

COUNCIL AGENDA

Council Meeting

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

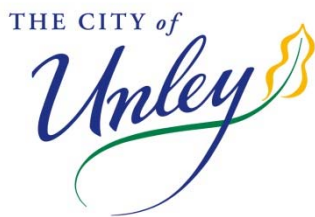
Monday

26 March 2018

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

We also acknowledge the Kaurna people 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

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1110	PETITION Petition re Goodwood Oval Upgrade	10-14
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ITEM NO**PAGE NO****1128 REPORTS OF MEMBERS**

- Councillor Rabbitt
- Councillor Schnell
- Councillor Palmer

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MOTIONS WITHOUT NOTICE

If applicable

CONFIDENTIAL ITEMS

1129 Confidentiality Motion for Item 1129 – Confidential
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1130 Confidential Minutes of the Audit and Governance
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FUTURE ITEMS – APRIL-JUNE (subject to change)

Budget Review 3

Draft ABP and Budget 2018-19 for Community Consultation

Economic Development Incentives Scheme

Goodwood Oval Grandstand Upgrades

Fund My Neighbourhood Projects

LATM Parkside

Increased Utilisation of Parks/Reserves

Tour Down Under and Unley Gourmet Gala 2019

Footpath Trading Section 222 Policy

Parking Policy

Forestville Hockey Relocation

41 Oxford Terrace

Community Grant Program – Allocation of Funding

Audit Report – Corporate Credit Cards

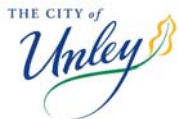
NEXT MEETING

Monday 23 April 2018 – 7.00pm

CONFLICT OF INTEREST

TITLE: CONFLICT OF INTEREST
ITEM NUMBER: 1108
DATE OF MEETING: 26 MARCH 2018
ATTACHMENTS: 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 Declaration Form

I, have received a copy of the agenda
[insert name]

for the:

[delete that which is not applicable]

Ordinary Council / Special Council

Committee:

.....
[insert name]

Board:

.....
[insert name]

meeting to be held on:

.....
[insert date]

I consider that I have a:

[delete that which is not applicable]

***material** conflict of interest pursuant to section 73

***actual** or ***perceived** conflict of interest pursuant to section 74

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].*

As a consequence I will leave the meeting and take no part in deliberations relating to the item.

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]*

.....

.....

.....

.....

.....

.....

.....

Signed:

Date:

For OCEO Use Only	
Received by:	
Signed:	
Date:	
ECM Ref:	

CONFIRMATION OF MINUTES

TITLE: CONFIRMATION OF MINUTES FOR COUNCIL
MEETING HELD ON 26 FEBRUARY 2018

ITEM NUMBER: 1109

DATE OF MEETING: 26 MARCH 2018

ATTACHMENTS: NIL

1. RECOMMENDATION

That:

1. The minutes of the Council Meeting held on 26 February 2018, as printed and circulated, be taken as read and signed as a correct record.
-

RECEIPT OF PETITION

REPORT TITLE: PETITION RE GOODWOOD OVAL PRECINCT
ITEM NUMBER: 1110
DATE OF MEETING: 26 MARCH 2018
ATTACHMENTS: 1. PETITION

1. **RECOMMENDATION**

That:

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

2. **OFFICER'S COMMENTS**

The Administration met in person with impacted Fairfax Avenue residents on Tuesday 20 March and noted their concerns. At this meeting, residents were advised that alternative storage options will be considered as part of the design review for the new grandstand facility. Residents were also encouraged to provide feedback to the proposed Goodwood Oval grandstand consultation.

At the above mentioned meeting, the Administration also discussed the storage pod with residents and advised that this pod was approved under delegation by the Administration to provide storage for the soccer club who use the hockey field for training. It will be removed in September 2018. The soccer club were approved for a small size pod and we are currently working with the club to replace it with a smaller one that will be located closer to the hockey club building.

9-29-1

Subject	Petition
Location	Goodwood oval
Date	23 FEB 2018
Class	Resident
For information	L. Jones

(Template)

PETITION

To the Mayor and Councillors of the City of Unley

Part 1.

Petition contact person: Monica Raphael

Telephone Number: 0423 684 850

Address: 9 FAIRFAX AVE
MILLSWOOD

Part 2.

The petition of *(identify the individuals or group, e.g. Resident of the City of Unley)*

Residents of the City of Unley and friends of the Goodwood Oval precinct.

Part 3.

Draws the attention of the Council to *(identify the circumstances of the case)*

The proposed 'External Storage Facility' on the Southern Side of Goodwood Oval, adjacent Fairfax Avenue and the cocontext, as related to the 'Goodwood Oval Gradstand Upgrade'.

Part 4.

The petitioners therefore request that the Council *(outline the action that the petitioners are requesting Council should or should not take)*

Cease any further development of the proposed site for the 'External Storage Facility' on the Southern Side of Goodwood Oval, adjacent Fairfax Avenue (permanent or temporary) and address the already in place 'Storage Pod' that has been erected without Residential or Community notice and identify a viable solution within the 'Grandstand Upgrade' Design.

PETITION

Part 5

The petitioners therefore request that the Council (outline the action that the petitioners are requesting Council should or should not take)

Cease any further development of the proposed site for the 'External Storage Facility on the Southern Side of Goodwood Oval, adjacent Fairfax Avenue (permanent or temporary) and address the already in place 'Storage Pod' that has been erected without Residential or Community notice and identify a viable solution within the 'Grandstand Upgrade' Design.

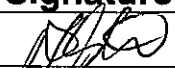
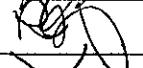

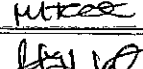
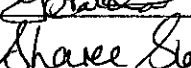
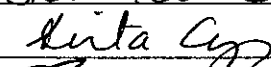
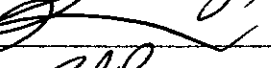


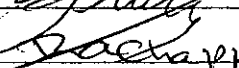

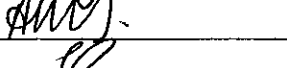
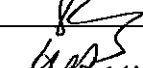
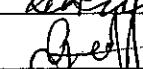


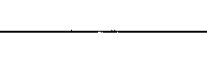
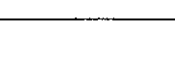
Name (print)	Address	Signature
ELIZABETH WATSON	7 FAIRFAX AVE MILLSWOOD	[Signature]
Brianna Watson	7 FAIRFAX AVE MILLSWOOD	Brianna Watson
Glenn Watson	7 FAIRFAX AVE MILLSWOOD	[Signature]
ELLEN WATSON	7 FAIRFAX AVE MILLSWOOD	[Signature]
Richard Geater	2 NEWMAN ST FORESTVIEW	[Signature]
Alban Jones	4/15 Brooker Tce Richmond	[Signature]
Ann Minton	21 Fairfax Ave Millswood	[Signature]
Michael Raphael	9 FAIRFAX AVE MILLSWOOD	[Signature]
Monica Raphael	9 Fairfax Ave, Millswood	[Signature]
JAMES RAPHAEL	9 FAIRFAX AVE, MILLSWOOD	[Signature]
Kelsey Raphael	9 Fairfax Ave, Millswood	Kelsey Raphael
TIM RAHILL	5 FAIRFAX AVE MILLSWOOD	[Signature]
Joe La Spina	210 King William Rd Hyde Park	[Signature]
Lisa La Spina	210 King William Rd Hyde Park	[Signature]
Carmen Walton	1 Fairfax Avenue, Millswood	[Signature]
Judith Ferrer	37a Hill Ave Springfield	[Signature]
Deb Rahill	5 Fairfax Avenue Millswood	[Signature]
Ging Willson	3 Argyle Ave Millswood	[Signature]
Jenik Willson	3 Argyle Ave Millswood	[Signature]
M. d. Margene	14 Chelmsford Ave, Millswood	[Signature]
Julie Farrer	20 Chelmsford Ave Millswood	[Signature]
Anton Wigne	20 Chelmsford Ave, Millswood	[Signature]
Peter Farrer	20 Chelmsford Ave Chelmswood	[Signature]

Attach additional sheets if necessary and use the same format as this page

Continued

PETITION

Cease any further development of the proposed site for the 'External Storage Facility on the Southern Side of Goodwood Oval, adjacent Fairfax Avenue (permanent or temporary) and address the already in place 'Storage Pod' that has been erected without Residential or Community notice and identify a viable solution within the 'Grandstand Upgrade' Design.

Name (print)	Address	Signature
Di Star	23 Coulter Ave Black Forest	
Robyn Schmiedt	48 Victoria St Forestville	
Ketta Fenwick	31 Chelmsford Ave Millswood	
Mary Hatfield	19 Fairfax Ave Millswood	
Graham Hatfield	19 Fairfax Ave Millswood	
Sharon Siebels	17 Fairfax Ave Millswood	
Anita Conroy	15 FAIRFAX Ave Millswood	
Terri Rodriguez	11 Fairfax Ave Millswood	
Bill Rodriguez	11 FAIRFAX Ave Millswood	
JOHN DARBY	7/2 MILLS ST CLARENCE PT	
LIZ DARBY	7/2 MILLS ST CLARENCE PK	
Rose Chapple	36 Dunrobin St Black Forest	
Georgy Leslie	9 Coulter Ave Black Forest	
Alicia Sampson	50 Second Ave Forestville	
Susanne Berkman	9 Newman Forestville	
Helen Parter	49 Devon St South, Goodwood	
Geoff Griffey	3 DAVID AV. Black Forest	
Helen Savage	34 East Ave Black Forest	

Attach additional sheets if necessary and use the same format as this page

Continued

PETITION

Cease any further development of the proposed site for the 'External Storage Facility on the Southern Side of Goodwood Oval, adjacent Fairfax Avenue (permanent or temporary) and address the already in place 'Storage Pod' that has been erected without Residential or Community notice and identify a viable solution within the 'Grandstand Upgrade' Design.

[illegible]

Attach additional sheets if necessary and use the same format as this page

DEPUTATION

TITLE: DEPUTATIONS
ITEM NUMBER: 1111
DATE OF MEETING: 26 MARCH 2018
ATTACHMENTS: 1. DEPUTATION

1. Denise Tipper – Goodwood
Re. Item 1114 Almond Street, Goodwood, Shared Zone
-



9-24-1

Subject: Deputation	
Property/Street	
Application No.	
Doc. No.	Class.
16 MAR 2018	
For info: L. Jones	

DEPUTATION REQUEST FORM

Please complete this request and return to the City of Unley **at least 5 clear days** prior to the Council or Committee meeting at which you wish to be heard.

To: **The Chief Executive Officer**

☒ We hereby request to be heard at the next meeting of (tick the preferred/appropriate box):

☒ Council on 26 / 3 / 18

OR

☐ Council Committee on / /

Specify name of committee: (Full Council Meeting)

Given Name: Denise

Surname: Tipper

Address: 2 Almond St Goodwood

Contact phone number: 8 272 3635

Email: denise.tipper@bigpond.com

I will be speaking:

On my own behalf: ☐ Yes ☐ No

OR

As the spokesperson of a group of persons? ☒ Yes ☐ No (limit of 3 people)

Given name of 2nd speaker:

Surname: (na)

Address:

Contact phone number:

Email:

Given name of 3rd speaker:

Surname: (na)

Address:

Contact phone number:

Email:

If you are speaking as a spokesperson, who or what group are you representing?

..... Almond Street Residents

If the group has a set of Rules by which the group is governed, please provide a copy of these.

The topic or issue I wish to speak about is: (Please give sufficient details of the matter to enable consideration of your request for a deputation)

..... Almond Street Shared Zone.
..... (agenda item 26.3.18)

I have read and understood the Deputations Information Sheet and acknowledge that I must comply with the procedures and guidelines:

Signed: 

Dated: 16.3.18

Once completed, please return to the City of Unley, either in person, or by post, facsimile or email pobox1@unley.sa.gov.au

Office Use Only

Received (date and time): / / at _____ am/pm

Acknowledged by Presiding member (Council or Committee) initial and date: _____ / /

Acknowledged by Manager Governance & Risk (initial and date): _____ / /

Approved: ☐ Yes ☐ No

Meeting date: / / Deputation time: _____

Deputee notified: ☐ Yes ☐ No ☐ In writing ☐ Verbally Date notified: / /

REPORT OF COMMITTEE

TITLE:	MINUTES OF CITY STRATEGY AND DEVELOPMENT POLICY COMMITTEE
ITEM NUMBER:	1112
DATE OF MEETING:	26 MARCH 2018
ATTACHMENTS:	1. CITY STRATEGY AND DEVELOPMENT POLICY COMMITTEE MINUTES – MEETING HELD 13 MARCH 2018

1. **EXECUTIVE SUMMARY**

The minutes and recommendations of the City Strategy and Development Policy Committee meeting held 13 March 2018 are presented for Council's consideration. Key topics considered by the Committee were:

Planning Strategy and Policy Program Update

The Committee was presented with the activities, updates and approvals in relation to Council Strategic Directions Report, 30-Year Plan for Greater Adelaide, Ministerial Development Plan Amendments, Council Development Plan Amendments and SA Planning System Reform since July 2017 and the last Committee update report.

SA Planning System Reform – Implementation Work Program

The Committee was presented with information around the current partnerships and work program initiatives by DPTI to implement the reforms, to receive the response of December 2017 to DPTI on a current Development Plan Review and to consider and endorse the Strategic Planning Analysis: Local Area Plan to guide future discussions with DPTI.

2. **RECOMMENDATION**

That:

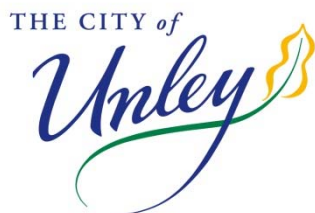
1. The minutes of the City Strategy and Development Policy Committee meeting held 13 March 2018, be received and the following recommendations contained therein be adopted by Council:

a. Item 11 – Planning Strategy and Policy Program Update

1. The report be received.

b. Item 12 – SA Planning System Reform – Implementation Work Program

1. The report be received.
 2. Council and Administration commit to be involved in the Planning System Reform with the State Government and DPTI, to pursue the best possible local outcomes it can, and in support of this, seek to share knowledge and effort across the ERA (Eastern Region Alliance of Councils) and with other councils where synergies exist.
 3. Receive and note the DPTI Development Plan Review Template #1 contained in Attachment 2.
 4. Receive and endorse the DPTI Strategic Planning Analysis: 'Local Area Planning' Template #2 contained in Attachment 3.
 5. That an additional plan is prepared that clearly differentiates heights in the Urban Corridors.
-



Minutes of the City of Unley
City Strategy and Development Policy Committee Meeting
Monday, 13 March 2018, 6.08pm
Council Chambers
181 Unley Road, Unley

PRESENT

<i>Presiding Member</i>	Councillor M Rabbitt Councillor D Palmer Councillor J Boisvert Councillor M Hewitson
<i>Independent Members</i>	Mr D Wallace Mr L Roberts Dr I Iwanicki

OFFICERS PRESENT

Chief Executive Officer, Mr P Tsokas
 General Manager City Development, Mr J Devine
 Principal Policy Planner, Mr D Brown
 Executive Assistant Office of the CEO, Ms L Jones

ELECTED MEMBERS PRESENT AS OBSERVERS

<i>Observers</i>	Councillor L Smolucha Councillor R Salaman
------------------	---

ACKNOWLEDGEMENT

The Presiding Member opened the meeting with the Kaurna acknowledgement.

WELCOME

The Presiding Member welcomed Members of Council, Senior Staff, Media and members of the gallery to the 13 March 2018, meeting of the City Strategy and Development Policy Committee.

APOLOGIES

Acting Mayor, Mr P Hughes

LEAVE OF ABSENCE

Nil

MINUTES OF MEETING

MOVED Councillor D Palmer
SECONDED Councillor J Boisvert

That:

1. The minutes of the City Strategy and Development Policy Committee Meeting held on 10 July 2017, be taken as read and signed as an accurate record.

CARRIED UNANIMOUSLY

ITEM 10 **CONFLICT OF INTEREST**

Nil

ITEM 11 **PLANNING STRATEGY AND POLICY PROGRAM UPDATE**

MOVED Councillor D Palmer
SECONDED Councillor M Hewitson

SUSPENSION OF MEETING PROCEDURES

The Presiding Member, with approval of two-thirds of the members present, suspended meeting procedures pursuant to Regulation 20(1) of the *Local Government (Procedures at Meetings) Regulations 2013* at 6.11pm for up to 30 minutes to facilitate an informal discussion of the matter.

Formal meeting procedures resumed at 6.21pm

That:

1. The report be received.

CARRIED UNANIMOUSLY

ITEM 12 **SA PLANNING SYSTEM REFORM – IMPLEMENTATION WORK PROGRAM**

MOVED Councillor D Palmer
SECONDED Councillor M Hewitson

SUSPENSION OF MEETING PROCEDURES

The Presiding Member, with approval of two-thirds of the members present, suspended meeting procedures pursuant to Regulation 20(1) of the *Local Government (Procedures at Meetings) Regulations 2013* at 6.22pm for 30 minutes to facilitate an informal discussion of the matter.

EXTENSION TO SUSPENSION OF MEETING PROCEDURES

The Presiding Member, with approval of two-thirds of the members present, suspended meeting procedures at 6.52pm for a further 30 minutes to facilitate an informal discussion of the matter.

Mr D Wallace joined the meeting at 7.01pm

EXTENSION TO SUSPENSION OF MEETING PROCEDURES

The Presiding Member, with approval of two-thirds of the members present, suspended meeting procedures at 7.22pm for a further 5 minutes to facilitate an informal discussion of the matter.

Formal meeting procedures resumed at 7.24pm

That:

1. The report be received.
2. Council and Administration commit to be involved in the Planning System Reform with the State Government and DPTI, to pursue the best possible local outcomes it can, and in support of this, seek to share knowledge and effort across the ERA (Eastern Region Alliance of Councils) and with other councils where synergies exist.
3. Receive and note the *DPTI Development Plan Review Template #1* contained in Attachment 2.
4. Receive and endorse the *DPTI Strategic Planning Analysis: 'Local Area Planning' Template #2* contained in Attachment 3.
5. That an additional plan is prepared that clearly differentiates heights in the Urban Corridors.

CARRIED UNANIMOUSLY

CLOSURE

The Presiding Member closed the meeting at 7.34pm.

.....
PRESIDING MEMBER

.....

REPORT OF COMMITTEE

TITLE: MINUTES OF THE UNLEY BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE

ITEM NUMBER: 1113

DATE OF MEETING: 26 MARCH 2018

ATTACHMENTS: UNLEY BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE MINUTES - MEETING HELD ON 21 MARCH 2018

1. **EXECUTIVE SUMMARY**

The minutes and recommendations of the Unley Business and Economic Development Committee meeting held on 21 March 2018 are presented for Council's consideration.

2. **RECOMMENDATION**

That:

1. The minutes of the Unley Business and Economic Development Committee meeting held on 21 March 2018, be received and the following recommendations contained therein be adopted by Council.

a. Item 57 - MOTION WITHOUT NOTICE – ECONOMIC DEVELOPMENT INCENTIVE POLICY

1. The proposed Economic Development Incentive Scheme be endorsed as a pilot for a specified period of time to be set by Council in the District Centre Zone.
2. It considers lowering the threshold of Development to over \$10m.
3. It explores opportunities for catalyst sites on Council owned land holdings in the District Centre Zone where potentially a joint venture can be considered.

b. Item 53 – FOOTPATH TRADING POLICY

1. The report be received.
2. The proposed Footpath Trading Policy (Attachment 3) be endorsed in principle for the purpose of community engagement.
3. It considers a nil fee schedule in the upcoming budget process for all new complying footpath trading permits.

**c. Item 54 – KING WILLIAM ROAD TRADERS ASSOCIATION
SEPARATE RATE REQUEST**

1. The report be received.
2. Consideration of this matter be deferred until after the Review of UBED and the Trader Association model has been completed.

**d. Item 55 – MAINSTREET ASSOCIATION MARKETING FUNDING
REQUESTS 2018/19**

1. The report be received.
2. A separate rate to raise \$110,000 for the purposes of marketing and promotion to be collected from the properties in the category of Commercial (Office), Commercial (Shop) and Commercial (Other) on Unley Road, be included as part of the Draft Annual Business Plan 2018-19 for community consultation.
3. A separate rate to raise \$144,500 for the purposes of marketing and promotion to be collected from the properties in the category of Commercial (Shop) on King William Road between Greenhill Road and Commercial Road, be included as part of the Draft Annual Business Plan 2018-19 for community consultation.
4. A separate rate to raise \$13,000 for the purposes of marketing and promotion to be collected from the properties in the category of Commercial (Office), Commercial (Shop) and Commercial (Other) with addresses along Fullarton Road (between Cross Road and Fisher Street), be included as part of the Draft Annual Business Plan 2018-19 for community consultation.
5. A separate rate to raise \$54,500 for the purposes of marketing and promotion to be collected from the properties in the category of Commercial (Shop), Commercial (Office) and Commercial (Other) on Goodwood Road between Leader Street/Parsons Street and Mitchell Street/Arundel Avenue, be included as part of the Draft Annual Business Plan 2018-19 for community consultation.

**e. Item 56 – ASSOCIATION COORDINATORS QUARTERLY
REPORTS FOR THE PERIOD 1 OCTOBER – 31 DECEMBER 2017**

1. The report be received.
2. The application to amend the King William Road Traders Association Inc. 2017/18 Expenditure Plan, as set out in paragraph 2.6 (Item 56, Unley Business and Economic Development Committee, 21/03/2018) be endorsed.

UNLEY BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE

Minutes of Meeting

**Held Wednesday, 21 March 2018 commencing at 6.30pm
Council Chambers
181 Unley Road Unley**

MEMBERS PRESENT:

Councillor Anthony Lapidge – Presiding Member
Councillor Don Palmer
Councillor Luke Smolucha
Councillor Michael Rabbitt
Alison Snel (arr. 6.45pm)
Houssam Abiad
Susan Straschko
James Morris

OFFICERS PRESENT:

Mr D Litchfield, Director Strategic Projects
Ms N Tinning, General Manager Business Support and Improvement
Ms M Berghuis, General Manager Community
Ms A Klingberg, Coordinator Economic Development
Ms L De Bono, Coordinator Economic Development
Mr P Weymouth, Manager Development and Regulatory Services
Ms K Jaensch, Executive Assistant City Development

ACKNOWLEDGMENT:

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

APOLOGIES:

Deputy Mayor Peter Hughes – ex Officio
Doug Strain
Matthew Hassan

OBSERVERS:

Pamela Bruce

CONFIRMATION OF MINUTES:

MOVED: Houssam Abiad

SECONDED: Councillor Palmer

That the minutes of the meeting of the Unley Business and Economic Development Committee held 6 December 2017 as printed and circulated, be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

DEPUTATIONS

Nil.

PRESENTATION: ECONOMIC DEVELOPMENT INCENTIVE POLICY

The General Manager Business Support and Improvement gave a presentation on the proposed Economic Development Incentive Policy, which is intended to stimulate economic growth through encouraging certain development types within identified areas/precincts within the City. Feedback about the proposed scheme was sought from the Committee prior to a Policy being presented to Council for consideration.

ITEM 52 **CONFLICT OF INTEREST**

Nil

***ITEM 57** **MOTION WITHOUT NOTICE – ECONOMIC DEVELOPMENT INCENTIVE POLICY**

MOVED: Houssam Abiad

SECONDED: Alison Snel

The Committee recommends to Council that;

1. The proposed Economic Development Incentive Scheme be endorsed as a pilot for a specified period of time to be set by Council in the District Centre Zone.
2. It considers lowering the threshold of Development to over \$10m.
3. It explores opportunities for catalyst sites on Council owned land holdings in the District Centre Zone where potentially a joint venture can be considered.

CARRIED UNANIMOUSLY

(This is page 2 of the Unley Business & Economic Development Committee Minutes for 21 March 2018)

***ITEM 53**
FOOTPATH TRADING POLICY

SUSPENSION OF MEETING PROCEDURES

The Presiding Member advised the Committee he thought the meeting would benefit from a short term suspension of meeting procedures, for up to 30 minutes to discuss the item. This was agreed with a two thirds majority.

Meeting procedures were suspended at 7.20pm.

Meeting procedures resumed at 7.40pm.

MOVED: Councillor Rabbitt

SECONDED: Susan Straschko

The Committee recommends to Council that:

1. The report be received.
2. The proposed Footpath Trading Policy (Attachment 3) be endorsed in principle for the purpose of community engagement.
3. It considers a nil fee schedule in the upcoming budget process for all new complying footpath trading permits.

CARRIED UNANIMOUSLY

ITEM 54
KING WILLIAM ROAD TRADERS ASSOCIATION SEPARATE RATE REQUEST

Houssam Abiad declared a perceived Conflict of Interest as his wife has been appointed as a member of the King William Road Traders Association at their AGM. Houssam Abiad believes that this is just a perceived conflict and feels that this will not affect his decision making.

SUSPENSION OF MEETING PROCEDURES

The Presiding Member advised the Committee he thought the meeting would benefit from a short term suspension of meeting procedures, for up to 20 minutes to discuss the item. This was agreed with a two thirds majority.

Meeting procedures were suspended at 7.42pm.

Meeting procedures resumed at 8.02pm.

MOVED: Councillor Palmer
SECONDED: Councillor Smolucha

The Committee recommends to Council that:

1. The report be received.
2. Consideration of this matter be deferred until after the Review of UBED and the Trader Association model has been completed.

CARRIED

ITEM 55
MAINSTREET ASSOCIATION MARKETING FUNDING REQUESTS 2018/19

MOVED: Councillor Palmer
SECONDED: James Morris

Houssam Abiad left the room at 8.21pm
Houssam Abiad returned at 8.23pm

The Committee recommends to Council that:

1. The report be received.
2. A separate rate to raise \$110,000 for the purposes of marketing and promotion to be collected from the properties in the category of Commercial (Office), Commercial (Shop) and Commercial (Other) on Unley Road, be included as part of the Draft Annual Business Plan 2018-19 for community consultation.
3. A separate rate to raise \$144,500 for the purposes of marketing and promotion to be collected from the properties in the category of Commercial (Shop) on King William Road between Greenhill Road and Commercial Road, be included as part of the Draft Annual Business Plan 2018-19 for community consultation.
4. A separate rate to raise \$13,000 for the purposes of marketing and promotion to be collected from the properties in the category of Commercial (Office), Commercial (Shop) and Commercial (Other) with addresses along Fullarton Road (between Cross Road and Fisher Street), be included as part of the Draft Annual Business Plan 2018-19 for community consultation.
5. A separate rate to raise \$54,500 for the purposes of marketing and promotion to be collected from the properties in the category of Commercial (Shop), Commercial (Office) and Commercial (Other) on Goodwood Road between Leader Street/Parsons Street and Mitchell Street/Arundel Avenue, be included as part of the Draft Annual Business Plan 2018-19 for community consultation.

CARRIED

(This is page 4 of the Unley Business & Economic Development Committee Minutes for 21 March 2018)

ITEM 56
ASSOCIATION COORDINATORS QUARTERLY REPORTS FOR THE PERIOD 1
OCTOBER – 31 DECEMBER 2017

MOVED: Houssam Abiad

SECONDED: Alison Snel

The Committee recommends to Council that:

1. The report be received.
2. The application to amend the King William Road Traders Association Inc. 2017/18 Expenditure Plan, as set out in paragraph 2.6 (Item 56, Unley Business and Economic Development Committee, 21/03/2018) be endorsed.

CARRIED UNANIMOUSLY

Letter from King William Road Traders Association was tabled and is attached to the minutes for information.

CLOSE OF MEETING:

The Presiding Member closed the meeting at 8.32pm.

.....
PRESIDING MEMBER

REPORT OF COMMITTEE

TITLE: MINUTES OF THE AUDIT AND GOVERNANCE COMMITTEE
ITEM NUMBER: 1114
DATE OF MEETING: 26 MARCH 2018
ATTACHMENTS: AUDIT & GOVERNANCE MEETING HELD ON 20 MARCH 2018

1. **EXECUTIVE SUMMARY**

The minutes and recommendations of the AUDIT & GOVERNANCE COMMITTEE meeting held on 20 March 2018 are presented for Council's consideration.

2. **RECOMMENDATION**

That:

1. The minutes of the Audit and Governance Committee meeting held on 20 March 2018, be received and the following recommendations contained therein be adopted by Council.

a. Item 71 – 2017 – 2018 EXTERNAL AUDIT PLAN AND CERTIFICATION OF THE ANNUAL FINANCIAL STATEMENTS

1. The report and attachments be received.
2. The Audit and Governance Committee recommends to Council that:
 - 2.1 It be noted the Annual Audit Plan (Attachment 1 to Item 71, Audit and Governance Committee, 20/03/2018) is consistent with the scope of the External Audit engagement and relevant legislation.
 - 2.2 Authorisation be given to the Acting Mayor and the Chief Executive Officer to sign the certification of the statements in their final form once the annual audited financial statements have been completed.

b. Item 72 – PROCUREMENT SAVINGS IDENTIFIED

1. The report be received.

c. Item 73 – DEVELOPMENT ASSESSMENT PROCESSES AND PROCEDURES LEGISLATIVE COMPLIANCE AUDIT – FINAL AUDIT REPORT

1. The Development Assessment Processes and Procedures Legislative Compliance Audit – Final Audit Report be received.
2. It be noted that areas of non-compliance identified by the Development Assessment Processes and Procedures Audit have been addressed.

d. Item 74 – AUDIT AND GOVERNANCE MEETING SCHEDULE 2018

1. The report be received.
2. The following meeting dates be endorsed for meetings of the Audit and Governance Committee during 2018:
 - Tuesday 8 May
 - Tuesday 14 August
 - Tuesday 16 October
3. The CEO be authorised to make changes to the endorsed meeting dates if required, following consultation with the Presiding Member of the Audit and Governance Committee.

e. Item 75 – OPERATIONAL RISK PROFILES: HIGH RISK TREATMENT PLAN UPDATE

1. The report be received.

f. Item 76 – INTERNAL CREDIT CARDS

1. The report be received.

g. Item 77 – CORRESPONDENCE: MINUTES OF THE CENTENNIAL PARK CEMETERY AUTHORITY AUDIT AND RISK MANAGEMENT COMMITTEE 19 FEBRUARY 2018

1. Minutes of the Centennial Park Cemetery Authority Audit and Risk Management Committee – 19 February 2018 be received.

h. OTHER BUSINESS - ITEM 81 - DIRECTION TO CENTENNIAL PARK CEMETERY AUTHORITY BOARD – LIABILITY GUARANTEE FEE

The Centennial Park Cemetery Authority Board be directed to:

1. Pay owner councils the “Liability Guarantee Fee” of \$626,000 in 2018-19
2. Include \$626,000 as an ongoing amount for the annual “Liability Guarantee Fee” plus equivalent forecasted CPI in the Authority’s Long Term Financial Plan and future Annual Budgets, and
3. reflect the impact of this direction during the next review of the Authority’s Charter regarding “Liability Guarantee Fee”.



MINUTES

**Minutes of the Audit & Governance Committee
Held Tuesday 20 March 2018 – 6.30pm
Civic 1st Floor Meeting Room
181 Unley Road Unley**

MEMBERS PRESENT

Mr J Rawson, Presiding Member
Mr E Parker, Independent Member
Mr S Tu, Independent Member
Councillor Michael Rabbitt
Councillor Rob Sangster

OFFICERS PRESENT

Chief Executive Officer, Mr P Tsokas
General Manager Business Support & Improvement, Ms N Tinning
Executive Manager Office of the CEO, Ms T Norman
Manager Finance and Procurement, Mrs S Taylor
Executive Assistant to Business Support & Improvement, Mrs L Blyth

OBSERVERS

Councillor Don Palmer

WELCOME

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

APOLOGIES

There were no apologies

ITEM 69

CONFLICT OF INTEREST

Nil

ITEM 70
CONFIRMATION OF MINUTES

MOVED Councillor Rabbitt
SECONDED Councillor Sangster

That:

1. The minutes of the Audit and Governance Committee Meeting held on Tuesday 20 October 2017, as printed and circulated, be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

ITEM 71
2017 – 2018 EXTERNAL AUDIT PLAN AND CERTIFICATION OF ANNUAL FINANCIAL STATEMENTS

MOVED Councillor Sangster
SECONDED Sean Tu

That it be recommended to Council, that:

1. The report and attachments be received.
2. It be noted that the Annual Audit Plan (Attachment 1 to Item 71, Audit and Governance Committee, 20/03/2018) is consistent with the scope of the External Audit engagement and relevant legislation.
3. Authorisation be given to the Acting Mayor and the Chief Executive Officer to sign the certification of the statements in their final form once the annual audited financial statements have been completed.

