

CITY OF WEST TORRENS



Notice of Committee Meeting

NOTICE IS HEREBY GIVEN in accordance with Sections 87 and 88 of the Local Government Act 1999, that a meeting of the

CORPORATE PLANNING, POLICY AND PERFORMANCE PRESCRIBED COMMITTEE

Members: Councillor J Woodward (Presiding Member), Mayor Trainer,
Councillors: R Haese, C O'Rielley, R Dua, K McKay, M Hill, A Mangos.

of the

CITY OF WEST TORRENS

will be held in the Mayor's Reception Room, Civic Centre
165 Sir Donald Bradman Drive, Hilton

on

**TUESDAY, 8 MARCH 2016
at 6.30 PM**

**Terry Buss
Chief Executive Officer**

City of West Torrens Disclaimer

Please note that the contents of this Committee Agenda have yet to be considered by Council and Committee recommendations may be altered or changed by the Council in the process of making the formal Council decision.

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1. MEETING OPENED

1.1 Evacuation Procedure

2. PRESENT

3. APOLOGIES

Council Members:

Cr Dua

4. DISCLOSURE STATEMENTS

Committee Members are required to:

1. Consider Section 73 of the *Local Government Act 1999* and determine whether they have a conflict of interest in any matter to be considered in this Agenda; and
2. Disclose these interests in accordance with the requirements of Sections 74 and 75 of the *Local Government Act 1999*.

The following disclosures of interest have been made in relation to:

Item	Elected Member
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5. CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the meeting of the Corporate Planning, Policy and Performance Committee held on 10 November 2016 be confirmed as a true and correct record.

6. COMMUNICATIONS BY THE CHAIRPERSON

7. REPORTS OF THE CHIEF EXECUTIVE OFFICER

7.1 Annual Service Plans 2nd Quarter 2015/16 Progress Update

Brief

This report presents the 2nd quarter review of the 2015/16 Annual Service Plans and progress in the delivery of Council's Community Plan.

RECOMMENDATION(S)

The Committee recommends to Council that the:

1. Annual Service Plans 2nd Quarter Progress Report 2015/16 be received, and
2. Proposed changes to the 2015/16 Service Plans are approved, as detailed within the report.

Introduction

The Annual Service Plans 2nd Quarter Progress Report (**Attachment 1**) outlines Council's progress in implementing its Community Plan.

Discussion

This Progress Report provides updates on the delivery of Actions from the 2015/16 Annual Service Plans that implement the Community Plan Aspirations outlined in figure 1.

Figure 1 Community Plan Aspirations




Below is an explanation of the reporting format:


Pie Charts

The pie charts graphically illustrate how the City of West Torrens as a whole, and each individual department, is progressing with the delivery of Annual Service Plan Actions.

Action Status

The status of the actions presented in the quarterly report may be monitor or off-track. On-track and completed actions are not presented in the report.

Monitor means the action has not progressed to where the relevant department manager was expecting, but it is within 70-90% of the quarterly target. When the status of an action is monitor, the attached quarterly report shows a yellow traffic light () in the right hand column.

Off-track means the action has not progressed to where the relevant department manager was expecting and is less than 70% of the quarterly target. When the status of an action is off-track, the attached quarterly report shows a red traffic light () in the right hand column.

An explanation of why a particular action has off-track or monitor status is contained within the *Annual Service Plans 2nd Quarter Progress Report*.

Report

The service plans show:

- 92.6 % of actions are on-track/completed;
- 3.2 % of actions have a monitor status; and
- 4.1 % of actions have an off-track status.

NB: due to rounding effects the total may be less than or greater than 100%

In the second quarter 11 actions were completed. These relate to:

- Drafting and adoption of Council's Annual Report;
- Preparation of Council's Carbon Footprint report for 2014/15;
- Creation of a 12-month Community Services Events Calendar;
- Printing of 'Information and Changes about Aged Care Reforms' in Greek and Italian and other relevant languages;
- Ensuring that all new advertising and promotional brochures and flyers have the appropriate logo that indicates "Disability Access" displayed prominently;
- Producing the End of Year statutory accounts and ensuring a seamless transition via the external audit, Council and Audit Committee processes;
- Exploration of the development of a framework for reporting against key human resources policies;
- Replacement of end-of-life IT assets including desktop and tablet computers, Multi-Function Devices and scanner equipment;
- Undertaking cooling tower annual registrations, renewals and inspections;
- Undertaking a review of and implementing identified improvements within the Minutes and Agendas Process; and
- Undertaking building upgrades at the Reedbeds Community Centre.

Nine actions have been reported as 'off track', which represents 4.1% of the total number of actions. These relate to:

- Designing a community survey tool for the local Plympton community regarding the Plympton Community Centre;

- Development and trialling of a community engagement and community connectedness strategy;
- Implementation of the bin-tagging program;
- Implementation of Council's Animal Management Plan;
- Reviewing and streamlining the Thebarton Hub booking system;
- Reviewing and implementing identified improvements in the debt collection process;
- Submitting the Statement of Intent for the Employment Development Plan Amendment;
- Preparation of a draft revised Climate Change Action Plan; and
- Providing corporate wifi in the Civic, Hamra and Depot areas.

Seven actions have been reported as needing to be 'monitored', which represents 3.2% per cent of the total number of actions. These relate to:

- Development of a Community Engagement Framework;
- Development and implementation of a "Public Art" proposal for Council;
- Participating in and supporting community and staff engagement in preparation of the AdaptWest Climate Change Adaptation Action Plan;
- Undertaking a review of City of West Torrens' Employee Induction process;
- Undertaking Lockleys Oval Redevelopment (Stage 1);
- Designing Holland St road upgrade (Thebarton Technical Hub Master Plan); and
- Completing the Open Space Infrastructure and Asset Management Plan.

Delays in implementation of these actions have been attributed to a number of factors including; staff resources, awaiting completion of other projects, waiting on consultants and more extensive work required than originally planned.

Proposed changes to 2015/16 Departmental Service Plans

Changes to timeframes

Requests to extend the 'completion date' for seven of the above actions have been received. These relate to:

- Development and implementation of a "Public Art" proposal for Council (extension requested from 31/12/2015 to 31/03/2016);
- Participating in and supporting community and staff engagement in preparation of the AdaptWest Climate Change Adaptation Action Plan (extension requested from 31/12/2015 to 30/06/2016);
- Preparation of a draft revised Climate Change Action Plan (extension requested from 31/03/2016 to 30/06/2016);
- Providing corporate wifi in the Civic, Hamra and Depot areas (extension requested from 30/11/2015 to 31/03/2016);
- Undertaking a review of City of West Torrens' Employee Induction process (extension requested from 31/12/2015 to 30/06/2016);
- Designing Holland St road upgrade (Thebarton Technical Hub Master Plan) (extension requested from 31/12/2015 to 31/03/2016); and
- Completing the Open Space Infrastructure and Asset Management Plan (extension requested from 31/12/2015 to 31/03/2016).

