person to take specified action to make good the damage and, if appropriate, to take specified action to prevent or mitigate further damage;
11.1.4	if the Council has incurred costs or expenses in taking action to prevent or mitigate damage caused by a contravention of the Act, or to make good resulting damage – an order against the person who committed the contravention for payment of the reasonable costs

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	and expenses incurred in taking that action;
11.1.5	if the Council has suffered injury or loss or damage to property as a result of a contravention of the Act, or incurred costs and expenses in taking action to prevent or mitigate such injury, loss or damage – an order against the person who committed the contravention for payment of compensation for the injury, loss or damage, or for payment of the reasonable costs and expenses incurred in taking that action;
11.1.6	if the court considers it appropriate to do so, an order against a person who has contravened the Act for payment to the Council.
11.2	The power pursuant to Section 33(6) of the Act to make an application under Section 33 of the Act.
11.3	The power pursuant to Section 33(8) of the Act to serve a copy of the application on the Minister within three days after filing the application with the court.
11.4	The power pursuant to Section 33(9) of the Act to apply to the court for the Council to be joined as a party to the proceedings.
11.5	The power pursuant to Section 33(10) of the Act to make an application under Section 33 of the Act in a representative capacity (provided the consent of all persons on whose behalf the application is made is obtained).
11.6	The power pursuant to Section 33(11) of the Act to make an application without notice to any person.
11.7	The power pursuant to Section 33(14) of the Act to apply for an interim order without notice to any person.
11.8	The power pursuant to Section 33(19) of the Act to apply to the court to vary or revoke an order previously made under Section 33 of the Act.
12.	Minister or Council May Recover Civil Penalty in Respect of Contravention
12.1	The power pursuant to Section 34(1) of the Act, subject to Section 34 of the Act, if the delegate is satisfied that a person has committed an offence by contravening a provision of the Act, to, as an alternative to criminal proceedings, recover, by negotiation or by application to the Environment, Resources and Development court an amount as a civil penalty in respect of the contravention.
12.2	The duty pursuant to Section 34(2) of the Act to not recover an amount under Section 34 of the Act, in respect of a contravention if the relevant offence requires proof of intention or some other state of mind, and to, in respect of any other contravention, determine whether to initiate proceedings for an offence or take action under Section 34 of the Act, having regard to the

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	seriousness of the contravention, the previous record of the offender and any other relevant factors.
12.3	The duty pursuant to Section 34(3) of the Act to not make an application to the court under Section 34 of the Act to recover an amount from a person as a civil penalty in respect of a contravention:
12.3.1	unless the Council or the delegate has served on the person a notice in the prescribed form advising the person that the person may, by written notice to the Council, elect to be prosecuted for the contravention and the person has been allowed not less than 21 days after service of the notice to make such an election; or
12.3.2	if the person serves written notice on the Council, before the making of such an application, that the person elects to be prosecuted for the contravention.
12.4	The power pursuant to Section 34(4) of the Act to recover by negotiation as a civil penalty in respect of a contravention a maximum amount being the sum of the amount specified by the Act as the criminal penalty in relation to that contravention and the amount of any economic benefit acquired by the person, or accrued or accruing to the person, as a result of the contravention.
12.5	The power pursuant to Section 34(5) of the Act to apply to the Environment, Resources and Development court for an order the person pay to the Council an amount as a civil penalty (but not exceeding the sum of the amount specified by the Act as the criminal penalty in relation to that contravention and the amount of any economic benefit acquired by the person, or accrued or accruing to the person, as a result of the contravention).
12.6	The power pursuant to Section 34(8) of the Act, if conduct of a person constitutes a contravention of two or more provisions of the Act, to recover an amount from the person under Section 34 of the Act in relation to the contravention of one or more of those provisions (provided that the person is not liable to pay more than one amount as a civil penalty in respect of the same conduct).
12.7	The power pursuant to Section 34(13) of the Act to apply to the Attorney-General for authorisation to commence proceedings for an order under Section 34 of the Act more than three years and within 10 years after the date of the alleged contravention.
13.	Statutory Declaration
13.1	The power pursuant to Section 40 of the Act if a person is required by or under the Act to provide information to the Council, to require that the information be verified by statutory declaration and, in that event, the person will not be taken to have provided the information as required unless it has been so verified.

INSTRUMENT OF DELEGATION - LOCAL NUISANCE AND LITTER CONTROL ACT 2016

14. Orders in Respect of Contraventions	
14.1	The power pursuant to Section 45(1) of the Act, if, in proceedings under the Act, the court finds that the defendant contravened the Act and the contravention has resulted in injury to the Council or loss or damage to property, to apply to the court, in addition to any penalty it may impose, one or more of the following:
14.1.1	an order the person to take specified action to make good any damage and, if appropriate, to take specified action to prevent or mitigate further damage;
14.1.2	an order the person to take specified action to publicise the contravention and its consequences and any other orders made against the person;
14.1.3	an order the person pay to the Council if the Council has incurred costs or expenses in taking action to prevent or mitigate or make good any damage (including, in the case of litter, taking action to remove or clean up, and lawfully dispose of the litter);
	the reasonable costs and expenses so incurred, or compensation for the injury, loss or damage so suffered, as the case may be, in such a manner as is determined by the Court.
14.2	The power pursuant to Section 45(2) of the Act if a person is found by a court to have contravened the Act, to apply to the court, for, in addition to any penalty it may impose, an order the person to pay to the Council an amount not exceeding the court's estimation of the amount of the economic benefit acquired by the person, or accrued or accruing to the person, as a result of the contravention.
14.3	The power pursuant to Section 45(5) of the Act to apply to the court for an order under Section 45 of the Act, fixing a period for compliance and imposing any other requirements the court considers necessary or expedient for enforcement of the order.
15. Recovery of Administrative and Technical Costs Associated with Contraventions	
15.1	The power pursuant to Section 48(1) of the Act, if a person has contravened this Act and the Council:
15.1.1	has taken action to:
	15.1.1.1 investigate the contravention; or
	15.1.1.2 issue a nuisance abatement notice or litter abatement notice in respect of the contravention; or

INSTRUMENT OF DELEGATION - LOCAL NUISANCE AND LITTER CONTROL ACT 2016

	15.1.1.3 ensure that the person has complied with requirements imposed in relation to the contravention by a nuisance abatement notice or litter abatement notice or by an order of a court under the Act; or
15.1.2	has, in taking such action, incurred costs and expenses in taking samples or in conducting tests, examinations, monitoring or analyses,
	to, by notice in writing served on the person, require the person to pay to the Council the reasonable costs and expenses incurred by the Council in taking such action.
15.2	The power pursuant to Section 48(2) of the Act to specify in the notice the period within which an amount payable to the Council in accordance with a notice under Section 48 of the Act must be paid.
15.3	The power pursuant to Section 48(3) of the Act, on application by a person who has been served a notice under Section 48 of the Act to, by notice in writing:
15.3.1	extend the time for payment of an amount payable in accordance with the notice; or
15.3.2	waive payment of such an amount or reduce the amount payable.
15.4	The power pursuant to Section 48(6) of the Act, if an amount payable to the Council is not paid in accordance with Section 48 of the Act to recover the amount as a debt.
16.	Assessment of Reasonable Costs and Expenses
16.1	The duty pursuant to Section 49 of the Act, to for the purposes of the Act, assess the reasonable costs and expenses that have been or would be incurred by the Council or some other person or body in taking any action by reference to the reasonable costs and expenses that would have been or would be incurred in having the action taken by independent contractors engaged for that purpose.
17.	Evidentiary Provisions
17.1	The power pursuant to Section 50(4) of the Act to execute a certificate certifying as to the matter relating to:
17.1.1	the appointment or non-appointment of a person as an authorised officer under the Act; or
17.1.2	a delegation or authority under the Act; or
17.1.3	a notice, requirement or direction of the Council or an authorised

INSTRUMENT OF DELEGATION - LOCAL NUISANCE AND LITTER CONTROL ACT 2016

officer under the Act; or	
17.1.4	the receipt or non-receipt by the Council or an authorised officer of a notification, report or information given or required to be given or furnished to the Council or authorised officer under the Act.
17.2	The power pursuant to Section 50(5) of the act to execute a certificate detailing the costs and expenses incurred by the Council and the purpose for which they were incurred.

INSTRUMENT OF DELEGATION - LOCAL NUISANCE AND LITTER CONTROL ACT 2016

SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
Various	Powers and functions under litter provisions to commence 1 February 2017.
Various	Powers and functions under nuisance provisions to commence 1 July 2017.

LOCAL GOVERNMENT ACT 1999**AMENDMENTS TO DELEGATIONS**

Abbreviations:

Local Government Act 1999 = LG Act

Local Nuisance and Litter Control Act 2016 = LN&LC Act

Section	Delegation	Change
235(1)	<p>Deposit of Rubbish etc</p> <p>The power pursuant to Section 235(1) of the Act to authorise or permit the following:</p> <p>(a) the deposit of rubbish on a public road or public place; or</p> <p>(b) the deposit of goods, materials, earth, stone, gravel, or any other substance on a public road or public place.</p>	<p>Section deleted from Local Government Act 1999.</p> <p>Powers lapse in LG Act.</p> <p>Powers transferred to LN&LC Act.</p>
236(2)	<p>Abandonment of Vehicles and Farm Implements</p> <p>The power pursuant to Section 236(2) of the Act to seek an order from the court by which a person is convicted of an offence against Section 236(1) of the Act, that the convicted person pay to the Council any costs incurred by the Council in removing or disposing of a vehicle or farm implement abandoned on a public road or public place.</p>	<p>Wording re “farm implements” deleted from Local Government Act 1999.</p> <p>Remainder of powers continue in LG Act.</p>
240	<p>Posting of bills</p> <p>Historically there have not been delegations under this section as enforcement was and will continue to be under Council's By-laws.</p>	<p>S.240 deleted from the LG Act. Transitional provisions allow for the By-laws to continue.</p>
254(1)	<p>Power to Make Orders</p> <p>The power pursuant to Section 254 of the Act to order a person to do or to refrain from doing a thing specified in Column 1 of the Table in Part 2 of Chapter 12, if in the opinion of the Delegate, the circumstances specified in Column 2 of the Table exist and the person is within the description in Column 3 of the Table.</p> <p>Column 1, item 1; Unsightly condition of land</p> <p>Column 1, item 3; Animals that may cause a nuisance or hazard</p>	<p>Items 1 and 3 deleted from Local Government Act 1999.</p> <p>Powers lapse in LG Act.</p> <p>Powers transferred to LN&LC Act.</p>

DECISION REPORT

REPORT TITLE:	REVISED INFORMAL GATHERINGS POLICY - ADOPTION
ITEM NUMBER:	735
DATE OF MEETING:	23 JANUARY 2017
AUTHOR:	REBECCA WILSON
JOB TITLE:	GROUP MANAGER GOVERNANCE & RISK

EXECUTIVE SUMMARY

Under amendments made to the Local Government Act 1999 by the *Local Government (Accountability and Governance) Amendment Act 2015*, councils were required to adopt a policy on the holding of 'informal gatherings or discussions' under section 90(8) of the Local Government Act 1999 (the "Act").