CARRIED UNANIMOUSLY

ITEM 72
PROCUREMENT SAVINGS IDENTIFIED

MOVED Councillor Rabbitt
SECONDED Ed Parker

That it be recommended to Council, that:

1. The report be received.

CARRIED UNANIMOUSLY

ITEM 73
DEVELOPMENT ASSESSMENT PROCESSES AND PROCEDURES
LEGISLATIVE COMPLIANCE AUDIT – FINAL AUDIT REPORT

MOVED Councillor Sangster
SECONDED Councillor Rabbitt

That it be recommended to Council, that:

1. The Development Assessment Processes and Procedures Legislative Compliance Audit – Final Audit Report be received.
2. It be noted that areas of non-compliance identified by the Development Assessment Processes and Procedures Audit have been addressed.

CARRIED UNANIMOUSLY

ITEM 74
AUDIT AND GOVERNANCE MEETING SCHEDULE 2018

MOVED Sean Tu
SECONDED Councillor Sangster

That it be recommended to Council, that:

1. The report be received.
2. The following meeting dates be endorsed for meetings of the Audit and Governance Committee during 2018:
 - Tuesday 8 May
 - Tuesday 14 August
 - Tuesday 16 October
3. The CEO be authorised to make changes to the endorsed meeting dates if required, following consultation with the Presiding Member of the Audit and Governance Committee.

CARRIED UNANIMOUSLY

ITEM 75

OPERATIONAL RISK PROFILES: HIGH RISK TREATMENT PLAN UPDATE

MOVED Councillor Rabbitt
SECONDED Ed Parker

That it be recommended to Council, that:

1. The report be received.

CARRIED UNANIMOUSLY

ITEM 76

INTERNAL CREDIT CARDS

MOVED Ed Parker
SECONDED Sean Tu

That it be recommended to Council, that:

1. The report be received.

CARRIED UNANIMOUSLY

ITEM 77

**CORRESPONDENCE: MINUTES OF THE CENTENNIAL PARK CEMETERY
AUTHORITY AUDIT AND RISK MANAGEMENT COMMITTEE 19 FEBRUARY
2018**

MOVED Councillor Sangster
SECONDED Councillor Rabbitt

That it be recommended to Council, that:

1. Minutes of the Centennial Park Cemetery Authority Audit and Risk Management Committee – 19 February 2018 be received.

CARRIED UNANIMOUSLY

ITEM 78
CONFIDENTIALITY MOTION FOR ITEM 79 – INDEPENDENT VALUATION
REPORT – CENTENNIAL PARK CEMETERY AUTHORITY

MOVED Councillor Rabbitt
SECONDED Ed Parker

That:

1. Pursuant to Section 90(2) and (3)(b)(i) and (b)(ii) of the *Local Government Act 1999*, the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter because it relates to information the disclosure of which:
 - 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
 - would, on balance, be contrary to the public interest.
2. In weighing up the factors related to disclosure,
 - disclosure of this matter to the public would demonstrate accountability and transparency of the Council's operations
 - non disclosure of this item at this time will protect information the disclosure of which could prejudice the commercial position of Council in relation ownership of the Centennial Park Cemetery Authority.

On that basis, the public's interest is best served by not disclosing item 79 - Independent Valuation Report- Centennial Park Cemetery Authority item and discussion at this point in time.
3. Pursuant to Section 90(2) of the *Local Government Act 1999* it is recommended the Committee orders that all members of the public be excluded, with the exception of staff of the City of Unley on duty in attendance.

CARRIED UNANIMOUSLY

The Committee moved into Confidence at 7.36 pm

ITEM 79
INDEPENDENT VALUATION REPORT – CENTENNIAL PARK CEMETERY
AUTHORITY

SUSPENSION OF MEETING PROCEDURES

The Presiding Member thought the meeting would benefit from a short term suspension of meeting procedures, for up to 10 minutes, to enable discussion on the Independent Valuation Report - Centennial Park Cemetery Authority. This was agreed with a two thirds majority.

Meeting procedures were suspended at 7.36 pm

FURTHER EXTENSION TO SUSPENSION OF MEETING PROCEDURES

A further extension to meeting procedures was required at 7.46 pm for up to 10 minutes to continue the discussion on the Independent Valuation Report - Centennial Park Cemetery Authority. This was agreed by a two thirds majority.

Meeting procedures resumed at 7.55 pm

Refer to Confidential Minutes

The Committee moved out of Confidence at 7.56 pm

ITEM 80
CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE ITEM 79 –
INDEPENDENT VALUATION REPORT – CENTENNIAL PARK CEMETERY
AUTHORITY

MOVED Councillor Rabbitt
SECONDED Ed Parker

That it be recommended to Council, that:

1. Pursuant to Section 91(7) of the *Local Government Act 1999*:
 - 1.1 The following elements of Item 79 – Independent Valuation Report-Centennial Park Cemetery Authority, considered at the Audit and Governance Committee on 20 March 2018:
 - ☒ Minutes
 - ☒ Reportremain confidential and not available for public inspection until **20 March 2023** on the basis that the documents contain information that could 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.
2. Pursuant to Section 91(9)(c) of the *Local Government Act 1999*, the power to revoke the order under Section 91(7) prior to any review or as a result of any review is delegated to the Chief Executive Officer.

CARRIED UNANIMOUSLY

OTHER BUSINESS

ITEM 81

DIRECTION TO CENTENNIAL PARK CEMETERY AUTHORITY BOARD – LIABILITY GUARANTEE FEE

MOVED Councillor Rabbitt

SECONDED Sean Tu

That it be recommended to Council, that:

The Centennial Park Cemetery Authority Board be directed to:

1. Pay owner councils the “Liability Guarantee Fee” of \$626,000 in 2018/19
2. Include \$626,000 as an ongoing amount for the annual “Liability Guarantee Fee” plus equivalent forecasted CPI in the Authority’s Long Term Financial Plan and future Annual Budgets, and
3. reflect the impact of this direction during the next review of the Authority’s Charter regarding “Liability Guarantee Fee”.

CARRIED UNANIMOUSLY

Information was provided to the Committee for the following:

- Audit & Governance Sitting Fees
- Council Website Security

PRESENTATION

The Committee was provided with an update of the City of Unley Long Term Financial Plan specifically:

- The economic parameters that have informed the development of the 2018-19 Target Budget,
- confirmation that the Financial Target Indicators have been met, and
- to advise the 2018-19 Annual Business Plan and Budget key dates.

CLOSURE

The Presiding Member closed the meeting at 8.39 pm

.....
PRESIDING MEMBER

DECISION REPORT

REPORT TITLE: ALMOND STREET, GOODWOOD, SHARED ZONE
ITEM NUMBER: 1115
DATE OF MEETING: 26 MARCH 2018
AUTHOR: PETER TSOKAS
JOB TITLE: CHIEF EXECUTIVE OFFICER

1. **EXECUTIVE SUMMARY**

At its meeting held on 27 November 2017, Council passed a resolution requesting Administration consider the creation of a shared zone on Almond Street, Goodwood, as part of the budget process for the 2018/19 financial year; together with consideration of a budget proposal for preparation of concept design works for the shared zone.

Administration has now completed a review and presents the feasibility findings of an independent traffic consultant for consideration of a shared zone on Almond Street.

In summary, the consultant's report concludes that a shared zone is not warranted however, if Council wishes to further investigate this proposal, a detailed concept plan will need to be prepared.

2. **RECOMMENDATION**

That:

1. The report, including the independent traffic consultant feasibility provided as Attachment 1 to Item 1115/18, Council, 26 March 2018 be received.
 2. *Council to determine any further recommendations.*
-

3. **RELEVANT CORE STRATEGIES/POLICIES**

Community Living

- Our community is active healthy and feels safe
- Our City is connected and accessible

4. **DISCUSSION**

The Council at its meeting on 27 February 2017, resolved (Item 768/2017) that Administration would undertake community consultation with Almond Street residents regarding on-street parking and related matters.

The consultation was completed in June 2017 and resulted in survey respondents unanimously supporting (16 responses from 21 surveys mailed out) the creation of a shared zone with a posted speed limit of 10 km/hr.

The Council at its meeting held on 27 November 2017, considered a report on this matter and subsequently resolved (Item 1020/2017) that:

2. *The creation of a shared zone or street in Almond Street is considered as part of the budget process for the 2018/19 financial year.*
3. *A budget provision of \$10,000 is considered at the second Budget Review in 2017/18 to allow the preparation of concept design works for a shared zone or street in Almond Street.*

Item 1020, Council Meeting, 27 November 2017

Following Council's resolution, GTA Consultants were engaged to investigate the feasibility of creating a shared zone in Almond Street and their report is attached as Attachment 1 to Item 1115/18.

Attachment 1

Location

Almond Street is a local residential street running north-south, connecting Albert Street and Rogers Street. For the most part, Almond Street is approximately 4.5 metres wide and supports two-way traffic flow. The exception is the last 45 metres prior to Albert Street, which is characterised by a single lane approximately 3.3 metres wide supporting one-way traffic in the southbound direction (by virtue of a No Entry sign at its southern end). When exiting the lane, vehicles must cross a footpath to enter on to Albert Street and sight distance at the crossing is critically restricted by boundary fences, however a "STOP" control has been implemented to manage the risk.

Like most streets in the City of Unley, the speed limit is 40km/hr as applied by speed limit signs located on Albert Street to the east and west of the site.

Shared Zones

Shared zones are generally considered and implemented for areas with a high proportion of pedestrians relative to vehicle traffic volume, together with a low speed environment. Guidelines for the design of shared zones have been developed by the Department of Planning, Transport and Infrastructure (DPTI). It should be noted that approval for shared zones is ultimately provided by DPTI.

The requirements and key discussion points for a shared zone, and their relevance to consideration of a shared zone in Almond Street, were previously identified in the report to the 27 November 2017 Council meeting, and have been reiterated and expanded upon by GTA Consultants in their report.

Shared Streets

The Streets for People Compendium, prepared by the SA Active Living Coalition and released by the State Government, is a collaborative forum that provides a variety of active living initiatives that local and state government agencies can draw upon to promote the physical and mental well-being of South Australians.

Streets for People promotes *“Putting people first and creating pedestrian and cycle friendly environments [that] will make our communities more vibrant and healthy.”* The Compendium is not a rule book for street (re)design, but rather *“offers a series of process-related considerations, based on best practice.”*

The Compendium identifies “shared streets” as:

- equal shared rights of use of all of the street space and/or
- street surface level without a vertical separation.

The shared space/street is described as *“an emerging approach to urban design, traffic engineering and road safety that focuses on integrating the range of users rather than separating them. Shared space removed the traditional separation of motor vehicles, pedestrians and cyclists. The devices of conventional street layouts, such as kerbs, lines, signs and signals, are replaced with an integrated, people orientated design approach, allowing walking, cycling and driving to become integrated activities.”*

It should be noted that discussions with a representative of Almond Street suggests that the residents are not in favour of a shared street being implemented.

Almond Street – report findings

The GTA report concludes that based on traffic conditions, Almond Street does not currently fit the characteristics of a shared zone. If Council wanted to create a shared zone in Almond Street, the street would need to be modified in order to reduce speeds to 10 km/hr. Such modifications could include:

- A driveway entry with road narrowing and distinctive pavement / signage at the northern end. This would clearly define the zone entry.
- A formal one-way operation from north to south.
- Narrowing of the street and creation of slow points via kerb protuberances or bollards and/or tree plantings.
- Removal of parking around these slow points.
- Distinctive paving in part of the lane at the southern end.

As part of the process, the consultants have discussed the proposal with DPTI and feedback indicates that the principle of a shared zone would be supported subject to appropriate treatments being introduced that would achieve a self-enforcing 10km/hr. speed limit. Approval from DPTI would be required for the proposed design.

The report concludes that a shared zone is not required in Almond Street but a shared street design approach would be more appropriate given the low vehicular speeds and volume of traffic. However, through further consultation, it is understood that the local residents would not support the establishment of a shared street for Almond Street, and therefore the Council has not undertaken any further design investigation on this option.

If Council wanted to investigate the shared zone concept, a detailed concept design will need to be prepared that takes into consideration location of driveways etc. This will then allow DPTI to comment on the design itself and test the feasibility of it. This work will cost in the order of \$15,000.

5. ANALYSIS OF OPTIONS

Option 1 – Re-design of Almond Street as a shared zone.

The development of a concept design for Almond Street as a shared zone be undertaken including necessary approvals and cost estimates.

The shared zone philosophy is to essentially force vehicles to travel at slow speeds within the environment, which is managed through the implementation of various controls, including infrastructure and signage.

The development of a detailed concept design for Almond Street would allow for the proposed modifications to the street to be reviewed by the State Government (DPTI) in accordance with their guidelines. The design work can be undertaken in the current financial year.

Option 2 – Redesign Almond Street as a one-way street.

Design consultation for the redesign of Almond Street as a one-way street, be undertaken, including cost estimates.

Almond Street currently experiences low speed vehicular movement, desirable for a residential street, without the requirement for a designated 10km/h speed limit and associated design controls.

An alternate option to the shared zone approach would be to convert Almond Street to one-way traffic (south bound), to complement the existing southern single lane and reflect the existing driver behaviour of local residents. Conversion to a one-way street may provide the opportunity to achieve greater separation between pedestrians and vehicles moving along the street, improving safety and legibility for all users, as well as improving the amenity of the local streets.

Given the streets importance as a popular cycling route through the city, an exemption for cyclists would be sought from the southbound one-way designation (cycle contra-flow).

It should be noted that the formalisation of a one-way street approach is likely to be a more cost-effective option to the shared zone approach, primarily given the reduced need to construct speed controls necessary to deliver the project outcomes. A design would still be necessary to identify infrastructure improvements that are required. Conversion to one-way is not anticipated to reduce the speed of local road users.

Option 3 – No Further Action be taken on this matter

Under this option, Council notes the recommendations of the GTA Report, with no further action to be taken.

The existing narrow width, short length and streetscaping along the street has created a low speed environment. The street is already operating within highly desirable parameters for a residential street with vehicles travelling below 30km/hr on average and with very low traffic volumes. This is consistent with the speed recommendations in the Streets for People Compendium.

6. RECOMMENDED OPTION

No recommendation is made.

7. POLICY IMPLICATIONS

7.1 Financial/Budget

- A provision of \$15,000 is required to undertake the initial engineering survey and concept design works. This could be funded within the current 2017/18 budget.
- Further costs will be determined following the submission of design works, and DPTI approval, but generally the cost for a shared zone design and implementation would be expected to be between \$60,000 to \$100,000 depending on the level of design and infrastructure work involved in the project. DPTI guidelines note that the success of shared zones relies on the image and character of the street, particularly that drivers need to be made aware they are entering a street with different driving conditions.
- Alternatively, the costs to convert Almond Street to one-way, subject to design works and DPTI approval, would be expected to be between \$20,000 to \$50,000, depending on the level of design and infrastructure works involved in the project.
- If Council wish to implement a preferred concept, a funding allowance will need to be made in the 2018/19 budget.

7.2 Legislative/Risk Management

- A shared zone is a 10km/h speed limit applied to a road where vehicular traffic shares the road space. DPTI has developed guidelines for the implementation of Speed Zones, which are outlined in their Speed Limit Guidelines for South Australia (August 2017). DPTI must provide approval for any shared zones on local streets based on their guidelines.
- Converting Almond Street to one-way will require further assessment with approval authorities regarding access for service vehicles.

7.3 Staffing/Work Plans

- Design work would be undertaken by consultants in the current financial year. Resourcing requirements to implement a preferred concept will be determined as part of the budget process for 2018/19.

7.4 Environmental/Social/Economic

- Shared zones provide a range of environmental, societal and amenity benefits, given the opportunity to include more landscaping and vegetation into the public realm; create a low speed vehicular environment; and the improved integration of pedestrians, cyclists and vehicle users of the street.

7.5 Stakeholder Engagement

- Local residents have been engaged in the consultation process, and meetings have been held with residents on a number of occasions, noting that the feedback regarding a shared zone approach has been positive. Consultation to date has indicated that local community would not support the creation of a shared street.
- Further engagement regarding a one-way street proposal would need to be undertaken prior to commencement of concept design work.
- Should the shared zone approach be supported, additional community engagement will be undertaken during the concept design stage, in particular to address the required loss of on-street parking along Almond Street. The consultation process will include the engagement of other stakeholders, for example UBUG, as cyclists regularly utilise Almond Street to access the Mike Turtur Bikeway, and any changes in speed limit will impact on these cyclists.

8. REPORT CONSULTATION

- City Development team.
- Assets team.
- Finance team.

9. ATTACHMENTS

- Attachment 1 – GTA Consultants report “Proposed Pedestrian Shared Zone on Almond Street, Goodwood”.

10. REPORT AUTHORISERS

<u>Name</u>	<u>Title</u>
John Devine	General Manager City Services
Peter Tsokas	Chief Executive Officer

Reference: #S145500

15 March 2018

City of Unley
Unley Civic Centre, 181 Unley Road
UNLEY SA 5061

Attention: Mr. Peter Tsokas

Dear Peter

RE: PROPOSED PEDESRTIAN SHARED ZONE ON ALMOND STREET, GOODWOOD

Further to our previous conversation and site inspection, GTA has undertaken a review of the proposal for a Shared Zone on Almond Street in Goodwood. The report below outlines our review, potential options and key findings.

Background

The City of Unley Council has resolved to consider a shared zone or street on Almond Street in Goodwood. GTA has been commissioned to undertake a feasibility review of implementing a shared zone in Almond Street.

Almond Street is a local residential street aligned in a north-south direction connecting between Albert Street and Rogers Street. For the most part, Almond Street is approximately 4.5 metres wide and supports two-way traffic flow. The exception is the last 45m prior to Albert Street, which is characterised by a single lane approximately 3.3 metres wide and supports one-way traffic in the southbound direction (by virtue of a No Entry sign at its southern end). When exiting the lane, vehicles must cross a footpath to enter on to Albert Street and sight distance at the crossing is critically restricted by boundary fences, however a "STOP" control has been implemented to manage the risk.

Almond Street is located in the city-wide 40km/h speed limit area as applied by speed limit signs on Albert Street to the east and west of the site.

The existing environment on the northern section of Almond Street is shown in Figure 1 and southern section in Figure 2.

Figure 1: Northern Section of Almond Street, Looking South.



Figure 2: Southern Section of Almond Street, Looking South



This report reviews the guidelines and assesses the proposal against the recommended implementation strategy.

What is a Shared Zone?

A shared zone is “a 10km/h speed limit applied to a road or network of roads where vehicular traffic shared the road space”. The Department for Transport, Planning and Infrastructure (DPTI) has

developed guidelines for the implementation of Speed Zones which are outlined in their "Speed Limit Guidelines for South Australia" (dated August 2017).

DPTI must provide approval for any shared zones on local streets based on these guidelines. The DPTI guidelines note that the success of a shared zone relies on the image and character of the street, particularly that drivers need to be made aware they are entering a street with different driving conditions.

Shared zones are usually developed for areas with a high proportion of pedestrians relative to vehicle traffic volume and a very low speed environment. The guidelines describe alternative use of zones such as in car parks but is conditional that the speed environment is self-enforcing to restrict vehicles to very slow movements.

It is also desirable to delineate part of the street for pedestrians only so that pedestrians "will not unreasonably obstruct the path of a driver" (Australian Road Rule 236), but this is not mandatory.

When implementing a shared zone, the following design principles should be followed:

- Entrance – The entrance(s) to a shared zone must be designed so that drivers make a conscious decision to enter the zone. This could include narrowing the road at the entrance and exit to the zone to create a physical gateway and be achieved through kerb extensions and/or landscaping. In all cases, entry and exit signs consistent with the Australian / New Zealand Standard 1742.4 must be provided at the entry and exit of the zone.
- Shared Zone Design – The design of the vehicle path should restrict travel speed to 10km/h. This could include infrastructure to create a series of sharp turns or other traffic calming devices such as road humps or slow points. vehicle speed.
- Clear Vehicle Direction – Two-way traffic flow is not recommended, and one-way travel paths should be kept to 3m wide to achieve low. Landscaping and artwork may be places strategically to clearly define the vehicle path.
- Pedestrian Priority – Clear horizontal and vertical distinction between footpaths and vehicle travel paths via kerbing should be avoided – pedestrians can travel anywhere within the zone.
- Pedestrian Visibility – Physical elements and landscaping should not restrict driver sight distance to pedestrians.
- Parking – Parking in the zone is not recommended. If provided, parking must be signed.
- Pavement Surface Materials – other surface materials and paint can be used to mark a pavement but the skid and slip resistance of any material should comply with the requirements outlined in the Speed Limit Guidelines for South Australia document.

Streets for People Compendium

The Streets for People Compendium of South Australian Practice was developed to collate current and desired practices for the development people friendly streets, without the need for specific speed limits which is a typical historical approach to resolve traffic management and amenity issues.

Examples of Shared Zones on Local Streets

Most shared zones in Adelaide are located in city streets in the central business district, such as Leigh Street and Peel Street. Some are also located in the East End Apartments.

Mistletoe Lane in Noarlunga Centre (Figure 3) was designed as a Shared Zone as part of a new residential development and is a good example of a shared street in a residential context. The lane features one-way operation, single lane carriageway with no separate footpaths and parking bays at a number of locations. This lane operates at low speed but has very few pedestrians using the lane.

Figure 3: Mistletoe Lane, Noarlunga (SA) - Shared Zone



Figure 4 shows an alternative example of a shared street in which pedestrians and vehicles share a single surface.

Figure 4: Navins & Portman Lanes & Merton Street (NSW)



Source: <http://www.cityofsydney.nsw.gov.au/vision/better-infrastructure/streets-and-public-places>

Shared streets can be implemented with simple features such as tree beds in an attempt to create narrowings in the shared surface. The example in Figure 5 for Torrens Lane, Mawson Lakes demonstrates how tree beds can break the straight line of site along the street, encouraging lower speed. It is noted that this lane still has a separate footpath.

Figure 5: Torrens Lane, Mawson Lakes (SA)



Shared Zone Schematic Concept

A schematic concept has been prepared which defines the features required to develop a Shared Zone based on DPTI's Guidelines. The schematic concept includes:

1. Modification to the northern end of the street with conversion of the bend to a cul-de-sac with driveway crossover entry to the street. This would ensure vehicles are entering at very low 10km/h speeds as required by the Shared Zone. Further investigation would be required to determine the design and feasibility of the end treatment to ensure the cul-de-sac allows appropriate design vehicles to turn.
2. Installation of road narrowing's on each side of the road to create a single lane which traverses through the roadway, and impair through vision to the southern end of the street. This creates a very low 10km/h speed environment to ensure vehicles do not gain speed along the road.
3. Road pavement artwork or distinctive pavement to assist in definition of the Shared Zone in the narrow lane width.
4. Installation of Shared Zone signage at each end of the street.

These are shown in the schematic concept shown in Figure 6 .

Figure 6: Shared Zone Concept

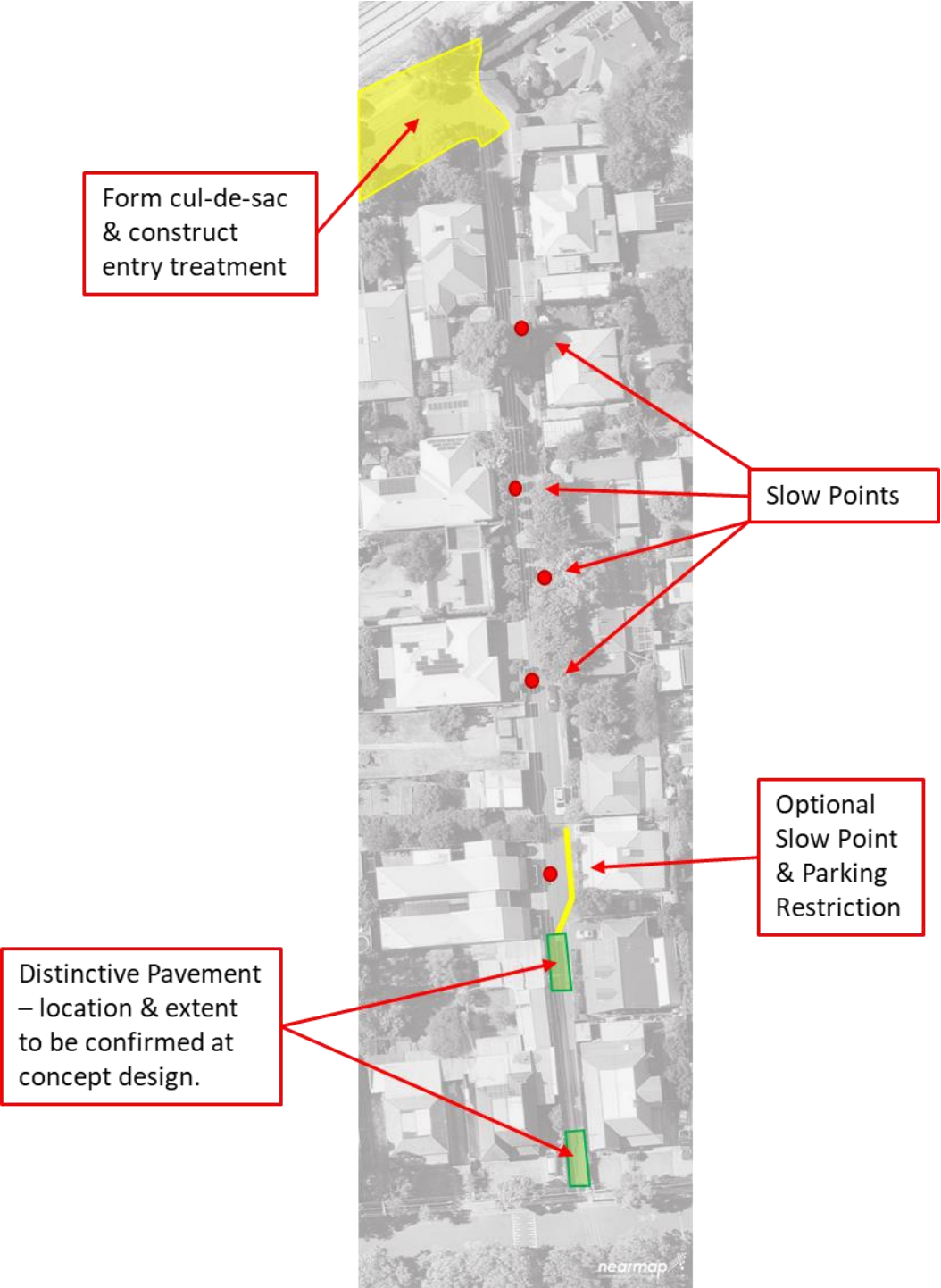
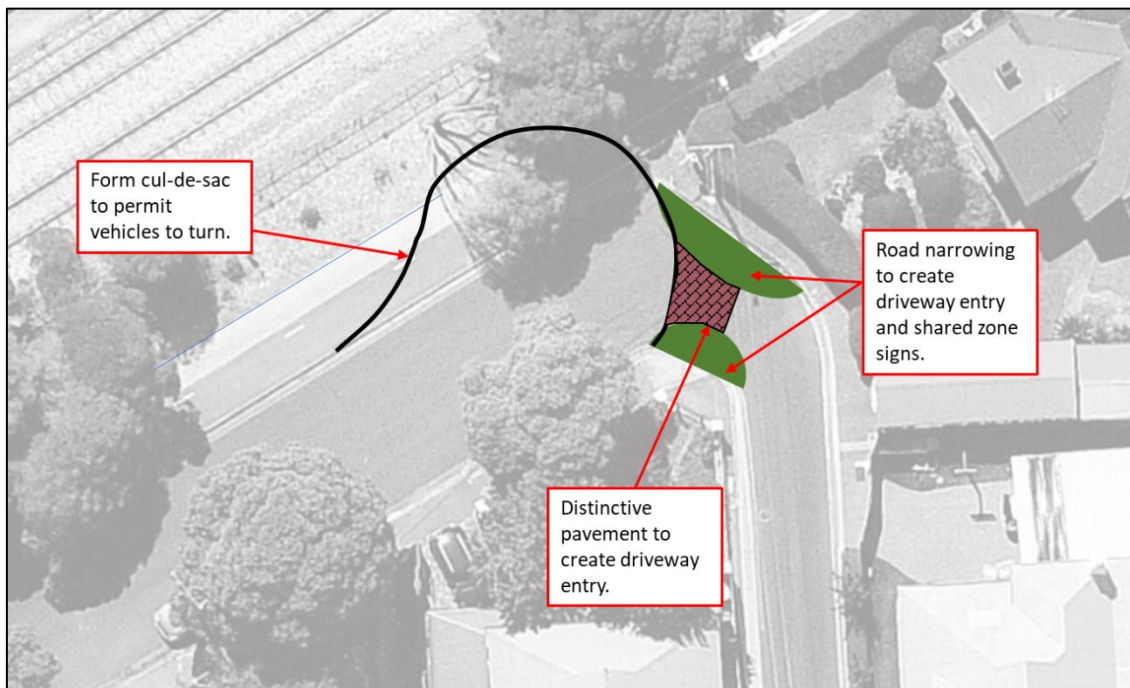


Figure 7: Cul-de-sac & Shared Zone Entry Concept



Feasibility of Introducing a Shared Zone

GTA are unaware of any pedestrian counts having been undertaken on Almond Street but it is unlikely that the volume of pedestrians significantly outweighs the volume of vehicles (approx. 67 vehicles per day and 108 to 120 cyclists per day).

Traffic data suggests that existing vehicle speed is low. The 85th percentile speed for motor vehicles was found to be 26.8km/h and based on two surveys, the 85th percentile speed of cyclists were found to be between 22km/h to 25.1km/h.

Whilst the speed limit on Almond Street is 40km/h, the speed environment of the street is less than 30km/h as evidenced by the speed surveys. The low speed environment has been created through the narrow width, short length and streetscaping along the street.

Although the street has no footpath and pedestrians therefore must walk on the road, there are no visual cues to suggest that the street is likely to be highly pedestrianised. Almond Street is a residential street and not comparable to high density pedestrian zones such as found in activity centres, car parks etc.

The implementation of a shared zone will result in a loss of on-street parking for residents and visitors due to the single lane nature of a design and limited space that becomes available for parking. The guidelines favour removal of parking where possible.

If implemented, it is unlikely vehicle speed would significantly reduce from the current 85th percentile speed due to low volume of pedestrians observed and the current narrow design of the street.

Significant works will be required to achieve a shared zone.

Importantly a redesign of the entry to Almond Street at the northern end of the street is required to ensure vehicles enter at a very low speed. It would also need to be designed to enable vehicles turn around if they did not want to enter the shared zone. A cul de sac would be the preferred design layout with a driveway crossover entry to Almond Street. This may have implications for stormwater drainage and the size will need to be confirmed to suit the largest vehicle required to turn, such as waste collection vehicles.

The street is operating within highly desirable parameters for a residential street with vehicles travelling below 30km/h and very low traffic volume. This is consistent with the speed recommendations in the Streets for People Compendium.

Consultation with the Department for Planning, Transport & Infrastructure (DPTI)

The proposal to introduce a shared zone on Almond Street would require approval from DPTI. Initial consultation has been undertaken with DPTI who have advised that the preferred design for Almond Street would be for a shared street since this would correlate with the current speed observations and street environment. DPTI would however have no objection to a shared zone provided that the shared zone is designed in such a way to achieve a self-enforcing low speed through the implementation of appropriate treatments, many of which have been described in this report.

Based on the feedback received, to proceed with the proposal, a concept design for the shared zone would be required to further assess the feasibility of the proposal and be submitted to DPTI for approval. DPTI may also require that the design be submitted for approval at the detailed stage.

Conclusion

GTA has undertaken a review of the traffic arrangements on Almond Street and has drawn the following conclusions:

- Shared Zones are usually developed for areas with a high proportion of pedestrians relative to vehicle traffic and are subject to a very low speed environment.
- A review of the current traffic conditions on Almond Street clearly shows that the street does not fit these characteristics and modification to the street would therefore be required to achieve the requirements of the guidelines.
- It is noted however that the 85th percentile speed of vehicles along the street was approximately 27km/h which is in the desirable range for a residential street.
- The implementation of a 10km/h shared zone on Almond Street is therefore not recommended. Nevertheless, should the City of Unley wish to achieve a shared zone, a shared zone design based on DPTI's speed zone guidelines could be adopted, similar to the example illustrated in Figure 6.
- The potential design could include:

- A driveway entry with road narrowing, distinctive pavement and shared zone signs to clearly define the zone entry.
- A formal "One Way" operation from north to south.
- Narrowings in the form of kerb extensions and/or tree plantings.
- Loss of parking around the slow points.
- Distinctive pavement in the lane at the southern end.
- The introduction of a shared zone will necessitate the forming of a cul-de-sac at the zone entry to allow vehicles to turn. This is particularly important to assist service and delivery vehicles.
- Further investigations are required to determine the design of the cul-de-sac and entry treatment to ensure the appropriate design vehicles can turn without having to enter Almond Street.
- DPTI have indicated that the principle of a shared zone would be supported subject to the appropriate treatments being introduced on Almond Street that would achieve a self-enforcing low speed. Approval from DPTI would be required for the proposed shared zone design.
- A concept design would be required to further assess the feasibility of the shared zone design.