Approval has been requested to defer the following two actions to the relevant 2016/17 Departmental Service Plans:

- Development of a community engagement framework (to allow for the return of the Community Engagement and Media Officer from extended leave); and
- Submit the Statement of Intent for the Employment Development Plan Amendment for approval and begin preparing the draft DPA (to allow for higher level investigations).

It is anticipated that the remaining eight actions will be brought back on track by the end of the third quarter.

Changes to Actions

Financial Services

Due to identification of a new continuous improvement project regarding Cummins House and 'handing over' of responsibility for the public liability and motor vehicle insurance processes, the following two actions have been added to the Financial Services 2015/16 Service Plan:

- Oversee the administration of the public liability and motor vehicle insurance processes. (Start date 01/10/2015 - completion date 30/06/2016), and
- Implement the new Cummins House booking system. (Start date 01/01/2016 - completion date 31/03/2016).

Office of the Mayor and CEO

With the recent minor restructure of departments, the two actions relating to City of West Torrens' Lean Continuous Improvement Program and the minutes and agenda process are now reported under the Office of the Mayor and CEO Division/Department. In addition, the following actions have been added to capture the work undertaken by the new position of Executive Project Officer:

- Assist local community groups to increase opportunities for successful State and Federal grant applications, and maximize utilisation of funds received. (start date 01/10/2015 - completion date 30/06/2016)
- Maximise successful application for various State and Federal grant funding opportunities, to support and enhance Council's services and projects. (start date 01/10/2015 - completion date 30/06/2016)
- Promote and acknowledge Council's innovative services and projects by nominating for various industry awards. (start date 01/10/2015 - completion date 30/06/2016)
- Foster relationships with local businesses to support the City's economic development. (start date 01/10/2015 - completion date 30/06/2016)

Conclusion

The Annual Service Plans 2nd Quarter Progress Report outlines the organisation's progress in implementing Council's Community Plan.

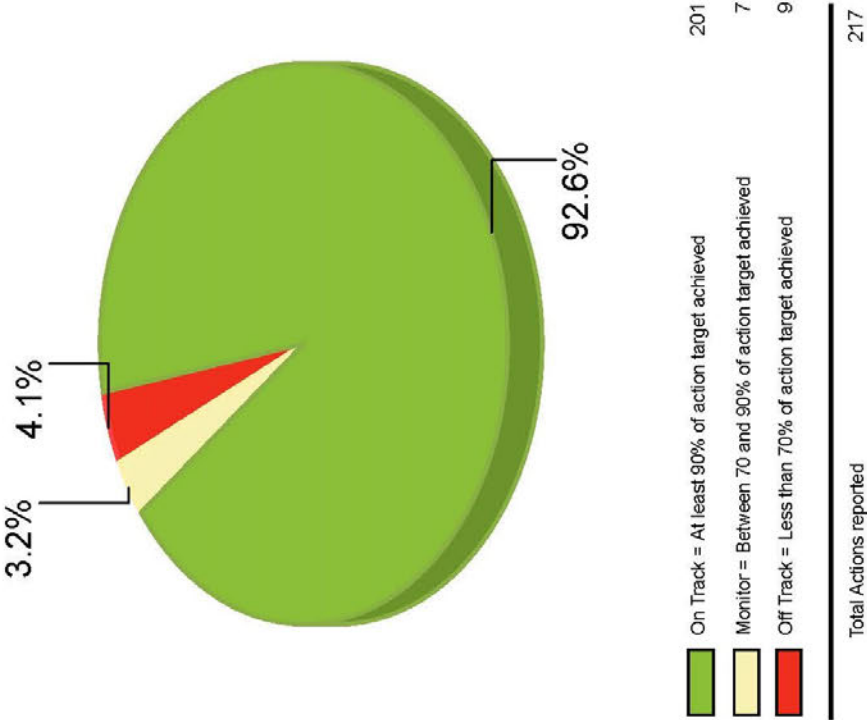
Nine actions have been reported as off track and seven actions have been reported as requiring monitoring, with subsequent requests to defer two actions to the 2016/17 financial year and extend the completion dates for seven actions.

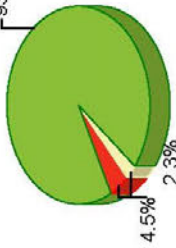
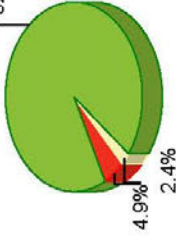
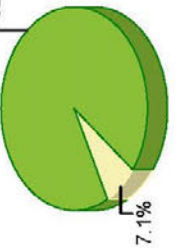
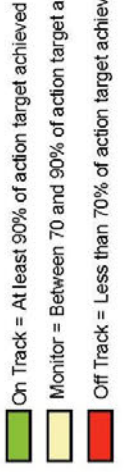
ATTACHMENT 1



October - December 2015

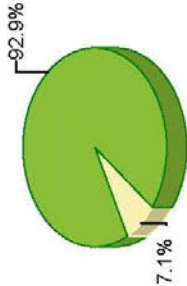
City of West Torrens



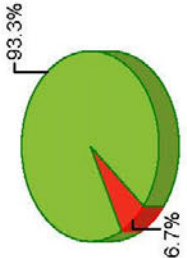
Business and Community Services Division				
Community Services	City Strategy	Business Services		
				
				
				92
				3
				4
			Total Actions reported	99

Corporate and Regulatory Services Division

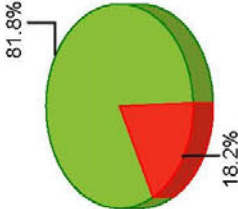
Human Resources and Service Centre



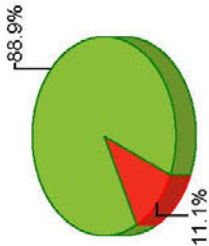
Information Services



Financial Services



Regulatory Services



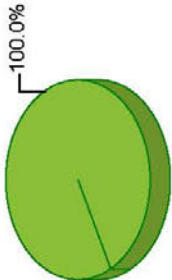
On Track = At least 90% of action target achieved	52
Monitor = Between 70 and 90% of action target achieved	1
Off Track = Less than 70% of action target achieved	5