The Minister foreshadowed last year that if South Australian Councils did not comply with his request in relation to 'informal gatherings' he would regulate setting out requirements regarding the contents of councils' mandatory "Informal Gathering" policies. The City of Unley was one of the few councils that had complied with the Minister's request.

The *Local Government (General) Variation Regulations 2016* came into force on 24 November 2016 and amended the *Local Government (General) Regulations 2013*, (the "Regulations") including regulations and a definition for Informal Gatherings.

The purpose of this report is to seek Council's adoption of the revised "Informal Gatherings Policy" to take into account the inclusion of the definition of 'designated informal gathering or discussion'.

RECOMMENDATION

That:

1. The report be received.
 2. Council adopt the revised "Informal Gatherings Policy" as attached at Attachment 1 to Item 735/17.
-

1. RELEVANT CORE STRATEGIES/POLICIES

- 1.1 *Local Government Act 1999*
- 1.2 *Local Government (Governance and Accountability) Amendment Act 2015*
- 1.3 *Local Government (General) Regulations 2013*
- 1.4 O5.3 Good governance and legislative framework

2. DISCUSSION

Open and transparent council meetings underpin representative democracy and ensure public confidence in Council's decision-making processes. Informal gatherings, where appropriate, provide a valuable opportunity to enhance the decision-making processes by providing opportunities for council members to become better informed on issues and seek further clarification.

The mandatory policy ensures council members have sufficient opportunity to conduct planning sessions, to receive informal briefings and educational sessions, and convene other informal gatherings and discussions without prejudicing the requirements for openness and transparency as required by the Act.

Section 90(8) of the Act allows informal gatherings or discussions to be held provided that the discussion does not lead to a decision, or effectively obtain a decision, on a matter that would ordinarily be dealt with at a Council or Council committee meeting. The revised policy continues to reflect the legislation for informal gatherings to be used for briefing, planning and educational sessions and aims to avoid any perception that informal gatherings would be used to build consensus for Council agenda items. The revised policy is shown at Attachment 1 to Item 735/17.

Attachment 1

A 'designated informal gathering or discussion' is defined in the 8AB(2) Regulation as;

"an event organised and conducted by or on behalf of the council or chief executive officer to which members of the council or council committee (as the case may be) have been invited and that involves discussion of a matter that is, or is intended to be, part of the agenda for a formal meeting of the council or council committee."

When planning an agenda, administration will need to review whether the discussion of a matter is or is intended to be part of an agenda for a formal meeting of the Council or Council Committee. If the answer is yes, then it is a 'designated informal gathering or discussion' and should be open to the public including the media.

The Council or CEO may however, on a case-by-case basis, declare a 'designated informal gathering or discussion' to be a 'confidential informal discussion' where the 'designated informal gathering or discussion' is either:

- i. A planning session of a general or strategic nature; or
- ii. Is a briefing session relating to information or a matter of a confidential nature within the ambit of section 90(3) of the Local Government Act 1999

Section 90(8) of the Act provides a list of non-exclusive examples of informal gatherings, which are:

- Planning sessions associated with the development of policies or strategies;
- Briefing or training sessions;
- Workshops;
- Social gatherings to encourage informal communication between members or between members and staff.

Informal gatherings and discussions of this kind will be used solely for the purpose of information sharing and not for debating issues, building consensus positions or otherwise discharging Council's deliberative and decision-making functions.

Elected Member briefings will continue to provide Elected Members and the administration the opportunity to consider and discuss alternatives on matters and related concerns within the community and test draft concepts.

3. ANALYSIS OF OPTIONS

Option 1 – Council adopts the revised “Informal Gatherings Policy”

Adoption of the revised mandatory “Informal Gatherings Policy” will enable Council to continue to hold informal gatherings, comply with the recommendations from the LGA, Ombudsman and Office of Local Government, and provide guidance and direction to Council and the public.

Option 2 – Council adopt the revised “Informal Gatherings Policy” with amendments

Proceed with adoption of the mandatory policy with proposed changes in line with legislative requirements.

4. RECOMMENDED OPTION

Option 1 is the recommended option.

5. POLICY IMPLICATIONS

5.2 *Legislative/Risk Management*

The policy is a mandatory requirement under the Act and *Local Government (Governance and Accountability) Amendment Act 2015* to be adopted by Council should it wish to continue with its previous practice of holding informal gatherings for the purposes shown under “Discussion” above.

6. REPORT CONSULTATION

Previously the initial draft “Informal Gatherings Policy” was circulated to the Elected Member Policy Working Group for their review.

A briefing was also conducted on 29 February 2016 to provide Elected Members and Executive Staff with an update of the proposed changes, including the mandatory policy, which follow the introduction of the *Local Government (Governance and Accountability) Amendment Act 2015*.

7. ATTACHMENTS

1. Revised Informal Gatherings Policy

8. REPORT AUTHORISERS

<u>Name</u>	<u>Title</u>
Peter Tsokas	CEO
Rebecca Wilson	Group Manager Governance & Risk



INFORMAL GATHERINGS POLICY

Policy Type:	Council
Responsible Department:	Office of the Chief Executive Officer
Responsible Officer:	Chief Executive Officer
Related Policies and Procedures	Community engagement and public consultation policy
Date Adopted:	C411; 29 March 2016
Last Council review:	29 March 2016
Next review date:	January 2020
ECM Doc Set ID:	2716842

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1. POLICY STATEMENT

The aim of this policy is to provide a clear framework to ensure Elected and Committee Members ("Members") have sufficient opportunity to conduct planning sessions, to receive informal briefings and education sessions, and convene other informal gatherings or discussions without prejudicing the requirements for openness and transparency as required by the *Local Government Act 1999* (The Act).

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2. COMMUNITY GOAL

Goal 5.3: Good governance and legislative framework.

3. POLICY OBJECTIVES

Section 90(8) of the Act allows informal gatherings or discussions to be held provided that the gathering or discussion does not lead to a decision, or effectively obtain a decision, on a matter that would ordinarily be dealt with at a Council or Committee meeting. This policy reflects the intention of the legislation for informal gatherings to be used for briefing, planning and educational sessions and is aimed at avoiding any perception that informal gatherings will be used to build consensus for Council agenda items.

3.1 General Business of the Council

Designated informal gatherings or discussions will not be used for the purpose of conducting the general business of the council or to stifle debate on issues that may subsequently be dealt with by the Council at a formal meeting. They are solely for the purpose of information sharing and may be used to discuss issues that involve

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strategy or policy of other matters of Council administration and to brief Members on issues relating to their decision-making function.

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3.2 Timing of, and Access to, Informal Gatherings of Council

- i. Where informal gatherings, such as workshops and briefing sessions, are scheduled regularly to coincide with the Council's meeting cycle and to consider matters that will form part of the Council's meeting agenda, the gatherings will be advertised and open to the public. Any *ad hoc* informal gatherings or discussions that are convened to discuss items that will form part of the Council's meeting agenda will also be advertised and open to the public.

A schedule of planned briefing sessions will be published on the Council's website.

The Council or Chief Executive Officer may, on a case-by-case basis, declare a designated informal gathering or discussions to be a 'confidential informal discussion' where the designated informal gathering or discussion is either:

- (i) a planning session of a general or strategic nature; or
- (ii) is a briefing session relating to information or a matter of a confidential nature within the ambit of section 90(3) of the Local Government Act.

If a topic is declared by the Council or Chief Executive Officer to be a confidential informal discussion, the item will be placed last and the gathering will be closed when that item is reached.

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- ii. For all other informal gatherings which are not a designated gathering or discussions, public access will be determined on a case by case basis. The Council is aware of the need to balance openness and transparency with opportunities for private discussions between Members and Members and staff.

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Agendas and Minute Taking

Informal gatherings will not involve a formal minute taking process. However, a list of the matters to be discussed at an informal meeting may be published on the Council's website in accordance with (i) above. Any notes taken at these sessions may be tabled at the next Council meeting.

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4. PRINCIPLES

Open and transparent Council meetings underpin representative democracy and ensure public confidence in Council's decision-making processes. Informal gatherings, where appropriate, provide a valuable opportunity to enhance the decision-making processes by providing opportunities for Elected Members to become better informed on issues and seek further clarification.

5. POLICY

5.1 Informal gatherings and discussions will be used solely for the purpose of information sharing and not for the purpose of debating issues, building consensus positions or otherwise discharging Council's deliberative and decision-making functions.

5.2 Informal gatherings of Members or Members and Council staff are, by their nature, a non-compulsory meeting of the Council. All Members are encouraged to attend as these sessions, particularly those designed to provide history, context or additional information to assist Elected Members to carry out their functions.

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5.3 Both the CEO and the Council are responsible for ensuring informal gatherings and discussions are conducted in accordance with the Act and Regulations. Designated informal gatherings and discussions will be chaired by the CEO or another senior Council officer and it is the CEO's responsibility to ensure that the purpose, intent and outcomes of the meeting fall within the permitted parameters of the legislative provisions. Elected Member Briefings will, where possible, be chaired by the Deputy Mayor.

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5.4 Elected Member briefings will continue to provide Elected Members and the administration the opportunity to consider and discuss alternatives on matters and related concerns within the community and test draft concepts.

6. DEFINITIONS

For purposes of this policy, the definition of:

'Designated informal gathering or discussion' means an event organised and conducted by or on behalf of the council or chief executive officer to which members of the council or council committee (as the case may be) have been invited and that involves discussion of a matter that is, or is intended to be, part of the agenda for a formal meeting of the council or council committee.

'Informal gatherings or discussions' captured under this policy are those gatherings or discussions held where the gathering or discussion does not obtain, or effectively obtain, a decision on a matter outside a formally constituted meeting of the Council or Council committee. Section 90(8) of the Act provides a list of non-exclusive examples of informal gatherings which are:

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- planning sessions associated with the development of policies or strategies
- briefing or training sessions
- workshops
- social gathering to encourage informal communication between members or members and staff

'Council' means the Corporation of the City of Unley.

'Debate' means a formal discussion on a particular matter in a public meeting or legislative assembly, in which opposing arguments are put forward and which usually ends with a vote. (source; Oxford Dictionary)

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'Member' includes an Elected Member or an Independent Member of a Section 41 Committee which has been resolved to be a 'Prescribed Member' in accordance with Division 2 of Part 4 of Chapter 5 of the Act.

7. LEGISLATION / REFERENCES

This is a mandatory policy as required under the Local Government Act 1999 Section 90(8a) and (8b) and Regulation 8AB, *Local Government (General) Regulations 2013*.

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8. POLICY DELEGATIONS

Full information about the sub-delegated powers and duties is contained in the Council Delegations Register.

9. ROLES/RESPONSIBILITIES

- Chief Executive Officer
- Group Manager Governance & Risk.

10. AVAILABILITY

The policy is available for public inspection during normal office hours from:

Civic Centre
181 Unley Road
Unley SA 5061

A copy may be purchased for a fee as determined annually by Council.

It is also available for viewing, download and printing free of charge from the Council's website, www.unley.sa.gov.au

11. DOCUMENT HISTORY

Date	Council/Committee/Internal	Comment
29 March 2016	Council; C411/16	New policy
23 January 2017	Council; C***/17	Revised Policy including definition of 'designated informal gathering or discussion'

INFORMATION REPORT

REPORT TITLE: EASTERN REGION ALLIANCE (ERA)
CHAIRMAN AND CEO REPORT

ITEM NUMBER: 736

DATE OF MEETING: 23 JANUARY 2017

AUTHOR: CAROL GOWLAND

JOB TITLE: EXECUTIVE ASSISTANT TO CEO AND
MAYOR

EXECUTIVE SUMMARY

The City of Unley is part of the Eastern Region Alliance (ERA), a group of six eastern councils that signed a MOU in 2008. The councils joined as a group to resource share and work toward more improved working relationships.