Naturally, should you have any questions or require any further information, please do not hesitate to contact me in our Adelaide office on (08) 8334 3600.

Yours sincerely

GTA CONSULTANTS



Paul Morris
Director

DECISION REPORT

REPORT TITLE: SHARED STREET OPPORTUNITIES
ITEM NUMBER: 1116
DATE OF MEETING: 26 MARCH 2018
AUTHOR: SATYEN GANDHI
JOB TITLE: TRANSPORT AND TRAFFIC LEAD

1. **EXECUTIVE SUMMARY**

At the Council meeting held on 11 December 2017, Council resolved that Administration prepare a report identifying three or more streets across Unley that are potentially suited for conversion to a shared street (Item 1053/17).

Administration has now completed a preliminary review of Council's local street network to identify suitable shared street opportunities.

The review involved basing the assessment on available SA guidelines: 'Streets for People' compendium. The guidelines are one of the best available resources for shared street upgrades/design. The review also developed a set of criteria to assist Council to identify and prioritise streets suitable for conversion to shared streets across the City.

If Council wish to implement shared street opportunities throughout the city, it is suggested that the program comprise two stages:

- Stage 1 – design, community engagement and preparation of cost estimates (year 1).
- Stage 2 – construction (year 2).

2. **RECOMMENDATION**

That:

1. The report be received.
 2. The criteria in the Attachment 1 to Item 1116/18 be endorsed for use to assist with identification and prioritisation of streets that are suitable candidates for conversion to shared streets.
 3. A concept design and community engagement be undertaken for one or more of the streets listed as 'priority' opportunities in 2018/19, with implementation to be considered as part of the 2019/20 budget process.
-

3. **RELEVANT CORE STRATEGIES/POLICIES**

Community Living

- Our community is active healthy and feels safe
- Our City is connected and accessible

4. **DISCUSSION**

The Council at its meeting held on 11 December 2017, resolved that:

A report be prepared for presentation to the February 2018 Council meeting, identifying three or more streets across Unley, potentially suited to shared street classification. In identifying potential streets suited to shared-street classification, it is suggested that the following criteria be considered:

- *Current road classification*
- *Lack of accessible footpath*
- *Dead-end streets vs. through roads*
- *Important pedestrian routes as identified in the Walking and Cycling Plan*
- *Other factors that may impinge upon shared-street classification*

The report should also include consideration of the issues and alternative remedies to enable pedestrians to safely share the roadway with vehicles, throughout local streets across Unley. (Item 1053/2017)

The “Streets for People” compendium for South Australian practice, which was released by the State Government, describes a “shared street” as one that:

“... focusses on integrating the range of users rather than separating them. Shared space removes the traditional separation of motor vehicles, pedestrians and cyclists. The devices of conventional street layouts, such as kerbs, lines, signs and signals, are replaced with an integrated, people oriented design approach, allowing walking, cycling and driving to become integrated activities.”

One of the fundamental benefits of a shared street upgrade is that the design consideration keeps ‘people’ (the users of the street) at the ‘heart’ of the design process against the traditional approach which focuses on vehicles and road capacity.

The ‘Streets for People’ guidelines place an emphasis on identifying the ‘right streets’ that are suitable for the shared street approach, and recognises that streets that are categorised as being local and neighbourhood ‘type’ of streets are recommended for a shared street design approach.

As many of the streets in Unley meet this description, further criteria are required to assist with identifying streets that may be suitable for conversion to shared streets. The review included criteria such as whether the street forms part of a pedestrian/cyclist route, the role/ function of the road (e.g. whether it is a cul-de-sac), if it is identified in an existing Council strategy/plan (LATM, Walking and Cycling Plan, Open Space Strategy), as well as the existing pedestrian or cycling demand.

Using the review criteria, the road network of Unley was examined and the following streets were identified as potentially being suitable for conversion to shared streets:

- Allen Grove, Unley
- Almond Street, Goodwood
- Anderson Street, Fullarton
- Beaconsfield Street, Hyde Park
- Beech Avenue, Unley
- Belgrave Court, Parkside
- Cromer Parade, Millswood
- Emerson Road, Black Forest
- Greer Street, Hyde Park/Unley Park
- Hale Street, Everard Park
- Kneebone St (Boffa Lane to 17 Kneebone Street), Goodwood
- Macklin St & Davey St, Parkside
- Marion Lane, Unley
- Mary Lane, Unley
- Maud Street (Rugby to Porter Street), Unley
- Moresby Street, Wayville
- Mornington Road, Unley
- Nairne Terrace, Forestville
- Norman Terrace (Leah to Ethel), Forestville
- Oxford Terrace (cul de sac section), Unley
- Palmerston Place, Unley
- Richards Terrace, Goodwood
- Walter Street/Royal Avenue, Hyde Park
- Winchester Street (cul de sac section), Malvern

The detailed table showing the streets and how they rate against the various criteria is shown in Attachment 1 to Item 1116/18.

Attachment 1

The costs associated with shared street conversion will vary greatly, but could be expected to range between low cost (<\$50,000), medium cost (\$50,000 – \$150,000) and high cost (>\$150,000) depending upon the location (length and width of the street), the selected design, the need to relocate services, and other associated factors. The creation of shared streets does not assume the creation of a level surface across the street. It should be noted that no preliminary designs or cost estimates have been prepared for any of the identified streets.

Given the number of streets identified, and noting that all streets cannot be upgraded at once, an additional set of criteria were developed to assist with prioritisation of the 24 identified streets. The Prioritisation Criteria included:

- is there a history of community concerns?
- what is the length of streetscape?
- what is the estimated timeframe for road reseal/replacement?
- is the street in proximity to neighbourhood facilities?
- what are the current volumes and average speeds? and
- what are the likely cost of enhancements?

By using the Prioritisation Criteria listed in the table in Attachment 1 to Item 1116/18, a number of priority opportunities for shared street conversion were identified. They include:

- Almond Street, Goodwood
- Maud Street (between Rugby and Porter Street), Unley
- Moresby Street, Wayville
- Mornington Road, Unley
- Norman Terrace (Leah to Ethel), Forestville
- Palmerston Place (Hughes to Charles Lane), Unley
- Richards Terrace, Goodwood
- Winchester Street, (cul de sac section), Malvern

Attachment 1

The eight (8) streets were prioritised as appropriate candidates to demonstrate the potential of shared streets to address local concerns, enhance local safety and increase the amenity of local streets, for all users.

It should however, be noted that there has already been some discussion regarding the status of Almond Street and, anecdotally, the residents are not in favour of a shared street. In such a case, no further action would be taken to investigate a shared street in Almond Street.

The above list was developed based on an assessment against the suggested criteria. There are likely to be many other streets that would be technically suitable, and these will be identified in the future.

If Council's preference is to create a pilot in the first instance, with a view to implementing an ongoing program of shared street upgrades, some of the streets listed above provide appropriate opportunities to explore this further.

5. ANALYSIS OF OPTIONS

Option 1 – The criteria in Attachment 1 to Item 1116/18 is to be used to assist Council identify streets that are suitable candidates for conversion to shared streets as part of a future program.

A concept design and community engagement be undertaken for one or more of the streets listed as 'priority' opportunities in 2018/19, with implementation to be considered as part of the 2019/20 budget process.

This option is consistent with Council's desire to see more shared streets/spaces throughout Unley, thereby delivering safer and more accessible streets.

By undertaking concept designs and community engagement in 2018/19, cost estimates can be prepared which will provide more detailed information for consideration of whether funding for implementation is included in the 2019/20 budget.

Option 2 – Provide an alternative option

Council may choose to provide an alternative approach or a different set of priority streets.

Option 3 – No further action be taken at this time

Council may determine not to further investigate or implement shared streets at this time.

6. RECOMMENDED OPTION

Option 1 is the recommended option.

7. POLICY IMPLICATIONS

7.1 Financial/Budget

- The costs associated with upgrades of local streets to shared streets will vary greatly as the design and required work is site specific. Generally, the costs can be expected to be between \$50,000 to \$150,000 depending on the level of design and infrastructure work involved.
- Option 1 allows for the development of concept designs and engagement with the community at a priority location within existing resources. It does not require a separate budget allocation for 2018/19, and will also ensure that consideration of any funding to be allocated in 2019/20 is based on confirmed designs.

7.2 Legislative/Risk Management

A shared street must carefully manage the associated risks of increasing the potential for different road users (pedestrians, cyclist and drivers) to interact with each other and the built environment within local streetscapes.

A shared street uses good design to adapt local street environments to reduce local speeds and better integrate safe cycling, walking and driving, appropriate to the relevant Road Traffic Act, Code of technical Requirements and Australian Standards.

7.3 Staffing/Work Plans

The development of concept plans and community engagement can be undertaken during 2018/19 within existing resources. Requirements for implementation during 2019/20 will vary, depending on the street chosen and the extent of the conversion required. Concept plans/designs developed will inform the consideration of funding as part of the budget process.

7.4 Environmental/Social/Economic

Shared streets typically provide a range of environmental and amenity benefits through opportunities to include more landscaping and vegetation into the public realm, slow the speed environment of the street, and encourage better integration of all street users.

7.5 Stakeholder Engagement

There has been no community engagement on the matter. Should Council support the project, the residents of the affected streets will be engaged during the design process to ascertain if there is support or not on this initiative.

8. REPORT CONSULTATION

There has been a consultation internally with the Assets Team and the City Development Team on the matter.

9. ATTACHMENTS

- Attachment 1 – Shared street analysis matrix

10. REPORT AUTHORISERS

<u>Name</u>	<u>Title</u>
Peter Tsokas	CEO
John Devine	GM City Development

Street	Shared Street Criteria					Prioritisation Criteria							Notes
	Existing pedestrian or cycling demand	Identified as part of a Council strategy/plan (LATM, Walking and Cycling Plan, Open Space Strategy)	Street type (All are Local Active Streets in UITS)	Adequate footpath space	Shared Street candidate	History of community concerns	Length	Estimated timeframe for road reseal/replacement - Short term (S), Medium term (M), Long term (R)	Proximity to facilities (community facilities, retail precincts/ businesses, high density development)	Traffic characteristics	Likely cost of enhancements	Initial priority opportunity	
Allen Grove, Unley	N	N	Residential street	Y	N	N	275m	M	N	Low volume and low speeds (anecdotal)	High		
Almond Street, Goodwood	Y	Y	Residential street	N	Y	Y - conflict between cycling/walking and motor vehicles	180m	M	N	44vpd, 31.3km/h 85th %ile	Medium	Y	Used by pedestrians and cyclists to access the Mike Turtur Bikeway and to cross the tram track.
Anderson Street, Fullarton	Y	N	Residential street	N	Y	Y - parking and pedestrian access. Shared street investigated in 2015/16 and not funded.	125m	S	Y	199vpd, 27.6km/h 85th %ile	Low		Constained width/footpath/parking for the number of residents. Also used for walking to/from residential properties and the Arkaba Shopping Centre.
Beaconsfield Street, Hyde Park	N	N	Cul de sac	N	Y	Y - parking, access to properties	180m	M	N	Low volume and low speeds (anecdotal)	Low/Medium		Existing conflict between access needs and on-street parking
Beech Avenue, Unley	Y	Y	Residential street	N	Y	Y - however concerns largely addressed through LATM	150m	R (east-west) (north-south) M	Y	73vpd, 15.5km/h 85th %ile	Low		Shared street would complement work undertaken in the east-west section (one-way section and constrasting pavement). Residential properties, a hall, Unley Community Centre, and pedestrians/cyclists mean that there are varying types of users.
Belgrave Court, Parkside	N	N	Cul de sac	Y	N	N	50m	M	Y	Low volume and low speeds (anecdotal)	Low		
Cromer Parade, Millswood	Y	Y	Residential street	Y	Y	N	800m	M	Y	585vpd, 43.0km/h 85th %ile	High		Long section of street which can result in speeding (although overall volumes/speeds not high). Part of the Marino Rocks Greenway and traffic calming is recommended in the Walking and Cycling Plan.
Emerson Road, Black Forest	Y	Y	Cul de sac	Y	Y	N	130m	M	Y	Low volume and low speeds (anecdotal)	Medium		Part of the Marino Rocks Greenway. Has commercial businesses at the South Road end.
Greer Street, Hyde Park/Unley Park	N	N	Residential street	N	Y	Y - parking, access to properties, access along street	330m	M	N	127vpd, 33.5km/h 85th %ile	High		Existing conflict between access needs and on-street parking. Difficulty would be maintaining enough parking and ensuring access to properties and along the street due to narrow width.
Hale Street, Everard Park	N	N	Cul de sac	Y	N	N	100m	M	Y	Low volume and low speeds (anecdotal)	Medium		Cul de sac intersecting with South Road. Groups of flats on the street mean that a shared street could be used as additional open space if this were a design focus.
Kneebone Street (Boffa Lane to 17 kneebone Street), Goodwood	N	N	Residential street	Y	N	Y - parking	70m	S	Y	Low volume and low speeds (anecdotal)	Medium		Constrained section of Kneebone Street near the Boffa St car park.
Macklin Street/Davey Street, Parkside	Y	N	Residential street	N	Y	Y - parking, access to properties, access to street due to school activity	180m	R	Y	429/559vpd, 31.5/29.2km/h 85th %ile, respectively	Low		High activity due to St Raphael's School. Design work to improve drainage/reconstruct road has been undertaken.
Marion Lane, Unley	N	N	Laneway	N	Y	Y - speeding	165m	M	N	271vpd, 39.6km/h 85th %ile	Medium		Predominantly has a rear access function but is relatively wide which can lead to speeding.
Mary Lane, Unley	N	N	Laneway	N	Y	N	120m	M	Y	Low volume and low speeds (anecdotal)	Low		
Maud Street (Rugby to Porter), Unley	Y	Y	Residential street	Y	Y	Y - parking conflict between resident and businesses needs	75m	M	Y	651vpd, 29.3km/h 85th %ile	Medium	Y	Street consists of residential properties, A Mother's Milk, Unley Motor Bodies, Salvation Army store, meaning high activity and high parking demand.
Moresby Street, Wayville	Y	N	Residential street	N	Y	N	150m	M	Y	83vpd, 24.5km/h 85th %ile	Low	Y	Pedestrian traffic to/from Tram Stop 2 use the street. The small section adjacent the tram track is narrow with a constrained footpath. Traffic volumes and parking demand are low, mainly consisting of residents.
Mornington Road, Unley	Y	Y	Cul de sac	Y	Y	N	200m	M	Y	Low volume and low speeds (anecdotal)	Medium/High	Y	Adjacent Unley Shopping Centre but low vehicle traffic. Part of a bicycle route and popular with local pedestrians to/from shopping centre.
Nairne Terrace, Forestville	Y	Y	Residential street	N	Y	Y - parking, access. Shared street not supported in 2017.	200m	R	Y	134vpd, 33.8km/h 85th %ile	Medium		Shared street proposed in 2017 but not supported. Design work for (as is) replacement has already been undertaken by Assets team.
Norman Terrace (Leah to Ethel), Forestville	Y	Y	Residential street	N	Y	N	200m	M	Y	464vpd, 32.0km/h 85th %ile	High	Y	Part of a bicycle route and high activity due to proximity to Tram Stop 4. Any design should complement DPTI's future shared path overpass works and be timed to occur concurrently.

Street	Shared Street Criteria					Prioritisation Criteria							Notes
	Existing pedestrian or cycling demand	Identified as part of a Council strategy/plan (LATM, Walking and Cycling Plan, Open Space Strategy)	Street type (All are Local Active Streets in UITs)	Adequate footpath space	Shared Street candidate	History of community concerns	Length	Estimated timeframe for road reseal/replacement - Short term (S), Medium term (M), Long term (R)	Proximity to facilities (community facilities, retail precincts/ businesses, high density development)	Traffic characteristics	Likely cost of enhancements	Initial priority opportunity	
Oxford Terrace (cul de sac section), Unley	N	N	Cul de sac	Y	N	N	120m	M	Y	Low volume and low speeds (anecdotal)	Medium/High		Residential area utilised by mainly residents. Adjacent to Unley Oval and could be a link from Unley Central area to Duthy Street.
Palmerston Place (Hughes to Charles Ln), Unley	Y	Y	Laneway	N	Y	Y - safety/sight distance. Proposal to change in 2013 created high community interest.	50m	M	Y	258vpd, 32.2km/h 85th %ile	Low	Y	Short section fo Palmerston Place is used as a traffic/walking route between residential properties and the Unley Shopping Centre/Unley Central. Potential conflict between its uses for walking/cycling/driving. This could be applied to the overall length in the future.
Richards Terrace, Goodwood	Y	N	Residential street	N	Y	Y - parking	200m	M	Y	130vpd, 27.0km/h 85th %ile	Medium	Y	Narrow street along the train line with no on-street parking. Popular with cyclists as it can link from Mike Turtur Bikeway to Marino Rocks Greenway. Proximity to Showgrounds and train stn increase activity and the narrow footpath means pedestrians often walk on road.
Walter Street/Royal Avenue, Hyde Park	N	N	Cul de sac	Y	N	N	260m	M	Y	214vpd, 33.0km/h 85th %ile (Royal)	Medium/high		Low traffic streets near King William Road retail precinct.
Winchester Street (cul de sac section), Malvern	Y	Y	Cul de sac	Y	Y	N	120m	M	Y	Low volume and low speeds (anecdotal)	Medium	Y	Part of a busy walking/cycling/traffic area due to Concordia College.

Note: To be a shared street it must meet at least two shared street criteria. Priority opportunities identified using a combination of the shared street and prioritisation criteria.

Note: Likely cost of enhancement - Low Cost (less than \$50,000), Medium Cost (\$50 - \$150,000), High Cost \$150,000 +

Note: Road reseal/replacement timeframes - Long Term (R) (works completed in the last 5 years), Short Term (S) (works to be undertaken in the next 5 years), Medium Term (works to be undertaken in more than 5 years)

DECISION REPORT

REPORT TITLE: POCKET PARKS
ITEM NUMBER: 1117
DATE OF MEETING: 26 MARCH 2018
AUTHOR: JOHN DEVINE
JOB TITLE: GENERAL MANAGER CITY DEVELOPMENT

1. **EXECUTIVE SUMMARY**

In response to a Motion on Notice from Councillor Hudson (Item 1080, Council Meeting, 28 January 2018) Council resolved:

That council be provided with all relevant information from past consideration by council of the number of sites in unley suitable for the transformation of dead-end streets into “pocket parks”.

Administration has collated the information that has previously been provided to Council on suitable locations for pocket parks, and now provides this as an attachment to this report for Council’s information.

If council wish to implement pocket part opportunities throughout the city, it is suggested that the program comprise two stages:

- Stage 1 – design, community engagement and preparation of cost estimates (year 1).
- Stage 2 – construct a pocket park (year 2).

2. **RECOMMENDATION**

That:

1. The report be received.
 2. Designs be prepared for up to two pocket parks in 2018/19 from the options contained within Attachment 1 “Potential Pocket Park Locations”, (Item 1117/18, Council, 26/03/2018).
-

3. **RELEVANT CORE STRATEGIES/POLICIES**

Objective 2.1: Unley's urban forest is maintained and improved.
Environmental Sustainability Strategy.
Tree Strategy.

4. **DISCUSSION**

In November 2008, Council endorsed the Sustainable Landscape Strategy (CSP - Item 178/2008 – City of Unley's Urban Forest) that outlined an opportunity to extend existing road closures throughout the City to create Pocket Parks.

Subsequently, Council endorsed a recommendation in March 2009 to extend the program to incorporate a two year forward program enabling an 'Unley Wide Project' of pocket parks be developed for Council's consideration in setting the 2009/10 budget. This forward program was intended to provide an opportunity for pocket parks to be created where a new road closure could be developed.

As a result of the March 2009 recommendation, a City-wide survey was undertaken to identify sites that could potentially be developed as a Pocket Park. Whilst the recommendation specified '*where a road closure could be developed*' the opportunity was also taken to extend this further and look at potential sites that may not necessitate the closure of a road. The list of new sites was presented to Council at its April 2011 meeting via the City Strategy and Policy Committee (CSPC Item 19/2011). A copy of the CSPC report is provided as Attachment 1 to Item 1117/18.

Attachment 1

Overall, Elected Members were provided with comprehensive site lists for the development of pocket parks throughout the City.

- 53 sites from the road closure extension opportunities.
- 96 potential locations from the further city wide survey of additional development site opportunities (combination of sites that include the potential closure of a road and locations that do not require road closure).
- 149 sites that can be considered for development.

The range of criteria that was used to assess each site included:

- Stormwater retention opportunities.
- Vehicle interference – including parking impact.
- Locality – geographical profile.
- State of existing infrastructure.
- State of existing landscape.
- Significant trees for protection.
- Rubbish bin collection impact.
- Garden/open space/green area that potentially could be gained.
- Biodiversity link.
- Enhance aesthetics of the area.
- Possibilities for amenities to improve the city.

Council endorsed the construction of four pocket parks in the financial year 2010/11.

These sites were selected where an existing road closure could be extended to provide additional 'soft' open space to an existing 'hard' road surface (refer to "Road Closure Extension Opportunities Summary" in Attachment 1 to Item 1117/18).

Attachment 1

The following is a list of pocket parks that were approved for development:

Site Priority	Site Location	Status Report
1	Cheltenham Street & Duthy Street	Completed.
2	Clifton Street & Duthy Street	Endorsed to not proceed (Item 28 – Council Dec. 2010).
3	Marion Street & Duthy Street	Completed.
5	Robsart Street & George Street, Parkside	Completed.
35	Lindsay Avenue & Burnham Avenue, Myrtle Bank	Completed.
45	Fielding Road, Clarence Park	Endorsed to not proceed (Item 289 – CSP March 2010). Small garden bed constructed at the end of the road.
N/A	Kelvin Avenue, Clarence Park	Council decided not to proceed.

Based on the above table, whilst there was some success in the implementation of the concept, there were also some failures in that three (3) pocket parks at identified locations were not implemented. Members at the time expressed concern that the cost of the parks was high as they were 'over-engineered' and had become too complicated by the introduction of additional features. Furthermore, there was opposition by affected residents about the loss of on-street car parking.

This resulted in extensive community consultation and costly redesign work that added lengthy delays, and in some cases the project not proceeding.

While the concept of pocket parks is worthwhile and supports Council's environment strategy, it is important to learn from the mistakes of the past to ensure future success. If Council wish to proceed with the concept of pocket parks, the parks should be:

- simple in design
- low cost
- require low ongoing maintenance
- have residential support

In order for this to occur it is best that Council develop designs; undertake community consultation; and prepare cost estimates a year ahead of the implementation phase. Essentially, if delays are to be avoided, it is recommended that year 1 be spent on the design and consult aspect of the project, with year 2 being the implementation of the project.

Therefore, in the first instance it is recommended that design work and consultation for up to two streets from the list is undertaken in 2018/19 for consideration by Council as part of its 2019/20 program.

The design and consultation will be undertaken in 2018/19 within existing resources with no budget required.

5. ANALYSIS OF OPTIONS

Option 1 – The report be received and that designs be prepared for up to two pocket parks in 2018/19 from the options contained within Attachment 1 - “Potential Pocket Park Locations” (Item 1117/18, Council, 26/03/2018).

Under this option, designs, consultation and cost estimates will be prepared in 2018/19 for possible implementation in 2019/20 (depending on Council’s budget deliberations).

The streets chosen will be on the basis of the likelihood of a successful concept being prepared and if there is significant community opposition to a particular street, another street will be selected in its place rather than Administration spending time on redesign work.

Option 2 – The report be noted and no further action be taken.

Under this option, the report will merely be received and no design work will be undertaken for any pocket parks.

6. RECOMMENDED OPTION

Option 1 is the recommended option.

7. POLICY IMPLICATIONS

7.1. Financial/Budget

- Under option 1, there are no financial implications to Council in 2018/19 as the design work will be undertaken by existing staff.
- There may be financial implications in 2019/20 should Council choose to implement a pocket park and this may be in the order of \$50,000-\$100,000 depending on the design and infrastructure requirements. By undertaking design work, there is no commitment from Council to construct any pocket parks. The intention, however, is when constructed to implement simple and easy to maintain pocket park.

7.2. Legislative/Risk Management

- A risk assessment will be undertaken during the design phase of the project

7.3. Staffing/Work Plans

- The design and consultation will be undertaken by staff within their existing work programme.

7.4. Environmental/Social/Economic

- The implementation of pocket parks will support Council's environment strategy.

7.5. Stakeholder Engagement

- Consultation with residents in the chosen streets will be undertaken as part of the design process.

8. REPORT CONSULTATION

Nil

9. ATTACHMENTS

- Attachment 1 – “City Wide Pocket Parks” – City Strategy and Policy Committee Report presented in April 2011(Item 19/2011).

10. REPORT AUTHORISERS

<u>Name</u>	<u>Title</u>
Peter Tsokas	Chief Executive Officer
John Devine	General Manager City Development

DECISION REPORT

REPORT TITLE: CITY WIDE POCKET PARKS
ITEM NUMBER: 19
DATE OF MEETING: 18 April 2011
AUTHOR: TREVOR STEIN
JOB TITLE: OPERATIONS MANAGER
RESPONSIBLE OFFICER: MICHELLE BONNICI
JOB TITLE: GENERAL MANAGER CITY SERVICES
COMMUNITY GOAL: 3.1 Ensure that urban development and infrastructure meet the changing needs of the City whilst building upon character and amenity.
 3.5 Ensure the protection, enhancement and management of the natural and built environment of the City in order to strengthen its environmental sustainability.
REPRESENTOR/S: NIL
ATTACHMENTS: 1. POCKET PARK OPPORTUNITIES FROM SUSTAINABLE LANDSCAPE STRATEGY 2008 (EXISTING ROAD CLOSURES)
 2. POCKET PARK CITY WIDE OPPORTUNITY SURVEY LISTING – BY PRIORITY 2011 (POTENTIAL NEW ROAD CLOSURES)

PURPOSE

To provide Elected Members with additional information on Pocket Parks. Furthermore, seek endorsement to proceed to progress an additional two sites.

RECOMMENDATION

MOVED:
 SECONDED:

That:

1. The report be received.
2. Develop and undertake a community engagement strategy for the development of Pocket Parks at Wilberforce Walk, Forestville (between First

Avenue and Leah Street) and Ferguson Avenue Reserve, Myrtle Bank (between Burnham Avenue and Braeside Avenue).

3. If community engagement supports the construction of pocket parks at these locations proceed to design and consultation on the designs.
 4. The results of the consultation be brought back to Council with costings prior to construction proceeding.
-

BACKGROUND

The Sustainable Landscape Strategy endorsed by Council in November 2008 (CSP - Item 178/08 – City of Unley's Urban Forest) outlined an opportunity to extend existing road closures throughout the City to create Pocket Parks.

Subsequently, Council endorsed a recommendation in March 2009 to extend the program to incorporate a two year forward program enabling an 'Unley Wide Project' of pocket parks be developed for Council's consideration in setting the 2009/10 budget. This forward program was intended to create an opportunity for pocket parks to be created where a new road closure would be required to be created.

COMMUNITY ENGAGEMENT

No community consultation has occurred at this stage for the recommended pocket park sites.

DISCUSSION

Council endorsed the construction of four Pocket Parks in the financial year 2010/11. These sites were selected where an existing road closure could be extended to provide additional 'soft' open space to an existing 'hard' road surface.

The sites were chosen from a list provided to Council as part of the Sustainable Landscape Strategy (Item 178/08, November 2008 – The City of Unley's Urban Forest).

Council was advised of the 53 possible locations within the City where pocket parks could be constructed as part of the Sustainable Landscape Strategy (Attachment 1 to report 19/11).

Attachment 1

Elected Members, as part of that strategy, were presented with criteria which determined the priority for design and construction of these road closure extensions.

Initially the 53 possible locations in Unley were assessed and rated against 12 assessment criteria to gauge their priority for development as part of the extension program. A rating between one (low potential for development) and three (high potential) were given to each criteria to develop the priority. The criteria were:

- Stormwater retention opportunities
- Parking restrictions
- Quality area for reclamation
- Driveway interference
- Stormwater outlet availability
- Bus stop close
- Water table flow toward closure
- Locality/profile
- State of existing infrastructure
- State of existing landscape
- Significant trees for protection
- Access for utilities

The following is an update on the status of Pocket Parks already approved for development:

Site Priority	Site Location	Status Report
1	Cheltenham Street & Duthy Street	Pocket Park development completed.
2	Clifton Street & Duthy Street	Endorsed to not proceed (Item 28 – Council Dec. 2010).
3	Marion Street & Duthy Street	Endorsed to proceed (Item 364, CSP, Oct. 2010). Construction to commence March/April 2011.
5	Robsart Street & George Street, Parkside	Pocket Park construction completed as part of the George Street road upgrade.
35	Lindsay Avenue & Burnham Avenue, Myrtle Bank	Consultation currently occurring. Anticipate report to CSP May 2011 seeking Council decision.
45	Fielding Road, Clarence Park	Endorsed to not proceed (Item 289 – CSP March 2010). Small garden bed constructed at end of road.
N/A	Kelvin Avenue, Clarence Park	Endorsed to proceed to close road (CSP Item 359, Sept. 2010). Currently consulting on road closure.

As a result of the further March 2009 recommendation, a City-wide survey was undertaken to identify sites that could be potentially developed for the construction of a Pocket Park. While the recommendation from March specifically specifies '*where a road closure could be developed*' the opportunity was also taken to extend this further and look at potential sites that may not necessitate the closure of a road. The

list of new sites was presented to the February City Strategy and Policy February (Item 5/11) meeting and forms Attachment 2 to this report (19/11).

Attachment 2

Each site was assessed based on a range of criteria that included:

- Stormwater retention opportunities
- Vehicle interference – including parking impact
- Locality – geographical profile
- State of existing infrastructure
- State of existing landscape
- Significant trees for protection
- Rubbish bin collection impact
- Garden/open space/green area that potentially could be gained
- Biodiversity link
- Enhance aesthetics of the area
- Possibilities for amenities to improve the city

A rating score from 1-5 was awarded for each criteria (and sub criteria) to provide an overall score of 100.

As these sites were selected with a view to create a pocket park where a new road closure would be required to be created, the Administration chose modified criteria to assess priorities. Lessons learnt from previous consultation were also used in determining the criteria, ie rubbish bin collection impact.

Detailed reports for each Ward have been developed. These can be observed in the Members' Room at Council along with a full City-wide report.

Elected Members now have two comprehensive site lists for the development of pocket parks throughout the City (Attachments 1 and 2 to report 19/11).

- 53 sites from the road closure extension opportunities; and
- 96 potential locations from the further city wide survey of additional development site opportunities (combination of sites that include the potential closure of a road and locations that do not require road closure).
- A choice of 149 sites that can be considered for development.

A list of five priority sites considered appropriate for the development of pocket parks has been prepared for consideration. In preparing this list, consideration has been given to the sites priority rating and the opportunity to coordinate the development with related infrastructure works.

Priority	Site Location	Comments
1	Wilberforce Walk, Forestville (between First Ave and Leah Street)	<ul style="list-style-type: none"> While having a ranking of # 7 on the City Wide list the associated roadworks and culvert construction lend this site to high priority development. Would significantly improve a somewhat neglected area of Forestville. Would not involve the closure of a road.
2	Ferguson Avenue Reserve, Myrtle Bank (between Burnham Ave and Braeside Ave)	<ul style="list-style-type: none"> Highest ranked location from City Wide list. Could be used as a pilot/trial to demonstrate the value to nearby community the #2 ranked site. Would not involve the closure of a road.
3	Devon Street South, Goodwood (end of Devon St South near rail and tram line)	<ul style="list-style-type: none"> Ranked high from City Wide list Could be used as a pilot/trial to demonstrate to nearby community the #4 ranked site. Depending on the results of community engagement could involve the part closure or narrowing of the road.
4	Marlborough Street, Malvern (intersection of Duthy Street)	<ul style="list-style-type: none"> Next highest ranked site from Road Closure Extension Opportunities sites. Is an existing road closure.
5	Frederick Street, Unley (intersection of Duthy Street)	<ul style="list-style-type: none"> Highly ranked on Road Closure Extension Opportunities sites list. Preferred over Leicester Street site due to on-street parking issues associated with this site. Is an existing road closure.

ANALYSIS OF OPTIONS

Option 1 –. Develop and undertake a community engagement strategy for the development of Pocket Parks at Wilberforce Walk, Forestville (between First Avenue and Leah Street) and Ferguson Avenue Reserve, Myrtle Bank (between Burnham Avenue and Braeside Avenue).