Total Actions reported

58

Office of the Mayor and CEO

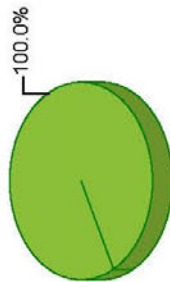
Office of the Mayor and CEO



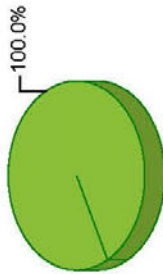
On Track = At least 90% of action target achieved	6
Monitor = Between 70 and 90% of action target achieved	-
Off Track = Less than 70% of action target achieved	-
Total Actions reported	6

Urban Services Division

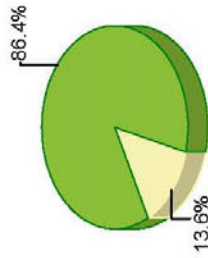
City Works



City Development



City Assets




On Track = At least 90% of action target achieved	51
Monitor = Between 70 and 90% of action target achieved	3
Off Track = Less than 70% of action target achieved	-
Total Actions reported	54

ACTIONS WITH OFF-TRACK OR MONITOR STATUS

Business and Community Services Division

Aspiration: 1 A Community That Embraces Diversity


Long Term Strategy: 1.2 Facilitate opportunities for people from diverse social backgrounds to come together.
 5 Year Strategy: 1.2.2 Facilitate the use of community hubs as points of social, recreational and educational interaction.

ACTION	STATUS	% COMP.	TARGET	COMP. DATE	EXEC. COMMENTS	RESP. OFFICER	PROGRESS INDICATOR
1.2.2.4 Design a community survey tool to survey the local Plympton community including the existing user groups of the Plympton Community Centre (PCC) about their specific use, services needs and interests (Jul). Plan a series of information sessions/BQs/get-togethers and seek their views on how the centre should look and feel (Aug-Sept). Plan and consider recommendations and commence partial implementation (Oct-Dec). Implement total new structure (Jan 2016).	In Progress	25%	50%	30/06/2016	This action is off track due to staffing constraints. It is anticipated that this action will be brought back on track by the completion date. There are no budget or service outcome implications associated with this delay.	Team Leader Community Development	 RED


ACTIONS WITH OFF-TRACK OR MONITOR STATUS

Aspiration: 2 Active, Healthy and Learning Communities

Long Term Strategy: 2.1 Encourage all members of the community to pursue active and creative lifestyles.
5 Year Strategy: 2.1.2 Facilitate access to arts and cultural performances, exhibitions and events.

ACTION	STATUS	% COMP.	TARGET	COMP. DATE	EXEC. COMMENTS	RESP. OFFICER	PROGRESS INDICATOR
2.1.2.1 Develop and implement a "Public Art" proposal for Council.	In Progress	75%	100%	31/12/2015	Expressions of interest and project description documents are completed. This has now been incorporated into a wider design brief for the upgrade and refurbishment of Thebarton Community Centre proposals. This action is expected to be finalised by the third quarter 2015/16. It is therefore requested that the completion date for this action be extended to 31 March 2016. There are no budgetary implications associated with this extension.	Manager Community Services	


Long Term Strategy: 2.5 Support community involvement and intergenerational connection
5 Year Strategy: 2.5.1 Promote participation in community activities and local neighbourhood.

ACTION	STATUS	% COMP.	TARGET	COMP. DATE	EXEC. COMMENTS	RESP. OFFICER	PROGRESS INDICATOR
2.5.1.1 Develop a strategy for community engagement and community connectedness. Trial this strategy in conjunction with developments at the Thebarton Community Centre, linking with Kings Reserve developments, Clifford Street Reserve and the boost in activity resulting from Brickworks commercial development, as well as the roll-out of the Thebarton Technology Hub Master Plan.	In Progress	15%	50%	30/06/2016	This project remains off track due to the delay in commencing the Kings Reserve Master plan. Council has participated in principal stakeholder workshops. The impact of Adelaide University's decision to sell its precinct on the Thebarton Technology Hub Master Plan will also be considered before proceeding.	Team Leader Community Development	

ACTIONS WITH OFF-TRACK OR MONITOR STATUS

Aspiration: 3 An Engaged Community

Long Term Strategy: 3.1 Encourage the community to participate in opportunities to influence Council's decision making.
5 Year Strategy: 3.1.1 Provide active and open communication and consultation with the community regarding Council's activities.


ACTION	STATUS	% COMP.	TARGET	COMP. DATE	EXEC. COMMENTS	RESP. OFFICER	PROGRESS INDICATOR
3.1.1.1 Develop a Community Engagement Framework and provide community engagement advice and support.	In Progress	50%	60%	30/06/2016	<p>Community engagement support has continued to be provided to departments which have required it, in particular the use of Survey Monkey and social media channels. A survey undertaken about the part closure of Saratoga Drive in Novar Gardens was undertaken in conjunction with City Assets and received more than 500 responses.</p> <p>With regard to the Community Engagement Framework, this was started in 2015 and will be resumed once the Community Engagement and Media Officer returns from maternity leave in June 2016.</p> <p>Approval is therefore sought for the 'Community Engagement Framework' portion of this action to be deferred to the 2016/17 Business Services Service Plan.</p>	Media & Engagement Officer	

ACTIONS WITH OFF-TRACK OR MONITOR STATUS

Aspiration: 5 Reduction of Our Ecological Impact

Long Term Strategy: 5.4 Respond to the challenges of a changing climate.


5 Year Strategy: 5.4.3 Work collaboratively with our partners, community and business to plan for, and adapt to the impacts of a changing climate.

ACTION	STATUS	% COMP.	TARGET	COMP. DATE	EXEC. COMMENTS	RESP. OFFICER	PROGRESS INDICATOR
5.4.3.1 Participate in and support community and staff engagement in preparation of the AdaptWest Climate Change Adaptation Action Plan.	In Progress	75%	100%	31/12/2015	During the second quarter the final community work shop was successfully held at the City of West Torrens, with good attendance. The work shop results have contributed to the preparation of the draft adaptation plan, which commenced in the quarter. Completion of the draft has taken longer than planned, however it is anticipated that the consultants will have provided the first draft by the end of March. The draft plan will be presented to Council, and feedback from all the participating councils will be incorporated in the final plan during the fourth quarter. It is therefore requested that the completion date for this action be extended to 30 June 2016. There are no budget implications associated with this extension.	Team Leader Sustainability Planning	

ACTIONS WITH OFF-TRACK OR MONITOR STATUS

Aspiration: 11 A Thriving Business Environment


Long Term Strategy: 11.1 Support the development and growth of local business and jobs.
 5 Year Strategy: 11.1.3 Review Council's Development Plan policies to optimise employment opportunities consistent with other land uses and community needs.