This report from the Chairman and CEO of the ERA Group is the first of a bi-annual report which will be provided to all the ERA councils. The report covers the period July to December 2016.

RECOMMENDATION

That:

1. The report be received.
-

1. RELEVANT CORE STRATEGIES/POLICIES

- 5.4 An environment of continuous improvement and innovation.
- 5.5 A financially sustainable approach to business and planning activity.

2. DISCUSSION

The City of Unley is one of six eastern Adelaide Councils that form part of the Eastern Region Alliance (ERA). The ERA Group is made up of:

- City of Burnside
- City of Campbelltown
- City of Norwood Payneham & St Peters
- City of Prospect
- City of Unley
- Town of Walkerville

The Chief Executive Officers (CEOs) of the above councils meet monthly to discuss issues of mutual interest, while the Mayors and CEOs meet on a quarterly basis.

The hosting and chairing of the meetings is on an annual rotation basis and the City of Burnside has been the lead Council in 2016

A report on the activities of the ERA, is shown in Attachment 1 to Item 736./17. This is the first report covering the period July to December 2016.

Attachment 1

Chairman and CEO Report

December 2016

City of Burnside – Report 1 (July – December 2016)

1. Introduction

The Eastern Region Alliance (ERA) is a group of six eastern Adelaide Councils that collaborate for the benefit of their local communities and the region as a whole, based on a Memorandum of Understanding (MOU) developed in November 2008. The member Councils are:

- City of Burnside
- City of Campbelltown
- City of Norwood Payneham & St Peters
- City of Prospect
- City of Unley
- Town of Walkerville

ERA member Councils, under the strategic guidance of the ERA Mayors and CEOs Group, have worked together collaboratively on a wide range of initiatives, some inclusive of all ERA members, some targeted at the needs of a subgroup of members, and others in partnership with non-ERA Councils

Since signing the MOU in 2008, the member Councils have been working towards improved co-operation, resource sharing, more effective working relationships and joint actions / projects to address strategic priorities between any two or more of the six Councils

The CEOs of the member Councils meet monthly to discuss issues of mutual interest while the Mayors and CEOs meet quarterly. Chairing of these meetings is rotated annually, alphabetically by Council name. During 2016, the City of Burnside has been the lead Council.

In 2014, during two facilitated workshops focusing on The Council of the Future review report, the ERA Mayors and CEOs Group developed a strategy to drive ERA's future undertakings. This was further progressed during 2015, resulting in the development of the ERA strategic plan which proposes taking ERA to the next level of operation through the creation of a more formal governance structure.

The draft ERA strategic plan has since been endorsed by five of the six Councils and noted by the City of Norwood Payneham & St Peters. To ensure that each ERA council is kept informed of progress on implementation of the ERA strategic plan, as well as other ERA initiatives, twice yearly reports are to be presented to the member councils. This is the first such report, detailing activity in the period July to December 2016.

2. Mayor Activities

The ERA Mayors and CEOs Group met in August and November 2016, focusing on the following issues:

- **ERA Strategic Plan:** It was agreed in August 2016 that a governance framework review be commissioned with Wallmans Lawyers subsequently being selected to undertake the review. Carolyn Vigar and Chris Wellington attended the November meeting to seek input from the Mayors, prior to preparation of a draft report to be presented at the March 2017 Mayors' meeting.
 - At their November meeting, the Mayors received a report detailing joint procurement and shared services across ERA Councils and discussed the issue of what constitutes an ERA project. It was agreed that there are two stages to any ERA project, decided on a case by case basis:
 - If ERA Councils vote to support funding investigation of a project, it is by definition an ERA initiative, noting that if a vote is lost at this stage, nothing prevents ERA members from pursuing a non-ERA initiative;
 - If the investigation and subsequent business case lead two or more Councils to enter into more formal arrangements, a formal entity is established that requires its own governance structure and is governed separately.
 - **Street lighting:** A tender process to investigate other options for street lighting across ERA Councils had been conducted during the first half of 2016. A third party complaint suggested a conflict of interest in the tender process, resulting in the decision in June to halt the tender process and commission an independent review of proceedings to date. The review prepared by Edwards Marshall concluded that while there were some process issues that could have been handled better, these had been resolved and there was no reason why the tender could not continue. However, given the perceptions of conflict of interest, the ERA Mayors and CEOs Group resolved in August to discontinue the tender process and to await the outcome of negotiations of the LGA SA.

As some ERA Councils wish to apply the lessons learned during the street lighting tender process to further pursue this initiative, in November the ERA Mayors directed that a business case on this matter be provided to them at the meeting scheduled for March 22, 2017.

- **Regional Planning Boards:** In November, the Mayors considered a paper prepared by Donna Ferretti on regional planning relating to issues such as storm water, transport, and recreational facilities. It was resolved that a project group be established to pursue discussions with DPTI regarding possibly piloting a Regional Planning Board in the Eastern Region, with recommendations to be brought to the Mayors once further detail is available. It should be noted that the issue of Regional DAP's will not be pursued but instead, regional planning in terms of transport, open space, infrastructure and community services would be the focus of the investigations.

3. CEO Activities

The CEOs met monthly from July to December, focusing on the following:

- **ERA Strategic Plan:** Following the decision to commission a governance framework review, a brief was prepared and provided to four legal firms with a request for proposal. Wallmans Lawyers were engaged and provided with strategic documents from all ERA Councils for consideration during the review process, along with input received from the Mayors at their November meeting.

Papers were prepared on what constitutes an ERA project and on the range of ERA joint procurement and shared initiatives undertaken to date and considered for future implementation. These were provided to the Mayors in November, following their prioritisation of collaborative projects.

- **Street lighting:** Following the decision to undertake an independent review of the street lighting tender process, Edwards Marshall was engaged to conduct the review. CEO representatives subsequently met with Brenton Ellery from Edwards Marshall to discuss the report, with the final version being presented in August. Following the decision to stop the ERA tender process, some member Councils resolved to pursue the street lighting project, applying lessons learned during the earlier tender. A summary memo outlining the proposed way forward is to be prepared and provided to the Mayors in 2017.
- **Resilient East:** This project has been in train over the past two years, in collaboration with Adelaide City Council and City of Tea Tree Gully (formerly a member of ERA), resulting in the plan that has been endorsed by all participating Councils. In November, the CEOs approved a request to fund a 0.5 Regional Coordinator position, with funding likely to be matched by the NRM, to coordinate the implementation of the plan across the region.
- **Resource Sharing:** This is a standing agenda item at CEO meetings, where progress on numerous collaborative initiatives between ERA member and/or non-member Councils is shared. Some of these include integration of the Walkerville and Campbelltown depots; investigation of shared IT functions between Campbelltown and Walkerville, and Unley and ACC; shared HR functions and regulatory services between Unley and Walkerville; and Prospect's investigation of depot options with ACC, Campbelltown and PAE.
- **Waste to Energy Project:** Integrated Waste Services presented to the CEOs, outlining a plan to establish long term partnerships guaranteeing levels of waste to justify building a \$300 million facility to turn waste into electricity. The project proposal is to be outlined to the Mayors in 2017.
- **Regional Planning Boards:** At their November meeting, the CEOs considered a draft paper prepared by Donna Ferretti on opportunities presented by legislation facilitating the creation of regional planning boards. The CEOs resolved to take the paper to the Mayors Group, recommending that a project group be established to pursue discussions with DPTI regarding possibly piloting a Regional Planning Board in the Eastern Region, with recommendations to be brought to the Mayors once further detail is available.

- **Aged Care Reforms:** A paper outlining the reform of the Aged Care Sector was considered, with consensus being reached that there is insufficient interest in competing against NGOs to pursue this.

4. Recommendation:

That this report be received and noted.

Action List – ERA CEOs Group

1	Street Lighting Project <ul style="list-style-type: none"> Some Councils still interested in continuing the conversation. Three Councils (Unley, Campbelltown and Prospect) have elected to pursue independently from ERA Councils. Prospect, Burnside and NPSP confirmed they do not wish to pursue the street lighting project independently of the LGA initiative. Summary memo to be prepared outlining the proposed way forward on street lighting to be taken by Unley and Campbelltown to be presented to the first ERA Mayors and CEO meeting in March 2017.
2	Regional Economic Development Manager <ul style="list-style-type: none"> Not to be progressed with allocated funds to be returned to ERA fund pool. Position profile and description paper being prepared to be presented to February CEO meeting then March Mayors and CEOs meeting as some ERA councils are still interested in pursuing this initiative..
3	ERA Strategic Plan <ul style="list-style-type: none"> Wallmans engaged to undertake an accountable governance frameworks for structured entity, with briefing on recommendations to be provided to CEOs group at February 2017 meeting. Martin McCarthy presented on Barossa Council procurement processes; CEO group to identify services for joint procurement arrangements. Paper to be drafted providing framework for what constitutes an ERA project funded from ERA funds, and what is a cooperative venture between councils. Paper previously circulated discussed and recommended that all six Councils must participate in order to be badged as ERA project. ERA annual report to be replaced by twice yearly ERA update reports, to be prepared by secretariat.
4	Resource Sharing <ul style="list-style-type: none"> Unley and Walkerville pursuing joint HR/OD position and regulatory services. Walkerville entering a MOU with Barossa Council for sharing of IP. Unley and ACC discussing ICT resource sharing. Campbelltown seeking interest from other Councils regarding place making and traders' groups. ERA policy for trams and transport corridors to be discussed. Further discussion required and agreed, in particular relating to trams, and funding model. Policy to be explored in conjunction with the Mayors group. Campbelltown and Walkerville exploring shared IT function via Technology One.

	<ul style="list-style-type: none"> ○ Campbelltown and Walkerville depots now fully integrated, with 2 + 2 heads of agreement document signed by the two CEOs. ○ Prospect investigating depot options with ACC, Campbelltown and PAE
5	<p>Priorities for Collaborative Projects</p> <ul style="list-style-type: none"> ○ Decided by Mayors group: <ul style="list-style-type: none"> • Regional Economic Development. • East Waste membership expanded to include all ERA councils (over time). • Eastern Health Authority memberships expanded to include all ERA Councils (over time). • Shared services initiatives pursued by CEO group as opportunities arise.
6	<p>Waste to Energy Project</p> <ul style="list-style-type: none"> ○ Presented by Integrated Waste Services, which is seeking EOIs for partnerships, to justify construction of costly facility that will turn waste into electricity. Actions and cost implications for participating councils to be clearly articulated for future presentation at meeting of ERA Mayors and CEOs in 2017. <ul style="list-style-type: none"> • Integrated Waste Services (Joe Borelli) will be invited to present at the ERA Mayors March meeting.
7	<p>Aged Care Reform</p> <ul style="list-style-type: none"> ○ Paper and options presented and considered, with consensus by the group that there is insufficient interest in competing against NGOs to progress this.
8	<p>Resilient East</p> <ul style="list-style-type: none"> ○ Paper discussed, with the group seeking and receiving funds for 0.5 regional coordinator for 12 months.