If community engagement supports the construction of pocket parks at these locations proceed to design and consultation on the designs.

The results of the consultation be brought back to Council with costings prior to construction proceeding.

Advantages

- Early design and consultation would enable the Administration to proceed to construction in the next financial year.

Disadvantages

- Council will not have a formal opportunity to comment on the plans prior to consultation.

Option 2 – Proceed to public consultation and design for the development of Pocket Parks at Wilberforce Walk, Forestville (between First Avenue and Leah Street) and Ferguson Avenue Reserve, Myrtle Bank (between Burnham Avenue and Braeside Avenue).

The design be brought back to Council with costings prior to consultation with the community.

Advantages

- Council will have a formal opportunity to comment on the plans prior to consultation.

Disadvantages

- Will delay the process and affect the Administration's ability to construct the pocket park in 2011/12.

RECOMMENDED OPTION

Option 1 is the recommended option.

POLICY IMPLICATIONS

The following policy implications have been identified.

Financial/budget

Provisional funding has been provided within the draft 2011/12 budget for the construction of pocket parks throughout the City. While two sites are endorsed for development (awaiting consultation outcomes) an opportunity exists to prepare an additional two sites for consultation.

The development of 'Pocket Parks' will have financial implications on Council's recurrent maintenance budgets. The capital construction of these sites will require more regular and detailed horticulture and arboriculture maintenance. As such, this will be reflected in budget requests in coming years.

Legislative / Risk Management

The design for pocket parks is *Disability Discrimination Act* (DDA) compliant and existing access to properties will be maintained.

Environmental / Social / Economic

Research into the development of 'Pocket Parks' throughout Unley is contained in the Sustainable Landscape Strategy.

CONCLUSION

The Sustainable Landscape Strategy endorsed by Council in November 2008 outlined an opportunity to extend existing road closures throughout the City to create Pocket Parks. Council has since constructed several of these parks throughout the City.

Subsequently, further locations for pocket parks to be created where a new road closure would be required to be created were explored at the request of Council. An opportunity existed to widen this concept to include other potential sites throughout the City which do not fall into this category.

POCKET PARKS		
Road Closure Extension Opportunities Summary		
RANKING	ROAD CLOSURE SITE	WARD
1	Cheltenham st-Duthy st Malvern	Unley Park
2	Clifton st-Duthy st Malvern	Unley Park
3	Marion st-Duthy st Parkside	Unley
4	Marlborough st-Duthy st Malvern	Unley Park
5	Robsart st-George st Parkside	Parkside
6	Leicester st-George st Parkside	Parkside
7	Frederick st-Duthy st Malvern	Parkside
8	Oxford tce-Duthy st Unley	Unley
9	Fairford st-Duthy st Unley	Unley
10	Winchester st-Duthy st Malvern	Fullarton
11	Dover st-Duthy st Malvern	Unley Park
12	Sheffield st-Duthy st Malvern	Unley Park
13	Malvern ave-Duthy st Malvern	Unley Park
14	Salisbury road Unley	Unley
15	Rugby st Frederick st Unley	Unley
16	Edmund ave-Duthy st Malvern	Parkside
17	Rugby st-Wattle st Malvern	Unley Park
18	Rugby st-Fisher st Malvern	Unley Park
19	Blyth st-Kenilworth rd Parkside	Parkside
20	Fairford st-Rugby st Unley	Unley
21	Cremorne st-Duthy st Malvern	Unley
22	Eton st-Duthy st Malvern	Fullarton
23	Foster st-Kenilworth rd Parkside	Parkside
24	Young st-Porter st Parkside	Parkside
25	Rugby st -Cremorne st Malvern	Unley
26	Eton st-Unley rd Malvern	Unley Park
27	Austral tce-Duthy st Malvern	Unley Park
28	Malvern ave-Unley rd Malvern	Unley Park
29	Rugby st-Cross rd Malvern	Unley Park
30	Dudley st-Kenilworth rd Parkside	Parkside
31	Young st-George st Parkside	Parkside
32	Maud st-Cambridge tce Parkside	Unley

RANKING	ROAD CLOSURE SITE	WARD
33	Cambridge tce-Cross rd Malvern	Unley Park
34	Castle st-Fuller st Parkside	Parkside
35	Lindsay ave-Burnham ave Myrtle Bank	Fullarton
36	Mornington street Unley	Unley
37	Clifton st-Unley rd Malvern	Unley Park
38	Sheffield st-Unley rd Malvern	Unley Park
39	Cooke terrace Wayville	Goodwood
40	Maud street Parkside	Unley
41	Palmerston road Unley	Unley
42	Hill st-Windsor st Parkside	Parkside
43	Fuller st-Henry Cod Reserve Parkside	Parkside
44	Talala tce-Palmer ave Myrtle Bank	Fullarton
45	Fielding street Black Forest	Goodwood South
46	Winchester st-Unley rd Malvern	Unley Park
47	Ridge ave-Ridge pk Myrtle Bank	Fullarton
48	Homer road Black Forest	Goodwood South
49	Palmer ave-Fullarton rd Myrtle Bank	Fullarton
50	Hallam st-Scammell res Myrtle Bank	Fullarton
51	Clyde street Parkside	Unley
52	Gordon road Black Forest	Goodwood South
53	Maud st-Henry Cod reserve Parkside	Parkside

Potential Pocket Park Locations - City Wide By Priority Score

#	Site	Specific Location/Detail	Ward
1	Ferguson Avenue Reserve Myrtle Bank	Between Burnham Avenue & Braeside Avenue	Fullarton
2	Ferguson Avenue Reserve Myrtle Bank	Between Ferguson Avenue & Braeside Avenue	Fullarton
3	Devon Street South Goodwood	End of Devon Street South 'near rail and tram line'	Goodwood
4	Devon Street North Goodwood	End of Devon Street North 'near rail and tram line'	Goodwood
5	Foster Street Parkside	West of Kenilworth Road	Parkside
6	Cooke Terrace Wayville	Cooke Terrace 'whole Street'	Goodwood
7	Wilberforce Walk Forestville	Wilberforce Walk Between First Avenue and Leah Street	Goodwood
8	Palmer Avenue Myrtle Bank	Between Burnham Avenue & Palmer Avenue Biodiversity Walk including part of Burnham Avenue	Fullarton
9	Union Street Goodwood	Eastern side of Erskine Street	Unley
10	Union Street Goodwood	Western end of Union Street	Unley
11	Jellicoe Avenue Kings Park	Jellicoe Avenue, Cross Road to Valmai Avenue & Part of east end of Valmai and Lambeth Walk	Unley Park
12	Albert Street Goodwood	Western end of Albert Street corner Albert Street and Railway Terrace South	Goodwood
13	Eglington Avenue Black Forest	Southern end of Eglington Avenue	Goodwood South
14	Dudley Street - Hackett Reserve Parkside	The whole of Hackett Reserve, west end of Dudley Street & Possibly Part of Kenilworth Road	Parkside
15	Greville Street Malvern	Southern end of Grevillea Street	Parkside
16	Nelly Street Parkside	Nelly Street Northern End Between St Helen Street and Blyth Street	Parkside
17	Erskine Street Goodwood	Northern end of Erskine Street	Unley
18	Seaview Street Fullarton	Northern end of Seaview Street	Fullarton
19	Windsor Street Malvern	Southern end of Windsor Street	Fullarton
20	Ross Street Everard Park	Western end of Ross Street	Goodwood
21	Nichols Street Forestville	East of Charles Street	Goodwood
22	Wilberforce Walk Forestville	Wilberforce Walk Between Second Avenue and First Avenue	Goodwood
23	Ellesmere Terrace Millswood	North to Ormonde Avenue and possibly south	Goodwood South
24	Merlon Avenue Black Forest	Western end of Merlon Avenue	Goodwood South
25	Clarence Street Unley	Northern end of Enterprise Street	Unley
26	Goodwood Road Kings Park	North of Ningana Avenue north/east side of Goodwood Road	Unley Park
27	Lambeth Walk Kings Park	Lambeth Walk and Seymour Avenue intersection	Unley Park
28	Glenrowan Avenue Myrtle Bank	North of Auburn Avenue	Fullarton
29	Washington Avenue Myrtle Bank	Northern end of Washington Avenue	Fullarton
30	Le Hunte Street Wayville	Le Hunte Street along tram line	Goodwood
31	Ross Street Everard Park	Eastern end of Ross Street	Goodwood
32	Cromer Parade Millswood	Cromer Parade from Fairfax Avenue to Meredyth Avenue and the east end of Fairfax Avenue	Goodwood South
33	Cromer Parade Millswood	Cromer Parade from Meredyth Avenue to Irwin Avenue and the east end of Meredyth Avenue	Goodwood South
34	Cromer Parade Millswood	Cromer Parade from Irwin Avenue to East Avenue and the east end of Irwin Avenue	Goodwood South
35	Charra Street Hyde Park	Southern end of Charra Street	Unley Park
36	Wycliff Street Fullarton	Northern end of Wycliff Street	Fullarton

#	Site	Specific Location/Detail	Ward
37	Davenport Terrace Wayville	Western end of Davenport Terrace	Goodwood
38	Short Street Wayville	Northern end of Short Street	Goodwood
39	Wilberforce Walk Forestville	Wilberforce Walk Between Third Avenue and Second Avenue	Goodwood
40	Arthur Street Fullarton	Northern end of Arthur Street	Fullarton
41	Bridge Street Fullarton	Northern end of Bridge Street	Fullarton
42	Tennant Street Fullarton	Southern end of Tennant Street	Fullarton
43	Berkley Avenue Everard Park	North western end of Berkley Avenue	Goodwood
44	Masters Avenue Everard Park	Eastern end of Masters Avenue	Goodwood
45	Owen Street Goodwood	East end of Owen Street	Goodwood
46	Cromer Parade Millswood	Cromer Parade from Hackett Avenue to Fairfax Avenue and the east end of Hackett Avenue	Goodwood South
47	Oak Avenue Unley	Northern end of Oak Avenue	Unley
48	Oxford Terrace Unley	East of Langham Terrace through to Duthy Street	Unley
49	Commercial Road Hyde Park	Western end of Commercial Road	Unley Park
50	Commercial Road Hyde Park	West of Westall Street	Unley Park
51	Harvey Street Millswood	Southern end of Harvey Street	Unley Park
52	View Street Unley Park	Southern end of View Street	Unley Park
53	Berkley Avenue Everard Park	South eastern end of Berkley Avenue	Goodwood
54	Elizabeth Street Goodwood	North of Louisa Street	Goodwood
55	Fox Street Goodwood	Southern end of Fox Street	Goodwood
56	Richards Terrace Forestville	Eastern end of Richards Street	Goodwood
57	Second Avenue Forestville	Southern end of Second Avenue	Goodwood
58	Enterprise Street Hyde Park	Southern end of Enterprise Street	Unley Park
59	Macklin Street Hyde Park	Northern end of Macklin Street	Unley Park
60	Glenferrie Avenue Myrtle Bank	Eastern end of Glenferrie Avenue	Fullarton
61	Moore Street Fullarton	Northern end of Moore Street	Fullarton
62	Elizabeth Street Goodwood	Northern end of Elizabeth Street	Goodwood
63	Gurr Street Goodwood	Eastern end of Gurr Street	Goodwood
64	Railway Terrace South Goodwood	Along Tram Line East of Goodwood Road	Goodwood
65	Clarence Street Unley	Southern end of Clarence Street	Unley
66	Queen Street Unley	North of Arthur Street	Unley
67	First Avenue Forestville	Northern side of Everard Terrace	Goodwood
68	Fox Street Goodwood	North of Owen Street	Goodwood
69	Joslin Street Wayville	Southern end of Joslin Street	Goodwood
70	Wilberforce Walk Forestville	Wilberforce Walk Between Anzac Highway and Third Avenue	Goodwood
71	Russell Street Unley	Southern end of Russell Street	Unley
72	Harvey Street Millswood	Northern end of Harvey Street	Unley Park
73	Mann Street Hyde Park	Northern end of Mann Street	Unley Park
74	Nanthea Terrace North Unley Park	From Northgate Street to Rutland Avenue, Including part of the end of Northgate Street & Rutland Avenue	Unley Park

#	Site	Specific Location/Detail	Ward
75	Fourth Avenue Everard Park	Southern end of Fourth Avenue	Goodwood
76	Rogers Street Goodwood	Rogers Street along Tram Line	Goodwood
77	Cromer Parade Millswood	Cromer Parade from Chelmsford Avenue to Hackett Avenue and the east end of Chelmsford	Goodwood South
78	Nalpa Street Hyde Park	Southern end of Nalpa Street	Unley Park
79	Nanthea Terrace South Unley Park	North of Glen Avenue through to Cross Road	Unley Park
80	Wilgena Avenue Myrtle Bank	Northern end of Bridge Street	Fullarton
81	Ada Street Goodwood	Southern end of Ada Street	Goodwood
82	Devon Street South Goodwood	Devon Street South along train line, southern end and parts of Devon Street	Goodwood
83	Rose Terrace Wayville	Eastern end of Rose Terrace adjoining Bartley Crescent	Goodwood
84	Oak Avenue Unley	Southern end of Oak Street	Unley
85	Ramage Street Unley	Northern end of Ramage Street	Unley
86	King Street Unley Park	Western end of King Street	Unley Park
87	Bartley Crescent Wayville	Throughout the entire length of Bartley Crescent	Goodwood
88	Ramage Street Unley	Southern end of Ramage Street	Unley
89	Railway Terrace South Goodwood	Along Tram Line west of Goodwood Road	Goodwood
90	Langdon Avenue Clarence Park	S bend between no 20 through to Ripon Road	Goodwood South
91	Davenport Terrace Wayville	Eastern end of Davenport Terrace adjoining Bartley Crescent	Goodwood
92	Oconnel Street Goodwood	Southern end of Oconnel Street	Unley
93	Arundel Avenue Millswood	Along train line and part of west end of Grantley and Cranbrooke Avenue	Goodwood South
94	Parker Terrace Clarence Park	The whole of Parker Terrace and north west end of Kelvin Avenue	Goodwood South
95	Rugby Street Malvern	Southern end at Cross Road	Unley Park
96	Railway Terrace North Goodwood	Along Tram Line East of Goodwood Road	Goodwood

DECISION REPORT

REPORT TITLE: ECONOMIC DEVELOPMENT RATES INCENTIVE POLICY
ITEM NUMBER: 1118
DATE OF MEETING: 26 MARCH 2018
AUTHOR: NICOLA TINNING
JOB TITLE: GENERAL MANAGER BUSINESS SUPPORT & IMPROVEMENT

1. **EXECUTIVE SUMMARY**

The *Local Government Act 1999* (“the Act”) provides at Chapter 10, Division 5, Section 166(1)(a) that *a council may grant a rebate of rates where the rebate is desirable for the purpose of securing the proper development of the area (or part of the area).*

Consistent with this provision, a policy has been developed to stimulate economic development to assist economic growth in the City by providing financial incentives for certain development types and within identified areas/precincts within the City of Unley, through granting rate rebates.

The policy also supports the State’s Planning Strategy (the Greater Adelaide 30 Year Plan) by encouraging population growth with higher density dwellings along main corridors and in key strategic locations.

Two types of rebates of rates are proposed; a developer rebate and a residential rebate. For a rebate to be granted, the development must be assessed to be an Eligible Development.

The Policy seeks to encourage and support only mixed use development that is consistent with Council’s Development Plan in the area designated as the District Centre Zone (i.e. Unley Central Precinct) at this stage.

This Policy excludes the rebates of rates granted under Sections 160 to 165, and S166(1)(b) to (j) in the Act.

2. **RECOMMENDATION**

That:

1. The report, including Attachment 1 to Item 1118 Council, 26/03/18 be received.
 2. The Economic Development Rates Incentive Policy set out in Attachment 1 to Item 1118/18 (Council Meeting 26/03/18) be endorsed.
-

3. **RELEVANT CORE STRATEGIES/POLICIES**

Local Government Act 1999 Section 166 (1)(a)

Community Plan 2033

Economic Prosperity

Goal 3: Our businesses are valued because of the range of goods, services and facilities they provide, and new businesses are supported, not burdened with bureaucracy.

3.2 Thriving main streets and other business activities operate across our City.

Civic Leadership

Goal 4: Council will listen to the community and make transparent decisions for the long term benefit of the City.

4.1 We have strong leadership and governance.

4. **DISCUSSION**

The Community Plan 2033 articulates Council's vision that "*Our City is recognised for its enviable lifestyle, environment, business strength and civic leadership.*"

Council recognises the importance to its community of having thriving precincts, main streets and corridors as well as the important role sustainable business activity plays in achieving the vision of the Community Plan 2033.

It should be acknowledged that competition exists with other inner metro rim councils for investment dollars to support economic growth. While developments have occurred in some inner metro rim councils following the rezoning of urban corridors, there has been very little development in the City of Unley.

The Council also has a vision for the Unley Central Precinct to become a destination point via the offering of mixed use multi storey development. The Development Plan Amendment (DPA) for the precinct was approved in 2017.

The intention of the proposed Economic Development Rates Incentive Policy is therefore to support mixed use development in the area designated in the City of Unley Development Plan as the District Centre Zone (i.e. Unley Central Precinct) only at this stage. In the future, this could be extended to other parts of the urban corridors. Development of this nature can have a positive impact on the economic growth and total property value of the City, specifically:

- During the construction phase, jobs will be created and the local business economy will benefit by supporting an increased level of workers.
- At completion, the population and number of residential dwellings in the City will have grown resulting in an increase in rates income, and the local business economy will benefit by supporting this increased population.
- The number of local businesses and local jobs will grow and this will increase the local economy and provide more choice for the Community.
- The increased rates income can benefit the wider community by improving services and decreasing future reliance on debt.

In order to qualify for a rate rebate, a development must be deemed eligible by meeting the following criteria:

- Be located in the area designated in the City of Unley Development Plan as District Centre Zone (i.e. the Unley Central Precinct).
- Be mixed use with at least 50% residential component.
- Have a minimum development cost of \$25 million.
- Be consistent with the building height and setback guidelines in Council's Development Plan.

It is proposed to offer two types of rates related incentives, and applications for these will be considered entirely separately to the Development Application process.

Developer Rebate of Rates

Under this incentive, a rebate on general council rates will be provided to the developer during the construction phase of an eligible development (exclusive of the full NRM levy, which must be paid by the developer) for a period of no more than three (3) years.

The required application and declaration must be completed and accompanied by a signed copy of the Development Schedule.

During the construction of the eligible development, the assessment(s) will be exempt from payment of the Separate Rate for Marketing Purposes (if applicable).

Residential Rebate of Rates

Under this incentive, eligible owners who buy a residential apartment (off-the-plan) may receive a 75% rebate on their general council rates for a period of three (3) years (exclusive of the full NRM levy, which must be paid by the owner). A similar type of incentive has proven to be successful in the City of Adelaide.

An eligible owner must submit the required application and declaration, accompanied by a signed copy of the purchase contract/schedule.

The short-term cost in providing rates rebates of this nature is far outweighed by the ongoing future rates income that will result from the improved property valuation.

5. ANALYSIS OF OPTIONS

Option 1 – The Economic Development Rates Incentive Policy (set out in Attachment 1 to item 1118/18) be endorsed.

Endorsing this policy will demonstrate that Council is supporting mixed use development in the Unley Central area in line with the Unley Central Precinct vision and Community Plan. Any new developments will have a positive impact to the local businesses and community as a whole.

Option 2 – The Economic Development Rates Incentive Policy (set out in Attachment 1 to item 1118/18) be endorsed with amendments.

This option allows the Council to adopt the policy with any amendments they wish to make. For example, the Council may wish to extend the policy to other parts of Unley Road. In making any amendments, Council should be mindful of the intent of the policy.

Option 3 – The Economic Development Rates Incentive Policy (set out in Attachment 1 to item 1118/18) not be endorsed.

Under this option, the status quo would remain.

6. RECOMMENDED OPTION

Option one is the recommended option.

7. POLICY IMPLICATIONS

7.1 Financial/Budget

- If a rebate in rates is granted for an eligible development, it will result in an initial decrease in rates income in the years in which the rebate applies. However, the ongoing increase in rates income over the long term will far outweigh the initial loss in rates income. This analysis would form part of the assessment process.
- The cost to implement the incentive policy is minimal and can be incorporated in the current operating budget.
- All rebates in grants will be considered in the annual review of the Long Term Financial Plan and will form part of the annual budget rates modelling process when assessing the distribution of rates.

7.2 Legislative/Risk Management

The Policy is consistent with the *Local Government Act 1999*, Section 166(1)(a) in that a council may grant a rebate of rates where the rebate is desirable for the purpose of securing the proper development of the area (or part of the area).

The financial risk has been assessed as low.

7.3 Staffing/Work Plans

No additional staff are required to deliver the outcomes of this report.

7.4 Environmental/Social/Economic

The implementation of the recommendation may result in a positive impact on the local economy of the City should eligible development occur.

7.5 Stakeholder Engagement

- An Elected Member Briefing session (open to the public) was held Monday 5 March 2018 whereby the intention and objectives of the incentive policy were discussed with elected members.
- The Unley Business and Economic Development Committee received a presentation about the proposed Economic Development Incentive Scheme Wednesday 21 March 2018, whereby the intention and objectives of the incentive scheme were discussed. In summary, the Committee:
 - Supports the Economic Development Incentive Scheme (Scheme) and suggested that a pilot for a period of time be considered by Council. A pilot would enable Council to test whether the initiative generates any interest in development within the City.
 - Would be supportive of extending the application of the Scheme beyond the District Centre Zone but understands why Administration at this time has limited its recommendation to this area. The District Centre Zone has a clear vision (adopted in 2014) and the development of this vision is a result of extensive engagement with stakeholders.
 - Would encourage Council, should it receive interest for eligible development outside the District Centre Zone, to consider applying the benefits of the Scheme to that development.
 - Considered that the minimum development cost of \$25m was too high and that this amount would not encourage development in the District Centre Zone where the height restriction is five (5) storeys. The Committee suggested that this minimum be lowered to \$10m.
 - Sought clarification as to why an eligible development would be required to be consistent with the building height guidelines in Council's Development Plan. The intention of the Scheme is an approach to stimulate interest from developers to encourage investment through considered development. The Unley Development Plan was endorsed following extensive engagement with stakeholders.
 - Suggests Council engage with the business community in the precinct about development opportunities and the benefits of the scheme, and explore opportunities concerning Council's own land holdings within the District Centre Zone.
- The Minutes of the Unley Business and Economic Development Committee form part of this Agenda, and they are presented as Item 1113, Council 26/03/18.

8. REPORT CONSULTATION

CEO	Peter Tsokas
Manager Strategic Projects	David Litchfield
Senior Rates Coordinator	Kym Caulfield

9. ATTACHMENTS

- Attachment 1 – Economic Development Rates Incentive Policy

10. REPORT AUTHORISERS

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



ECONOMIC DEVELOPMENT RATES INCENTIVE POLICY

Policy Type:	Council
Responsible Department:	Business Support & Improvement
Responsible Officer:	Manager Finance & Procurement
Related Policies and Procedures	Rates Rebate Policy (Community)
Date Adopted:	March 2018 Item 1118 Council
Last Council review:	n/a
Next review date:	January 2021
ECM Doc Set ID:	Governance staff to add number assigned from ECM for future reference

1. POLICY STATEMENT

The *Local Government Act 1999* ("the Act") provides at Chapter 10, Division 5, Section 166(1)(a) that a council may grant a rebate of rates where the rebate is desirable for the purpose of securing the proper development of the area (or part of the area).

Consistent with this provision, Council has implemented this policy to stimulate economic development to assist economic growth in the City by providing financial incentives for certain development types and within identified areas/precincts within the City of Unley, through granting rate rebates.

This Policy seeks to encourage and support only mixed use development that is consistent with Council's Development Plan.

This Policy excludes the rebates of rates granted under Sections 160 to 165, and S166(1)(b) to (j) in the Act.

2. COMMUNITY GOAL

Economic Prosperity

Goal 3: Our businesses are valued because of the range of goods, services and facilities they provide, and new businesses are supported, not burdened with bureaucracy.

Civic Leadership

Goal 4: Council will listen to the community and make transparent decisions for the long term benefit of the City.

3. POLICY OBJECTIVES

The primary objectives of this policy are to:

- Facilitate economic growth within the City that results in thriving main streets and corridors;
- Encourage medium density dwellings along main corridors and in key strategic locations consistent with the State Government Planning Strategy and the Greater Adelaide 30 Year Plan.
- Encourage mixed use development that is consistent with the City of Unley Development Plan.

4. PRINCIPLES

The following principles relating to the application of rates on communities across the local government sector have informed the development of this policy:

- Equity - rating responsibility should be distributed in an equitable manner across and within our communities;
- Benefit - ratepayers should receive some benefits from paying tax, but not necessarily to the extent of the tax paid;
- Ability-to-pay - in raising rates the ability of the taxpayer to pay the rates must be taken into account;
- Efficiency – Council's rates are currently designed to be neutral in its effect on ratepayers and therefore it is considered efficient unless it changes ratepayer behaviour;
- Simplicity – the application of rates should be understandable, hard to avoid and easy to collect.

In applying this policy, these principles will be balanced with the policy objectives of rating, the need to raise revenue, the effect of rates on the community and delivery of strategic outcomes.

5. POLICY

Eligible Development

An application for a rate rebate in accordance with this Policy may be made, subject to the following criteria being met:

The development that is the subject of the application must:

- be located within the area designated in the City of Unley Development Plan as District Centre Zone;
- be mixed use, whereby the development consists of at least 50% (based on value) residential development;
- have a minimum development cost of \$25 million as per the Development Application;
- be consistent with the building height guidelines in Council's Development Plan.

Applications

- Applications must be made on the required form and/or in the required manner and must provide to the Council the information as stipulated and any other information that Council may reasonably require in order to determine the application.
- Applications received on or before 1 March prior to the rating year will be processed and any rate rebate determined will take effect from the commencement of the next rating year. Applications received after 1 March will be processed and any rate rebate determined will take effect from the following rating year.

Rates Incentives

As part of Council's commitment to achieving high quality economic development in the appropriate areas of the City Council will offer two types of rates related incentives.

An application for a rates rebate will be considered entirely separate to the Development Application process.

Developer Rebate of Rates

The provision of a rebate on general council rates during the construction phase of an eligible development (exclusive of the full NRM levy, which must be paid by the owner).

- The period of application of any rate rebate granted under this Policy will commence once the Valuer General categorises the assessment as vacant land, however, any approved rate rebate will only be applied to whole rating years.
- A Developer Rebate of Rates granted under this Policy will apply for a maximum of three (3) years.
- During construction of the development, the assessment(s) will be exempt from payment of the *Separate Rate for Marketing Purposes* (if applicable).
- The required application and declaration must be completed and accompanied by a signed copy of the Development Schedule.

Residential Rebate of Rates

Eligible owners may receive a 75% rebate on their general council rates for a maximum period of up to three (3) years (exclusive of the full NRM levy, which must be paid by the owner).

- An **eligible owner** is a purchaser of a residential apartment/dwelling within an **eligible development** within the City of Unley where the purchase contract is signed for an **off-the-plan** apartment/dwelling.
- An apartment/dwelling will be considered **off-the-plan** up to the day the building (or residential stage) reaches practical completion.
- The applicable rate rebate period commences from the settlement date and continues for a period not exceeding three (3) years.
- Any approved rate rebate will apply to the original purchaser/owner only and will cease to take effect in the event of a change of ownership of the apartment/dwelling.

- An **eligible owner** must submit the required application and declaration, accompanied by a signed copy of the purchase contract/schedule.
- Where an **eligible owner** is also entitled to receive a Pensioner or Self-Funded Retiree remission, the rate rebate will reduce the total rebate to nil after any remissions have been applied.

Cessation of entitlement for Rebate of Rates

In accordance with the requirements of section 159(7) of the Act, if a person or body has the benefit of a rebate of rates and the grounds on which the rebate has been granted cease to exist, the person or body must immediately inform the Council of that fact and (whether or not the Council is so informed) the entitlement to a rebate ceases.

If an entitlement to a rebate ceases or no longer applies during the course of a financial year, Council will recover rates proportionate to the remaining part of the financial year.

Determination and Review

Council will advise an applicant in writing of its determination of an application for Rebate of Rates under this Policy. The advice will state:

- (i) If the application has been granted, the amount of the rebate and the rating year to which the rebate will be applied; or
- (ii) If the application has not been granted, the reasons why.

Any person or body who is aggrieved by a determination in respect of an application for a rebate may seek a review of that decision in accordance with Council's Procedure for Internal Review of a Council Decision. There is no statutory entitlement to rebates of rates under this policy. Every decision to grant a rate rebate is at the discretion of Council, and any application may be declined at the absolute discretion of Council.

6. DEFINITIONS

Discretionary Rebate: A rebate which has been applied under the Local Government Act 1999, Section 166.

An 'eligible owner': A purchaser of a residential apartment within an 'eligible development' within the City of Unley where the purchase contract is signed for an 'off-the-plan' apartment.

Apartment 'off-the-plan': The apartment will be considered 'off-the-plan' up to the day the building (or residential stage) reaches practical completion.

Valuer General: is the state's independent authority on property valuations and oversees all significant government property valuations and council rating valuations.

Economic Growth: how much more the City's economy produces than it did in the prior period (removing the effects of inflation). Gross domestic product will be used to measure economic growth.

7. LEGISLATION/REFERENCES

Local Government Act 1999 Division 5 – Rebates of Rates
Section 166 – Discretionary rebates of rates

8. POLICY DELEGATIONS

The power to grant discretionary rebates of rates is retained by the Council.

9. ROLES/RESPONSIBILITIES

This policy will be administered on behalf of Council by the Finance & Procurement area.

Decision making in relation to application of this Policy will rest with Council.

10. AVAILABILITY

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

It is also available for public inspection during normal office hours at the Civic Centre, 181 Unley Road Unley SA 5061

A copy may be purchased for a fee as determined annually by Council and as published in the Fees and Charges document.

11. DOCUMENT HISTORY

Date:	Council/Committee/Internal	Comment:
	Committee item / year	
	Council item / year	

DECISION REPORT

REPORT TITLE: DISABILITY SERVICES REFORMS AND IMPACT TO SERVICE PROVISION BY THE CITY OF UNLEY

ITEM NUMBER: 1119

DATE OF MEETING: 26 MARCH 2018

AUTHOR: MANDY SMITH

JOB TITLE: MANAGER COMMUNITY DEVELOPMENT AND WELLBEING

1. EXECUTIVE SUMMARY

The purpose of this report is to:

- Provide information on the National Disability Insurance Scheme (NDIS) reform and the impact on the City of Unley's provision of disability services.
- Seek support for the proposed future direction of disability services provided by Council.

The City of Unley currently provides a range of services supporting residents with a disability to assist them to live independently and maintain their connection with the community. These services are fully funded from the State Government's Home and Community Care (HACC) funding stream. Council receives approximately \$204,000 per annum for the following programs:

- Eastern Region Supported Residential Facilities Program (\$171,000). Noting that the City of Unley is the coordinator for this program, providing services to the Cities of Unley, Burnside and Prospect.
- Domestic support for those living with a disability under the age of 65 years (\$20,000).
- Carers support for people under the age of 65 who support someone with a disability (\$13,500).

The NDIS reform aims to provide people who are diagnosed with lifelong/permanent disabilities with a consumer-directed care plan from an early age. The reform is expected to result in an increase in support services for more people living with disabilities. Initial information received from the Commonwealth and State Governments was that the NDIS reform would be introduced in the City of Unley from April 2018, with the full amount of funding Council receives (\$204,000 per annum) to support people under 65 with a disability ceasing on 1 July 2018.

However, Council has recently received advice that the HACC funding that Council currently receives will now be extended for the 2018/19 financial year to enable clients to be transitioned to a new community care program from 1 July 2019. It is proposed that Council continue to provide domestic and carer support during the funding extension and considers an alternative model of service delivery for the Eastern Region Supported Residential Facilities (ERSRS) Program.

2. RECOMMENDATION

That:

1. The report be received and that the impact of the Commonwealth Government's National Disability Insurance Scheme (NDIS) reforms to disability services be noted.
 2. The provision of the Eastern Region Supported Residential Facility Program be outsourced to an alternative service provider to take effect 1 July 2018, and the Cities of Burnside and Prospect be informed of this decision.
 3. Domestic and carers support continue to be provided to residents with a disability during the 2018/19 financial year, with service provision to cease from 1 July 2019 unless external funding continues.
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3. RELEVANT CORE STRATEGIES/POLICIES

Goal 1 Community Living: People value our City with its enviable lifestyle, activities, facilities and services.