ACTION	STATUS	% COMP.	TARGET	COMP. DATE	EXEC. COMMENTS	RESP. OFFICER	PROGRESS INDICATOR
11.1.3.1 Submit the Statement of Intent for the Employment Development Plan Amendment for approval (by November 2015) and (subject to Minister's approval) begin preparing the draft DPA.	In Progress	25%	50%	30/06/2016	<p>A meeting with Department of Planning, Transport and Infrastructure (DPTI) staff in December 2015 indicated that the Minister was unlikely to approve a Statement of Intent (SOI) without a much higher level of up-front investigations than previously would have been required in the development of an SOI. A project brief has been developed for engaging a consultant to collect further background information required by DPTI prior to lodging an SOI with the Minister. Pre-work for the SOI is also now underway through the Underdale/Torrensville investigations with a pilot of proposed Land Use Survey data collection methods being trialled. It is however proposed that time frames for the project be amended to provide for much more extensive investigations prior to submitting the SOI.</p> <p>It is therefore requested that the completion date for this action be delayed to the 2016/17 Service Plan.</p>	Team Leader Strategic Planning	

ACTIONS WITH OFF-TRACK OR MONITOR STATUS

Aspiration: 17 Leading governance and administration practices

Long Term Strategy: 17.1 Regularly review, update and adopt leading governance and administrative practices
5 Year Strategy: 17.1.6 Ensure that Council's plans, projects and activities are aligned with the Community Plan.

ACTION	STATUS	% COMP.	TARGET	COMP. DATE	EXEC. COMMENTS	RESP. OFFICER	PROGRESS INDICATOR
17.1.6.7 Prepare a draft revised Climate Change Action Plan incorporating outcomes of the AdaptWest project.	In Progress	30%	60%	31/03/2016	The project schedule has been delayed due to staffing changes, and also in order to incorporate outcomes from the delayed Western Region Climate Change Adaptation Plan. It is therefore requested that the completion date for this action be extended from 31 March to 30 June 2016.	Team Leader Sustainability Planning	 RED


ACTIONS WITH OFF-TRACK OR MONITOR STATUS

Corporate and Regulatory Services Division

Aspiration: 2 Active, Healthy and Learning Communities

Long Term Strategy: 2.4 Foster health, wellbeing and safety within the community.


5 Year Strategy: 2.4.1 Promote and protect the health of the community through the provision and support of public health education and services.

ACTION	STATUS	% COMP.	TARGET	COMP. DATE	EXEC. COMMENTS	RESP. OFFICER	PROGRESS INDICATOR
2.4.1.4 Implement Council's Animal Management Plan	In Progress	25%	50%	30/06/2016	This action is off track due to the due to lack of staff resources and awaiting impending changes to the Dog & Cat Management Act. It is anticipated that changes to legislation will come into effect by the end of March 2016. Some educational activities have been undertaken, such as rewarding good animal behaviour at dog parks.	Manager Regulatory Services	 RED

Aspiration: 5 Reduction of Our Ecological Impact

Long Term Strategy: 5.1 Facilitate the minimisation of waste production and disposal to landfill and productive utilisation of waste.


5 Year Strategy: 5.1.1 Promote and enhance waste minimisation and resource recovery within Council, community, local businesses and industry.

ACTION	STATUS	% COMP.	TARGET	COMP. DATE	EXEC. COMMENTS	RESP. OFFICER	PROGRESS INDICATOR
5.1.1.3 Implement the Bin Tagging Program to educate the community and local businesses on the appropriate use of the three bin system, and reward those who are using the system to its optimum.	In Progress	25%	50%	30/06/2016	This action remains off track due to its commencement being deferred to the second quarter with the introduction of the At-Call Hard Waste Trial, as previously advised to the Corporate Planning, Policy and Performance Committee. Graphic designs for the Bin Tagging Program have now been completed.	Manager Regulatory Services	 RED


ACTIONS WITH OFF-TRACK OR MONITOR STATUS

Aspiration: 17 Leading governance and administration practices

Long Term Strategy: 17.1 Regularly review, update and adopt leading governance and administrative practices
 5 Year Strategy: 17.1.7 Provide information management systems that support organisational initiatives and enhance the delivery of services.



ACTION	STATUS	% COMP.	TARGET	COMP. DATE	EXEC. COMMENTS	RESP. OFFICER	PROGRESS INDICATOR
17.1.7.6 Provide corporate wifi in the Civic, Hamra & Depot areas	In Progress	60%	100%	30/11/2015	This action is off track due to a delay in sourcing the required bandwidth. It is therefore requested that the completion date for this project be extended to 31 March 2016. There are no budget implications associated with this extension in completion date.	Manager Information Services	 RED

5 Year Strategy: 17.1.8 Provide a safe and rewarding workplace that encourages a productive environment.

ACTION	STATUS	% COMP.	TARGET	COMP. DATE	EXEC. COMMENTS	RESP. OFFICER	PROGRESS INDICATOR
17.1.8.11 Undertake a review of CWT Employee Induction process to ensure that it meets both the needs of new employees and CWT business needs.	In Progress	75%	100%	31/12/2015	This project has been delayed due to the recruitment and subsequent appointment of the HR Advisor in December 2015. The City of West Torrens Employee Induction process is currently under review, with significant work achieved to date. It is requested that the completion date for this action be extended to 30 June 2016.	Manager Human Resources and Service Centre	 YELLOW

ACTIONS WITH OFF-TRACK OR MONITOR STATUS

5 Year Strategy: 17.1.10 Promote innovation and continuously improve all of Council's operations and activities.


ACTION	STATUS	% COMP.	TARGET	COMP. DATE	EXEC. COMMENTS	RESP. OFFICER	PROGRESS INDICATOR
17.1.10.8 Review and implement identified improvements in the debt collection process.	In Progress	20%	50%	30/06/2016	This project remains off track due to the extended absence of the Debt Collection Officer, although initial improvements have been identified and implemented. The project is scheduled to recommence in February 2016 with a LEAN Facilitator.	Manager Financial Services	 RED
17.1.10.9 Review and streamline the Thebarton Hub booking system.	Not Started	0%	50%	30/06/2016	Commencement of this project continues to be delayed while assessing Cummins house bookings and awaiting appointment of a LEAN facilitator. The project is scheduled to commence in February 2016 and will be finalised by the new completion date of 30 June 2016, as previously approved by the Corporate Planning Policy and Performance Committee.	Manager Financial Services	 RED

ACTIONS WITH OFF-TRACK OR MONITOR STATUS

Urban Services Division


Aspiration: 1 A Community That Embraces Diversity

Long Term Strategy: 1.2 Facilitate opportunities for people from diverse social backgrounds to come together.
 5 Year Strategy: 1.2.2 Facilitate the use of community hubs as points of social, recreational and educational interaction.