Action list – ERA Mayors and CEOs group

1	Street Lighting Project <ul style="list-style-type: none"> ○ In discussion of what constitutes an ERA project, resolved that business case for further pursuit of `street lighting project to be presented to March meeting of ERA Mayors and CEOs.
2	Regional Economic Development Manager <ul style="list-style-type: none"> ○ Position to be appointed. Approved in principle the concept of Regional Economic Development Manager, to have a strategic focus on growing the ERA economy. Report to be brought back when more detail is known.
3	ERA Strategic Plan <ul style="list-style-type: none"> ○ Endorsed by five of the six Councils, with NPSP noting the plan. <ul style="list-style-type: none"> • Wallmans Lawyers appointed to undertake governance structure review and attended meeting to seek input from Mayors on governance framework review. Recommendations to be brought to March meeting of ERA Mayors and CEOs
4	ERA Projects <ul style="list-style-type: none"> ○ ERA projects to be decided on case by case basis, with two stages to ERA projects: <ul style="list-style-type: none"> • If voted to be funded by ERA, project is by definition ERA project (if vote lost, does not preclude ERA members from forming non-ERA initiative); • If business case leads to two or more ERA councils entering into more formal arrangement, separate entity with own governance structure to be established
5	Regional Planning Boards <ul style="list-style-type: none"> ○ CEOs to establish project group (comprising administration) to pursue discussions with DPTI regarding issues associated with possibly piloting a Regional Planning Board in Eastern Region, with recommendations to be brought to Mayors Group once further detail available
6	Joint procurement and shared services <ul style="list-style-type: none"> ○ To date across ERA considered, noting that shared services deliver efficiencies and service improvements but not necessarily savings.
7	ERA Reports <ul style="list-style-type: none"> ○ To be prepared by host council twice per year for distribution to ERA councils

INFORMATION REPORT

REPORT TITLE:	COUNCIL ACTION RECORDS
ITEM NUMBER:	737
DATE OF MEETING:	23 JANUARY 2017
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 November 2016

Meeting	Item	Subject and Council Resolution	Resp.	Status/Progress
DSP	3	Draft General Development Plan - 2. Do not endorse the draft General DPA in its current form. 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. 4. A further report be provided to the Committee in June 2015.	General Manager	Progress delayed due to priorities with other Council DPA's and responding to Minister's DPA's. Activity Centres Ministerial DPA approved in April 2016 whereby scope and nature of policy in General DPA required major review, in addition to DSPC revisions. Currently revised draft DPA with DPTI seeking feedback before reporting to Council.
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 City Development	DPTI response is awaited, Administration has followed up the matter with Office of Walking and Cycling, DPTI.
	373	Notice of Motion from Councillor Hewitson re amendments to endorsed plans for Rugby/Porter Cycleway -	General Manager City Development	Community consultation completed. Community consultation was undertaken in August – September 2016, designs are updated following the community input. A report outlining outcome of the community consultation and DPTI funding application will be presented to Council in early 2017.

COUNCIL ACTION REPORTS - ACTIONS TO November 2016

Meeting	Item	Subject and Council Resolution	Resp.	Status/Progress
	467	Resilient East Climate Change Adaptation Plan - 2. Council gives in principle endorsement of the Resilient East Regional Climate Change Adaptation Plan (Attachment 1). 3. Council endorses Adelaide City Council's continued involvement in the Resilient East Regional Climate Change Adaptation project partnership. 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. 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.	General Manager City Development	It is anticipated that a report would be submitted to Council for consideration in early 2017.
COUNCIL	490	Rugby/Porter Streets Bikeway - Design and Community Engagement - 1. The report be received. 2. Concept designs outlined in Attachment 1 to Item 490/16 be endorsed. 3. Community engagement be undertaken on the matter and a funding application be made to DPTI for co-contribution towards the project. 4. If there is significant opposition to any proposed changes, further guidance be sought from Council.	General Manager City Development	Community consultation completed. Community consultation was undertaken in August – September 2016, designs are updated following the community input. A report outlining outcome of the community consultation and DPTI funding application will be presented to Council in early 2017.
	522	Parkside on Street Parking - 2. Subject to approval from DPTI of the concept, community engagement on (pay for use) parking bay indentation 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 City Development	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 November 2016

Meeting	Item	Subject and Council Resolution	Resp.	Status/Progress
	564	<p>Motion of Notice from Councillor Salaman re Rescission Motion. 2. Council determines not to sell the land at the rear of 75 King William Road.</p> <p>3. A fence be erected on the actual boundary at Council's cost.</p> <p>4. Council advise the owners of 2, 4, 4a, 6 and 8 Cleland Avenue of Council's decision.</p> <p>Cleland Avenue</p> <p>2. Council determines not to sell the land at the rear of 75 King William Road at this point in time.</p> <p>3. Residents be offered continuing use of the land at a peppercorn rental (of \$10.00 per annum, per property) for a period of 5 years, or less if required by Council.</p> <p>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 Council and the owners of 2, 4, 4a and 8 Cleland Avenue.</p> <p>5. The cost of the legal agreement be borne by the owners of 2, 4, 4a and 8 Cleland Avenue.</p> <p>6. The existence of the encroachments and Lease be noted on the Property Files of Nos 2, 4, 4a & 8 and (Section 7 Statements).</p> <p>7. Council advise the owners of 2, 4, 4a, 6 and 8 Cleland Avenue of Council's decision.</p> <p>8 Council authorise administration to undertake any necessary action to protect Council's interest in the land abutting No. 6 Cleland Avenue.</p>	Group Manager Governance and General Manager City Development	Agreements finalised for 3 of four properties with the owner of no.6 now contemplating the license option (previously not interested).
	549	<p>Unley Central Precinct Development Plan Amendment - Release for Public Consultation - 2.</p> <p>The draft Unley Central Precinct Development Plan Amendment be endorsed as suitable for release for public consultation.</p> <p>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.</p>	GM Economic Development & Planning	<p>DPA released for public and agency consultation from 21 September 2016 until 18 November 2016.</p> <p>Public meeting to hear personal presentations on 6 December 2016 before City Strategy and Development Policy Committee (CS&DPC).</p> <p>Summary of Consultation and Proposed Amendments (SCPA) Report to be presented to CS&DPC 13 February and Council 27 February 2017.</p> <p>Finalised SCPA Report and amended DPA then submitted to the Minister for Planning for approval.</p>

COUNCIL ACTION REPORTS - ACTIONS TO November 2016

Meeting	Item	Subject and Council Resolution	Resp.	Status/Progress
	554	<p>Review of Council Committee Structure - 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.</p> <p>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.</p> <p>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.</p> <p>5. A further report be submitted to Council in October 2016, outlining the membership and terms of reference for the City Strategy and Development Committee.</p>	Group Manager Governance	<p>All independent members of the Section 41 Committees listed have been written to advising them of Council's decision and thanking them for their contribution.</p> <p>A further report will be submitted in November regarding the proposed City Strategy and Development Committee.</p> <p>COMPLETED</p>
	584	Millswood Sporting Complex Detailed Design		This matter has been 'laid on the table'.
	587	<p>Issue of New Licence to B&M Glass - Portion of Charles Walk - 2. Council Administration undertake public consultation in accordance with Council's Community Engagement and Public Consultation Policy, regarding issuing a new licence to B & M Glass.</p> <p>If no objections are received during the public consultation process regarding the issuing of the licence to B&M Glass, Administration proceed to issue a new licence to B&M Glass for a period of 5 years with the terms of the licence to be substantially the same as the licence issued in 2006. The Licence Fee however, be adjusted to the rental fee of \$75 per annum (plus GST).</p>	GM City Development	The consultation has been completed. No objections were received. Waiting for B&M Glass to sign licence agreement.

COUNCIL ACTION REPORTS - ACTIONS TO November 2016

Meeting	Item	Subject and Council Resolution	Resp.	Status/Progress
	615	Notice of Motion from Councillor Schnell re Buying Local - 1. A report be prepared to provide options on formulating a 'Buy Local in Unley' campaign, targeting residents. 2. The report considers applicability of such a campaign to purchases made by Council. 3. The report be presented to Council within two months.	Economic Development	Economic Development and Communications to investigate and provide a report to Council regarding options. Report will be provided to Council in December 2016. COMPLETED
	630	NOTICE OF MOTION FROM COUNCILLOR KOUMI RE ROAD CLOSURE OF KING WILLIAM ROAD ON SUNDAYS - That: The Administration prepare a report on the cost and requirements of closing King William Road as a thoroughfare to vehicles between Mitchell and Bloomsbury Streets, or similar, on Sundays during the warmer months of the year for the purpose of on street outdoor dining, trade and entertainment. This report be prepared in time for consideration in the 2017/18 budget.	GM City Development	Administration to prepare a report for March 2017 Council meeting.
	631	MOTION ON NOTICE FROM COUNCILLOR PALMER RE LANE COVE STYLE DELIBERATIVE POLLING - That: 1 The Administration prepare a report advising Council on how the Lane Cove style Deliberative Polling could assist Council in achieving the Goals of our Community Plan. 2 The report be presented to Council no later than the March Council meeting of 2017.	Group Manager Governance	Report will be presented to Council in the new year.
	673	COMMUNITY BUS - Council endorses the recommended level of service for the Community Bus described in Option One (outlined in the proposed level of service for the Community Bus – Option One and in Attachment 1 to Item 673/16) to be implemented before 1 April 2017, with a transition period of up to 12 months.	General Manager City Services	Implementation underway. COMPLETED

COUNCIL ACTION REPORTS - ACTIONS TO November 2016

Meeting	Item	Subject and Council Resolution	Resp.	Status/Progress
	674	ELECTION FOR METROPOLITAN REPRESENTATIVES TO THE LGA BOARD - Council endorse the following persons as Metropolitan Local Government Group representatives to the Local Government Association of South Australia Board in the following order of preference: (1) Mayor Robert Bria (2) Mayor David O'Loughlin (3) Mayor David Parkin (4) Mayor Glenn Spear (5) Mayor Angela Evans (6) Mayor Gillian Aldridge (7) Mayor Karen Redman (8) Mayor Bill Spragg (9) Councillor Rosalina (Mikki) Bouchee (10) Councillor Susan Clearihan (11) Mayor Kevin Knight (12) Councillor Arthur Mangos	Office of the CEO	Ballot papers signed by CEO and Mayor and returned to the LGA on 29 November 2016. COMPLETED
	676	COMMUNITY GRANTS - 2. The Community Grants be funded as detailed in Attachment 1 to Item 676/16. 3. The applicants be notified of the outcome of their application.	General Manager City Services	All applicants notified. COMPLETED
	677	CONSERVATION GRANTS - The Conservation Grants be funded as detailed in Attachment 2 to Item 677/16	General Manger City Services	All applicants notified. COMPLETED
	702	BUYING LOCAL - Administration conduct a survey with local businesses and residents via an online survey tool, before pursuing any type of Buy Local Campaign (ie preference to buying products and services within the City of Unley). The research will be conducted to measure the need, level of interest and commitment for such a campaign in the City of Unley. The findings of the survey be brought back to Council for the February 2017 Council meeting.	Economic Development	With the change to the motion to include surveying of residents, a more comprehensive campaign will be required. With this in mind, more time will be required to collect the responses, with a report to Council in March 2017.