- 1.1 Our community is active, healthy and feels safe
- 1.3 Our City meets the needs of all generations
- 1.5 Our City is connected and accessible

Active Ageing Strategy

Living Well – Public Health Plan

4. BACKGROUND

City of Unley Disability Profile

Based on the 2016 ABS Census, approximately 6% of the City of Unley's residents identify as having a disability or as requiring assistance with core activities. This percentage does not include those with mental health issues, episodic illness, or those that do not identify as having a disability.

Access for people with a disability is a legislative requirement under the national *Disability Discrimination Act 1992* and the *Disability Inclusion Bill 2017*. Council plays a key role in ensuring that our City is accessible for everyone, and provides opportunities for connection, inclusion and contribution.

Current Disability Services for Residents Under 65 years of Age

Council currently provides a range of services aimed at enabling people with a disability to remain in their own homes and connected with their community. These services are fully externally funded through the State Government and include:

Eastern Region Supported Residential Facilities (ERSRF) Program

Since 2010, the City of Unley has coordinated the ERSRF Program, providing services to residents living in supported accommodation services in the Cities of Unley, Prospect and Burnside. 82% of the State Government funding that Council receives for disability services funds the ERSRF Support Program (\$171,000). The program provides social support and counselling for residents living in Supported Residential Facilities. Supported Residential Facilities provide accommodation to vulnerable people, including those at risk of homelessness, living with mental health conditions, living with disabilities, experiencing drug and alcohol dependency, or other vulnerabilities.

Supported Residential Facilities are staffed 24 hours a day, 7 days a week, and provide residents with meals, cleaning, laundry services, administration for medication, supervision of dressing and grooming, and assistance with financial management. The facilities receive a per resident subsidy from the State Government to deliver these services.

The ERSRF Program delivered by the City of Unley provides residents of Supported Residential Facilities with social programs, access to community activities and events, transport to programs/outings, counselling, support, information and advocacy and focuses on improving wellbeing and ensuring residents remain supported and connected within the community. Programs currently offered through the ERSRF Program include:

- Art classes
- Exercise programs
- Digital literacy programs
- Community gardening program
- Craft classes
- Choir
- Social outings

The ERSRF program, managed by the City of Unley, supports approximately 200 residents of six supported residential facilities across three councils: Unley (three facilities with 75 clients); Prospect (two facilities with 112 clients); and Burnside (one facility with 40 clients). The City of Unley manages the program which is currently administered by 2.6 FTE externally funded Unley Council staff and 24 dedicated volunteers.

Additionally, Council's ERSRF staff members intervene when there are complaints and issues in the community relating to people experiencing homelessness, mental health issues and drug and alcohol related issues, and also play a pivotal role in addressing anti-social behaviour and connecting vulnerable people in our community to services.

The ERSRF program has been successful in ensuring participants contribute in a positive and meaningful way to our community and, in 2017, was nominated for a Local Government Excellence Award in the Cross Council Collaboration category.

Other Council Disability Services funded by State Government

Residents under 65 years of age who receive a Disability Support Pension can access Council provided services, including:

- Gardening to minimise hazards such as obstructed access to paths; removal of possible fire hazards; and reduction of overgrowth;
- Domestic assistance; and
- Carers respite.

The City of Unley receives \$33,500 to provide these services and serves approximately 60 clients each year.

5. DISCUSSION

National Disability Insurance Scheme (NDIS)

The Commonwealth Government is currently rolling out the NDIS, a new model of providing support to people with a disability. It is expected that by 2020, the NDIS will provide support to 460,000 people across Australia at a cost of \$22bn, which is approximately double the number of people with a disability that are currently being provided with support. The NDIS aims to provide people with a permanent and/or significant disability with an individualised consumer-directed care plan.

In this new system people (aged under 65 years) with a permanent disability are assessed by the National Disability Insurance Agency (NDIA) and are allocated an annual amount of funding (a package) based on their assessed needs. Eligible individuals then select services that assist them with daily living and fund them via the package allocated to them. The expectation is that a range of service providers will refocus their business or that new providers will establish themselves, creating a competitive market that will drive the nature and cost of the services available in the community.

The NDIS has already been implemented for children under 18 years of age and is planned to be rolled out to adults in the Eastern Region of Adelaide (including the City of Unley) in April 2018.

As a result of the NDIS, the Home and Community Care (HACC) 'block funding' that the City of Unley currently receives was due to cease on 1 July 2018 so that this funding could be redirected to fund the NDIS. However, in February 2018, Council received a letter from the Hon Zoe Bettison, Minister for Communities and Social Inclusion, stating that the funding Council currently provided to the City of Unley will be extended for the 2018/19 financial year.

With the inevitable loss of State Government funding for disability services in the future, it is appropriate for Council to reconsider and re-define its role in disability service provision. The full impact of the NDIS on councils is largely unknown. It is likely to take some time for people to fully understand the new approach to service provision. It is anticipated there will be an interim need for supporting people to navigate through the new system and transition to new service providers.

The Local Government Association of South Australia has recently been granted \$32,000 through the Local Government Research and Development Scheme for a research project that will assess the NDIS impact on metropolitan councils. The purpose of this project is to research trends, models of practice, partnership opportunities and various impacts of the NDIS. The project will analyse suitability and sustainability of business models adopted by metropolitan local governments and explore and make recommendations for future opportunities. The final report is expected to be delivered in August 2018.

Potential Impacts for the City of Unley

From 1 July 2019 the NDIS reform will result in the loss of approximately \$204,000 per annum in HACC funding that the City of Unley currently receives. The services currently delivered with this funding by many councils, including the City of Unley, will no longer be feasible under the new reforms. Councils nationwide are currently re-evaluating their role in disability service provision.

It is expected that eligible and approved residents under the age of 65, who are currently receiving domestic and carers support from Unley Council and who apply for the NDIS, will receive funding via an individualised package to access these services directly from alternative NDIS approved providers. It is recommended that Council continue to provide services until residents are provided with their NDIS Plan over the 12-month transition period and until funding received for these services ceases.

Residents of supported residential facilities (SRF) with a formal disability diagnosis will also be eligible for packages as part of the NDIS and will therefore continue to have access to services. However, it is estimated that approximately 20% of the SRF residents will be ineligible for NDIS packages as they are not diagnosed as having a permanent disability, but rather that they have an episodic illness or their vulnerability is considered a health issue (such as drug and alcohol dependency).

Future Role of Local Government in Disability Service Provision

A small number of councils are investigating becoming NDIS providers and establishing separate businesses funded through a user pays model, however the majority of councils have indicated that they will not pursue this option for reasons including:

- It is generally considered beyond the role of local government.
- Concerns that councils would not be able to be competitive in the delivery of NDIS services due to the employee awards under which they operate and the cost of their overheads. Additionally, under the National Competition Policy, a public office (i.e. council) cannot subsidise 'commercial' services that would give it an unfair advantage over competitors. As a result, councils would need to determine the true value of their 'in-kind' costs and factor that into the unit cost to deliver services, resulting in a further barrier in this competitive environment.
- NDIS funding received would be paid directly through the individual's NDIS package and the resident will choose their preferred supplier. There is no guarantee of income under this model because the funding sits with the individual not the service provider and therefore Council would need to consider underwriting the operation of this activity.

Given these factors and acknowledging that Council's legislated responsibilities for supporting people with disabilities are not within the realm of direct service provision, the Administration recommends that Council is not best placed to provide these services in the future. Instead it is suggested that the best approach is to focus on:

- Developing partnerships with other service organisations.
- Ensuring all of Council's mainstream services are accessible and inclusive to people of all abilities.
- Investigating the need for an information and referral service or process for vulnerable residents.

In January 2018, the Commonwealth Government announced a number of organisations who will be funded to provide Local Area Coordination services for the NDIS. Local Area Coordinators have been appointed to assist people to navigate NDIS and access NDIS plans. Baptcare has won the tender to provide services for the Eastern Adelaide region, which includes the City of Unley. Local Area Coordination services will be provided until 2019 during the 'transition period' while the NDIS is rolled out across the country. It is envisaged that the City of Unley will work closely with Baptcare to transition our NDIS eligible HACC clients to alternative service providers.

Client Transition Implications

Home Assist and Carers Support

The City of Unley has been providing community services for people with disabilities for over 40 years. There is now an assumption by many residents that Council will continue to provide these services, yet what is not always understood is that the majority of our aged/disability services are Commonwealth or State Government funded. Managing expectations through timely communication will be required, with a focus on effectively transitioning eligible clients to alternative providers where available. During the 12-month funding extension, Council can assist clients to navigate the new system noting that once the transition is complete, Council would no longer receive funding for the delivery of these services but would however, continue to receive funding for those over 65 through the Aged Care system.

Eastern Region Supported Residential Facilities Program

It is currently unclear how accommodation services will be funded under the NDIS and whether resident subsidies for SRF operators will continue. The Administration hopes that the State Government's proposed Community Care Program, referenced in the media (January 2018), will support the approximate 20% of SRF residents who will be ineligible for the NDIS.

Due to the cessation of Council's current funding agreement on 30 June 2018, there is currently only 1 FTE remaining employed in the program, who is being assisted by temporary staff (noting staffing in the past for this program has been between 3-5 FTEs). The loss of long-term staff, while expected due to funding timeframes, has impacted clients as they have lost familiar people with whom they have developed trust.

Should State/Commonwealth Government funding be extended during a transition period, it is recommended that this program be outsourced to a service provider who is better placed (already an NDIS provider) to assist clients to navigate new services and processes and who is likely to receive funding to service clients into the future.

Both the Cities of Prospect and Burnside have been consulted on the impact of the loss of funding for the ERSRF Program and are of the view that the program should be outsourced to an alternative provider.

Consideration also needs to be given to the 24 valued and highly skilled City of Unley volunteers who support the ERSRF Program. The time and energy that our volunteers contribute has a significant impact on the volume and quality of services that Council can deliver and provides the volunteers with meaningful social participation and connection. Should Council outsource this program during the transition period, volunteers would also need to be supported to either volunteer with alternative providers into other Council programs, or to support current clients to access mainstream services at our libraries and community centres. Ideally, those volunteers would be integrated into other Council programs that require volunteer support.

6. ANALYSIS OF OPTIONS

Option 1 – Council outsource the provision of the Eastern Region Supported Residential Facility Program to an alternative service provider and continue to provide domestic and carers support to residents with a disability during the 2018/19 financial year.

This option would provide the City of Unley with the opportunity to continue providing domestic and carers support services for people under 65 years old during the potential transition period. Council already provides these services to older residents and the numbers of people under 65 who are currently accessing these services is relatively small (60 people). Continuing to provide these services does not impact on the current services or staffing model.

It is recommended that Council outsource the coordination of the ERSRF program through a tender process. Ideally the service provider selected to coordinate this service would be a registered NDIS provider and could continue to maintain a connection with clients once the HACC funding ceases.

The staff associated with the ERSRF program are one of the program's biggest asset, however with only one existing employee remaining, this greatly affects the rationale for the City of Unley continuing with the program during the transition period.

With this option a transition plan would also be developed for Council's volunteers involved in the provision of these services. Work will be required to relocate these skilled and dedicated volunteers to the new service provider, or ideally, to retain as Council volunteers and link them with alternative programs where available. There may be opportunities for those volunteers to continue engaging with SRF residents in Council venues and programs.

This option, would take a minimum of three (3) months to implement and the responsibility for the program would continue to be held with the City of Unley as the coordinator.

A communication and transition plan would also need to be developed with the City of Burnside and the City of Prospect, who will also be affected by these changes. Both the Cities agree with this option.

Option 2 – Accept the HACC funding extension and operate business as usual.

This option means that residents who are currently receiving Council disability services and support will continue to receive it during the extension period. Whilst the 'business as usual' model provides appeal, any perceived ease and benefits are negated by the need to recruit and train new staff for the 12-month extension.

Additionally, it means vulnerable clients will be maintaining a relationship with a service provider who is not best placed to navigate them through the NDIS' new services and processes, and unlikely to receive funding to service that client into the future. As a result, in 12 months' time, they would again need to transition to alternative workers and providers.

Option 3 – Accept the HACC funding extension for domestic and carers support and decline the ERSRF component.

This option would cease Council's provision of services to ERSRF clients in July 2018.

It is unclear what the Department for Communities and Social Inclusion would do in the instance of a decline of a HACC funding offer and it is not known if this amendment to the funding agreement would be considered by the Department for Communities and Social Inclusion. There is a risk that not accepting the funding extension and discontinuing the service altogether would result in the cessation of services to existing clients without alternative services for them to transition into.

Declining a funding extension could be perceived as Council deciding to discontinue providing services to vulnerable people, despite the fact that is only a matter of time before Council no longer provides these direct services to people with a disability due to funding reforms.

Through this option a transition plan would also be developed for Council's volunteers involved in the provision of these services and work will be required to relocate these skilled and dedicated volunteers to alternative programs where available.

7. RECOMMENDATION

Option 1 is the recommended option.

8. POLICY IMPLICATIONS

8.1 Financial/budget

Given the existing services are fully State Government funded, the outsourcing of services has no budget implications for Council.

Council has, in the past 12 months, been undertaking a significant amount of strategic planning. In particular, Council has:

- Reviewed the 20 Year Community Plan;
- Developed a 4 Year Implementation Plan detailing priority areas to initiatives for the period 2018/21; and
- Developed an annual operating plan that details Council's ongoing services, the level of services provided and the cost to deliver those services.

This work will help Council develop a target operating model that provides a framework about how Council will operate.

This report provides an example where detailed analysis recommends that Council not continue the service delivery role it previously had with regards to ERSRF but instead, should seek a partnering role with an experienced service provider as well as investigate a referral/information service for vulnerable residents.

8.2 Legislative/Risk Management

A clear transition and communication plan will be developed to reduce the risks of misinformation and to share key messages.

8.3 Staffing/Work Plans

Existing staff contracts associated with Council's disability services currently expire on 30 June 2018, aligned to the current funding agreement. Additionally, there are 24 related volunteer roles that will need to be transitioned.

8.4 Stakeholder Engagement

Community engagement has not been undertaken in the preparation of this report, as noted in Council's Community Engagement Toolkit; consultation with the community should occur when there are clear negotiables that the community can influence. In this instance the ultimate discontinuing of funding to Council has already been determined by the Commonwealth Government.

The Cities of Prospect and Burnside have been consulted in the preparation on this report.

9. CONSULTATION

The following areas of Council have been consulted in the preparation of this report:

- Active Ageing Team
- Finance Department

10. REPORT AUTHORISERS

<u>Name</u>	<u>Title</u>
Megan Berghuis	General Manager City Services
Mandy Smith	Manager Community Development & Wellbeing

DECISION REPORT

REPORT TITLE: CARETAKER POLICY REVIEW
ITEM NUMBER: 1120
DATE OF MEETING: 26 MARCH 2018
AUTHOR: TAMI NORMAN
JOB TITLE: EXECUTIVE MANAGER OFFICE OF THE CEO

1. **EXECUTIVE SUMMARY**

This report presents a revised Caretaker Policy for endorsement by Council. Section 91A of the *Local Government (Elections) Act 1999* requires Council to adopt a Caretaker Policy, which applies during an election period. For the 2018 Local Government Elections the election period will commence at the close of nominations (12 noon, Tuesday 18 September 2018) and will finish at the conclusion of the election, when the last result is certified by the Returning Officer.

Changes to the Caretaker Policy are primarily editorial in nature, along with re-formatting which has resulted in some changing to clause numbering.

2. **RECOMMENDATION**

That:

1. The report be received.
 2. The Caretaker Policy, as set out in Attachment 1 to Item 1120/18 (Council Meeting 26/03/18) be endorsed.
-

3. **RELEVANT CORE STRATEGIES/POLICIES**

3.1 Civic Leadership: 4.1 – we have strong leadership and governance.

4. **DISCUSSION**

Background

Section 91A of the *Local Government (Elections) Act 1999* requires Council to adopt a Caretaker Policy, which applies during an election period. For the 2018 Local Government Elections, the election period will commence at the close of nominations (12 noon, Tuesday, 18 September 2018) and will finish at the conclusion of the election, when the last result is certified by the Returning Officer.

The Caretaker Policy (the Policy) provides the framework for Council decision-making, use of resources, access to information, media services, public consultation etc., in the lead up to the Local Government periodic election in November 2018.

Discussion

Council must assume a “Caretaker” mode prior to the Local Government periodic election. The primary restriction on Council during Caretaker mode relates to the making of “designated decisions”. These are defined in Section 91A of the *Local Government (Elections) Act 1999* as:

“Designated decision means a decision—

- (a) Relating to the employment or remuneration of a chief executive officer other than a decision to appoint an acting chief executive officer, or*
- (b) To terminate the appointment of a chief executive officer, or*
- (c) To enter into a contract, arrangement or understanding (other than a prescribed contract) the total value of which exceeds whichever is the greater of \$100,000 or 1% of the Council’s revenue from rates in the preceding financial year, or*
- (d) Allowing the use of Council resources for the advantage of a particular candidate or group of candidates (other than a decision that allows the equal use of council resources by all candidates for election).*

Other than a decision of a kind excluded from this definition by regulation.”

Regulation 12 of the *Local Government (Elections) Regulations 2010* provides some specific exceptions to the above, which are decisions that:

- (a) Relate to the carrying out of works in response to an emergency or disaster within the meaning of the *Emergency Management Act 2004*, or under section 298 of the *Local Government Act 1999*, or
- (b) Is an expenditure or other decision required to be taken under an agreement by which funding is provided to the Council by the Commonwealth or State Government or otherwise for the Council to be eligible for funding from the Commonwealth or State Government; or
- (c) are related to the employment of a particular Council employee (other than the Chief Executive Officer); or

- (d) are made in the conduct of negotiations relating to the employment of Council employees generally, or a class of Council employees, if provision has been made for funds relating to such negotiations in the budget of the Council for the relevant financial year, and the negotiations commenced prior to the election period; or
- (e) are related to a Community Wastewater Management Systems scheme that has, prior to the election period, been approved by the Council; or
- (f) are for the suspension of the Chief Executive Officer for serious and wilful misconduct.

The Caretaker period is effective during the election period, as defined in legislation, however, Council has the capacity to commence application of the Caretaker Policy from an earlier date should it wish to do so. The election period for 2018 will extend for a minimum period of eight (8) weeks (18 September to 12 November) with the final date of effect dependent on the declaration of election results for all wards and the Mayoral election.

The current 2018 meeting schedule indicates that the last Council meeting before the commencement of the election period will be Monday 27 August. There is also the ability within the meeting schedule to convene a Council meeting on Monday 10 September if required. During the election period, normal Council meetings will be held on 24 September and 22 October as per the endorsed meeting schedule. An additional Council meeting may also be convened on 8 October if required.

Elected Members and staff are bound by the Caretaker Policy. The Chief Executive Officer will ensure that any matters that may require Council to make a decision that fits within the definition of a designated decision will be considered by Council by no later than the 27 August Council meeting.

The Policy has been reviewed as part of Council's ongoing policy review process and some amendments have been proposed. The Policy Review Working Group has been consulted in relation to the proposed changes to the Policy and no concerns were raised. A copy of the revised policy, with changes marked as revisions, is provided as Attachment 1 to Item 1120/18.

Attachment 1

5. ANALYSIS OF OPTIONS

Option 1

That:

1. The report be received.
2. The Caretaker Policy, as set out in Attachment 1 to Item 1120/18 (Council Meeting 26/03/18) be endorsed.

Council is obligated to have a Caretaker Policy in place, and for the policy to apply during an election period. Council has a policy review process in place, and within that process it is time for the Caretaker Policy to be reviewed.

Option 1 provides for the endorsement of an updated version of the Caretaker Policy, which incorporates minor, primarily editorial and formatting changes made as part of the review process. Other changes incorporate updated information in relation to administrative responsibility for the Policy.

This option ensures that Council is meeting its legislative obligations and that the Caretaker Policy has been appropriately reviewed prior to the Local Government elections scheduled for November 2018.

Should Council endorse this option, there is still the capacity for other changes to be made, or to reject any of the proposed changes marked within the Attachment. If this occurred, part 2 of the resolution would need to be modified to read:

2. *The Caretaker Policy, as set out in Attachment 1 to Item 1120/18, Council Meeting 26/03/18) be endorsed, subject to the following amendments:*
- [insert details of amendments required]

Attachment 1

Option 2 –

That:

1. The report be received.
2. The Caretaker Policy be endorsed without amendment.

This option meets Council's obligation to have a Caretaker Policy in place, and to review the Caretaker Policy at least every four years. It does not enable incorporation of updated administrative information, nor does it allow for general refinements/improvements to be incorporated within the content or format of the document.

6. RECOMMENDED OPTION

Option 1 is the recommended option.

7. POLICY IMPLICATIONS

7.1 Legislative/Risk Management

The Caretaker Policy is a mandatory policy required by section 91A of the Local Government (Elections) Act 1999. The application of the policy must occur during an election period, as defined in section 91A(8) of the Local Government (Elections) Act 1999.

7.2 Staffing/Work Plans

Governance staff will provide advice as required in relation to the application of the Caretaker Policy. This is incorporated within existing operational work plans.

7.3 Stakeholder Engagement

There is no requirement to conduct external stakeholder engagement in relation to the review of the Caretaker Policy.

8. REPORT CONSULTATION

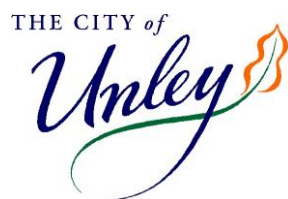
The Policy Review Working Group was consulted in relation to proposed changes to the Caretaker Policy and no issues or concerns were raised.

9. ATTACHMENTS

- Attachment 1 – Caretaker Policy.

10. REPORT AUTHORISERS

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



POLICY NAME

Policy Type:	Council Policy
Responsible Department:	People and Governance <u>Office of the CEO</u>
Responsible Officer:	General Executive Manager
Related Policies and Procedures	<ul style="list-style-type: none"> Complaints handling procedure under the Code of Conduct for Council Members Code of Conduct for Council Employees
Community Plan Link	<u>4.1 We have strong leadership and governance</u>
Date Adopted	27/04/2010
Last review date	C1074, 11/03/2014
Next review date	March 2018
Reference/Version Number	
ECM Doc set I.D.	2192188

1. PREAMBLE

- 1.1. This is a mandatory policy pursuant to Section 91A of the *Local Government (Elections) Act 1999*.
- 1.2. The policy affirms Council's commitment to fair and democratic elections based upon the principle that outgoing elected bodies should not use public resources for election campaigning, nor make decisions which may unreasonable, inappropriately or unnecessarily bind and incoming Council.

2. PRINCIPLES

- 2.1. The Policy applies to:
 - Each periodic election of members of the Council under the *Local Government (Elections) Act 1999* (Elections Act); and
 - Each general election of members of the Council held pursuant to a proclamation or notice under the *Local Government Act 1999*.¹
- 2.2. The Policy does not apply to:
 - Supplementary elections.

¹ Section 91A(1) of the *Local Government (Elections) Act 1999* states that the caretaker policy applies during the 'election period' for a 'general election'. General elections are defined in the *Local Government Act 1999* to mean a periodic election held under section 5 of the *Local Government (Elections) Act 1999*, or an election pursuant to a proclamation or notice under the *Local Government Act 1999*. [In the case of an election pursuant to a notice under section 56 of the *Local Government Act 1999*, the specific provisions of section 57 will apply.]

2.3. In this Policy:

- All references to 'Elected Members' should be read as including the Mayor and the Deputy Mayor; and
- All references to the Chief Executive Officer should be read as including an Acting Chief Executive Officer and ~~his/her~~their delegate.

2.4. The Policy applies during an election period of Council to ~~cover~~:

2.4.1. Designated decisions ~~as defined in the Elections Act that are~~ made by Council, ~~as defined by the Elections Act; and~~

2.4.2. ~~The Use~~ of Council resources, including:

- Materials publishing by Council;
- Attendance and participation at functions and events;
- Access to Council information;
- Media services issues; ~~and~~
- Responsibilities of Council staff; ~~and~~

2.4.3. Other significant decisions that are made by the Council.

2.5. The Policy applies to ~~both the elected Council~~ (Elected Members), the Chief Executive Officer and to staff and captures all designated decisions of Council, a committee of Council or a delegate of the Council – refer to Clause ~~6~~5.2.

2.6. The Policy does not apply to the Council's ~~Development~~ Assessment Panel (~~formerly known as the Development Assessment Panel or DAP~~) as the Panel is established under Section ~~56A of the Development Act 1993~~ 83 of the Planning, Development and Infrastructure Act 2016 and does not make decisions which fall within the definition of designated decision.

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3. POLICY OBJECTIVES

- 3.1. During a Local Government election period, Council will assume a 'Caretaker mode', and will avoid actions and decisions which could be perceived as intended to affect the results of an election or otherwise to have a significant impact on or unnecessarily bind the incoming Council.
- 3.2. The purpose of this Policy is to clearly set the parameters that Council will operate within during a Caretaker period. Caretaker provisions are required pursuant to section 91A of the Elections Act and are generally regarded as necessary for the promotion of transparent and accountable government during an election period.

4. DEFINITIONS

'Caretaker period' will commence on the day of the close of nominations for the election.

'Council's Electoral Liaison Officer' the council employee nominated by the Chief Executive Officer to undertake in-house election functions.

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'Designated decision' (as defined under Section 91A(8) of the Elections Act) means a decision which prevents Council from making a resolution of the type specified. See clause 5.2 below.

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An **'election period'** – ~~refer as defined in~~ section 91A(8) of the Elections Act:

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- (a) **Commences** on the day of the close of nominations for the election; or
- (b) If a Council has specified a day (being a day that falls earlier than the day of the close of the nominations) in its Caretaker Policy – the specified day, and expiring at the conclusion of the election.
- (c) 'conclusion of the election' (as defined at Section 4(2) of the *Local Government Act 1999*) for the relevant periodic or general election being the time at which the last result of the election is certified by the returning officer.

'Employee': for the purposes of this Policy, "employee" includes council volunteers and external contractors.

~~**'Designated decision'** means a decision as defined under Section 91A(8) of the Elections Act which prevents Council from making a resolution of the type specified. See clause 6.2 below.~~

'General election' (as defined in Section 4(2) of the *Local Government Act 1999*) means a general election of members of the council (whether held under section 5 of the *Local Government (Elections) Act 1999* or pursuant to a proclamation or notice under the *Local Government Act*.

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'Periodic election' (as defined in Section 4(2) of the *Local Government Act 1999*) means an election to fill offices of a council held pursuant to section 5 of the *Local Government (Elections) Act 1999*.

'Prescribed contract' (as defined in section 91A(8) of the Elections Act) means a contract entered into by the Council for the purpose of undertaking –

- (a) Road construction or maintenance; or
- (b) Drainage works

5. POLICY

5.1. ~~Scope~~

~~5.1.1. This clause applies to decisions of Council, a committee of Council, or a delegate of Council, including the Chief Executive Officer.~~

Commented [TN1]: The application of the policy is covered in section 3 of this document so does not need to be repeated here.

5.2.5.1. **'Designated decisions' prohibited by the Elections Act**

~~5.2.1-5.1.1.~~ In accordance with section 91A(8) of the Elections Act.

~~5.2.2-5.1.2.~~ "Designated decision" means a decision:

- (a) Relating to the employment or remuneration of a chief executive officer, other than a decision to appoint an acting chief executive officer; or
- (b) To terminate the appointment of a chief executive officer; or
- (c) To enter into a contract, arrangement or understanding (other than a prescribed contract) the total value of which exceeds whichever is the greater of \$100,000 or 1% of the ~~e~~Council's revenue from rates in the preceding financial year; or

- (d) Allowing the use of ~~e~~Council resources for the advantage of a particular candidate or group of candidates (other than a decision that allows the equal use of ~~C~~eouncil resources by all candidates for election), other than a decision of a kind excluded from this definition by regulation.

~~5.1.3. If Council considers that there are extraordinary circumstances which require the making of a designated decision during the election period, Council may apply, in writing, to the Minister for an exemption from the application of s91A of the Elections Act. If the Minister chooses to grant an exemption, this exemption may be subject to any conditions or limitations that the Minister considers appropriate.~~

~~5.2.3-5.1.4.~~ Council notes that the Elections Act stipulates that any designated decision made by the Council during the election period without an exemption from the Minister is invalid. ~~Furthermore, it notes that the Council is~~will be liable to pay compensation to any person who suffers loss or damage as a result of acting in good faith in reliance on such an invalid designated decision.

~~5.2.4. Council, if faced with extraordinary circumstances, may apply in writing to the Minister for an exemption. Council further notes that if the Minister chooses to grant an exemption it may be subject to any conditions or limitations that the Minister considers appropriate.~~

5.3.5.2. Scheduling consideration of designated decisions

~~5.3.4-5.2.1.~~ The Chief Executive Officer must ensure that designated decisions are not scheduled for consideration during the election period.

5.4.5.3. Decisions made prior to an election period

~~5.4.4-5.3.1.~~ The Policy applies to actual decisions made during an election period, not the announcement of decisions made prior to the election period.

5.5.5.4. Other significant decisions which are prohibited by operation of this Policy

Prohibited Decision	Notes
Any major policy or other decisions which will significantly affect the Council area or community or will inappropriately bind the incoming Council	This is an internal requirement of Council

~~5.5.4-5.4.1.~~ So far as is reasonably practicable, the Chief Executive Officer should avoid scheduling significant decisions (including major policy decisions) for consideration during an election period and, instead, ensure that such decisions are:

- ~~Are~~ considered by Council prior to the election period; or
- ~~Are~~ scheduled for determination by the incoming Council.

~~5.5.2-5.4.2.~~ In the context of this policy, a ‘**major policy**’ decision may include any decision:

- To spend unbudgeted monies;
- To conduct unplanned public consultation;
- To endorse a new policy;

- To approve community grants'
- To progress any matter which has been identified as an election issue; or
- Any other issue that is considered a major policy decision by the CEO that is not a designated decision.

5.6.5.5. Role of the Chief Executive Officer

5.6.4.5.5.1. The determination as to whether a major policy or other decision is significant will be made by the Chief Executive Officer, after consultation with the Mayor or Committee Presiding Member.

5.7.5.6. Considerations for urgent decisions

5.7.1.5.6.1. Where circumstances arise that require a decision to be made during an election period, and the Chief Executive Officer has determined that the decision is a major policy or otherwise significant decision ~~or is otherwise significant, per and therefore is covered by clause 5.4 6.5 above, and circumstances arise that require the decision to be made during the election period, a report will be presented to the Council to allow for will~~ consideration of the matter and to determine whether ~~to make the~~ significant decision will be made.

5.7.2.5.6.2. The report to Council will address the following issues, where relevant:

- ~~Why~~ the 'significance' of the matter is considered significant;
- ~~Why~~ the urgency of the matter is considered urgent;
- ~~What are~~ the financial impacts and other potential consequences of postponing the matter until after the election, ~~both on both~~ the current Council and incoming Council;
- Whether deciding the matter will bind or significantly limit the policy choices of the incoming Council;
- Whether the matter requires the expenditure of unbudgeted funds;
- Whether the matter is the completion of an activity already commenced and previously endorsed by Council;
- Whether the matter requires community engagement;
- Any relevant statutory obligations or timeframes; and
- Whether dealing with the matter in the 'election period' is in the best interest of the Council area and community.

5.7.3.5.6.3. The aim of the report is to assist Elected Members into assessing whether the decision should be deferred ~~as a decision for~~ consideration by the incoming Council.

5.8.5.7. Exemptions to "Designated decisions"

5.8.1.5.7.1. ~~To assist Council's ongoing operations during the caretaker period Regulation 12 of the Local Government (Elections) Regulations 2010 provides a number of exemptions a number of key decisions from the definition of a designated decision, which will assist Council's ongoing operations during the caretaker period.~~ For the purposes of section 91A of

the *Elections Act*, the following kinds of decisions are excluded from the definition of designated decision:

- a) ~~Is Related~~ to the carrying out of works in response to an emergency or disaster within the meaning of the *Emergency Management Act 2004*, or under section 298 of the *Local Government Act 1999*, or
- b) Is an expenditure or other decision required to be taken under an agreement by which funding is provided to the Council by the Commonwealth or State Government or otherwise for the Council to be eligible for funding from the Commonwealth or State Government; or
- c) ~~Is Related~~ to the employment of a particular Council employee (other than the Chief Executive Officer); or
- d) Is made in the conduct of negotiations relating to the employment of Council employees generally, or a class of Council employees, if provision has been made for funds relating to such negotiations in the budget of the Council for the relevant financial year and the negotiations commenced prior to the election period; or
- e) ~~Is Related~~ to a Community Wastewater Management Systems scheme that has, prior to the election period, been approved by the Council; or
- f) ~~If the decision~~ is for the suspension of the Chief Executive Officer for serious and wilful misconduct.