ACTION	STATUS	% COMP.	TARGET	COMP. DATE	EXEC. COMMENTS	RESP. OFFICER	PROGRESS INDICATOR
1.2.2.1 Undertake Lockleys Oval Redevelopment (Stage 1)	In Progress	35%	50%	30/06/2016	This action is slightly off track due to awaiting community consultation outcomes prior to engaging a consultant. A draft Consultancy Brief has been developed and the Community Consultation report is to be tabled at the March Council meeting.	Manager City Assets	 YELLOW

Aspiration: 6 Enhanced Natural Environment

Long Term Strategy: 6.1 Create green streetscapes and open spaces.
 5 Year Strategy: 6.1.1 Design streetscapes to maximise opportunities for greening.


ACTION	STATUS	% COMP.	TARGET	COMP. DATE	EXEC. COMMENTS	RESP. OFFICER	PROGRESS INDICATOR
6.1.1.1 Design Holland St road upgrade (Thebarton Technical Hub Master Plan) to maximise streetscape greening.	In Progress	80%	100%	31/12/2015	This action is off track due to delays in ensuring the complex design meets desired criteria and outcomes and stakeholder expectations. Design and documentation is complete and scheduled for tender during Feb/March 2016. It is therefore requested that the completion date for this project be extended to 31 March 2016. There are no budget implications associated with the extended completion date.	Manager City Assets	 YELLOW

ACTIONS WITH OFF-TRACK OR MONITOR STATUS

Aspiration: 8 An Attractive and Functional Open Space Network

Long Term Strategy: 8.1 Facilitate equitable access to open spaces.

5 Year Strategy: 8.1.2 Establish a hierarchy of maintenance for Council's open spaces in accordance with identified priorities.

ACTION	STATUS	% COMP.	TARGET	COMP. DATE	EXEC. COMMENTS	RESP. OFFICER	PROGRESS INDICATOR
8.1.2.1 Complete the Open Space Infrastructure & Asset Management Plan	In Progress	75%	100%	31/11/2015	This action is off track due to extended staff absenteeism. Additional resourcing has now been provided to compensate for this and ensure timely completion of the project. Financial information for the Open Space Infrastructure & Asset Management Plan has been loaded into Conquest. The Draft Asset Management Plan is currently being consulted. It is requested that the completion date for this project be extended to 31 March 2016. There are no budget implications associated with this extended completion date.	Coordinator Asset Management	 YELLOW

7.2 Underdale and Torrensville Industrial and Residential Interface Policy Development

Brief

This report presents an update on further investigations undertaken to progress the Underdale and Torrensville Residential/Industry Interface Statement of Intent (SOI).

RECOMMENDATION(S)

The Committee recommends to Council that:

1. The Underdale and Torrensville Residential/Industrial Interface Development Plan Amendment Investigations Report prepared by Urban and Regional Planning Solutions and SGS Economics and Planning be received.
2. A report on investigations currently being undertaken in the south-west area of the Industry Zone in Torrensville and Underdale be brought to the next meeting of the Corporate Planning, Policy and Performance Committee.

Introduction

In May 2008, Council received a petition from 48 petitioners requesting;

"...that the Residential Zone boundaries be realigned along the entire length of Ashwin Parade southern side to adjoin the Residential Boundary line across Hardys Road to adjoin the residential boundary there and South through to Ashley Street and west through to Holbrooks Road".

Subsequently the West Torrens Residential and Industrial Interface Study was commissioned by Council and presented in October 2013. A key recommendation from this report was to *"Consider re-zoning parts of Underdale's Industry Zone to Residential and/or Mixed Use"*.

In order to progress this recommendation, in September 2014 Council submitted a Statement of Intent (SOI) to undertake a Development Plan Amendment (DPA) for the Underdale & Torrensville Residential/Industry Interface (Interface DPA) for the consideration of the Minister for Planning.

In September 2014 Council also received a petition from 184 petitioners which requested;

"...to change the zoning of the area west and south of Ashwin Parade and Hayward Avenue to Ashley Street and along Ashley Street to Holbrooks Road to Cranbrook Avenue in the suburb of Underdale. The zone is to be changed from Industry to Residential."

The petition was submitted with the SOI to the Minister for Planning.

On 14 April 2015 the Council received correspondence from the Minister for Planning which expressed 'in principle' support for a DPA for the subject area, but that after careful consideration he had decided not to support the Council's SOI in its proposed form.

The Minister for Planning requested further strategic investigation be undertaken to refine the scope of the SOI and to demonstrate it is not at variance with the State Planning Strategy.

In his correspondence the Minister also suggested that Council consider adopting the Urban Employment Zone in the subject area.

On 5 May 2015 the Council resolved to undertake the investigations requested by the Minister, namely:

- Analysis of the employment generation provided by this industrial zone and how this sits with employment lands across the Council area.
- Consultation with current land owners and occupiers within the subject area to understand the current operations (such as hours of operation and noise impacts), siting and locational requirements (EP A buffers and licence conditions) and future plans.
- The preparation of a Master Plan that considers the above investigations and identifies spatially suitable sites for medium density housing and other uses.
- In preparing a Master Plan, he asked that Council identify possible locations where the River Torrens Linear Park could be expanded.

In October 2015, Urban and Regional Planning Solutions (URPS) and SGS Economics and Planning (SGS) were commissioned to undertake these investigations.

The report is **provided under separate cover** for consideration.

Discussion

The research undertaken by URPS involved a review of strategic planning policy, analysis of GIS for the study area, and engagement with residential and industrial property owners and occupiers. The report incorporates and is supported by economic analysis from SGS.

The URPS report analyses a wide range of factors including the employment significance of the Underdale and Torrensville industrial area, land use trends and interface issues, existing use rights, and proximity to River Torrens Linear Park. Legislative triggers considered include Environment Protection Authority (EPA) separation distances for licensed land uses and potential site contamination.

The report identifies the Underdale and Torrensville industrial area as economically significant to the City of West Torrens and the broader region. In light of this, the report recommends that Council consider updating the existing Industry Zone or introducing an Urban Employment Zone.

The report recommends that the updated or new Development Plan policy would:

- Better reflect existing, and potential, modern industrial development in the area;
- Provide a degree of flexibility in employment land uses; and
- Promote better urban design and environmental outcomes.

The report suggests this could be done by updating the existing Industry Zone provisions or introducing an Urban Employment Zone.

When the Administration reviewed the URPS report it became apparent that further detailed investigation of land use and employment data was required to evaluate the economic viability of the south-west part of Industry Zone in Underdale and Torrensville. It was also considered that further investigations and community consultation were warranted for specific areas identified in the URPS report as having potential for re-zoning to Mixed Use/ Residential, namely:

- The Wilford Avenue locality;
- Eight allotments at the eastern end of Vintage Road and Armour Avenue;
- 101-105 Hardys Road; and
- The Symbion site.