COUNCIL ACTION REPORTS - ACTIONS TO November 2016

Meeting	Item	Subject and Council Resolution	Resp.	Status/Progress
	703	APPOINTMENT OF DEPUTY MAYOR - Councillor Palmer be appointed as Deputy Mayor for the City of Unley for the period 28 January 2017 until 27 January 2018, unless such appointment is revoked by Council.	Office of the CEO	Website updated. COMPLETED
	704	COMMITTEE MEMBERSHIP AUDIT AND GOVERNANCE AND UBED COMMITTEES - Councillors Rabbitt and Sangster and be appointed to the Audit and Governance Committee for a term commencing on 1 February 2017 until the end of the current term of Council unless otherwise resolved by Council. 3. Councillors Koumi, Palmer, Lapidge and Smolucha, be appointed to the Unley Business and Economic Development Committee for a term commencing on 1 February 2017 until the end of the current term of Council unless otherwise resolved by Council. 4. Councillor Lapidge be appointed as Presiding Member of the Unley Business and Economic Development Committee for a term commencing on 1 February 2017 until the end of the current term of Council unless otherwise resolved by Council.	Office of the CEO	Committee Terms of Reference Updated. COMPLETED
	705	CENTENNIAL PARK CEMETERY AUTHORITY - COUNCIL APPOINTMENTS - Councillors Hughes and Smolucha be appointed to the CPCA Board for a term commencing 28 January 2017, until the conclusion of the next periodic Local Government election, unless such appointment is revoked earlier by Council.	Office of the CEO	Letter written to CEO Centennial Park Cemetery Authority advising of appointments, on 14 December 2016. COMPLETED
	707	REVOCATION OF SUPPORTED RESIDENTIAL FACILITIES ACT DELEGATIONS TO EASTERN HEALTH AUTHORITY - In the exercise of the power contained in Section 44(4)(c) of the Local Government Act 1999, the sub-delegations from the Corporation of the City of Unley to the Eastern Health Authority under the Supported Residential Facilities Act 1992 be revoked, effective from 1 January 2017.	Office of the CEO	Letter psted to EHA with copy of Report and Minutes - 16 December 2016. COMPLETED
	708	DETERMINATION OF TIME AND PLACE OF ORDINARY MEETINGS OF COUNCIL FOR 2017.	Office of the CEO	Details of meeting dates placed on website. COMPLETED

COUNCIL ACTION REPORTS - ACTIONS TO November 2016

Meeting	Item	Subject and Council Resolution	Resp.	Status/Progress
	713	NOTICE OF MOTION - COUNCILLOR PALMER RE GOODWOOD OVAL - 1. Administration commences development of concept plans for improvements to the Goodwood Oval and the grandstand facility. 2. The concept plans review include accommodating female participation for both cricket and football, for players and umpiring alike. 3. The resulting concept drawing be developed in consultation with the Goodwood Cricket Club and the Goodwood Saints Football Club. 4. Administration identifies funding sources as part of the second quarter budget review. 5. The concept plans be presented to Council at the March 2017 Council meeting prior to any community engagement.	GM City Development	Report to be presented to the March 2017 meeting of Council.
	714	NOTICE OF MOTION - COUNCILLOR SMOLUCHA RE SHARED ZONE NAIRNE TERRACE GOODWOOD - 1. Council staff evaluate the feasibility and estimated cost of creating a shared zone on Nairne Terrace, Forestville. 2. A report be prepared and presented for Council to consider the project as part of the 2017/18 budget discussions.	GM City Development	Have engaged Tonkin to undertake the design work on some ptions for Nairne Tce Forestville. As part of this process, a survey of the area has been completed and we are meeting with Tonkin at the end of January to discuss the outcome of the survey and possible design options for Tonkin to go away and create 2 concept drawings. Cost estimates will come out of the design options we go with.
	720	NOMINATION FOR MEMBERSHIP TO THE POWER LINE ENVIRONMENT COMMITTEE - Councillor Sangster be nominated as a local government member on the Power Line Environment Committee.	Office of the CEO	Completed nomination form forwarded to LGA 20 December 2016. COMPLETED

ITEM 738

QUESTION ON NOTICE – COUNCILLOR RABBITT RE PAID PARKING

Councillor Rabbitt has asked the following questions on notice, and the answers are provided.

1. Boffa Lane, Goodwood

At the Council Meeting on 23 February 2015, a Motion was passed that a parking fee of \$1.00 for a 3 hour period be charged at the Boffa Lane car park (Item 58).

On 27 June 2016, Cr Salaman moved a Motion that 'The decision to charge \$1.00 for 3 hours parking in the Boffa Street carpark (Item 58, Council 23 February 2015) be rescinded.' The Motion was put and declared Lost.

Recently, a visitor to King William Road advised me that she had parked in the Boffa Lane car park, found the machine OUT OF ORDER, and (mistakenly) assumed that the 3 Hour Limit did not apply. She returned to her car shortly over 3 hours and found that she had received an Infringement Notice.

Photographs confirming the 'OUT OF ORDER' notice.



What is the current status of the machine and parking arrangements in the Boffa Lane Car Park?

Answer

There have been a few meetings held with DPTI officers regarding the parking metres and more generally, the shared pathways. Prior to the introduction of the parking meters, the Minister of Transport has asked to be consulted. It was agreed between DPTI and Council staff that a formal Agreement be put in place covering all shared pathways across Unley. This Agreement would provide clarity on mutual responsibilities. Following the endorsement of this Agreement, the issue of potentially reintroducing the parking metres could be considered. The finalisation of the Shared Use Agreement is expected by June 2017.

2. Railway Terrace South, Goodwood

The response to my question on 27 June 2016 regarding 'suspension' of the Paid Parking Trial at this location was that a meeting with DPTI had been scheduled.

Have meetings with DPTI been held in relation to this matter and if so, what is the outcome?

Answer

There have been a few meetings with DPTI Officers regarding the parking meters and more generally the shared pathways. Prior to the introduction of the parking meters the Minister of Transport has asked to be consulted.

It was agreed (between DPTI and Council staff) that a formal agreement be put in place covering all shared pathways across Unley. This agreement would provide clarity on mutual responsibilities.

Following endorsement of this agreement, the issue of potentially reintroducing the parking meters could be considered.

The finalisation of the Shared Use Agreement is expected by June 2017.

ITEM 739**QUESTIONS ON NOTICE FROM COUNCILLOR PALMER**

Councillor Palmer has asked the following questions on notice, and the answers are provided.

Stencilled Road Pavement Treatment**Question**

I watched with interest last year as the traffic slowing treatment was applied to the corner where Byron Road meets Canterbury Terrace in Black Forest. In lieu of providing pavers we used a stencil or stamp impression onto the paving to create a brick look and a tumble feel when driving over.

I have some questions regarding this form of treatment.

- 1 What is the cost comparison between replacing the bitumen and pavers verses the stamping procedure, which I note was quite labour intensive.

Answer

The amount of work required to install pavers over this area would have been considerable as the bitumen is only approx. 35mm thick whereas the interlocking pavers are 80mm deep plus a suitable base to lay the pavers. The work would have required the excavation of the road pavement to a sufficient depth to enable the preparation of a suitable base to allow for the pavers plus a layer of bedding to be installed matching existing finished road level. This would have increased the time required for the project inconveniencing road users as well as additional traffic management for the project. The initial estimates indicated that the paver option would have been approx. double the cost of the stencilled option.

- 2 How long does the colour last or how often do we need to recolour it in order to keep the contrast that was provided. I notice that the red colouring is already fading but a month after installation with the rubber being left by vehicles traveling through this junction.

Answer

The colour coating material used on the road pavement has a life expectancy of 5-8 times the normal road line marking paint according to the manufacturer. This product has been used elsewhere in the City such as the existing slow points along the rest of Bryon Road which have been in place for some 10 years. The discolouration of the new coloured pavement is probably due to dirt and grime as well as rubber from the tyres on the finished surface. However, the integrity of the material will remain and the traffic calming feature of the treatment will continue to be achieved. The difference in cost for the treatments does give us the ability to reapply the colouring as required.

Asbestos found in Orphanage Park

Questions

The recent discovery of material containing asbestos in Orphanage Park is known to all of us.

1. *Do we know what the material containing the asbestos is. Where in the park was it found, just in the creek or elsewhere and (if so) where?*

Answer

A fibre board containing Chrysotile and Amosite asbestos and organic fibre was detected in the South East corner near the creek and Percy Street, but not in the creek channel itself.

2. *Was the material in good condition with the asbestos safely contained or fractured potentially exposing the asbestos fibre?*

Answer

The material found was in small fragments, less than half a kilogram in total and non-friable.

3. *Do we know how it came to be in the Park. Is it reasonable to assume it was deposited in the park via the recent storm activity via Brownhill Creek. If not is it reasonable to assume it has been there a while.*

Answer

The material could have been deposited as a result of a recent storm however, we believe it may have been in the park for some time and buried beneath the earth mound. We removed this mound on Wednesday, 18 January 2017.

4. *How confident are we that it has all be located/found and therefore removed?*

Answer

See above.

Section 117 Development Act

Question

I recently observed for members a web page that suggested to my mind that the focus of that arborist was on their client and not the tree. It is my belief that a professional should observe without a leaning to what their client may want but what is appropriate (in this case) for the future of the tree.

We (Council) have the responsibility to oversee that reports received by Council are prepared in this light. I am aware as a previous DAP member that Section 117 (1) of the Development Regulations requires anyone who is providing an expert report on a regulated tree the subject of a development application to hold a Certificate V in Horticulture (Arbor culture).

My question on notice is what procedures do we have in place to identify/confirm that any report we receive, no matter the source, is from someone with these qualifications.

Answer

There is no formal procedure in place for this purpose but the Development Team is aware that Regulations 117 (1) sets out the qualifications of the person providing the expert report are to be **Cert V in Horticulture (Arbor culture), or a comparable or higher qualification.**

When an arborist report is received as part of an application or requested by administration, the report is first reviewed by the assessing officer, then by the Council's arborist to ensure that the report has been provided by a person with the appropriate qualification. This is part of the assessment process. If the arborist report provided does not include the qualifications of the person who has written/provided the report, then the assessing officer would make the necessary investigation to find out the information.

Anything less than a Cert V in Horticulture fails to satisfy the threshold, therefore the report is ignored.

Additionally, when further information is sought by administration requesting an arborist report, the request specifies that the arborist report must be prepared by a person holding a Certificate V in Horticulture (Arbor culture), or comparable or higher qualification.

QUESTIONS WITHOUT NOTICE

TITLE:	QUESTIONS WITHOUT NOTICE
ITEM NUMBER:	740
DATE OF MEETING:	23 JANUARY 2017
ATTACHMENTS:	NIL

Mayor to ask the Members if there are any questions without notice.