5.9.5.8. Use of Council resources

5.9.1-5.8.1. Council notes that Section 91A(8)(d) of the *Elections Act* ~~requires Council to prohibit the making of a decision that allows~~ the use of Council resources for the advantage of a particular candidate or group of candidates ~~(unless there is a decision that allows the equal use of council resources by all candidates for election)~~. This includes a candidate or candidates who are currently ~~e~~Elected Members of the Council.

5.9.2-5.8.2. Council resources cover a wide range of personnel, goods, services, information and opportunities and may include:

- Materials published by Council
- Attendance and participation at functions and events;
- Access to Council information; and
- Media services issues.

5.9.3-5.8.3. Elected Members and staff will ensure that due propriety is observed in the use of Council resources and must exercise appropriate judgement in this regard.

5.9.4-5.8.4. ~~During an election period,~~ Council resources, including officers, support staff, hospitality services, equipment and stationery must be used exclusively for normal Council business ~~during an election period~~ and, must not be used in connection with an election other, unless permitted by the Chief Executive Officer as ~~than uses~~ strictly relating to the election process.

5.9.5.5.8.5. Council Publications during an Election Period

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5.9.5.1.5.8.5.1. Prohibition on publishing certain materials during an election period

Subject to the operation of Section 12(b) of the *Elections Act* Council must not:

- a) Print, publish or distribute; or
- b) Cause, permit or authorise others to print, publish or distribute on behalf of Council,

any advertisement, handbill, pamphlet or notice that contains electoral material during an election period.

For the purposes of this Policy 'electoral material' means material which is calculated (i.e. intended or likely) to affect the result of an election. However, it does not include any materials produced by Council relating to the provision of information, education and publicity designed to promote public participation in the electoral processes ~~es-by-way-of information, education or publicity~~, or materials produced by or on behalf of the ~~R~~Returning Officer for the purposes of conducting an election.

The Policy does not prevent publications by Council which merely announce the holding of an election or relate only to the election process itself for the purposes of Section 12(b) of the *Elections Act* or otherwise. Council may provide information, education and publicity designed to promote public participation in the electoral processes for its area, and to inform potential voters about the candidates who are standing for election in its area. It will not publish material that refers to, or comments on, an issue submitted to or that is otherwise before voters in connection with the election.

Elected Members are, however, permitted to publish campaign material on their own behalf, but cannot assert ~~for~~ that the material ~~to be is~~ originating from, or authorised by, Council (e.g. by the use of Council logos or their Council email address).

NOTE: 'Publication' means any type of publication, including but not limited to leaflets, newspapers, posters, email, website, radio, social media etc.

5.9.5.2.5.8.5.2. Council website

During an election period, new material ~~which-that~~ is prohibited by this Policy will not be placed on the Council website. Any ~~information-content which~~ referrings to the election will only relate to the provision of information, education and publicity designed to promote public participation in the electoral process ~~election process by way of information, education or publicity~~. Information about Elected Members will be restricted to names, contact details, titles, membership of committees and other bodies to which they have been appointed by the Council.

The Council's website will include an express link or reference to the Local Government Association publication of candidate profiles and electoral statements for the purposes of section 19A of the *Elections Act*.

5.9.5.3.5.8.5.3. Other Council publications

Insofar as any Council publications, such as the Annual Report, are required to be published during an election period, the content contained within them regarding Elected Members will be restricted to that ~~strictly required-prescribed~~ by the *Local Government Act 1999* and Regulations.

Council publications produced before an election period containing material which might be construed as electoral material ~~will-must~~ not be circulated or displayed during the election period. However, ~~these materials~~ may be made available to members of the public ~~upon~~ request.

5.9.6.5.8.6. Attendance at Events and Functions during an election period

~~5.9.6.1.5.8.6.1.~~ In this clause, reference to events and functions means gatherings involving external stakeholders to discuss, review, acknowledge, communicate, celebrate or promote a program, strategy or issue which is of relevance to Council and its community and may take the form of conferences, workshops, forums, launches, promotional activities, and social occasions such as dinners, receptions and balls.

5.9.6.2.5.8.6.2. Events staged by external bodies

Elected Members may continue to attend events and functions staged by external bodies during an 'election period'.

5.9.6.3.5.8.6.3. Council events and functions

Council organised events and functions held during the election period will be reduced to only those essential to the operation of the Council.

5.9.6.4.5.8.6.4. Addresses by Elected Members

Elected Members must not give speeches or keynote addresses at Council organised or sponsored events and functions during an election period.

Elected Members may, however, make short welcome speeches at Council organisation or sponsored events and functions during an election period.

5.9.6.5.5.8.6.5. Publication of promotional material

In preparing any material concerning ~~a~~ Council organised or sponsored function or event ~~which-that~~ will be published or distributed during the election period, such preparation will be consistent with Clause ~~65.98~~.5 of this policy.

5.10.5.9. Access to Council Information

~~5.10.1.5.9.1.~~ Elected Members' ~~continue during an election period to have a~~ statutory right to access Council information relevant to the performance of

their functions as an Elected Member continues during an election period. This right should be exercised with caution and limited to matters that the Council is dealing with within the objectives and intent of this Policy. Any Council information so accessed that is not publicly available must not be used for election purposes.

5.10.2.5.9.2. All candidates (including those that are Elected Members) have equal rights of access to **public information** relevant to their election campaigns from Council administration. Neither Elected Members nor candidates will be provided with information or advice from Council staff that might be perceived to support an election campaign, and there shall be transparency in the provision of all information and advice during an election period.

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5.10.3.5.9.3. **Information and briefing material**

5.10.3.1.5.9.3.1. Information and briefing material prepared or secured by staff for an Elected Member during an election period must be necessary to the carrying out of the Elected Member's role and, where appropriate, provided to any candidate seeking the same information. Queries by staff regarding the provision of information will be directed to the Chief Executive Officer in the first instance.

5.11.5.10. **Media Service**

5.11.1.5.10.1. Council's media services are directly managed by or under the supervision of the Chief Executive Officer, are provided solely to promote Council activities or initiatives and must not be used in any manner that might favour a candidate during an election period.

5.11.2.5.10.2. **Media Advice**

5.11.2.1.5.10.2.1. Any request for media advice or assistance from Elected Members during an election period will be referred to the Chief Executive Officer. No media advice will be provided in relation to election issues or in regard to publicity that involves specific Elected Members.

5.11.3.5.10.3. **Media releases/spokespersons**

5.11.3.1.5.10.3.1. Media releases will not refer to specific Elected Members. Where it is necessary to identify a spokesperson in relation to an issue, the Chief Executive Officer will ~~generally~~ be the ~~appropriate-nominated~~ person unless otherwise determined by the Chief Executive Officer.

5.11.4.5.10.4. **Publicity campaigns**

5.11.4.1.5.10.4.1. During the election period, publicity campaigns, other than for the purpose of conducting the election in accordance with the requirements of Section 12(b) of the *Elections Act*, will be avoided wherever possible. Where a publicity campaign is deemed necessary for a Council activity, it must be approved by the Chief Executive Officer.

~~5.11.4.2-5.10.4.2.~~ In any event, Council publicity during an election period will be restricted to communicating normal Council activities and initiatives without any variation in form or size.

~~5.11.5.5.10.5.~~ Elected Members

~~5.11.5.1-5.10.5.1.~~ Elected Members will not use their position as an elected representative or their access to Council staff and other Council resources to gain media attention in support of an election campaign.

~~5.11.6.5.10.6.~~ Council Employees

~~5.11.6.1-5.10.6.1.~~ During an election period, no Council employee may make any public statement that relates to an election issues unless such statements have been approved by the Chief Executive Officer.

~~5.11.6.2-5.10.6.2.~~ For purposes of this Policy, "employee" includes council volunteers and external contractors.

~~5.12.5.11.~~ Council Staff Responsibilities during an Election Period

~~5.12.1.5.11.1.~~ Prior to any election period, the Chief Executive officer will ensure that all members of Council staff are advised in relation to the application of the Caretaker Policy.

~~5.12.2.5.11.2.~~ Correspondence

~~5.12.2.1-5.11.2.1.~~ All correspondence addressed to Elected Members will be answered by the Chief Executive Officer during the election period.

~~5.12.3.5.11.3.~~ Activities that may affect voting

~~5.12.3.1-5.11.3.1.~~ Council staff must not undertake any activity that may affect voting in the election, except where the activity relates to the election process and is authorised by the Chief Executive Officer;

~~5.12.3.2-5.11.3.2.~~ Council staff must not authorise, use or allocate a Council resource for any purpose which may influence voting in the election, except where it ~~only~~-relates only to the election process and is authorised by the Chief Executive Officer; and

~~5.12.3.3-5.11.3.3.~~ Council staff must not assist Elected Members in ways that are or could create a perception that they are being used for electoral purposes. In any circumstances where the use of Council resources might be construed as being related to a candidate's election campaign, the ~~incident-use~~ must be reported to, and advice sought from, the Chief Executive Officer.

~~5.13.5.12.~~ Equity in Assistance to Candidates

~~5.13.1.5.12.1.~~ Council confirms that all candidates for Council election will be treated equally.

~~5.13.2.5.12.2.~~ Candidate assistance and advice

~~5.13.2.1-5.12.2.1.~~ Any assistance and advice provided to candidates as part of the conduct of the Council elections will be provided

equally to all candidates. The types of assistance that are available will be documented and communicated to candidates in advance.

5.13.3.5.12.3. Election process enquiries

5.13.3.1-5.12.3.1. All election process enquiries from candidates, whether current Elected Members or not, are to be directed to the Electoral Commission SA Returning Officer or, where the matter is outside of the responsibilities of the Electoral Commission SA Returning Officer, to the Chief Executive Officer or Council's Electoral Liaison Officer.

5.13.4.5.12.4. Expenses incurred by Elected Members

5.13.4.1-5.12.4.1. Payment or reimbursement of expenses of costs relating to Elected Members out of pocket expenses incurred during an 'election period' will only apply to necessary costs that have been incurred in the performance of normal Council duties. No reimbursements will be provided for campaigning, or for expenses that could be perceived as supporting or being connected with a candidate's election campaign.

5.13.5.5.12.5. Council branding and stationery

5.13.5.1-5.12.5.1. No Council logos, letterheads or other Council branding or Council resources or facilities, including Council email addresses, may be used for, or linked in any way with, a candidate's election campaign.

5.13.6.5.12.6. Support staff to Elected Members

5.13.6.1-5.12.6.1. Council staff who provide support to Elected Members must not be asked to undertake any tasks connected directly or indirectly with an election campaign for an Elected Members.

5.13.7.5.12.7. Equipment and facilities

5.13.7.1-5.12.7.1. Equipment and facilities provided to Elected Members for the purpose of conducting normal Council business must not be used for campaigning purposes.

5.14.5.13. Public Consultation during an Election Period

5.14.1.5.13.1. Prohibition

5.14.1.1-5.13.1.1. ~~It is prohibited under t~~This Policy prohibits the conduct of ~~for~~ discretionary public consultation ~~to be undertaken~~ during the election period ~~on an issue which is contentious unless Council specifically resolves otherwise.~~

5.14.1.2-5.13.1.2. For the purpose of this provision, discretionary public consultation means consultation ~~which that~~ is not legislatively mandated and is a process ~~which involv~~ing an invitation or invitations to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy.

~~5.14.1.3-5.13.1.3.~~ The Policy does not prevent any mandatory public consultation required by the *Local Government Act 1999* or any other Act which ~~is required to~~ must be undertaken to enable the Council to fulfil its functions in relation to any matter or decisions which are not prohibited by law or by this Policy.

~~5.14.2-5.13.2.~~ **Approval for public consultation**

~~5.14.2.1-5.13.2.1.~~ Where public consultation is approved to occur during an election period, the results of that consultation will not be reported to Council until after the election period, except where it is necessary for the performance of functions as set out in clause ~~5.6-7~~ above.

~~5.14.3-5.13.3.~~ **Community meetings**

~~5.14.3.1-5.13.3.1.~~ Community meetings will not be held during an election period.

6. HANDLING OF CODE OF CONDUCT COMPLAINTS DURING AN ELECTION PERIOD

- 6.1. Complaints against an Elected Member during an election period will be managed under the Council's "Complaints Handling procedure under the Code of Conduct for Council Members".
- 6.2. Council recognises that the Electoral Commission has the role of investigating any alleged breach of the *Elections Act*, including alleged illegal practices.

7. LEGISLATION/REFERENCES

- *Code of Conduct for Council Members (as Gazetted 29 August 2013)*
- *Local Government Act 1999*
- *Local Government (Elections) Act 1999*
- *Local Government (Elections) (Miscellaneous) Amendment Act 2009*
- *Local Government (Elections) Regulations 2010*

8. POLICY DELEGATIONS

- 8.1. Nil applicable

9. ROLES/RESPONSIBILITIES

- 9.1. Pursuant to section 10 of the *Elections Act*, the Electoral Commission for South Australia is the Returning Officer for the Local Government election.
- 9.2. The Council's ~~Electoral~~ Liaison Officer and Electoral Officers undertake the in-house election functions (such as accepting candidate nominations) and are responsible to the Electoral Commissioner in regard to election responsibilities.

10. AVAILABILITY OF POLICY

- 10.1. The Policy is available for public inspection during normal office hours at:
The 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	Ref/Version No.	Comment
19/04/2010	CSP 305	
27/04/2010	C 644	
14/05/2012	CSP 108	
28/05/2012	C 420	
11/02/2014	A&G 84	
11/03/2014	C 1074	Previously numbered COU13

DECISION REPORT

REPORT TITLE: BROWN HILL KESWICK CREEK – APPOINTMENT OF A NOMINATIONS COMMITTEE

ITEM NUMBER: 1121

DATE OF MEETING: 26 MARCH 2018

AUTHOR: PETER TSOKAS

JOB TITLE: CHIEF EXECUTIVE OFFICER

1. EXECUTIVE SUMMARY

At a meeting of Council held on the 24 July 2017, Council endorsed the establishment of a Nominations Committee comprising a representative from each of the five (5) constituent Councils to select the board members for the Brown Hill and Keswick Creek Stormwater Board.

Nominations are then to be presented to the five (5) constituent Councils.

The Brown Hill Keswick Creek Project Steering Group are now seeking to establish the Nominations Committee to assess and evaluate submissions and provide their recommendations to the Constituent Councils.

2. RECOMMENDATION

That:

1. _____ be appointed to the Nominations Committee for the purpose of assessing candidate suitability for the Brown Hill and Keswick Creeks Stormwater Board.
 2. It be noted that the collective recommendations for appointment to the Brown Hill and Keswick Creeks Stormwater Board from the Nominations Committee will be brought back to the five (5) Constituent Councils for consideration.
 3. It be noted that no remuneration is payable for the Nominations Committee position.
 4. Pursuant to section 44 of the *Local Government Act 1999*, the Chief Executive Officer (including to any person who is acting in the office of the Chief Executive Officer) be delegated the power, pending the appointment to and the operation of the Board of Management of the Brown Hill and Keswick Creeks Stormwater Board ('Regional Subsidiary') a regional subsidiary established under section 43 and Schedule 2 to the *Local Government Act 1999*, to provide approval for, or consent to, any matter that is within the powers of the Regional Subsidiary (as set out at clause 6 of the Charter of the Regional Subsidiary) and which would otherwise be a decision made by the Board of Management, in order to enable the Regional Subsidiary to exercise its powers in the fulfilment of its Purpose (as per clause 4 of the Charter) noting that, for the avoidance of any doubt, the delegation of this power includes (but is not limited to) approval for the expenditure of budgeted funds of the Regional Subsidiary.
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3. **RELEVANT CORE STRATEGIES/POLICIES**

- 3.1 Environmental Stewardship: 2.4 – Efficient, effective and sustainable water management is ensured
- 3.2 Civic Leadership: 4.1 – We have strong leadership and governance

4. **DISCUSSION**

1. The Stormwater Management Authority (SMA) exercised its power under Schedule 1A of the *Local Government Act 1999* (the Act) to order the five (5) catchment councils (Cities of Adelaide, Burnside, Mitcham, Unley and West Torrens) to be known as *Constituent Councils*; to develop a catchment based Stormwater Management Plan (SMP) for the Brown Hill Keswick Creek (BHKC) flood plain. An SMP was subsequently submitted to the SMA for review, comment and endorsement.
2. In February 2017, the South Australian Government (State Government) provided funding assistance to the project totalling 50% of the project (estimated at \$70M) over a twenty-year (20) period.
3. The SMP was endorsed and subsequently gazetted on 7 March 2017.
4. A condition as prescribed within the SMP 2016 and the State Government's funding offer was for the five (5) Constituent Councils to form a Regional Subsidiary (a body corporate owned by the five (5) Constituent Councils).
5. At a meeting of Council held on 24 July 2017, Council endorsed the establishment of a Nominations Committee with a representative from each Constituent Council to select the members to be nominated for the Brown Hill and Keswick Creeks Stormwater Authority ('Board') (Item 908/17). The nominations are to be presented to the Constituent Councils for endorsement.
6. Council subsequently endorsed on 27 November 2017 (Item 1026/17), the draft BHKC Regional Subsidiary Charter to be submitted to the Honourable Geoff Brock, Minister for Local Government.
7. The Minister has now approved the Subsidiary Charter, *Attachment 1 to Item 1121/18 - Brown Hill and Keswick Creeks Stormwater Board - Approval of Regional Subsidiary*, issued an approval notice and listed the Charter of the 'Board' within the Government Gazette on 27 February 2018.

Attachment 1

8. This is the date that the 'Board' came into existence, in accordance with the requirements of the Act. The Regional Subsidiary will be known as the Brown Hill Keswick Creek Stormwater Authority.
9. The Constituent Councils are now seeking to establish the independent and skills based 'Board' for the duration of the project.
10. The primary role of the 'Board' is the implementation of the SMP. The 'Board' is also responsible for the administration of the affairs of the Regional Subsidiary.

11. The 'Board' must ensure, insofar as it is practicable, that the Regional Subsidiary observes the objectives set out in the Charter, that information provided to the Constituent Councils is accurate and the Constituent Councils are kept informed of the solvency of the Regional Subsidiary as well as any material developments which may affect the operating capacity and financial affairs of the Regional Subsidiary.
12. 'Board' membership is comprised as follows;
 - 12.1. Five (5) natural persons appointed jointly by the Constituent Councils being persons who are not members or officers of any of the Constituent Councils. These persons will be appointed by the Constituent Councils from recommendations made by the "Nominations Committee".
 - 12.2. The persons recommended for appointment will be determined through a process approved by the Nominations Committee and will comprise persons with demonstrable skills relevant to the purpose of the Regional Subsidiary which may include (but not be limited to) skills in:
 - 12.2.1. Corporate financial management;
 - 12.2.2. Corporate governance;
 - 12.2.3. Project management;
 - 12.2.4. General management;
 - 12.2.5. Engineering;
 - 12.2.6. Economics; or
 - 12.2.7. Environmental management.
13. The 'Board' members will be appointed for a term of three (3) years excepting that the first appointments made will occur on a differential basis:
 - two (2) 'Board' members appointed for three (3) years,
 - two (2) 'Board' members appointed for two (2) years, and
 - one (1) 'Board' member appointed for one (1) yearfor the purposes of ensuring a rolling term of office whereby no more than two (2) of the terms of office of 'Board' members will expire at any one time. At the conclusion of their term of office, Board members will be eligible for reappointment.

14. Nominations Committee

- 14.1. The BHKC Project Steering Committee are seeking to establish the Nominations Committee with a representative (either an Elected Member or an officer) from each Constituent Council.
- 14.2. The Nominations Committee will assess candidate suitability and make their collective recommendations back to the Constituent Councils for consideration.

- 14.3. The Nominations Committee will determine the process for appointment of Board Members. It is anticipated the process will comprise:
- 14.3.1. An initial meeting to determine the recruitment/appointment process;
 - 14.3.2. a meeting to review application submissions and determine a shortlist of applicants (requirement 2 -3 hours - date to be determined);
 - 14.3.3. Nominations Committee shortlisted interviews (requirement half day - date to be determined).

The City of Unley has offered facilities to host meetings of the Nominations Committee.

15. Interim Steps

- 15.1. The Constituent Councils have, until 27 February 2018, been working in collaboration under the auspices of a Memorandum of Agreement that was entered into in 2008 and through which the BHKC Project Steering Group was established.
- 15.2. The BHKC Project Steering Group has comprised a representative of each Council being the CEO or delegate of the CEO and was conferred with delegated powers and functions (either to the CEO or through the CEO to the delegate) to make decisions on behalf of the respective Council. Consequently, the CEO/delegate was also charged with ensuring that his/her Council was kept informed.
- 15.3. The Memorandum of Agreement contained a self-executing provision that it would terminate on the establishment of the regional subsidiary. Accordingly, the Memorandum of Agreement was terminated and the BHKC Project Steering Group ceased to exist in the terms recognised and provided for in the Memorandum of Agreement on 27 February 2018.
- 15.4. Further, the delegations to the CEO's for the purposes of the activities of the BHKC Project Steering Group can no longer be considered to operate in the terms in which they were made. The expectation being that the Board of Management of the Brown Hill and Keswick Creeks Stormwater Authority would take over responsibility for all matters previously dealt with by the BHKC Project Steering Group and the 'Board' would contract and enter into all other arrangements in its own right as a body corporate through the decision-making of the 'Board'.
- 15.5. However, the establishment of the Brown Hill and Keswick Creeks Stormwater Authority on 27 February 2018 has not been contemporaneously complemented by the establishment of the Board of Management.
- 15.6. The result of the above is that the Brown Hill and Keswick Creeks Stormwater Authority now legally exists but it does not yet have a governing body and it may only administer its affairs once the Board is established by the membership appointments.

- 15.7. Accordingly, it is necessary to establish a mechanism by which the Brown Hill and Keswick Creeks Stormwater Authority may proceed with all business that is required of it consequent upon its establishment.
- 15.8. In this regard, it is relevant to note that section 43(4) of the Act expressly provides that the establishment of a regional subsidiary does not derogate from the power of a constituent council to act in a matter.
- 15.9. It has been determined that, as an interim step, it is appropriate that each of the Councils, consistent with the practice that has previously existed in relation to the BHKC Project Steering Group, delegates the power to its CEO to provide approval or consent to any matter that would be (and will be on the establishment of the Board) determined by decision of the Board until such times as the Regional Subsidiary has a Board in place.

16. Summary

- 16.1. The Brown Hill and Keswick Creeks Stormwater Authority came into effect on 27 February 2018.
- 16.2. BHKC Project Steering Group is seeking to form a Nominations Committee and asks each Constituent Council to nominate one (1) representative (an Elected Member or a Council officer) for the purpose of assessing candidate suitability to be a member of the Brown Hill and Keswick Creeks Stormwater Board.
- 16.3. In addition, as an interim measure, consistent with the practice that has previously existed in relation to the BHKC Project Steering Group, Council is asked to consider and approve the delegation of power to the CEO to provide approval or consent to any matter that would be (and will be on the establishment of the Board) determined by decision of the Board of management until such times as the Regional Subsidiary has a Board in place.
- 16.4. It is anticipated that the final appointments to the 'Board' will not occur by the Constituent Councils until approximately May/June 2018.

5. ANALYSIS OF OPTIONS

Option 1 –

That:

1. _____ be appointed to the Nominations Committee for the purpose of assessing candidate suitability for the Brown Hill and Keswick Creeks Stormwater Board.
2. It be noted that the collective recommendations for appointment to the Brown Hill and Keswick Creeks Stormwater Board from the Nominations Committee will be brought back to the five (5) Constituent Councils for consideration.

3. It be noted that no remuneration is payable for the Nominations Committee position.
4. Pursuant to section 44 of the *Local Government Act 1999*, the Chief Executive Officer (including to any person who is acting in the office of the Chief Executive Officer) be delegated the power, pending the appointment to and the operation of the Board of Management of the Brown Hill and Keswick Creeks Stormwater Board ('Regional Subsidiary') a regional subsidiary established under section 43 and Schedule 2 to the *Local Government Act 1999*, to provide approval for, or consent to, any matter that is within the powers of the Regional Subsidiary (as set out at clause 6 of the Charter of the Regional Subsidiary) and which would otherwise be a decision made by the Board of Management, in order to enable the Regional Subsidiary to exercise its powers in the fulfilment of its Purpose (as per clause 4 of the Charter) noting that, for the avoidance of any doubt, the delegation of this power includes (but is not limited to) approval for the expenditure of budgeted funds of the Regional Subsidiary.

This report is being presented to all Constituent Councils seeking endorsement of the same recommendations to enable the Nominations Committee to be formed. As agreement from all five Councils is required, this is the only option presented for consideration.

6. RECOMMENDED OPTION

Option 1 is the recommended option.

7. POLICY IMPLICATIONS

7.1 Financial/Budget

- Council has a budget provision of \$1,713k for 2017/18 as its contribution towards the capital works, and \$40k in administrative costs associated with the project.
- Council has made a budget provision of \$1,514k for 2017/18 as its contribution towards the capital works, and \$40k in administrative costs associated with the project.
- Maintenance costs will be apportioned equally (20%) to each catchment council. Costs are estimated to be in the region of <1% per annum.
- The South Australian State Government has allocated 50% or \$70M towards the costs of the project over a 20-year period.

7.2 Legislative/Risk Management

- A meeting of the Board is a meeting of the Regional Subsidiary;
- Therefore, the establishment of the Board by the appointment of its members is a time-critical matter for the Councils; and
- The Nominations Committee must, therefore, meet to commence the Board member advertising (and selection) process.

7.3 Staffing/Work Plans

- Will be determined upon the formation of a Regional Subsidiary.

8. REPORT CONSULTATION

Extensive external consultation within the five (5) Constituent Councils (Cities of Adelaide, Burnside, Mitcham, Unley and West Torrens) has taken place on the development of the Brown Hill Keswick Creek Stormwater Management Plan (SMP).

9. ATTACHMENTS

- Attachment 1 – Brown Hill and Keswick Creeks Stormwater Board - Approval of Regional Subsidiary.

10. REPORT AUTHORISERS

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

304 Lower Athelstone Road, ATHELSTONE SA 5076	Allotment 20 & 21 Deposited Plan 116763 Hundred of Adelaide	CT5761/16, CT6203/121 & 122
2 Gough Crescent, FIRLE SA 5070	Allotment 47 Deposited Plan 3327 Hundred of Adelaide	CT5597/81

Dated: 27 February 2018

JOHN HERRMANN
Housing Regulator and Registrar
Office of Housing Regulation
Housing SA
Delegate of Minister for Social Housing

LOCAL GOVERNMENT ACT 1999
NOTICE OF APPROVAL OF A REGIONAL SUBSIDIARY
Brown Hill and Keswick Creeks Stormwater Board

The City of Adelaide, the City of Burnside, the City of Mitcham, the City of Unley, and the City of West Torrens have resolved to establish a subsidiary pursuant to Section 43 of the *Local Government Act 1999*, to implement or oversee the construction of stormwater infrastructure for the purpose of implementation of the Brown Hill and Keswick Creeks Stormwater Management Plan (the Plan); oversee the maintenance and repair and/or renewal of stormwater infrastructure; oversee implementation of associated or related infrastructure works; hold stormwater infrastructure; implement other non-infrastructure measures; provide a forum for the discussion and consideration of the constituent council's obligations and responsibilities under the Plan; and enter into agreements with constituent councils for the purpose of managing the Plan.

Pursuant to clause 17 of Part 2 of Schedule 2 of the *Local Government Act 1999*, I approve the establishment of the Brown Hill and Keswick Creeks Stormwater Board.

The charter of the Brown Hill and Keswick Creeks Stormwater Board is set out below.

Dated: 15 February 2018

GEOFF BROCK MP
Minister for Local Government

LOCAL GOVERNMENT ACT 1999
CHARTER

Brown Hill and Keswick Creeks Stormwater Board

ESTABLISHMENT

The Brown Hill and Keswick Creeks Stormwater Board ('the Regional Subsidiary') is established by the Constituent Councils as a regional subsidiary pursuant to section 43 of and Schedule 2 ('the Schedule') to the *Local Government Act 1999* ('the Act').

This Charter governs the affairs of the Regional Subsidiary.

CONSTITUENT COUNCILS

The Regional Subsidiary is established by the Corporation of the: City of Adelaide, City of Burnside, City of Unley, City of Mitcham and City of West Torrens ('the Constituent Councils').

The Constituent Councils have resolved to work together to establish a Regional Subsidiary to co-ordinate the implementation of the Plan.

INTERPRETATION

In this Charter: the singular includes the plural and vice versa and words importing a gender include other genders; words importing natural persons include corporations; reference to a section is to a section of the Act and includes any section that substantially replaces that section and deals with the same matter; headings are for ease of reference only and do not affect the construction of this Charter.

PURPOSE

4.1 The Regional Subsidiary has been established for the following purposes:

- 4.1.1 to implement or oversee the construction of stormwater infrastructure for the purposes of the implementation of the Plan - subject to first obtaining the approval of the relevant Constituent Council(s) and, if necessary, the consent of the Storm Water Management Authority, in respect of any material change in the design or the cost of any works of implementation;
- 4.1.2 to oversee the maintenance and repair and/or renewal of stormwater infrastructure established through the implementation of the Plan;
- 4.1.3 to oversee the implementation of associated, adjacent and/or related infrastructure works or measures on behalf of a Constituent Council at the cost of the Constituent Council;
- 4.1.4 to hold stormwater infrastructure constructed in the implementation of the Plan on behalf of the Constituent Councils as agreed from time to time by resolution of the Constituent Councils;
- 4.1.5 to implement such other non-infrastructure measures as set out in the Plan or approved by the Constituent Councils or as determined by the Board to be necessary or convenient for or incidental to the implementation of the Plan;
- 4.1.6 to provide a forum for the discussion and consideration of the Constituent Councils' obligations and responsibilities under the Plan;
- 4.1.7 to enter into agreements with Constituent Councils for the purpose of managing the Plan;

- 4.1.8 to co-operate insofar as it is reasonably practicable with the Natural Resource Management Board in the performance of its functions under the *Natural Resources Management Act 2004* and otherwise with any other agency or instrumentality of the State, any body corporate and/or natural person including but not limited to landholders; and
- 4.1.9 to exercise other powers and functions as the Board considers necessary or convenient for or incidental to the purposes for which the Regional Subsidiary has been established.
- 4.2 The Regional Subsidiary is not involved in a significant business activity as defined in the Clause 7 Statement prepared under the Competition Principles Agreement of the National Competition Policy.
- 4.3 The Regional Subsidiary must not undertake any form of public consultation within the proclaimed area of any of the Constituent Councils without first having consulted with and taken into account any response from the Constituent Council.

GUIDING PRINCIPLES

The Regional Subsidiary must, in the performance of its functions and in all of its plans, policies and activities give due weight to all relevant policies of the Constituent Councils and to economic, social and environmental considerations.

POWERS

- 6.1 The Regional Subsidiary is constituted as a body corporate under the Act and in all things acts through the Board.
- 6.2 The Regional Subsidiary has the following powers:
 - 6.2.1 to acquire, deal with and dispose of real and personal property (wherever situated) and rights in relation to real and personal property;
 - 6.2.2 to compulsorily acquire land in accordance with the *Land Acquisition Act 1969*, provided that such acquisition is consistent with the Plan and subject to the Board having received at least four (4) weeks notice prior to consideration of the matter by the Regional Subsidiary and the Board agreeing to the disposal by resolution supported unanimously by all Board members;
 - 6.2.3 to sue and be sued in its corporate name;
 - 6.2.4 to enter into any kind of contract or arrangement;
 - 6.2.5 to receive, hold and expend funds provided by any third party, including funds from the Federal and/or State Governments, in the exercise, performance or discharge of its powers, functions and duties as set out in this Charter;
 - 6.2.6 to return surplus cash flow to Constituent Councils in proportion to their Equitable Interests at the end of any financial year either by way of cash payment or reduction of annual contribution;
 - 6.2.7 to set aside surplus revenue for future capital expenditure;
 - 6.2.8 to invest funds and in doing so to take into account Part 4 of Chapter 9 of the Act;
 - 6.2.9 to provide a guarantee and/or indemnity of the obligations of another person;
 - 6.2.10 to insure against any risk;
 - 6.2.11 to co-ordinate the assessment, planning, demolition, construction, operation and maintenance of stormwater infrastructure as part of the implementation of the Plan;
 - 6.2.12 to establish committees;
 - 6.2.12.1 comprised of any persons for the purpose of enquiring into and reporting to the Board on any matter within the functions and powers of the Regional Subsidiary and as detailed in the terms of reference given by the Board to the committee;
 - 6.2.12.2 with members of the committee holding office at the pleasure of the Board; and
 - 6.2.12.3 with the Chair of the Board being an *ex-officio* member of any committee established by the Board.
 - 6.2.13 to delegate any power or function except to compulsorily acquire land as set out in clause 6.2.2 and excepting the delegations of any of the powers as prohibited from delegation by section 44(3) of the Act, (where applicable to the Regional Subsidiary); and
 - 6.2.14 do anything else necessary or convenient for, or incidental to, the exercise, performance or discharge of its powers, functions or duties.
- 6.3 The exercise by the Regional Subsidiary of any of the powers conferred upon it is subject at all times to any limitations placed upon it by the Constituent Councils in accordance with their joint power of direction, by statute, by this Charter and otherwise as set out in delegations made by a Constituent Council.
- 6.4 For the avoidance of doubt, the Regional Subsidiary is unable to borrow or and may not otherwise raise funds except as set out in this Charter.
- 6.5 The Regional Subsidiary will have a common seal which may be affixed to documents requiring execution under common seal and must be witnessed by the Chairman of the Board and one other Board member.
 - 6.5.1 The common seal must not be affixed to a document except to give effect to a resolution of the Board.
The Executive Officer will maintain a register which records the resolutions of the Board giving the Regional Subsidiary the power to affix the common seal and details of the documents to which the common seal has been affixed with particulars of the persons who witnessed the fixing of the seal and the date of affixation.
 - 6.5.2 The Board may by instrument under seal authorise a person to execute documents on behalf of the Regional Subsidiary. The Executive Officer will maintain a register of such resolutions and details of any documents executed in this manner, together with particulars of the person executing the document.