The Administration is therefore currently undertaking a land use and employment survey of properties in the Industry Zone across Torrensville and Underdale. When complete the survey will provide information on building type, business activities, number of employees and the future intentions of businesses.

A consultant urban economist has been engaged to undertake further analysis of the south-west section of the Industry Zone, based on the detailed data collected in the land use and employment survey. Analysis of the survey data will inform the economic health and viability of the south-west section of zone in the context of the overall business activity of the Industry Zone.

To ensure that the unique circumstances of the Wilford Avenue locality and community interests are considered, and in an effort to resolve long-standing community concerns, the Administration is also currently undertaking further investigations and consultation for this area.

On 24 February 2016, staff coordinated a workshop with residents and landowners of properties in and adjoining Wilford Avenue. The workshop was attended by 17 residents, business representatives and landholders and was facilitated by an independent facilitator. The following matters were discussed:

- The history of industrial and residential land use and zone development in Wilford Avenue.
- Past and current land use conflicts between residential and industrial/business land uses in and adjoining Wilford Avenue.
- The rezoning process and Council's options for resolving zoning issues in Wilford Avenue.

The outcomes from this meeting are currently being compiled and will be reported to the next meeting of the CPPP Committee.

The Administration has also written to the landowner of 101-105 Hardys Road, Underdale to seek their opinion on the URPS suggestion that the allotments could be rezoned to Residential Zone, consistent with the recent residential land division. A response is yet to be received.

Background research for an Employment Lands Development Plan Amendment is also currently under way. The Employment Lands Development Plan Amendment will review all employment zones in West Torrens, including the Industry Zone.

A further report to discuss options for progressing the proposed rezoning in Underdale and Torrensville will be brought to the next meeting of the Committee once the further investigations are undertaken.

As well as the option of resubmitting a revised Underdale and Torrensville Residential/Industry Interface SOI to the Minister, the Committee may then wish to consider including the proposed rezoning for Underdale and Torrensville as part of the wider Employment Lands DPA.

Conclusion

The initial investigations requested by the Minister for Planning have been completed and the further analysis and consultation in the Underdale and Torrensville SOI study area is currently underway. This work, including the land use survey analysis, is expected to be completed by May 2016.

After completion of these investigations, Council will have detailed information about the current economic activities and health of the existing Industry Zone in Underdale and Torrensville, as well as the results of consultation about the local community interests and aspirations for future development of the area.

The resulting information will assist in identifying suitable policy mechanisms for the study area and inform Council's future decision making to progress the Underdale and Torrensville Residential/Industry Interface SOI.

A report will be provided to the next CPPP Committee in May with policy options and a recommended approach to progressing the proposed rezoning that is likely to best advance the interests of the community, local residents and businesses while maintaining consistency with the State Planning Strategy.

7.3 Progress on Implementing Council Decisions

Brief

This report provides an update on outstanding Council and Committee resolution actions.

RECOMMENDATION

The Committee recommends to Council that the report be received.

Introduction

At the meeting of the former Policy, Planning and Performance Committee on 23 August 2011 a request was made for a report to be provided at each meeting of the Committee of outstanding actions relating to resolutions of Council and Committees.

Discussion

A copy of the outstanding resolution actions to 16 February 2016 is provided for Members information (**Attachment 1**), updates/comments are to 1 March 2016.

ATTACHMENT 1

Date	Meeting name	Action title	Resolution / Action required	Action officer	GM	Actions taken
16/02/2016	Council	15.1 Vouchers for the Waste Transfer Station	Woodward / Tsiparis that one free voucher for the waste transfer station at North Plympton be made available on request to an owner or occupier of a residential property in the City of West Torrens, subject to the following: 1. There being only one voucher entitlement per property per financial year; 2. Vouchers only being valid for one month from the date of issue; 3. Proof of residency or ownership being presented in support of a voucher request; 4. The entitlement being limited to a 6 x 4 trailer; 5. Government organisations, including the SA Housing Trust, and housing associations not being entitled to vouchers; 6. This will form part of the review of the entire hard waste collection in November 2016.	Robyn Butterfield	Bill Ross	Service Centre has been advised of Council's resolution and process that is required to be undertaken. A review of the vouchers will be undertaken as part of the hard waste collection in September 2016.
16/02/2016	Council	15.2 Sale of Land at the Intersection of Allchurch Avenue and Packard Street, North Plympton	Mangos / Tsiparis that Council resolve to proceed with the disposal of the parcels of land at the intersection of Allchurch Avenue and Packard Street, North Plympton and that the Administration use this opportunity to undertake an audit and identify other similar parcels of land within the City of West Torrens that may be considered for disposal, including, but not limited to, two properties in Craig Street, Richmond and verge land in Tyson Street, Ashford.		Angelo Catinari	04/02/2016 - Progress update: * An historic search of the four parcels of land on the corner of Allchurch Ave and Packard St (North Plympton) is being undertaken; * A survey is being arranged to determine whether land can be sold as individual parcels or whether must be sold to adjoining owners; and * A valuation of the land parcels has been arranged.
16/02/2016	Council	17.1 2016 Shandong Outbound Mission	Demetriou / Polito that Council: 1. Notes and supports local businesses participating in the State Government outbound mission to Shandong in April 2016 as part of the South Australia - Shandong Sister State Relationship 30th Anniversary Commercial Program. 2. Endorses the participation of the Mayor, Chief Executive Officer and one member of the Administration as nominated by the Chief Executive Officer to participate in the State Government delegation to Shandong in April 2016 to promote economic development in West Torrens and support existing business interest in China. 3. Supports the concept of a Friendship Agreement opportunity being explored with an appropriate City in Shandong Province by the Mayor and Chief Executive Officer as part of their participation in the 2016 outbound mission to Shandong. 4. Supports an appropriate budget adjustment being made as part of the March 2016 budget review to cover any shortfall in costs from existing budget lines for Council's participation in the 2016 outbound mission to Shandong.	Terry Buss	Terry Buss	CEO, Mayor and Executive Projects Officer have been registered to participate in the mission to Shandong along with 9-10 local businesses from the City of West Torrens. Options for a friendship agreement will be explored during the mission.
16/02/2016	Council	15.4 Dogs at Weigall Oval	Mangos / McKay that Council undertake community consultation relating to the proposal to declare Weigall Oval a dog on-leash zone only and that a report be presented to Council on the outcomes of the consultation.	Robyn Butterfield	Bill Ross	Manager Regulatory Services is collaborating with Media and Events staff to undertake community consultation.
02/02/2016	Urban Services Prescribed Standing Committee	11.1 Star Theatre Maintenance Plan	Mangos / Palmer that: 1. The Report be received. 2. Funding required to complete the identified items in the (10) year forward program of works and maintenance is referred to future budgetary deliberations. 3. The Administration set up a meeting with lessee Malcolm Harslett to discuss the required works and to identify any potential savings for necessary works only.		Angelo Catinari	Funds to be referred to the 2016/17 budget. Meeting scheduled with Malcolm Harslett on 16 February 2016.
19/01/2016	Urban Services Prescribed Standing Committee	11.2 Messinian Association of SA Inc (MA Hawks Football Club) - Request for Variation of Hours of Use of Kings Reserve	Niatkhe / Palmer that: 1. The Messinian Association of SA Inc be advised that Council provides its consent for the hours of use of Kings Reserve (including the change rooms) to be varied to accommodate the additional use requested by the MA Hawks Football Club, being Friday evenings from 22 January 2016 until 31 March 2016 and Wednesday evenings from 27 January until 31 October between the hours of 6:00pm and 8:00pm. 2. The Mayor and/or Chief Executive Officer be authorised to sign and/or seal any necessary documentation to give effect to the variation in the permitted hours of use of Kings Reserve.		Angelo Catinari	29/01/2016 - Deed of Variation sent to the Messinian Association of SA Inc for execution. 01/03/2016 - Awaiting return of executed Deed of Variation from the Association.
08/12/2015	Council	15.1 Dogs at Reedbeds Community Centre Park	Haese / Tsiparis that the Reedbeds Community Centre Park be determined a dog on-leash zone only.	Robyn Butterfield	Bill Ross	Submitted sign design to Depot for purchasing and installing at the park