MAYOR'S REPORT

TITLE: MAYOR'S REPORT FOR MONTH OF
DECEMBER / JANUARY

ITEM NUMBER: 741

DATE OF MEETING: 23 JANUARY 2017

ATTACHMENTS: 1. MAYOR'S REPORT

RECOMMENDATION

MOVED:
SECONDED:

That:

1. The report be received.
-

**MAYOR'S FUNCTIONS ATTENDED – 10 DECEMBER 2016 –
20 JANUARY 2017**

MONTH	DATE	FUNCTION
December		
	10	<ul style="list-style-type: none"> • Rotary Club of Hyde Park Christmas Party
	13	<ul style="list-style-type: none"> • Strategic Property Committee Meeting
	14	<ul style="list-style-type: none"> • Unley Mensa Christmas Lunch
	15	<ul style="list-style-type: none"> • MLGG Executive Committee • Grand Opening of Baskin Robbins • Lord Mayor's Christmas Reception
January		
	10	<ul style="list-style-type: none"> • Word Tennis Challenge
	11	<ul style="list-style-type: none"> • Tennis SA Legends' Lunch
	16	<ul style="list-style-type: none"> • Unley Gourmet Gala
	17	<ul style="list-style-type: none"> • Race Start Tour Down Under
	18	<ul style="list-style-type: none"> • MLGG Meeting
	20	<ul style="list-style-type: none"> • Australia Day Luncheon
<p>In addition to the above I also met with Elected Members, staff and various representatives from outside bodies.</p>		

DEPUTY MAYOR'S REPORT

TITLE: DEPUTY MAYOR'S REPORT FOR MONTH OF
DECEMBER / JANUARY

ITEM NUMBER: 742

DATE OF MEETING: 23 JANUARY 2017

ATTACHMENTS: 1. DEPUTY MAYOR'S REPORT

RECOMMENDATION

MOVED:
SECONDED:

That:

1. The report be received.
-

DEPUTY MAYOR'S REPORT

As this is my final report as Deputy Mayor, I would like to thank Elected Members and Admin Staff for their support and assistance over the last 12 months.

I have enjoyed the additional duties associated with this role and hope that I have been able to do justice to the position.

I wish Cr Don Palmer well as he takes over as Deputy Mayor. I believe he has the appropriate personal attributes for this position and that he will continue to serve our community well.

Functions Attended:

9 December

Goodwood Road Traders – Christmas Function

This was a small event as far as number of attendees – possibly due to the other events being held that evening. Nevertheless, it was a good opportunity to speak to some of the traders and ask their opinion of the work being undertaken in their precinct.

Of those to whom I spoke, all were enthusiastic about the improved look for the street from the undergrounding of the powerlines, and are looking forward to the additional work to be undertaken on the footpaths and side streets.

They acknowledge that there will be disruption and some inconvenience while the work is being undertaken, but are confident that the outcome will be worthwhile.

14 December

UnleyLink Information Session

From the list at the entrance to the Town Hall, it appeared that there had not been many attendees.

I mentioned to one of the staff in attendance that there did not appear to have been much publicity given to this session and also given the time being so close to Christmas, people's focus may have been elsewhere.

He said that this was the time available and that they were really just trying to obtain input from the community re their views on a tramline/light rail facility along Unley or Goodwood Roads.

15 December

Baskin-Robbins – Malvern

I was pleased to attend the opening of the 88th Baskin-Robbins store and 1st South Australian store with The Mayor and Mr David Pisoni, MP.

16 December

CoU All Staff Christmas Function

This was a great opportunity for Elected Members and staff to socialise and enjoy each other's company. Yes, there were some 'work discussions', but the main focus was on sharing the goodwill that comes with Christmas.

18 December

Carols at the Rotunda

Another excellent evening presented by Unley Rotary, with a Nativity Play presented by the Salvation Army.

23 December

Unley Christmas Singers - Council Foyer

Our talented singers presented their final performance for 2016 for the enjoyment of staff and residents.

10 January

World Tennis Challenge

I attended this event with the Mayor as guests of the President of Tennis SA.

REPORTS OF MEMBERS

TITLE: REPORTS OF MEMBERS
ITEM NUMBER: 743
DATE OF MEETING: 23 JANUARY 2017
ATTACHMENTS: 1. MEMBERS REPORTS

Council to note the attached reports from Members

1. Councillor Palmer

(a) Items of particular interest, concern or urgency

.

REPORTS OF MEMBERS

TITLE

REPORT FROM COUNCILLOR PALMER

(a) **Items of particular interest, concern or urgency**

No items of interest this month outside of what we have all been discussing.

(b) **Functions Attended** (up to the time of writing this report)

These functions/events are in excess of those I would normally attend.

14th December	UnleyLink presentation by DPTI @ the Town Hall Clarence Park Community Centre Board & Staff Christmas Drinks
16 th December	Staff Christmas function @ Unley Park Sports Club
18 th December	Carols at the Rotunda
19 th December	Special meeting of Audit & Governance Committee
20 th December	Had coffee with Steve Lacey from Leading Teams
21 st December	Discussed role of Deputy Mayor with DM Rabbitt over coffee
22 nd December	Witnessed verge planting under our community grants scheme at Byron Road, Black Forest. Attended briefing with Oliver Pfueller and Cr Smolucha at the Goodwood Road, Victoria Street intersection.
3 rd /6 th January	Visited asbestos contamination site at Orphanage Park
8 th January	Watched the club champion playoff at the Millswood Bowling Club. A marathon 3 hour epic I understand, I did not stay the journey
9 th January	In the company of the Mayor, met with the new ministry team at St Augustine's Anglican Church.
11 th January	Met with Lee Anderson, Murray Pest Control & Taking Care of Trees to resolve a pest problem in a significant tree in Clarence Park. Catch up with CEO. Attended Community Plan Review with Crs Schnell, Rabbitt & Koumi, and Peter Tsokas and Nicola Tinning.
16 th January	Attended the Gourmet Gala with my wife, including the VIP function.

I also had a number of one on one conversations with a number of members and the Mayor including councillors Smolucha, Schnell, Rabbitt, Hughes, Koumi, Hewitson and Salaman.

ITEM 744

NOTICE OF MOTION FROM COUNCILLOR RABBITT RE VACANT LAND AT 255 GOODWOOD ROAD

Councillor Rabbitt has given notice of intention to move the following motion at the Council meeting to be held on 23 January 2017:

That:

1. Administration investigates ownership of the vacant land at 255 Goodwood Road, Kings Park (believed to be owned by the Department of Planning Transport and Infrastructure).
2. On the basis of 1. above being confirmed, Administration requests the transfer of ownership of this land to the City of Unley 'gratis', on the basis that council will maintain the land in a tidy state.
3. Administration prepares a concept plan and costing for a low maintenance, dry garden area that would provide an additional 'green space', enhance the western approach to the Millswood Train Station and hopefully discourage the regular dumping of rubbish at the site.
4. Administration identifies funding sources as part of the 2017/18 budget process.

Background provided by Councillor Rabbitt

The site has been a dumping area for some time, with the most recent formal concern raised by Councillor Palmer in an email dated 5 May 2016. The photo below was taken on 27 December 2016.



Since the re-opening of the Millswood Train Station over two years ago, the number of residents walking along this section of Goodwood Road has increased significantly. There are also many residents who cross the footbridge to the station, as well as those who walk to Orphanage Park.

Between the rubbish and weeds, the area is unsightly from Goodwood Road, Ellesmere Terrace and the Train Station itself. I am not aware of any public health issues at the site to date.

OFFICER'S COMMENTS

The present condition of the site is unsightly with dead vegetation and spill-over of materials from the adjacent land use. The condition may contribute to the opportunistic illegal dumping as well (though the secluded location will still be problematic). The transfer of ownership of the site would enable the Council to directly control and enforce the activities occurring and moreover, enable direct investment in the upgrade of the condition of the site, including re landscaping the site and providing adequate ongoing maintenance. An upgrade would improve the experience of users passing by and patrons of the train service.

The motion is therefore supported.

ITEM 745

NOTICE OF MOTION FROM COUNCILLOR BOISVERT RE VICTORIA STREET/GOODWOOD ROAD

Councillor Boisvert has given notice of intention to move the following motion at the Council meeting to be held on 23 January 2017:

That:

1. Council request administration to monitor the turning movements out of Victoria Street on to Goodwood Road, following completion of the current upgrade works and report back to Council on any proposed changes required to remedy any additional queuing experienced by traffic wanting to exit Victoria Street in peak periods. These recommendations may involve the banning of right turns out of Victoria Street into Goodwood Road during the peak periods.

Preamble by Councillor Boisvert

Goodwood Road is currently undergoing a major upgrade. Part of the work involves extending the kerb lines at the junction with Victoria Street to provide a more pedestrian friendly environment. This will result in a narrowing of Victoria Street at the junction with Goodwood Road.

One resident has raised a concern that the proposed narrowing at the exit of Victoria Street on to Goodwood Road may cause queuing when a vehicle is trying to turn right from Victoria Street on to Goodwood Road in peak times. Currently there is no right turn lane marked, nor will there be in the proposed road improvements.

Victoria Street is one of only a few east west connector roads in this area, so the implications of any changes to the layout of the junction need to be understood and carefully considered.

OFFICER'S COMMENTS

Victoria Street is an intra-city connector route that provides an important access link for local community in the area. Latest traffic data show it carries 2,772 vehicles daily. The transport accessibility in and out of Victoria Street is important for efficient road network in the local area. Administration is supportive of further monitoring traffic movements at Victoria Street intersection with Goodwood Road.

ITEM 746
UNRESOLVED ITEMS

Meeting Date	Item	Status
Council 12 September 2016	Item 584 Millswood Sporting Complex Detailed Design	The Item remains laid on the table.

DECISION REPORT

REPORT TITLE:	MILLSWOOD SPORTING COMPLEX – DETAILED DESIGN OF BOWLS & CROQUET
ITEM NUMBER:	584
DATE OF MEETING:	22 AUGUST 2016
AUTHOR:	JOHN WILKINSON
JOB TITLE:	SPORT AND RECREATION PLANNER

1. EXECUTIVE SUMMARY

Following the development of the Goodwood Oval and Millswood Sporting Complex Improvement Plan in August 2014, Council endorsed an allocation of \$50,000 in the 2015/16 budget for the detailed design of a revised layout of the bowls and croquet areas, as endorsed in the Improvement Plan.

During the development of the detailed designs, the Millswood Bowling Club withdrew its initial support for the endorsed Improvement Plan, advising that due to recent increased growth at the club, the endorsed plan no longer meets their needs. The position of the Millswood Croquet Club has not changed and they continue to support Council's original layout plan.

Following consultation with the two clubs and a review of possible layout options, a revised layout plan has been developed that complies with the standard playing area dimensions for both sports, as well as providing benefits for the community. However, Millswood Bowling Club still has concerns with this revised plan.

This report presents the revised layout plan to Council; however, through further consultation with both clubs, it has become clear that full agreement on this cannot be achieved. Consequently, it is suggested that the project now focus on building upgrades and leave the existing layout as it is.

2. RECOMMENDATION

That:

1. The report be received.
2. No further action be undertaken at this time regarding changes to the layout of the sports playing areas and recreation areas at Millswood Sporting Complex.
3. Commence design work for upgrades to the existing bowls and croquet buildings (including opportunities for shared facilities) and surrounding areas, based on the current layout of playing areas.

4. Discussions commence with user groups on funding contributions towards any upgrades.
 5. The community and Clubs be advised of the Council's decision.
-

1. RELEVANT CORE STRATEGIES/POLICIES

Undertaking master planning of Goodwood Oval and Millswood Sporting Complex is a specific action within Council's 4 Year Plan and directly aligns to the strategic outcomes of our Community Plan 2033, primarily to support the objectives of the *Living: Our Path to a Thriving City* theme.