THE BOARD—ROLE AND MEMBERSHIP

- 7.1 The Regional Subsidiary will be governed by a Board.

- 7.2 The Board is responsible for the administration of the affairs of the Regional Subsidiary. The Board must ensure insofar as it is practicable, that the Regional Subsidiary observes the objectives set out in this Charter, that information provided to the Constituent Councils is accurate and that Constituent Councils are kept informed of the solvency of the Regional Subsidiary as well as any material developments which may affect the operating capacity and financial affairs of the Regional Subsidiary.
- 7.3 Board membership is comprised as follows:
- 7.3.1 Five (5) natural persons appointed jointly by the Constituent Councils being persons who are not members or officers of any of the Constituent Councils. These persons will be appointed by the Constituent Councils from recommendations made by the Nominations Committee.
- 7.3.2 The persons recommended for appointment under clause 7.3.1 will be determined through a process approved by the Nominations Committee and will comprise persons with demonstrable skills relevant to the purpose of the Regional Subsidiary which may include (but is not limited to) skills in:
- (a) corporate financial management;
 - (b) corporate governance;
 - (c) project management;
 - (d) general management;
 - (e) engineering;
 - (f) economics; or
 - (g) environmental management.
- 7.3.3 The Board may appoint observers or specialists to attend meetings of the Board. Such appointees are not Board members and are, therefore, entitled to be present at a Board meeting at the discretion of the Board but are not entitled to vote at meetings of the Board.
- 7.3.4 Board members shall be entitled to:
- (a) receive a sitting fee determined by the Nominations Committee having regard to the *Guidelines for Agencies and Board Directors* (or any successor publication) published from time to time by the Department of Premier and Cabinet for Government Boards and Committees and approved by majority vote of the Constituent Councils; and
 - (b) reimbursement of their reasonable travelling and other expenses properly incurred in attending meetings of the Board.
- 7.4 Each Board member appointed in accordance with the provisions of this clause will be provided by the Executive Officer of the Regional Subsidiary with a written notice of proposed appointment and must provide to the Executive Officer a written acknowledgement, personally signed, confirming acceptance of their appointment and consent to act as a Board member.

TERM OF OFFICE—THE BOARD

The Board members will be appointed for a term of three (3) years excepting that the first appointments made will occur on a differential basis (two (2) Board members appointed for three (3) years, two (2) Board members appointed for two (2) years and one (1) Board member appointed for one (1) year) for the purposes of ensuring a rolling term of office whereby no more than two of the terms of office of Board members will expire at any one time. At the conclusion of their term of office, Board members will be eligible for reappointment.

CHAIRPERSON OF THE BOARD

- 9.1 At all times the Authority must have a Chairperson.
- 9.2 The Board shall determine from its members the Chairperson of the Board.
- 9.3 The Chairperson shall be appointed for a term of one (1) year and is eligible for re-appointment at the expiration of the term of office.
- 9.4 In the event that the Chairperson resigns from the office of Chairperson or as a Board member or is no longer eligible to act as a Board member prior to the expiration of the term of office, the Board shall determine from the other Board members an acting Chairperson until such time as the Board makes a new appointment under clause 9.2.
- 9.5 The Chairperson shall preside at all meetings of the Board and, in the event of the Chairperson being absent from a meeting, the Board members present shall appoint a person from amongst them who shall preside for that meeting or until the Chairperson is present.
- 9.6 The Chairperson's functions include:
- (a) to serve as Chair of all committees established by the Board;
 - (b) to represent the Regional Subsidiary in all external dealings including but not limited to, the Constituent Councils, the State Government and its agencies, other statutory authorities, the media and the public generally; and
 - (c) to exercise other functions as determined by the Board.

PROPRIETY OF MEMBERS OF THE BOARD

- 10.1 The principles regarding conflict of interest prescribed in the Act apply to all members of the Board as if they were elected members of a council.
- 10.2 The members of the Board are required to comply with Division 2, Chapter 5 (Register of Interests) of the Act and to submit returns to the Authority accordingly.
- 10.3 The members of the Board will at all times act in accordance with their duties of confidence and confidentiality and individual fiduciary duties including honesty and the exercise of reasonable care and diligence with respect to the Board as required by Part 4, Division 1, Chapter 5 of the Act and Clause 23 of Part 2 of Schedule 2.

REMOVAL OF BOARD MEMBERS FROM OFFICE

- 11.1 Neither the Regional Subsidiary nor the Board may remove a Board member from office.

- 11.2 The office of a Board member will become vacant upon the occurrence of any of the events listed at clause 20(3) of Schedule 2 to the Act.
- 11.3 A Board member may be removed by a decision being a resolution in the same or substantially the same terms passed by at least four (4) of the Constituent Councils.
- 11.4 The Board may request the Nominations Committee to make a recommendation to the Constituent Councils that a Board member be removed from office in the event of:
- (a) behaviour of the Board member which, in the opinion of the Board, amounts to impropriety;
 - (b) serious neglect of duty in attending to the responsibilities of a Board member;
 - (c) breach of a fiduciary duty to the Board or the Regional Subsidiary;
 - (d) breach of the conflict of interest provisions which apply to Board members; or
 - (e) any other behaviour which may discredit the Board and/or the Regional Subsidiary.
- 11.5 A Board member may otherwise be removed from office according to law.

PROCEEDINGS OF THE BOARD

- 12.1 Subject only to the extent that they are modified by this clause, the proceedings of the Board will be the same as those for committees of a council as defined in Part 2 of Chapter 6 of the Act and in accordance with the Regulations for 'Other Committees' comprised in Parts 1, 3 and 4 of the *Local Government (Procedures at Meetings) Regulations 2013*.
References in Part 2 of Chapter 6 of the Act to 'the Chief Executive Officer' shall be read as if they were references to the Executive Officer of the Regional Subsidiary and references to 'the Council' or 'the committee' shall be read as if they were references to the Regional Subsidiary.
To the extent that this Charter and the Act and the relevant Regulations are silent, the Board may determine its own meeting procedures.
- 12.2 Subject only to the special provisions of this clause, a meeting of the Board will not commence until a quorum of Board members is present and no meeting may continue unless there is a quorum of Board members present. A quorum of Board members will comprise half the Board members then in office (ignoring any fraction) plus one. A time limit of 30 minutes shall apply from the advertised commencement time of the Board meeting in which to achieve a quorum. Failure to achieve a quorum within this time limit shall result in a failed meeting.
- 12.3 For the purpose of this clause, the contemporaneous linking together by an audio-visual or other interactive means, including telephone conferencing ('telecommunication meeting') of a number of Board members provided that at least a quorum is present, is sufficient to constitute a meeting of the Board.
Each of the Board members taking part in the telecommunications meeting must be able to hear and be heard by each of the other Board members present. At the commencement of the meeting, each Board member must announce his/her presence to all other Board members taking part in the meeting. A Board member must not leave a telecommunication meeting by disconnecting his/her, audio visual or other communication equipment, unless that Board member has previously notified the Chairperson of the meeting.
- 12.4 In the event that a quorum is not present at two consecutive meetings of the Board, an extraordinary meeting of the Board may be convened in the same manner as for a special meeting (see clause 9.8), at which the business in the agendas for the two previous failed meetings may be transacted at the extraordinary meeting of the Board where the requirement for a quorum is altered to at least two (2) members being in attendance. Decisions made at the extraordinary meeting of the Board will be binding on the Regional Subsidiary and all members of the Board and the Constituent Councils.
- 12.5 Unless this Charter provides otherwise, all matters for decision at a meeting of the Board will be decided by a simple majority of the Board members present and entitled to vote on the matter.
Each Board member, including the Chair, is entitled to only a deliberative vote on a matter. Board members may not vote by proxy.
- 12.6 In the event of equality of votes, the Chairperson will not have a casting vote and the matter will be deemed to have lapsed and may at some later time, whether at the same meeting or at a subsequent meeting, be reconsidered.
- 12.7 Meetings of the Board will be held at such time and such place as the Board decides subject only to the requirement that there will be at least one meeting in every three calendar months.
- 12.8 A special meeting of the Board may be held at any time and may be called at the request of the Chairperson or at the written request of three (3) members of the Board.
- 12.9 Notice of all meetings will be given in accordance with the provisions applicable to a committee meeting under Part 2 of Chapter 6 of the Act and the associated Regulations.
- 12.10 Meetings of the Board will be open to the public unless the Board resolves to exclude the public pursuant to section 90 of the Act.
- 12.11 All Board members must keep confidential all documents and any information provided to them in confidence for their consideration prior to a meeting of the Board.
- 12.12 The Board must ensure that accurate written minutes of its proceedings are kept and are produced for confirmation at the next or a subsequent meeting of the Board.

ADMINISTRATIVE MATTERS

- 13.1 There will be an Executive Officer of the Regional Subsidiary appointed by the Board for a maximum of five (5) years on terms and conditions to be determined by the Board.
- 13.2 The Executive Officer will be responsible to the Board:
- 13.2.1 to ensure that the policies and lawful decisions, including contracts and tenders in accord with s49 of the Act and public consultation in accord with s50 of the Act, of the Regional Subsidiary are implemented in a timely manner;
 - 13.2.2 for the efficient and effective management of the operations and affairs of the Regional Subsidiary;

- 13.2.3 to provide advice and reports to the Board on the exercise and performance of the Regional Subsidiary's powers and functions; and
- 13.2.4 to give effect to the principles of human resource and work health and safety management generally applicable within local government.
- 13.3 The Executive Officer has those powers, insofar as they may be made applicable, as the chief executive officer of a council as prescribed at section 99 of the Act and such other powers, functions and duties as prescribed by this clause and as determined necessary by the Board from time to time to ensure the efficient and effective management of the operations and affairs of the Regional Subsidiary.
- 13.4 The Board may authorise the Executive Officer to employ such other officers as are required for the efficient and effective management of the operations and affairs of the Regional Subsidiary.
- 13.5 The Board may engage professional consultants and it may authorise the Executive Officer to engage professional consultants to provide services to the Regional Subsidiary to ensure the proper execution of its decisions, the efficient and effective management of the operations and affairs of the Regional Subsidiary and for giving effect to the general management objectives and principles of personal management prescribed by this Charter.
- 13.6 The establishment of the Regional Subsidiary does not derogate from the power of any Constituent Council from performing for itself the same functions and powers as the Regional Subsidiary could on behalf of the Council.
- 13.6.1 The Regional Subsidiary must register with the *Local Government Association Mutual Liability Scheme* and comply with the rules of that Scheme.
- 13.6.2 If the Regional Subsidiary employs any person, it must register with the *Local Government Superannuation Scheme* or employee nominee and the *Local Government Association Workers Compensation Scheme* and comply with the rules of those Schemes.

FINANCIAL CONTRIBUTIONS TO THE REGIONAL SUBSIDIARY

- 14.1 The annual contributions of the Constituent Councils shall be based on the Schedule One (1) percentage shares for Capital Works and operating expenses (including maintenance of assets but excluding depreciation thereof) of the Regional Subsidiary. (*Schedule One (1) reproduced below for ease of reference*).

Constituent Council	Capital Works (Equitable Interest) Percentage Share %	Operating Expenses Percentage Share %
The Corporation of the City of Adelaide	8	20
City of Burnside	12	20
City of Mitcham	10	20
Corporation of the City of Unley	21	20
City of West Torrens	49	20
Total	100%	100%

- 14.2 An individual Constituent Council may with the agreement of the Board by resolution acquire, deal with, operate and/or manage a specific infrastructure asset or project whether in whole or part; provided such asset does not encroach across Council boundaries.
- 14.3 The Board is responsible to provide each of the Constituent Councils with sufficient information for it to ascertain the level of and to understand the reasons for the funding contribution requirements in the following financial year. This will be achieved through the Business Plan and the annual budget.
- 14.4 The Board will determine annually the funds required by the Regional Subsidiary to enable it to perform its functions in the next financial year. The Constituent Councils shall contribute the funds identified by the Board in the annual budget. Councils may contribute additional funds that are required for the continuing function of the Regional Subsidiary and approved by the Constituent Councils, in accordance with Clause 13. The Board must provide full details regarding the need for additional funds to the Constituent Councils.
- 14.5 The annual funding contributions will be paid by each Constituent Council in advance by biannual instalments.
- 14.6 Additional funding contributions (if any) will be paid by each Constituent Council in the manner and at the time determined by the Board.
- 14.7 The Board is accountable to each Constituent Council to ensure that the Regional Subsidiary functions in accordance with its Business Plan and approved budgets.
- 14.8 The Regional Subsidiary may enter into separate funding arrangements with Constituent Councils and with any State or Federal Government or their agencies in respect of any project undertaken or to be undertaken by or on behalf of the Regional Subsidiary.

BUSINESS PLAN

- 15.1 The Regional Subsidiary shall have a Business Plan in respect of the ensuing four years as per clause 24 of Schedule 2 to the Act. The Business Plan will take into account the Long Term Financial Plan of the Regional Subsidiary and other relevant issues relating to the implementation, management, maintenance, repair and renewal of stormwater infrastructure.
- 15.2 The Business Plan must:
- 15.2.1 specify the services to be provided by the Regional Subsidiary;
- 15.2.2 identify how the Regional Subsidiary intends to manage service delivery;
- 15.2.3 identify the performance targets which the Regional Subsidiary is to pursue;
- 15.2.4 set out the financial and other resources and internal processes that will be required to achieve the performance targets and objectives of the Regional Subsidiary; and
- 15.2.5 specify the performance measures that are to be used to monitor and assess performance against targets.

- 15.3 Prior to setting the draft budget each year the Regional Subsidiary must review the Business Plan in conjunction with the Constituent Councils and this review must have regard to the Long Term Financial Plan. The Business Plan must be updated each year to ensure it provides for the ensuing four years.

¹ The Members acknowledge and support the right for the City of West Torrens to enter into negotiations with the Adelaide Airport owner (Commonwealth of Australia) and lessee (Adelaide Airport Ltd) to recover 2% of its share representing the assessed average annual flooding damages cost avoided for the Adelaide Airport.

BUDGET

- 16.1 The Regional Subsidiary must prepare a budget for the next financial year.
- 16.2 The budget must:
- 16.2.1 deal with each principal activity of the Regional Subsidiary on a separate basis;
 - 16.2.2 be consistent with and account for activities and circumstances referred to in the Regional Subsidiary's Business Plan;
 - 16.2.3 be submitted in draft form to each Constituent Council before 31 March for approval of the Council's proposed contribution for the next financial year;
 - 16.2.4 not be adopted by the Regional Subsidiary until after 31 May but before 30 June in each year;
 - 16.2.5 the adoption of the budget requires a two-thirds majority of the Board members present; and
 - 16.2.6 identify the amount of and the reasons for the proposed financial contributions to be made by each Constituent Council to the Regional Subsidiary.
- 16.3 The Regional Subsidiary must provide a copy of its budget to each Constituent Council within five (5) business days after adoption.
- 16.4 The Regional Subsidiary must reconsider its budget in accordance with regulation 9 of the *Local Government (Financial Management) Regulations 2011*.
- 16.5 The Regional Subsidiary must submit to each Constituent Council for approval, any proposed amendment to the budget that provides for an additional funding contribution by the Constituent Councils.
- 16.6 Where a Constituent Council has failed to approve its contribution, or an amended budget, and has not served a notice on the Regional Subsidiary in accordance with clause 26.2 within two months of the receipt of the draft budget, or amended budget by the Constituent Council, the approval of the Constituent Council to its contribution or to the amended budget as the case may be, will be deemed to have been given.

ACCOUNTING

The Regional Subsidiary must ensure that its accounting records, accounts and financial statements are prepared and maintained in accordance with the requirements upon it as set out in the Act and the *Local Government (Financial Management) Regulations 2011*.

AUDIT

- 18.1 The Regional Subsidiary must appoint an auditor.
- 18.2 The Regional Subsidiary must provide its audited financial statements annually to the Chief Executive Officer of each Constituent Council by 30 September.
- 18.3 The Regional Subsidiary is required to establish an audit committee unless exempted by regulation.

FINANCE

- 19.1 The Regional Subsidiary must establish and maintain a bank account with such banking facilities and at a bank to be determined by the Board.
- 19.2 The Regional Subsidiary will pay any cost or expense of the establishment, operation, administration or winding up of the Regional Subsidiary.
- 19.3 The Regional Subsidiary may on behalf of the Constituent Councils or on its own behalf, make application for payments out of the Stormwater Management Fund and other funding from the State of South Australia and the Commonwealth of Australia for the purposes of implementing the Plan.
- 19.4 The Regional Subsidiary will only compromise, compound, abandon or settle a debt or claim owed to the Regional Subsidiary subject to due diligence and without prejudice.
- 19.5 All cheques to be authorised must be signed by two members of the Board or one member of the Board and the Executive Officer.
- 19.6 The Executive Officer must act prudently in the handling of all financial transactions for the Regional Subsidiary and must provide quarterly financial and corporate reports to the Board and, if requested, to the Constituent Councils.

PLANS, REPORTS AND INFORMATION

- 20.1 The Regional Subsidiary must prepare a Long Term Financial Plan and Asset and Infrastructure Management Plan and a Business Plan.
- 20.2 The Regional Subsidiary must submit an annual report including on all works and operations and including the audited financial statements, to each Constituent Council before 30 September of the subsequent Financial Year.
- 20.3 The Board may review any of the Plans of the Regional Subsidiary at any time but must undertake a review of:
- 20.3.1 the Long Term Financial Plan of the Regional Subsidiary within six (6) months of the adoption or update of the Business Plan of the Regional Subsidiary and must, in any event, review the Long Term Financial Plan every four (4) years; and
 - 20.3.2 the Asset and Infrastructure Management Plan of the Regional Subsidiary at any time but must in any event review the Asset and Infrastructure Management Plan every four (4) years.
- 20.4 Within two weeks following each ordinary meeting of the Board the Constituent Councils shall be provided with a Key Outcomes Summary of the meeting which Summary shall include the achievements against the Business Plan when that report has been received at the Board meeting.

- 20.5 The Board shall report at any other time at the written request of a Constituent Council on matters being undertaken by the Regional Subsidiary. Such report shall also be provided to all other Constituent Councils.

CONSTITUENT COUNCILS MAY DIRECT THE REGIONAL SUBSIDIARY

- 21.1 The Regional Subsidiary is, in accordance with the Act, subject to the joint direction and control of the Constituent Councils.
- 21.2 To be effective against the Regional Subsidiary, a determination or direction or other decision of the Constituent Councils must be made/given in the same or substantially the same terms as evidenced by either:
- 21.2.1 a minute signed by the chair of a meeting of authorised delegates of the Constituent Councils that at such meeting a resolution was duly made by each delegate on behalf of their Council; or
- 21.2.2 a resolution in the same terms in favour of that decision passed individually by each of the Constituent Councils.

CONSTITUENT COUNCILS ARE GUARANTORS OF THE REGIONAL SUBSIDIARY

As a matter of record, Schedule 2, clause 31(1) of the Act is that liabilities incurred or assumed by the Regional Subsidiary are guaranteed by the Constituent Councils. As between the Constituent Councils, they share in the debts and liabilities of the Regional Subsidiary in proportion to their respective Equitable Interests.

INSURANCE REQUIREMENTS

- 23.1 The Regional Subsidiary must register with the Local Government Association Mutual Liability Scheme and comply with the Rules of that Scheme.
- 23.2 The Regional Subsidiary shall advise Local Government Risk Services of its insurance requirements relating to other special (non-civil liability) risks including all real and personal assets in its ownership or under its management, care and control.
- 23.3 If the Regional Subsidiary employs any person it must register with the Local Government Association Workers Compensation Scheme and comply with the Rules of that Scheme.

ALTERATION TO THE CHARTER

- 24.1 This Charter may be altered (amended) by resolutions passed in the same or substantially the same terms by the Constituent Councils.
- 24.2 The Executive Officer of the Regional Subsidiary must ensure that the amended Charter is published on a website determined by the Executive Officer and that notice of the amendment and a website address at which the Charter is available for inspection is published in the *Gazette* and that a copy of the amended Charter is provided to the Minister.
- 24.3 Before the Constituent Councils vote on a proposal to alter this Charter they must take into account any recommendations of the Board.

WITHDRAWAL OF A CONSTITUENT COUNCIL

- 25.1 A Constituent Council may withdraw from the Regional Subsidiary if and only if:
- 25.1.1 the Council gives written notice of withdrawal and the reasons to each other Council being at least twelve (12) months notice expiring on 30 June of a subsequent financial year; and
- 25.1.2 enters into a binding arrangement with and to the satisfaction of the Regional Subsidiary and the other Constituent Councils to make payment(s) equivalent to the amounts it would otherwise be required to make as a continuing Constituent Council in respect of the full implementation of the Plan and the maintenance and renewal of infrastructure assets and the administration costs of the Regional Subsidiary; and
- 25.1.3 all of the other Constituent Councils approve; and
- 25.1.4 the Minister approves.
- 25.2 A suspended or a former Constituent Council remains liable to contribute to the debts and/or liabilities of the Regional Subsidiary for the purposes of construction, maintenance and repair of the entire stormwater infrastructure as set out in the Plan that is the subject of that Council's contribution as a Constituent Council.

ADDITION OF NEW MEMBER

- 26.1 The Regional Subsidiary may consider the addition of a new member to the Regional Subsidiary;
- 26.1.1 if the proposed new member makes written application (in a form approved by the Board) to become a Member and agrees to be bound by this Charter;
- 26.1.2 the Constituent Councils each resolve to approve the addition of the new member to the Regional Subsidiary; and
- 26.1.3 the Minister approves the proposed new member becoming a Constituent Council.
- 26.2 The Charter shall be amended in accordance with its provisions to address the addition of any new Constituent Council.

DISPUTES

- 27.1 In the event of any dispute or difference between the Constituent Councils and the Regional Subsidiary concerning the operations or affairs of the Regional Subsidiary, the dispute process shall be initiated by a Constituent Council serving a notice of dispute on all other Constituent Councils with a contemporaneous copy being served on the Regional Subsidiary. The Constituent Councils:
- 27.1.1 will attempt to settle the dispute or difference by negotiating in good faith;
- 27.1.2 if good faith negotiations do not settle the dispute or difference within one month of the dispute arising then the dispute shall be referred to an expert for determination. The expert shall be a person with the skills and expertise necessary to resolve the dispute and shall be nominated by the President of the Local Government Association of South Australia ('LGA'). The expert is an expert and not an arbitrator. The expert's determination shall be final and binding on the Constituent Councils. The costs of the expert will be apportioned and payable in accordance with the expert's determination;
- 27.1.3 if the dispute is unable to be resolved by the expert within six months then any Constituent Council may request the Minister to dissolve the Regional Subsidiary; and

- 27.1.4 notwithstanding the existence of a dispute or difference, the Constituent Councils will continue to meet their obligations to the Regional Subsidiary.

For the purposes of clause 27.1 'dispute' includes where a Constituent Council has failed or refuses to approve its annual contribution as set out in a draft budget advised by the Regional Subsidiary under clauses 16.2.3 or 16.5.

DISSOLUTION OF THE REGIONAL SUBSIDIARY

- 28.1 The Regional Subsidiary may be dissolved by the Minister in the circumstances envisaged by the Act.
- 28.2 In the event of there being net assets upon dissolution and after realisation of all assets and meeting all liabilities, the net assets will be distributed to the then Constituent Councils on the basis of their equitable interest (Capital Works) in the Regional Subsidiary.
- 28.3 In the event of there being an insolvency of the Regional Subsidiary at the time of dissolution, the then Constituent Councils will be responsible jointly and severally to pay the liabilities of the Regional Subsidiary and between themselves in the proportion of their equitable interest (Capital Works).

TECHNICAL ASSESSMENT PANEL

A 'Technical Assessment Panel' (the Panel) may be appointed to support the decision-making processes of the Board with powers determined by the Board to provide advice to the Board and/or the Executive Officer in relation to the management of the technical aspects of the design, assessment, planning, demolition and construction of the various parts or projects for the purpose of the Plan. The Members of the Panel will be appointed at the sole discretion and invitation of the Board but must include the Chairperson and the Executive Officer of the Board.

AREA OF INTEREST

The Regional Subsidiary may be required to undertake activities outside the area of the Constituent Councils yet within the stormwater catchment in order to comprehensively plan, investigate, assess, construct or maintain stormwater infrastructure, where such activities meet the requirements of the Plan and any supplement thereof as approved by the Authority for that particular catchment.

The Constituent Councils by operation of this clause provide their collective authority and consent for the Regional Subsidiary to undertake such activities in accordance with clause 6 of this Charter.

USE OF CATCHMENT STORMWATER

- 31.1 A Constituent Council may take water from stormwater infrastructure for its own use without penalty or other financial contribution.
- 31.2 Where a Constituent Council takes water from stormwater infrastructure for sale to a third party, that Council agrees to pay to the Regional Subsidiary for the water taken at any amount per mega litre set annually by the Board at 1 July for the ensuing twelve (12) months noting that the Council is not required to pay for water taken for the Council's own use unless the Board demands payment from that Council where the use is assessed by the Board to be beyond the reasonable supply capacity of the catchment.
- 31.3 A Constituent Council that takes stormwater for whatever reason or purpose agrees to account annually to the Board for the amount of water taken.
- 31.4 Where any dispute arises between the Constituent Councils concerning the amount of water being taken or proposed to be taken by a Council, the Regional Subsidiary may determine the maximum allocation for any particular year having regard to the reasonable supply capacity of the catchment.

ABOUT THIS CHARTER

This Charter is the charter of the Regional Subsidiary.

This Charter binds the Regional Subsidiary and each Constituent Council.

Despite any other provision in this Charter:

- 32.1 if the Act prohibits a thing being done, the thing may not be done;
- 32.2 if the Act requires a thing to be done, authority is given for that thing to be done; and
- 32.3 if a provision of this Charter is, or becomes inconsistent with the Act, that provision must be read down, or failing that, severed from this Charter to the extent of the inconsistency.

DEFINITIONS

In this Charter:

Act means the *Local Government Act 1999*.

Authority means the Stormwater Management Authority established under Schedule 1A of the Act.

Board means the collective Members of the board of management of the Regional Subsidiary.

Budget (or budget) means a budget that conforms to clause 16 and last adopted by the Board.

Business Plan means a business plan that conforms to clause 15 and last adopted by the Board.

Constituent Council means City of Adelaide, City of Burnside, Corporation of the City of Unley, City of Mitcham and City of West Torrens.

Equitable Interest means the percentage interest of an individual Constituent Council as set out in Schedule 1 to this Charter in the column 'Capital Works (Equitable Interest) Percentage Share'

Establishment Period means at any time the first 12 months during the initial establishment year.

Financial Year means 1 July in each year to 30 June in the subsequent year.

Interpretation means subject to the above, words and expressions in this Charter have the same meaning as in a provision of the Act that deals with the same matter.

Nominations Committee means the Chief Executive Officers (or their nominees) and the Mayor (or elected member authorised by the Mayor) of each of the Constituent Councils. A meeting of the Nominations Committee for any purpose provided in this Charter may only occur if at least three (3) of the Constituent Councils are represented by either of the CEO (or nominee) or Mayor (or elected member).

Plan means the approved and Gazetted Stormwater Management Plan

Regional Subsidiary means the Brown Hill and Keswick Creeks Stormwater Board.

Stormwater Management Plan ("the Plan") means a plan and any subsequent revisions or supplements thereof in relation to the Brown Hill and Keswick Creeks catchment of which each of the Constituent Councils are part and approved by the Stormwater Management Authority for implementation by the Regional Subsidiary which complies with the requirements of Division 3 of Schedule 1A of the Act.

Surplus Funds means funds that are surplus to the financial requirements of the Regional Subsidiary in achieving the requirements of the Stormwater Management Plan, and as evidenced by any Plan adopted by the Board.

Technical Assessment Panel (the Panel) means a person appointed to a panel at the discretion of the Board to provide advice and manage the technical aspects of the design, assessment, planning, demolition and construction of the various parts or projects for the purpose the Plan.

SCHEDULE ONE

The contributions of the Constituent Councils shall be based on the following percentage shares for capital works, maintenance of assets of the Regional Subsidiary and operating expenses of the Regional Subsidiary:

Constituent Council	Capital Works (Equitable Interest) Percentage Share %	Operating Expenses Percentage Share % ¹
The Corporation of the City of Adelaide	8	20
City of Burnside	12	20
City of Mitcham	10	20
Corporation of the City of Unley	21	20
City of West Torrens	49	20
Total	100%	100%

¹ The parties acknowledge and agree that, for the purpose of determining the contribution of each Constituent Council, the operating expenses of the Regional Subsidiary do not include depreciation.

Dated: 15 February 2018

MINING ACT 1971

Notice pursuant to section 28(5) of the Mining Act 1971

Notice is hereby given in accordance with Section 28(5) of the *Mining Act 1971* that the delegate of the Minister for Mineral Resources and Energy intends to grant Exploration Licences over the areas described below.

Applicant: Maosen Australia Pty Ltd
 Location: Johns Outstation Area – Giffen Well Area – approx. 50 km north-northeast of Tarcoola
 Pastoral Leases: Bulgunnia, Wilgena
 Term: One year
 Area in km2: 56
 Reference number: 2017/00152

Applicant: Maosen Australia Pty Ltd
 Location: Braemer Area – approx. 220 km northeast of Adelaide
 Pastoral Lease: Faraway Hill
 Term: One year
 Area in km2: 146
 Reference number: 2017/00190

Applicant: OZ Minerals Prominent Hill Operations Pty Ltd
 Location: Birthday Hill Area – approx. 65 km southeast of Coober Pedy
 Pastoral Leases: McDouall Peak, Anna Creek
 Term: Three years
 Area in km2: 1060
 Reference number: 2017/00253

Applicant: Havilah Resources Limited
 Location: Mulyungarie Area – approx. 85 km north of Mingary
 Pastoral Lease: Mulyungarie
 Term: Two years
 Area in km2: 59
 Reference number: 2018/00011

Plans and co-ordinates can be found on the Department of the Premier and Cabinet website:

http://www.minerals.dpc.sa.gov.au/exploration/public_notices or by contacting Mineral Tenements on 08 8463 3103.

Community information on mineral exploration licence processes and requirements under the *Mining Act 1971* is available from: http://www.minerals.dpc.sa.gov.au/land_access/community_information or hard copy on request to Mineral Tenements.

J MARTIN
 Mining Registrar
 Department of the Premier and Cabinet
 Delegate of the Minister for Mineral Resources and Energy

DECISION REPORT

REPORT TITLE: NOMINATIONS FOR THE DOG AND CAT
MANAGEMENT BOARD

ITEM NUMBER: 1122

DATE OF MEETING: 26 MARCH 2018

AUTHOR: TAMI NORMAN

JOB TITLE: EXECUTIVE MANAGER OFFICE OF THE CEO

1. **EXECUTIVE SUMMARY**

The Minister for Sustainability, Environment and Conservation has written to the Local Government Association (LGA) requesting nominations for a Local Government member on the Dog and Cat Management Board for a term of up to 3 years. The LGA subsequently issued a Circular, seeking nominations from Councils, which must be forwarded to the LGA by close of business 17 April 2018

This report seeks a decision regarding any nomination to be made by the City of Unley.