Date	Meeting name	Action title	Resolution / Action required	Action officer	GM	Actions taken
08/12/2015	Council	15.3 Aircraft Noise Policy	<p>Vlahos / Mangos that as a matter of urgency, the Administration develop an Aircraft Noise Policy for Council consideration that provides a framework and sets out principles that are to guide planning proposals, development assessment and provision of aircraft noise information for those properties within the City of West Torrens affected by aircraft noise. The policy framework shall be consistent with national standards and State planning policies yet also be responsive to local needs and expectations. As a minimum the policy should aim to:</p> <ul style="list-style-type: none"> - Facilitate the provision of information to the public about aircraft noise that is accurate and meaningful, and that enables people to make appropriate decisions; - Adopt the Building Site Acceptability principles outlined in Australian Standard AS 2021&mdash;2015, Acoustics&mdash;Aircraft noise intrusion&mdash;Building siting and construction, or any successor Australian Standard, but provides more definitive guidance regarding discretionary matters under that Standard; - Take into consideration the National framework for Safeguarding Airports; - Allow a merit based development assessment framework that is responsive to local expectations, weighs up potential costs and benefits to the community, and promotes approaches that are cost-effective, equitable and affordable; and - Promote a co-operative framework in which all interested stakeholders can contribute to the future planning of Adelaide Airport and its environs. 	Terry Buss	Terry Buss	<p>This action is being progressed by the CEO and General Manager Urban Services. To date:</p> <ul style="list-style-type: none"> - Council's intention to develop the policy has been advised to the Adelaide Airport Consultative Committee - Discussions around development of the policy have been held with AAL - A consultant has been engaged to assist Council with development of the policy
08/12/2015	Council	17.4 Henley and Grange Concert Band - Request for Support	<p>Dometriou / Nitschke that Council:</p> <ol style="list-style-type: none"> 1. Receives this report. 2. Authorise the Administration to enter discussions with the Band with a view to developing a partnership agreement in exchange for an agreed upon number of free performances at civic events and an eventual change of name that reflects an association with the City of West Torrens. 3. Provides appropriate funding to support this partnership through the December 2015 Budget Review process. 	Danny Broderick	Pauline Kortsa	<p>Office of the CEO have written to the Henley and Grange Concert Band informing them of the outcome of the Council decision.</p> <p>Meeting held between Band, GM B&CS and Manager CS to progress partnership Concert Band performed for CWT Australia Day</p> <p>Band has changed name to incorporate "West Torrens" in its title</p> <p>Documents prepared and discussions arranged to scope out program of events including possible participation including Australia Day ANZAC Day events, Summer Festival and other relevant Civic events.</p>
08/12/2015	Strategy and Community Prescribed Standing Committee	11.1 Australia Day Awards: Nominations and Recommendations 2016	<p>Haese / Palmer that:</p> <ol style="list-style-type: none"> 1. Council approves the recommendations, detailed in the attachment provided under separate cover. 2. Media, Elected Members and the Administration refrain from publicly discussing the names of nominees and/or recommended award recipients until all nominees have been advised of their nomination and the award outcomes. 3. The Administration contacts the nominees and nominators to advise them of Council's decision as soon as is practicable. 4. Council provide a certificate of commendation to the Young Citizen of the Year nominees that did not receive awards in 2016 as a once off. 5. The matter of commendation certificates for the various award categories be referred to the Corporate Planning, Policy and Performance Committee for review. 	Danny Broderick	Pauline Kortsa	<p>2015 award process Completed. One off certificates have been provided.</p> <p>Review will be referred to a future CPPP Committee meeting</p>
20/10/2015	Council	15.1 Household Waste Working Party	<p>Dometriou / McKay that a working party be formed to investigate and report on the disposal of household waste etc. The working party will consist of Crs Demetriou, McKay and Woodward, and two staff appointed by the Chief Executive Officer. The working party will report its outcome back to Council in three months.</p> <p>Note: Motion carried at the 8/12/2015 meeting of Council recommending that the outcome of the Working Party's investigations be reported by 30 June 2016</p>	Bill Ross	Bill Ross	<p>GM Corporate and Regulatory and Manager Regulatory Services will be the two staff representatives. The Working Party has met on two occasions, including a visit to the Waste Transfer Station. A trip to Wingfield is planned for a future meeting.</p>