The improvement of Council's sport and recreation infrastructure, including Millswood Sporting Complex, is also identified in a number of key Council strategies and plans, including (but not limited to):

- *Living Well* – The Regional Health Plan for the Cities of Unley and Mitcham
- *Living Active*, Sport and Recreation Plan 2015-2020, City of Unley
- Open Space Strategy, City of Unley
- Disability Action Plan, City of Unley
- Asset Management Plans.

2. DISCUSSION

Background

The goal of this project is to enable Council to strategically plan for future improvements at the Millswood Sporting Complex, as well as to seek external funding as opportunities arise. This project is focussed on the bowling and croquet facilities at the complex, and an overview of these groups is as follows:

Millswood Bowling Club

- Established in 1921
- 112 social bowlers (at capacity on Thursday nights during summer season)
- 48 pennant bowlers (Wednesday and Saturday during summer season)
- Approximately 100 people attend social nights every Friday during summer season
- Current lease for the bowling greens and building until August 2019.

Millswood Croquet Club

- Established in 1922
- 76 playing members
- Croquet activities held six days per week during summer and five days per week during winter
- Current lease for the croquet lawns and building until November 2018.

Planning for future improvements at Goodwood Oval and Millswood Sporting Complex has been guided by an Improvement Plan, endorsed by Council in August

2014, along with a Staged Implementation Plan, endorsed in April 2015. As a result of the Staged Implementation Plan, Council recommended the following:

- “3. Detailed designs to support the future facility upgrade requirements for Millswood Bowling Club and Millswood Croquet Club proceed.”*

An amount of \$50,000 was allocated in the 2015/16 budget for undertaking a detailed design, which was based on the layout plan recommended in the Improvement Plan (Attachment 1 to Item 584/16). The original layout plan is included on page 69 of the Goodwood Oval and Millswood Sporting Complex Improvement Plan.

Attachment 1

The existing layout of the croquet and bowls facilities is shown as an aerial image in Attachment 2 to Item 584/16.

Attachment 2

The original layout plan involved the inclusion of a new fourth full-size croquet lawn, responding to the growth in this sport and increasing membership of the Millswood Croquet Club, as well as the installation of a new synthetic lawn bowling green, with a reduction from 14 rinks (currently) to 10 rinks.

The original layout plan was developed in consultation with the sporting clubs located at Millswood Sporting Complex and the local community during early 2014, with both the bowling and croquet clubs providing letters of support for the proposed layout plan. The rationale for the original concept is outlined in further detail in the Improvement Plan on pages 43 to 71.

Subsequently, as the detailed design project progressed, it has become apparent that the Millswood Bowling Club no longer supports the recommendation for a reduction to their existing greens. This is primarily due to a growth in participation and patronage at the club over the past two years.

During these discussions, the Administration reiterated the position of Council and the level of research and consultation that occurred to develop the informed, evidence-based recommendation. However, the club feels that they were consulted when they were experiencing a difficult financial period (March 2014), and have since improved their financial position through increasing patronage in their social bowls and meals programs.

While they were previously supportive of the original layout plan, the bowling club now advise that they require two square greens to be able to sustain their recent growth. They also no longer support a synthetic green, but rather request two natural turf greens.

The position of Millswood Croquet Club has not changed as they are seeking a new fourth full-size lawn as identified in the original layout plan. This position is also supported by the Improvement Plan (2014) and Croquet SA, as the club is growing, and the nearest croquet club's catering for competition play are at Holdfast Bay, Marion and in the CBD (on Hutt Road).

Revised Layout Plan

In order to strengthen future funding opportunities, it is important that the proposal developed is supported by all users and demonstrates maximum community benefit. Therefore, given the bowling club's changed situation, further investigation has been conducted to determine if a compromise could be achieved that would enable the retention of two bowling greens and provision of a new fourth full-size croquet lawn, as well as improvements for public access and recreation.

Following consultation with both clubs and a review of options with the aim of achieving a compromise, a revised layout plan has been developed (Attachment 3 to Item 584/16).

Attachment 3

Bowling Greens

The revised layout plan shows the relocation of the bowling greens to the east, with one green located directly north of the existing building ('A Green') and one to the east of the building ('B Green'). The plan also identifies a fourth full-size croquet lawn located next to the existing lawns, as well as changes to public open space and vehicle and pedestrian access.

Under the revised layout plan, the size of the 'A Green' is not significantly reduced (a small reduction of 150mm to the north-south length and a reduction of 400mm to the east-west length).

The size of the 'B Green' has been reduced by 1.65 metres along the north-south length. There is no change to the east-west length, however this is based on the 'chamfering' of the north-east and south-east corners of this green, which is similar to the existing design of this green. It should be noted that the dimensions shown in the revised layout plan are the maximum permissible within the site if vehicle and pedestrian access to the Belair train line and Millswood Lawn Tennis Club are to be retained, and also to meet disability access guidelines for the bowling and croquet clubs.

Through consultation with the bowling club, both greens have been designed to be square (rather than rectangular), to enable play in both directions (north-south and east-west) with a 200mm width 'ditch' around the perimeter of both greens. At the request of the bowling club, it is proposed that the greens have a natural turf playing surface, rather than synthetic turf.

It is intended that the design of the buildings, recreation areas and vehicle and pedestrian access will be undertaken once a layout plan has been finalised. This will include considerations such as the interaction between buildings and playing areas, disability access, internal building layouts and interactions between vehicles, pedestrians and bowls participants. Consideration will also be given to landscaping to ensure the design addresses principles relating to Crime Prevention through Environmental Design.

Considerations of Revised Layout Plan

The inclusion of a fourth croquet lawn will result in the unavoidable loss of a large Norfolk Island pine tree, as well as approximately five other Jacaranda trees. As part of the upgrades, new vegetation and trees would be planted, in keeping with the site and local streetscape.

The revised layout plan also proposes the relocation of the 'B Green', as well as the shared road and car parking into 1/18A Millswood Crescent, known as 'Millswood Park'. While improved access and public recreation facilities are provided in other areas, this will result in a slight reduction of overall public recreation space at Millswood Sporting Complex. Whilst a detailed study on the use of Millswood Park has not been undertaken, anecdotal evidence suggests it is highly valued by the local community.

The existing shared vehicle and pedestrian access has also been relocated to the south-eastern boundary of the complex, and up to 21 off-street car parks (an increase of 13 car parks) have been provided for. The existing road and pathway also enables public access across the Belair train line and the Administration will liaise with relevant authorities on the further detailed design of these areas.

The Administration is also aware that the resident at 18 Millswood Crescent is concerned with the proposed impact on Millswood Park. It is recommended that consultation with this resident, as well as the broader community, be undertaken as part of any further detailed design.

Club Feedback

Millswood Bowling Club

While the reduction in size of the greens complies with the *Bowls Australia Construction Guidelines (2011)*, feedback from Bowls SA acknowledges that the site is limited in its development potential and that efforts have been made to accommodate user groups. Bowls SA also observes that ideally, the facilities at Millswood Sporting Complex would be co-located together, however the Improvement Plan (2014) indicated that this would be a difficult proposition.

A key observation of both Bowls SA and the Millswood Bowling Club is the impact the revised layout plan would have on current and future participation, as well as the club's ability to attract and host tournaments (at the State, national or international level). A written submission from Millswood Bowling Club is included as Attachment 4 (to Item 584/16).

Attachment 4

The *Bowls SA State-wide Facilities Audit & Master Plan (2014)* identifies a number of facilities as 'metro regional facilities', where investment should be focused to hold regional tournaments. One such facility is the Clarence Gardens Bowling Club, which is located approximately 2km from Millswood Bowling Club. Millswood Bowling Club is identified as a 'district facility' and it could be viewed as unlikely to be a priority venue for future higher level tournaments.

The relocation of 'B Green' is also a matter of concern for the Bowling Club, who have indicated that it would impact the social interaction of participants. While this is a matter for consideration, a review of other facilities in metropolitan Adelaide indicates that this layout is not uncommon.

Millswood Croquet Club

As previously stated, the position of Millswood Croquet Club has not changed and they have also provided feedback on the revised layout plan (Attachment 5 to Item 584/16).

Attachment 5

Feedback from other Clubs and Adjacent Residents

To inform further decisions on the next steps of this project, feedback on the revised layout was requested from other clubs at Millswood Sporting Complex and residents living directly adjacent to the site. A summary of this consultation is provided in Attachment 6 (to Item 584/16).

Attachment 6

At the time this report was written, responses from the other clubs at Millswood Sporting Complex have not been received. Should this project continue, engagement with these clubs and the wider community will continue.

Project Cost

The total estimated cost provided by a Quantity Surveyor (QS) for the original layout plan developed in 2014 was \$3.177m, which does not include improvements to the Millswood Lawn Tennis Club or the South Australian Society for Model and Experimental Engineers facilities.

Whilst project staging opportunities are limited, building and lighting improvements could be undertaken at a later stage, which would further reduce the cost of changes to the playing areas, car parking and pedestrian areas.

A summary of the cost estimates provided by the Quantity Surveyor in 2014 for the original layout plan is as follows:

- Synthetic (10 rink) bowling green - \$540,000
- New (fourth) croquet lawn - \$60,000
- Bowls building upgrade - \$771,000
- Croquet building upgrade (likely to be a new building) - \$126,000
- Community plaza - \$390,000
- Car parking - \$144,000

The Croquet Club has indicated they would be in a position to contribute financially, however formal discussions and agreement on funding contributions have not yet occurred with either club. It is suggested that these discussions now commence.

It should be noted that the proposed upgrade to the building currently leased by the bowling club is one of the more expensive items. The upgrade does however, create opportunities for shared-use (by the croquet club and other groups).

If a shared-use approach cannot be achieved and the main building continues to primarily be used and managed by the lawn bowls club, it is suggested that limited upgrades occur to the building for the short to medium term, such as improvements to kitchen, heating and cooling, and toilet facilities. This will need to be a key consideration if detailed design is to progress on this building.

Construction of turf greens may be more expensive than a new synthetic green, as industry advice has recommended new bowling greens be constructed 'from scratch', to ensure correct levels are obtained and the quality of turf is consistent. Further information from a cost consultant will need to be obtained once further detailed design is undertaken.

Summary

The revised layout meets the requirements for standard playing area dimensions for bowls and croquet. Consequently, an option that meets a range of users needs may attract external funding.

However, after considering the feedback on the revised layout plan from both clubs, it is clear that full agreement on all aspects of the plan has not been achievable, primarily due to the bowling club's desire to grow their social patronage and not impact their capacity to host tournaments in the future. Whilst the club is unlikely to host higher level tournaments, consideration should be given to the overall project cost and benefits for all stakeholders. Nevertheless, it is clear at this stage that a layout cannot be achieved that will satisfy both club's wishes.

Council may therefore choose to retain the current layout of the bowls and croquet playing areas, and focus on other improvements at the complex to benefit the user groups and the wider community, including the buildings, car parking and surrounding areas. There may be an opportunity to revisit the layout of playing fields as part of future lease negotiations. The current budget for the design project can be used to complete this design work, and there are opportunities to investigate shared facilities (such as toilets) in any future building upgrades.