2. **RECOMMENDATION**

That:

1. The report be received.
 2. _____ be nominated for consideration by the LGA Executive Committee as a Local Government representative on the Dog and Cat Management Board.
-

3. **RELEVANT CORE STRATEGIES/POLICIES**

4. Civic Leadership

Council will listen to the community and make transparent decisions for the long term benefit of the City

4.1 We have strong leadership and governance

4. **DISCUSSION**

Established in 1995 under the *Dog and Cat Management Act 1995* the Dog and Cat Management Board (DCMB) works closely with key partner organisations and State Government to improve dog and cat management in South Australia. Using its research and expertise the Board has ensured that South Australia's regulatory and legislative framework has been reviewed and amended to improve the management of dogs and cats.

The Board's 2017-20 strategic objectives are:

- Improved dog management through responsible dog ownership and community collaboration.
- Improved cat management through responsible cat ownership and community collaboration.
- Connecting Councils, community, professionals and agencies interested in and responsible for dog and cat management.
- Leadership in dog and cat management and effective administration of the Dog and Cat Management Act 1995.

The LGA is seeking nominations for a Local Government Member on the Dog and Cat Management Board. Section 12(2) of the *Dog and Cat Management Act 1995* requires LGA nominees, together, to have the following attributes:

- practical knowledge of and experience in local government, including local government processes, community consultation and the law as it applies to local government;
- experience in the administration of legislation;
- experience in financial management;
- experience in education and training.

The priority attribute for people nominating for this position is experience in education and training.

The available appointment is for a period of three years commencing June 2018. The LGA is currently represented by Mr John Darzanos (City of Salisbury) who is eligible for reappointment.

The DCMB generally meets on the last Wednesday of each month between 1.30pm and 5.30pm, regularly holding their meetings at metropolitan and regional councils.

The sitting fee for Board members is currently \$258 per four-hour session attended.

LGA nominations on outside bodies will, unless determined otherwise by the LGA Board or Executive Committee, be current serving council members or council staff. No more than (2) nominees should be provided by each council.

Nominations addressing the Selection Criteria provided in Part A Attachment 1 to Item 1121/18 for the Dog and Cat Management Board must be forwarded to lgasa@lga.sa.gov.au by a council using the attached Part B Attachment 2 to Item 1121/18 along with a current resume / CV, by close of business 17 April 2018.

Attachment 1

Attachment 2

The LGA Executive Committee will consider nominations received at its meeting on 19 April 2018.

Council is under no obligation to make a nomination.

5. ANALYSIS OF OPTIONS

Option 1 – Council makes a nomination of either an elected member or staff member for the Dog and Cat Management Board by endorsing the following resolution:

1. *The report be received.*
2. _____ *be nominated for consideration by the LGA Executive Committee as a Local Government representative on the Dog and Cat Management Board*

This Option provides an opportunity for an elected member or staff member of the City of Unley to make a contribution to the regulatory and legislative framework applicable to Dog and Cat Management within South Australia.

Option 2 – Council make no nomination for the Dog and Cat Management Board by endorsing the following resolution:

1. *The report be received.*

Council is under no obligation to make a nomination and may choose to simply receive this report.

6. RECOMMENDED OPTION

Option 1 is the recommended option if Council identifies an appropriate nomination to be made.

Option 2 is the recommended option if Council determines it does not wish to make a nomination.

7. ATTACHMENTS

- Attachment 1 LGA Nominations to Outside Boards – Part A
- Attachment 2 LGA Nominations to Outside Boards – Part B

8. REPORT AUTHORISERS

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

Nominations to Outside Bodies - PART A

Name of Body	Dog and Cat Management Board
Legal Status of Body	Statutory Authority
Summary Statement	The Dog and Cat Management Board operates under the Dog and Cat Management Act 1995 and its functions include monitoring the administration and enforcement of this Act by Councils.
<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	Relevant knowledge of dog and cat management issues as they impact local government.
Board / Committee Experience	Relevant experience serving on high level intergovernmental boards, committees or funding allocation bodies is highly desirable.
Key Expertise <i>(other relevant experience i.e. those requirements established for a Board/Committee under an Act)</i>	Section 12(2) of the <i>Dog and Cat Management Act 1995</i> requires LGA nominees, together, to have the following attributes: (a) practical knowledge of and experience in local government, including local government processes, community consultation and the law as it applies to local government; (b) experience in the administration of legislation; (c) experience in financial management; (d) experience in education and training. The priority attribute for people nominating for this position is experience in education and training.
<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



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 lgasa@lga.sa.gov.au
- upon receipt at the LGA, will be acknowledged by return email.

Dog and Cat Management Board

Council details			
Name of council submitting the nomination			
Name of person submitting this form on behalf of council – refer LGA Policy		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			
Phone		Mobile	
Email			
Curriculum Vitae attached or to be forwarded separately?			
Information relevant to the appointment sought (forms part of the selection criteria for nomination)			
Industry Experience:			
Board/Committee Experience:			
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: _____			

INFORMATION REPORT

REPORT TITLE: COUNCIL ACTION RECORDS
ITEM NUMBER: 1123
DATE OF MEETING: 26 MARCH 2018
AUTHOR: LARA JONES
JOB TITLE: EXECUTIVE ASSISTANT OFFICE OF THE CEO
ATTACHMENT: 1. COUNCIL ACTION RECORDS

1. **EXECUTIVE SUMMARY**

To provide an update to Members on information and actions arising from resolutions of Council.

2. **RECOMMENDATION**

That:

1. The report be noted.
-

COUNCIL ACTION REPORTS - ACTIONS TO MARCH 2018					
Meeting Date	Item #	Subject and Council Resolution	Responsible Exec.	Status/Progress	Expected Completion Date
25/07/16	522	Parkside on Street Parking - 2. Subject to approval from DPTI of the concept, community engagement on (pay for use) parking bay indention along Greenhill Road be supported. 3. Further investigation into the introduction of Smart Parking technology occur, and if the proposal looks to have promise, a report be provided to a future meeting regarding a trial in the Parkside area. 4. A report outlining the outcome of the above community engagement be presented to Council as soon as the results are available.	GM City Development	- DPTI supports the Greenhill Road parking option in-principle and community engagement occurred with affected stakeholders in September 2017. Currently options are being worked out for smart parking solutions. - A further report to Council is to be included in the Parkside LATM area for community engagement. LATM report is scheduled for April 2018 Council meeting.	June 2018
23/01/17	744	Notice of Motion Councillor Rabbitt re Vacant Land at 251 Goodwood Road - 1. Administration investigates ownership of the vacant land at 251 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	GM City Development	- Due to the slow response from DPTI, this matter has now been escalated to the General Manager Property at DPTI to follow up. A draft agreement showing the conditions that would be imposed on Council by DPTI if the land was leased is being prepared by DPTI. This is expected to be available for discussions with DPTI in April.	
27/02/17	772	Proposed Road Opening Western Corner of Blyth and Nelly Streets Parkside - 2. Council accept the gift of the small piece of land on the western corner of Blyth and Nelly Street, Parkside, and undertake the process under the Roads Opening and Closing Act 1991, to transfer this piece of land to public road, at Council's expense. 3. Subject to the response to the Community Consultation process, the Chief Executive Officer and Mayor be approved to sign and Seal where necessary, any documents to complete the roads opening process.	GM City Development	Conveyancer verified the owners id and we will receive documents for LTO to be finalised in the coming weeks.	August 2018
27/02/17	773	Proposed Road Closure of Pieces of Rugby Street (Haslop Reserve) and Cremorne Street Malvern - 1. The report be received. 2. In accordance with the process under the Roads Opening and Closing Act 1991 that sections of the public roads known as Rugby Street (currently known as Haslop Reserve) and Cremorne Street, Malvern be closed as a public road and a Certificate of Title be issued in the ownership of Council. 3. Subject to the response to the Community Consultation process to close portions of Rugby Street and Cremorne Street, Malvern (currently known as Haslop Reserve), the CEO and Mayor be approved to sign and Seal where necessary, any documents to complete the roads closing process. 4. The sections of the public road proposed to be closed be excluded from the classification of community land. 5. Notice of this resolution, be published in the Government Gazette in accordance with S193 (6) (a) of the Local Government Act. 6. Administration discuss with the Department of Education and Child Development their interest in purchasing this portion land or contributing towards the cost of the land transfer.	GM City Development	Documents being lodged at LTO during the week beginning 19/3/18.	August 2018
27/03/17	799	42 Ferguson Avenue and Ferguson Avenue Reserve Myrtle Bank - Proposed Land Swap and Road Closure	GM City Development	Received documents for LTO from Conveyancer and will forward to CEO to finalised the week ending 23/3/18.	August 2018
22/05/17	863	MOTION ON NOTICE – COUNCILLOR SALAMAN RE FUTURE USE OF VACANT LAND AT 41 OXFORD TERRACE UNLEY That: 1. Administration investigates options (including planning considerations) for ongoing use of the land, including as a car park area for City of Unley staff. 2. Administration prepares a concept plan and costing for low maintenance car park area that identifies the number of parks available and considers drainage, pavement type and lighting and accessibility. 3. Administration identify existing car parks that will likely be freed up as a result of relocating a number of staff parks to 41 Oxford Terrace (ie current onstreet parking or reallocation of spaces within the Civic precinct rear car park area. 4. Administration identifies funding sources.	GM City Development	- The land has become available and a report will be submitted to Council in April 2018.	March 2018
22/05/17	864	MOTION ON NOTICE – COUNCILLOR SCHNELL RE PARKING PERMITS Council review its policy on paid residential parking permits across the whole city	GM City Development	- The Parking Policy is currently being redrafted and a report is scheduled for March 2018 Council meeting.	March 2018

COUNCIL ACTION REPORTS - ACTIONS TO MARCH 2018

Meeting Date	Item #	Subject and Council Resolution	Responsible Exec.	Status/Progress	Expected Completion Date
27/11/17	1020	Almond Street Goodwood – Shared Zone 1. The creation of a shared zone or street in Almond Street is considered as part of the budget process for the 2018/19 financial year. 2. A budget provision of \$10,000 is considered at the second Budget Review in 2017/18 to allow the preparation of concept design works for a shared zone or street in Almond Street	CEO	Completed.	Completed
27/11/17	1021	Priority Projects at Goodwood Oval and Millswood Sporting Complex 1. The State Government offer of a grant of up to \$2.5m towards the construction of a new facility for the Goodwood Football and Cricket Clubs on Goodwood Oval be accepted, supported by financial contributions from the sporting clubs/SANFL of up to \$150,000 and a Council contribution of \$950,000 with the Chief Executive Officer authorised to enter into the necessary funding agreement with the State Government and any other agreement with funding contributors in order to deliver the project. 2. The two-storey option proposed as the preferred option for the new facility on Goodwood Oval be endorsed, subject to discussions with the Office of Recreation and Sport and the sporting clubs, not proposing any major variations to the options. 3. Community engagement on the proposed new facility on Goodwood Oval occur from January to March 2018, and a report be brought back to Council upon the completion of the engagement process. 4. \$40,000 be allocated towards the sports lighting upgrade at the Millswood Tennis Complex, and discussions continue with external funding partners to achieve this project. Subject to confirmation of a funding contribution from Tennis SA: a. a development application for the project is to be submitted by the Administration; and b. at the appropriate time in 2018, a grant funding application is to be submitted to the Office for Recreation & Sport for additional funds to enable delivery of this project. 5. \$260,000 be allocated towards the development of a new club building and surrounds at the Millswood Croquet Club and discussions continue with possible external funding partners before a commitment to proceed with this project is made.	GM City Development	- Community consultation closed 16 March and results currently being collated. Design amendments also being reviewed. This information will be presented to Council in April 2018. - Negotiations continuing with Tennis SA regarding lighting upgrade. Indications from them are that they would also like to undertake court resurfacing, which is an increase to the scope of the project. - Croquet building designs being reviewed to reduce cost, however waiting on direction from Council 18/19 budget preparations before applying for ORS funding. - Marketing materials put on hold at this stage until further information on the tennis and croquet projects are understood.	TBA
27/11/17	1022	GOODWOOD COMMUNITY CENTRE PERFORMANCE REVIEW 1. The renewal of Goodwood Community Services Inc. Lease Agreement for the management of Goodwood Community Centre for a further three years (expiry date 16 May 2021) in accordance with the terms of the current lease, be approved. 2. Further discussion occur with GCS to further align KPI requirements.	GM City Services	GCS has been advised and discussions are continuing to facilitate the lease extension to further align KPI requirements.	TBA
11/12/17	1053	NOTICE OF MOTION FROM COUNCILLOR HEWITSON RE SHARED STREETS IN UNLEY 1. A report be prepared for presentation to the February 2018 Council meeting, identifying streets across Unley, potentially suited to shared-street classification. In identifying potential streets suited to shared-street classification, it is suggested that the following criteria be considered: • Current road classification • Lack of accessible footpath • Dead-end streets vs. through roads • Important pedestrian routes as identified in the Walking and Cycling Plan • Other factors that may impinge upon shared-street classification The report should also include consideration of the issues and alternative remedies to enable pedestrians to safely share the roadway with vehicles, throughout local streets across Unley	GM City Development	Report scheduled to be presented to Council.	March 2018
29/01/18	1070	KING WILLIAM ROAD TRADERS ASSOCIATION 1. The report be received. 2. A report consistent with the provisions of section 151(5)(d) of the Local Government Act 1999 be prepared, and provided to Elected Members to inform consideration of the request from the King William Road Traders Association for a review and audit of the collection of the separate rate.	Director Strategic Projects	In progress.	April 2018
29/01/18	1071	ECONOMIC DEVELOPMENT RATES INCENTIVE 1. The report be received. 2. An Economic Development Rates Incentive Policy be developed for Council consideration at the February meeting.	GM Business Support & Improvement	Completed.	Completed

COUNCIL ACTION REPORTS - ACTIONS TO MARCH 2018

Meeting Date	Item #	Subject and Council Resolution	Responsible Exec.	Status/Progress	Expected Completion Date
29/01/18	1075	TRAMPOLINES AT KATHERINE STREET RESERVE 1. The report be received. 2. Council endorse the reinstatement of two trampolines at Katherine Street Reserve in the new central location Alternative B, as shown in Attachment 3 to Item 1075/18. Local residents within 500 metres of Katherine Street Reserve be informed of Council's decision in writing via a letter.	GM City Development	- Meeting with contractor held and project scope finalised. - Works delayed until May due to other commitments by the contractor. - Letter sent to residents. Completed.	February 2018
29/01/18	1076	RENEWABLE ENERGY AT CLARENCE PARK COMMUNITY CENTRE 1. The report be received. 2. The procurement and installation of a 20kW solar power system at Clarence Park Institute Hall in 2017/18 be endorsed in principle subject to funds (\$17,000) being identified in the third budget review	GM City Development	The installation of the solar panels is expected to be completed at the end of May 2018.	May 2018
29/01/18	1077	CONSULTATION FOR GOODWOOD OVAL NEW TWO-STOREY FACILITY 1. The report be received. 2. Council undertake community consultation on the proposed new two-storey facility at Goodwood Oval via a direct mail out between February and March 2018, and the Administration present a report back to Council April 2018 to summarise the results of the consultation and endorse a final design for the new two-storey facility.	GM City Development	Consultation closed 16 March and results being collated to inform April Council report.	April 2018
29/01/18	1080	MOTION OF WHICH NOTICE HAS BEEN GIVEN 1. That Council be provided with all relevant information from past consideration by Council of the number of sites in Unley suitable for the transformation of dead-end streets into "pocket parks".	GM City Development	Completed.	Completed
26/02/18	1097	MOBILE FOOD VENDORS LOCATION RULES 2. The Mobile Food Vendor Location Rules (Attachment 1 to Item 1097/18) be endorsed. 3. The fee for Mobile Food Vendors for the remainder of the 2017/18 financial year be set at \$45 per month and for the 2018/19 financial year be set at \$450 per annum and \$45 per month to be reviewed annually as part of fees and charges.	GM City Services	Completed.	Completed
26/02/18	1099	GREENING UNLEY ROAD 1. Replacement trees be planted in the ten (10) vacant tree locations on the western side of Unley Road within the existing 2nd Generation Tree Strategy implementation and budget. 2. As part of the 2018/19 budget process, a future project to progress tree planting and other greening options along both sides of Unley Road be considered.	GM City Development	Budget submission has been prepared for Council consideration. Identified vacant tree locations have been included in the 2nd generation tree program.	Ongoing
26/02/18	1101	MOTION OF WHICH NOTICE HAS BEEN GIVEN 2. Infrastructure changes as outlined in Attachment 1 be approved for implementation with the amendments that at the: a. Young Street/Porter Street intersection, the stop bars are moved into the intersection as far as possible to improve safety; and b. Rugby Street/Oxford Terrace intersection, a re-assessment of traffic prioritisation be undertaken to enable the best design to be developed to accommodate all car, cyclist and pedestrian movements. 3. The Mayor and CEO be given authority to enter into a co-funding agreement with DPTI to enable the project works to be undertaken. 4. Consideration be given to undertaking Stage 2 works as part of the 2017/18 budget consideration	GM City Development	Completed.	Completed
26/02/18	1102	MOTION OF WHICH NOTICE HAS BEEN GIVEN 1. The Administration commence investigations into the possible future uses of the hockey playing field and building at the Goodwood Oval complex in order to ensure that this site is used appropriately, at such a time that Forestville Hockey Club should vacate the site. To enable the proposed review of alternative uses of the Forestville hockey playing field and building to be completed, Council is to consider a budget bid of \$30K during its 2018/19 budget deliberations. 2. The Administration liaise with the State Government to obtain further information on the redevelopment of the Women's Memorial Playing Fields, including timelines and possible funding contributions, and that further updates be provided to Council once this information is obtained.	GM City Development	- Letters received from the Hockey Club and State Government seeking contribution from Council to facilitate the redevelopment of the Playing Fields. - Funding to explore alternative uses of the Forestville Hockey pitch will be considered during Council's 18/19 budget process.	Ongoing

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QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

TITLE: QUESTIONS ON NOTICE
ITEM NUMBER: 1124
DATE OF MEETING: 26 MARCH 2018
ATTACHMENTS: NIL

The following Questions on Notice have been received from Councillor Schnell and given the complexity of the questions, the answers will be provided at the 23 April 2018 meeting:

PREAMBLE

There have been recent media reports about China banning the imports of some recyclable material from Australia and as a direct result, about an Australian waste processor reducing its operations.

QUESTIONS

1. How does this impact the processing of recyclable material collected in the residents' yellow bins?
 2. Given the ban, will there be any cost impact to the City of Unley?
 3. Given the ban, is it likely that some recyclable material will be diverted to landfill?
-

QUESTIONS WITHOUT NOTICE

REPORT TITLE:	QUESTIONS WITHOUT NOTICE
ITEM NUMBER:	1125
DATE OF MEETING:	26 MARCH 2018
ATTACHMENTS:	NIL

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

MAYOR'S REPORT

REPORT TITLE: MAYOR'S REPORT FOR MONTH OF MARCH
ITEM NUMBER: 1126
DATE OF MEETING: 26 MARCH 2018
ATTACHMENTS: 1. REPORT INCLUDING FUNCTIONS ATTENDED

1. RECOMMENDATION

That:

1. The report be received.
-

22nd Feb. Attended a regular Board meeting of the Centennial Park Cemetery Authority.

23rd Feb Attended the launch of a children's book, Digger, in the Town Hall. Written by Parkside author Mike Dumbleton it was inspired by a picture of French children tending graves at Adelaide Cemetery near Villers-Bretonneux. Digger is dedicated to those Australians at rest in distant graves on the Western Front.

27th Feb. Attended the Focus meeting at which most of the candidates for the State seat of Unley spoke and responded to questions.

28th Feb. Attended St John's Campus of Concordia College for the dedication of their new Early Learning Centre Nature Play Garden.

28th Feb. Attended the Official Opening of the Honorary Consulate of the Czech Republic in Adelaide. The event was held at the Marlborough Street, Malvern, home of the new Consul Ms Vera Holt.

2nd Mar. Attended the Adelaide 500 as guest of the South Australian Tourism Commission. The day had a distinct Local Government flavour with many Mayors and CEO's present.

8th Mar. CEO and I met with Minister Bignell's Chief of Staff to express appreciation of the recent Unley Oval Grant, to show plans for both Stage 1 and 2, and discuss Unley's Recreation and Sport achievements and challenges. His advice is to be well planned, to ensure multi purpose use of proposed facilities and to keep in touch with Rec and Sport.

I thank the Deputy Mayor and Councillors who have been able to represent the Council at both local and wider events.

DEPUTY MAYOR'S REPORT

REPORT TITLE: DEPUTY MAYOR'S REPORT FOR MONTH OF MARCH 2018
ITEM NUMBER: 1127
DATE OF MEETING: 26 MARCH 2018
ATTACHMENTS: 1. REPORT

1. RECOMMENDATION

That:

1. The report be received.



Rugby Street near Maud St

1 Cycling Sharrows a success

“helps improving safety”

U BUG committee meeting on Tuesday 20th was attended by nine members and a Councillor from the city of Mitcham. The value and success of Council having set up the Unley Bicycle Users Group is often hidden from view. One very small item was raised about the repainting of the northern end of Rugby Street on the Rugby/Porter Street Bikeway. From the pictures children are being directed to ride in the carpark space. A driver of the car with no white line opens the car door and one of our children receives broken limbs in the resulting accident!

Our staff were advised. The work was supposed to remove these car park sharrows! We all win...children are safe and enjoy cycling. Mistakes can happen, not all our staff ride bikes and U BUG provides feedback... the signs are altered before a crash. This is a small example of the huge contribution a

volunteer committee set up by Council makes to a safer, healthier Unley. The U BUG Chair is Jennifer Bonham.

Our staff responded “....there are two set of bike symbols (1. Sharrows on road and 2. Bike logos in parking bays). The bike logos in parking bay were supposed to be removed (following WCP recommendation) last year but clearly it has not happened yet.

Moving forward, there should no cyclists in the ‘door zone’ following the removal of bike logos.

We have been observing drivers/cyclists’ behaviour on routes with Sharrows and its

encouraging to see that motorist are more aware of the cyclists presence - which helps improving safety.

Thank you to our staff for their response

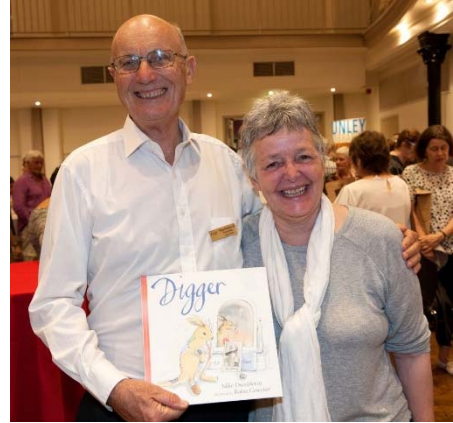
and rapid action to rectify

2 Book launch 23/02/2018

ON Friday attended the launch of Mike Dumbleton's new book "Digger"... about a soft toy kangaroo who comes back from World War 1 France alone... a beautiful children's book about war, about loss and also lifting the best of human endeavor to provide love and care! Bought a copy and recommend it as a present for young children. It is one of those children's books with adult content.

Jane Covernton was the editor and is retiring... her last book. Jane was my editor for my first two books published by Rigby's in 1980... "Your Shout" and later "What's Brewing".

After 38 years, with no hair or beard.... Jane recognised me. "Michael, it is good to see you again.... I was your editor for two books published by Rigby!"

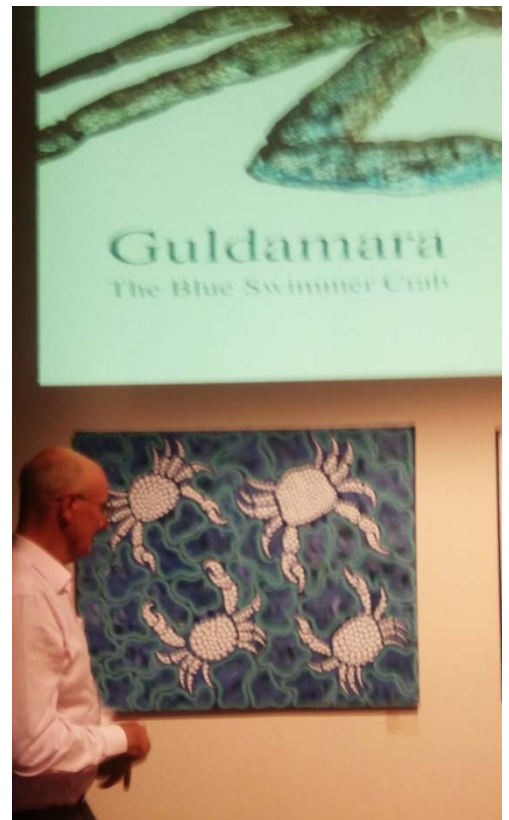


3 Attended Concordia College

Representing the Mayor to hear David Pisoni talk about his background and the issues facing SA at the election this year. 8/03/2018

4 253 Grenfell Street Opening Bush meets Adelaide

On Friday 8/03/2018 attended the opening of an art exhibition at Tandanya gallery to represent the acting Mayor. The exhibition from the western and north western SA gave an insight into the ongoing development of aboriginal art and its connection to "country"



REPORTS OF MEMBERS

REPORT TITLE: REPORTS OF MEMBERS
ITEM NUMBER: 1128
DATE OF MEETING: 26 MARCH 2018
ATTACHMENTS: 1. REPORTS

Council to note the attached reports from Members:

1. Councillor Rabbitt
 2. Councillor Schnell
 3. Councillor Palmer
-

REPORTS OF MEMBERS

REPORT TITLE: REPORT FROM COUNCILLOR RABBITT

French Cultural Relationships

During the last month, I attended the following events and meetings with our French associates:

23 & 24 February

South Australians in France

Following the successful events hosted by the City of Unley and Unley Museum in November 2017, "Unley France and the First World War", CEO Peter Tsokas and I attended a two day seminar at Flinders University.

The seminar was the culmination of the project undertaken by Dr Romain Fathi, examining the connections between France and South Australia during the First World War.

The City of Unley was frequently acknowledged and thanked for their interest in, and support of, this project.

I also made connections that may provide future benefits to Unley Museum via bequests of artefacts and other memorabilia.

9 March

Creative France

I met with the Chair of Creative France to discuss the possibility of French cultural events being held in the City of Unley, particularly during the Centenary Celebrations 2018, Department of French Studies, University of Adelaide.

16 March

Antoine et Manuel

As part of the Adelaide Festival, I attended the premiere of the sound and video installation, ANIMAL, that captures the beauty of Australia, by land and sea.

Antoine and Manuel were invited to Adelaide by Creative France, with the assistance of the French Embassy in Australia.

18 March

Pieces for the Left Hand

To celebrate the special relationship between Unley and Pozières, and to mark the forthcoming 100th anniversary of the Armistice of World War I, Alliance Française and the City of Unley, with the support of the French Embassy in Australia hosted an excellent concert by French Pianist, Maxime Zecchini.

Approximately 160 residents and guests attended.

Other Functions/Meetings Attended

15 March

- Elected Member Update

I met with GM Megan Berghuis to discuss the achievements of the City Services Team over the last year and their plans for 2018/19.

With the ever-changing influence of the two other tiers of government, our staff does an incredible job managing the diverse range of services we provide to our community.

- Three Little Sisters Come to Unley

This event at the Fullarton Park Community Centre was an Adelaide Fringe performance hosted by the City of Unley.

Backed by a swing band, the vocal trio paid tribute to the music of the Andrews Sisters and had the audience tapping their toes and singing along for the 60 minute performance.

As they were leaving, many attendees expressed their appreciation to the City of Unley for hosting this event.

The only criticism was from a gentleman who was disappointed that there wasn't enough floor space to get up and dance!

18 March

- Dogapalooza

The early morning showers didn't dampen the enthusiasm of dog and music lovers attending this popular event.

Several people told me they had travelled from other suburbs for this unique event, and commented that Orphanage Park was so well suited to an event of this type.

REPORTS OF MEMBERS

REPORT TITLE: REPORT FROM COUNCILLOR SCHNELL

GOODWOOD WARD:

Includes the suburbs of Wayville, Goodwood, Forestville and Everard Park.

The list below mostly excludes events and activities that I would normally attend as an Elected Member eg. Council/Committee meetings, Workshops, Briefing sessions, discussions with staff and community events.

At all events attended, any expense incurred was funded by myself.

It was a very busy 'Mad March' period.

I attended many Fringe Festival events in Unley and the Adelaide CBD.

Generally good weather saw huge crowds of people enjoying the festivities.

It was also a time for cultural community events. In particular, I enjoyed the annual Sri Lankan Festival held at Fullarton. This would have to be the best festival held in Unley. I helped to launch the event and noted the contribution made by the City of Unley. The highlight of the event was the cooking demonstration (of prawn curry and cauliflower fried rice). We learnt some secrets about use of Sri Lankan spices and the inclusion of finely ground prawn shells to add that special touch to a seafood curry.

I wish to congratulate Ms Jayne Stinson (Labor Badcoe) and Mr David Pisoni (Liberal Unley) for winning in their 'Unley' seats in the recent SA election. I note that both won with an increased margin. I look forward to Council forging a good working relationship with both MPs for the benefit of the City of Unley.

During the month I had discussions with residents about:

- Street trees
- Verge planting
- Cycle and walking shared paths
- Goodwood Oval and the new grandstand
- Goodwood Oval lights
- Works at Unley Oval
- Graffiti in Wayville
- Goodwood Road and its growing vibrancy

I look forward to attending the next Night Market in Unley under the stars; on the roof of the Target car park. This will be the last such night market for this season; to resume later in the year. It's a great event to activate Unley Central. It's a big draw card to the area.

REPORTS OF MEMBERS

REPORT TITLE: REPORT FROM COUNCILLOR PALMER

(a) Items of particular interest, concern or urgency

State Election

I congratulate Jayne Stinson on her election to the seat of Badcoe, David Pisoni being re-elected to the seat of Unley and the Liberals on becoming the Government.

This is a new environment for us and I look forward to the challenges and opportunities the changes will make.

As per my blog post of Monday 19th I am giving advance notice that it is not my intention to run for Mayor at our next election. I will be looking to continue as one of the two ward councillors for the Clarence Park Ward.

Street Meeting (see below)

Was fortunate enough to attend this meeting to put Council's position on issues discussed.

Sporting Success

The sporting clubs in the west of the City of Unley continue to punch above their weight. The last few weeks has seen finals attendances with a number of Goodwood Cricket Club teams winning their respective premierships and the Millswood Bowling Club A grade pennant players fall just short of a grand final attendance.

Millswood Croquet Club have also co-hosted ACA Men's croquet championships.

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

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

24 Feb	Joint Kaye Ellis and Jayne Stinson street meeting at Forestville Reserve
26 Feb	Meeting with Manager Megan Bergius
28 Feb	Clarence Park Community Centre Board of Management (as visitor)
4 March	Community Alliance Public Rally
7 March	Goodwood Oval Reference Group meeting
11 March	Goodwood Cricket Club Junior Super Sunday U14/U17 Grand Finals
14 March	Met with executive members of Forestville Eagles Basketball Club
16 March	Goodwood Saints Season Launch
17 March	Goodwood Cricket B1 semi final & Croquet National Tournament Forestville Eagles v West Adelaide Bearcats season opener
18 March	Cricket & Croquet day 2 and Millswood Bowling Club Pennant semi-final.
20 March	Audit & Governance Committee Council Assessment Panel

I also had a number of one on one conversations with elected members, the CEO and Administration. I also assisted other ratepayers with concerns.

DECISION REPORT

REPORT TITLE: CONFIDENTIALITY MOTION FOR ITEM 1130 –
CONFIDENTIAL MINUTES OF THE AUDIT AND
GOVERNANCE COMMITTEE

ITEM NUMBER: 1129

DATE OF MEETING: 26 MARCH 2018

AUTHOR: NICOLA TINNING

JOB TITLE: GENERAL MANAGER, BUSINESS SUPPORT AND
IMPROVEMENT

Pursuant to section 83(5) of the *Local Government Act 1999* the Chief Executive Officer has indicated that, if Council so determines, this matter may be considered in confidence under Part 3 of the *Local Government Act 1999* on that grounds set out below.

1. **RECOMMENDATION**

That:

1. Pursuant to Section 90(2) and (3)(b)(i) and (b)(ii) of the *Local Government Act 1999*, the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter because it relates to information the disclosure of which:
 - 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
 - would, on balance, be contrary to the public interest.
2. In weighing up the factors related to disclosure,
 - disclosure of this matter to the public would demonstrate accountability and transparency of the Council's operations
 - non-disclosure of this item at this time will protect information the disclosure of which could prejudice the commercial position of Council in relation ownership of the Centennial Park Cemetery Authority.

On that basis, the public's interest is best served by not disclosing Item 1130 – Confidential Minutes of the Audit and Governance Committee Meeting 20 March 2018 and discussion at this point in time.

3. Pursuant to Section 90(2) of the *Local Government Act 1999* it is recommended the Council orders that all members of the public be excluded, with the exception of staff of the City of Unley on duty in attendance.
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