3. ANALYSIS OF OPTIONS

Option 1 – No further action be undertaken at this time regarding changes to the layout of the sports playing areas and recreation areas at Millswood Sporting Complex. Commence design work for upgrades to the existing bowls and croquet buildings and surrounding areas, based on the current layout of playing areas. Discussions commence with user groups on funding contributions towards any upgrades. The community and the clubs be advised of the Council's decision.

This option will result in no further work being undertaken to reconfigure the bowls and croquet playing areas, and will not enable the inclusion of a fourth new croquet

lawn at this time. It should be noted that the revised layout design could be revisited at a future time as opportunities arise.

The project will now focus on design work to improve the existing bowls and croquet buildings, which will include opportunities to increase community usage and improve surrounding areas, access around the buildings as well as car parking. The current budget allocation for the overall detailed design project will be used to focus on the design work. Following the completion of this design work, it would then be brought back to Council for consideration, before further community consultation and detailed design is undertaken.

One of the goals of undertaking this work was to have 'shovel ready' plans if a grant funding opportunity arose. As full agreement from the user groups and residents has not been achieved on the playing area layout, a focus on building upgrades and surrounding areas is a suitable compromise that will benefit both users and position Council to apply for external funding.

A disadvantage is that this option will not enable construction of a fourth croquet lawn at Millswood Sporting Complex.

Option 2 – The original layout plan endorsed in 2014 (recommendation 2 of Item 1217/14) be revoked and the revised layout for the bowling greens and croquet lawns (Attachment 1 to Item 584/26) be endorsed. Discussions commence with user groups on funding contributions towards any upgrades. The community and the clubs be advised of the Council's decision.

Advantages of this option:

This option complies with the playing area guidelines for both bowls and croquet and creates the opportunity for a holistic upgrade of the Millswood Sporting Complex, including:

- Two new bowling greens
- A fourth full-size croquet lawn
- Improvements to the existing bowling club building layout, including improvements to bar, kitchen, dining, storage and toilet areas
- Improved access through the site for both vehicles and pedestrians, as well as improved access for people with a disability
- Increased off-street car parking
- Improvements to public recreation areas (although the details are yet to be determined)

Detailed design will provide further information regarding costs, and will enable applications for external funding. While the Bowling club do not fully support this option, this option provides two greens that comply with standard playing area dimensions, albeit with one green being a slightly reduced area.

The concerns from the Bowling Club regarding their capacity to host future tournaments are noted, but need to be balanced with the fact that other facilities in the area may be better placed to do this.

Disadvantages of this option:

Millswood Bowling Club has expressed that they do not fully support this option. Given the opposition to this plan from the bowling club, Council's ability to attract external funding would be significantly reduced.

While it is minimal, the length of both greens is reduced, with the greatest reduction being 1.65 metres along the north-south length of the 'B Green'. The greens are also not adjacent to one another, which may impact social interaction between participants.

The revised layout plan also has an impact on the vacant land known as Millswood Park, resulting in significant changes to the current configuration of this park. It also results in the loss of five trees.

Option 3 – Do not endorse the revised layout option and continue with the original layout plan identified in the 2014 Improvement Plan.

The original layout plan was developed through community engagement and received support from all user groups, with the exception of the bowling club. This option does not meet the needs of the Bowling club, nor allow for their anticipated growth. Given the opposition to this plan from the bowling club, Council's ability to attract external funding would be significantly reduced.

Option 4 – No further action on this project be undertaken.

As noted in previous reports, this project is envisaged to be progressed at a future time when funding becomes available. It is noted that there may well be a degree of scepticism that funding will ever become available given the current condition of the Federal and State budgets. However, not undertaking any further action is likely to diminish the case for external funding if it becomes available.

4. RECOMMENDED OPTION

Option 1 is the recommended option.

5. POLICY IMPLICATIONS

5.1 *Financial/budget*

Undertaking master planning for the Goodwood Oval and Millswood Sporting Complex Improvement Plan is a specific action within Council's 4 Year Plan. In its Long Term Financial Plan, Council has notionally allocated \$500K in 2019/20 and \$500K in 2020/21 for implementation of the Goodwood Oval and Millswood Sporting Complex Improvement Plan.

To date, approximately \$20,000 has been spent on detailed design in 2015/16, with \$45,000 spent on developing the Improvement Plan in 2013/14. While the development of the revised layout option has added an additional \$5,000 to the budget, the consultant has advised they are confident that the remainder of the detailed design project can be completed within the current budget (depending on Council's preferred direction and the scope of the project). Further community engagement in relation to building upgrades can be undertaken within existing budgets.

It is important to note that some actions may be implemented using planned capital replacement funding, such as playground replacement, and other projects may be completed with combined Club and grant funding, such as internal building improvements. Implementation of the Improvement Plans for both complexes will need to be considered against other Council priorities and as external funding opportunities become available.

As outlined in previous reports to Council regarding sport facility upgrades, there are several precedents and various financial models that have been used for major upgrades at other Council owned facilities (e.g. Unley Oval). These models can vary, but typically clubs contribute up to a third of the total cost.

It is therefore suggested that discussions commence with user groups and other external funding bodies regarding the potential improvements at Millswood Sporting Complex.

Additionally, since the Improvement Plan was endorsed in August 2014, it should be noted that Millswood Croquet Club has invested in various improvements, including new fencing along the western boundary, enabling the provision of a third full-size lawn.

5.2 *Legislative/Risk Management*

Any legislation and risk implications will be considered as part of the development application and construction process. Should Council invest in any building improvements at Millswood Sporting Complex, consideration should be given to planning controls relating to the site.

The site is located within the Residential Historic Conservation Zone where the primary purpose is the retention and conservation of existing contributory dwellings. This zone also recognises the existence of community facilities and there is potential for a reasonable expansion of existing community facilities. Planning considerations will be worked through during further detailed design.

Under the *Local Government Act 1999*, Council may revoke a previous endorsed recommendation (the original layout plan for Millswood Sporting Complex) and endorse an alternative recommendation.

5.3 Stakeholder Engagement

Extensive stakeholder and community engagement was undertaken as part of the development of the Improvement Plan (in 2014) and both clubs have been consulted as part of the development of the revised layout plan.

Consultation with directly affected stakeholders, including other clubs at Millswood Sporting Complex and residents living adjacent to the site, was undertaken during August 2016. It is proposed that community engagement be undertaken as part of any further detailed design; however, consideration must be given to any future changes the project may experience.

6. REPORT CONSULTATION

This report has been developed in consultation with the General Manager Community and General Manager Economic Development and Planning, Group Manager Governance, Manager Finance and traffic staff.

7. ATTACHMENTS

1. Layout plan as shown in the Goodwood Oval and Millswood Sporting Complex Improvement Plan (August 2014).
2. Existing layout of croquet and bowls facilities.
3. Revised layout plan (September 2016).
4. Feedback from Millswood Bowling Club.
5. Feedback from Millswood Croquet Club.

8. REPORT AUTHORISERS

<u>Name</u>	<u>Title</u>
Megan Berghuis	General Manager Community
David Litchfield	General Manager Economic Development & Planning
Peter Tsokas	Chief Executive Officer

DECISION REPORT

REPORT TITLE: CONFIDENTIALITY MOTION FOR ITEM 748 –
KING WILLIAM ROAD TRADERS ASSOCIATION

ITEM NUMBER: 747

DATE OF MEETING: 23 JANUARY 2017

AUTHOR: CAROL GOWLAND

JOB TITLE: EXECUTIVE ASSISTANT TO CEO & MAYOR

PURPOSE

To recommend that Item 748 be considered in confidence at the 23 January 2017 Council meeting and that the Minutes and Report 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)(g) 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 City Services
Mr J Devine, General Manager City Development
Ms N Tinning, General Manager Business Support & Improvement
Ms S Bayly, Acting 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 King William Road Traders Association, 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:

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

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 748 – KING WILLIAM ROAD
TRADERS ASSOCIATION

ITEM NUMBER: 749

DATE OF MEETING: 23 JANUARY 2017

AUTHOR: CAROL GOWLAND

JOB TITLE: EXECUTIVE ASSISTANT TO CEO AND MAYOR

PURPOSE

To recommend that Item 748 remain in confidence at the 23 January 2017 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)(g) of the Local Government Act:

2.1 The

☒ Minutes

☒ Report

remain confidential on the basis that the information contained in this report because of matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty, and

- 2.2 the minutes and report will be kept confidential until the item is revoked by the Chief Executive Officer.

DECISION REPORT

REPORT TITLE: CONFIDENTIALITY MOTION FOR ITEM 4 –
STRATEGIC PROPERTY COMMITTEE MINUTES

ITEM NUMBER: 750

DATE OF MEETING: 23 JANUARY 2017

AUTHOR: KELLEY JAENSCH

JOB TITLE: EXECUTIVE ASSISTANT CITY DEVELOPMENT

PURPOSE

To recommend that Item 4 of the Strategic Property Committee Minutes be considered in confidence at the 23 January 2017 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
Ms M Berghuis, General Manager City Services
Mr J Devine, General Manager City Development
Ms N Tinning, General Manager Business Support & Improvement
Ms S Bayly, Acting 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 Strategic Property Purchase 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 the Council to consider this matter in confidence.

DECISION REPORT

REPORT TITLE: CONFIDENTIALITY MOTION TO REMAIN IN
CONFIDENCE ITEM 4 – STRATEGIC
PROPERTY COMMITTEE

ITEM NUMBER: 751

DATE OF MEETING: 23 JANUARY 2017

AUTHOR: KELLEY JAENSCH

JOB TITLE: EXECUTIVE ASSISTANT CITY DEVELOPMENT

PURPOSE

To recommend that Item 4 of the Strategic Property Committee remain in confidence at the 23 January 2017 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 44 –
AUDIT AND GOVERNANCE COMMITTEE
MINUTES

ITEM NUMBER: 752

DATE OF MEETING: 23 JANUARY 2017

AUTHOR: CAROL GOWLAND

JOB TITLE: EXECUTIVE ASSISTANT TO CEO & MAYOR

PURPOSE

To recommend that Item 44 of the Audit and Governance Committee Minutes be considered in confidence at the 23 January 2017 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 Audit and Governance Committee orders the public be excluded, with the exception of the following:

Mr P Tsokas, Chief Executive Officer
Ms M Berghuis, General Manager City Services
Mr J Devine, General Manager City Development
Ms N Tinning, General Manager Business Support & Improvement
Ms S Bayly, Acting 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 and attachments on the Centennial Park Cemetery Authority's Asset Management Plan 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 44 – AUDIT AND
GOVERNANCE COMMITTEE MINUTES

ITEM NUMBER: 753

DATE OF MEETING: 23 JANUARY 2017

AUTHOR: CAROL GOWLAND

JOB TITLE: EXECUTIVE ASSISTANT TO CEO & MAYOR

PURPOSE

To recommend that Item 44 of the Audit and Governance Committee Minutes remain in confidence at the 23 January 2017 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)(d) of the Local Government Act:

2.1 The

- ☒ Minutes
- ☒ Report
- ☒ Attachments

remain confidential on the basis that the information contained in this report could prejudice the commercial position of the person who supplied the information, or confer a commercial advantage on a third person, and

- 2.2 the minutes, report and attachments will be kept confidential until the item is revoked by the Chief Executive Officer.