Date	Meeting name	Action title	Resolution / Action required	Action officer	GM	Actions taken
22/09/2015	Community Facilities Prescribed General Committee	7.4 Camden Oval Precinct Development Feedback Analysis	Demetriou / Vlahos that the: 1. \$6.0M redevelopment of the Camden Oval precinct proceed. 2. Proposed shared facility not proceed. 3. Multi lined playing courts, playground expansion and footbridge works, as described under Outdoor Facilities Option 1 in the report, proceed as soon as practicable. 4. Administration review the options, costs, and club preferences to redevelop/refurbish, the current football, athletics and soccer facilities, based on the costs recorded within Council's Assets Review Report (2015), and report back to the Committee. 5. Administration review the proposals, subject to the total redevelopment budget, for a small building associated with the playing courts, the development of a junior soccer pitch and associated car parking arrangements, as described under Outdoor Facilities Option 4 in the report, and report back to the Committee.	Suzi Stiles	Pauline Koritsa	The project manager for the Camden Oval Precinct Development has been re-engaged to carry out the actions identified in the Committee's resolution. Meetings have been scheduled with tenants to understand the current use of buildings on site, and how refurbishment might be undertaken to most effectively accommodate user needs. A report will be presented to the 24 November meeting of the Community Facilities Committee outlining progress, including updated budget estimates. 17/2/16: A brief has been developed for the landscape concept plan for the precinct which will support staging of the agreed works (the multi lined playing courts, playground expansion and footbridge works) by City Assets and City Works. Costs for the further works will be presented to the Community Facilities Committee in March.
22/09/2015	Community Facilities Prescribed General Committee	9.1 Honour Boards	Noting that the matter was not urgent, Cr McKay asked if the number of honour boards under Council's care and control could be advised, together with their dimensions and total surface area? The Administration undertook to investigate and report back to a future meeting.	Danny Broderick	Pauline Koritsa	Consulted with Cr McKay to clarify focus is on War Memorial honour boards. Scoped out task with Dean Ottanelli. Workers being deployed to locate, identify, measure and photograph boards in preparation for report back
01/09/2015	Urban Services Prescribed Standing Committee	11.2 Weslo Holdings - Thebarton Theatre - Request to Vary Lease for Inclusion of Use of Carpark	Nitschke / O'Rielly that: 1. Approval be given for the permanent variation of the lease of the Thebarton Theatre to allow use of that portion of the car park area delineated by the red lined perimeter in Attachment 1 to this report (and forming portion of area 'C' in the lease) for events. 2. The Chief Executive Officer be authorised to vary the lease terms and fees and the Mayor and Chief Executive Officer be authorised to sign and/or seal any documentation in relation to the grant of the varied lease terms. 3. Weslo Holdings Pty Ltd amends their permanent liquor licence to accommodate requirements for these events. 4. Weslo Holdings Pty Ltd continues to implement the site setup in accordance with the South Australian Metropolitan Fire Services (SAMFS) requirements.		Angelo Catnari	10/09/2015 - Letter of response sent by Steve Watson as per the resolution of Council. 20/10/2015 - Meeting held with Weslo to progress lease variation. 03/11/2015 - Draft Deed of Variation being prepared by Council's Solicitors. 14/12/2015 - Deed of Variation reviewed by the Administration. 01/03/2016 - Final Deed of Variation is currently being prepared.
25/08/2015	Civic Committee	7.2 Thebarton Community Centre - Signage and Public Artworks	Demetriou / Trainer that the Administration undertake additional research into public art installations at Thebarton Community Centre and environs that reflect the history of the area including early migration, settlement and industry, and report back on possible options at a future meeting of this Committee.	Danny Broderick	Pauline Koritsa	Investigations underway concerning art installations of this nature undertaken by other councils and cultural agencies. Consultation with City Works concerning possible location options being developed. Expected report back to Civic February 2016
19/05/2015	Finance and Regulatory Prescribed Standing Committee	11.9 Hard Waste Collection	Mangos / Woodward that: 1. An at call hard waste collection service be introduced for trial across the whole Council area for 12 months commencing in October 2015, with two free collections per household; 2. A specification and tender be developed for a contracted out at call waste collection service; 3. Trial arrangements be publicised widely within the community; 4. A review of the trial be undertaken and it be reported to Council at the conclusion of the trial.	Robyn Butterfield	Bill Ross	Brochures and other media promotions completed and notification sent to all households. 12 month trial awarded to Solo. At Call collections commenced on 1st October 2015

Date	Meeting name	Action title	Resolution / Action required	Action officer	GM	Actions taken
05/05/2015	Council	17.1 Underdale & Torrensville Development Plan Amendment Update	Nitschke / McKay that : 1. The Administration write to the Minister acknowledging his concerns and advising of Council's proposed approach to undertake the required investigations for the Underdale and Torrensville Residential/ Industry Interface DPA Statement of Intent. 2. The investigations required by the Minister be undertaken and reported to Council. 3. Council consider the results of the investigations, and at that time determine whether to pursue the Underdale Torrensville DPA separately, or as part of an integrated council-wide Employment DPA. 4. Council identify possible locations where the River Torrens Linear Park could be expanded in the Underdale and Torrensville area.	Suzy Stiles	Pauline Koritsa	A letter was sent to the Minister acknowledging his concerns and advising of Council's proposed approach. A tender process has now been undertaken, and URP's Planning consultants have been engaged to undertake investigations required by the Minister to underpin the Underdale Torrensville DPA SOI, including a consultation survey sent to local businesses and residents in the area. An analysis of the consultant's report and recommendations will be presented to Council for decision by the end of the 2015 calendar year. 17/2/16: it was identified that further investigations were required in the South Western part of the Industry Zone at Underdale, and these are currently being conducted. A report will be put to the 8 March CPPP to provide an update on the investigations, and it is anticipated that the results will be reported to the CPPP in May, including options for progressing potential re-zoning in the area.
17/02/2015	Strategy and Community Prescribed Standing Committee	11.1 National Cool Cities Initiative	Mangos / Rypp that subject to the allocation of \$15,000 in the 2015/16 budget, the City of West Torrens participate in the National Cool Cities Initiative.	Suzy Stiles	Pauline Koritsa	As per Council's resolution, \$15,000 has been included in the 2015-16 budget for participation in the National Cool Cities Initiative. The research partners (University of NSW) have proposed to undertake the aerial mapping of Western Adelaide at the end of 2015 or early in 2016. 17/2/16: Uni NSW were not successful in gaining funding to undertake aerial mapping in South Australia. A report will be put to Council requesting that the \$15,000 be carried over til 2016/17 and staff be directed to work with Western Region partner councils in a collaborative project to map the Western region during the 2016/17 summer instead.
04/11/2014	Council	15.2 Proposed Light Rail Link from the Adelaide CBD to the Airport	Mangos/Frances that the relevant State Government Minister be invited to address Council on the proposed light rail link from the Adelaide CBD to Adelaide Airport as recently promoted by Adelaide Airport with the release of their Airport Business District vision.		Terry Buss	Letter sent to DPTI on 2 December 2014 requesting a briefing on the matter. To date, no briefing has been offered.
16/09/2014	Council	15.3 Restoration of the Brickworks Kln and Chimney	Mangos/Sarris that the CEO be authorised to investigate and report back to Council regarding private sponsorship options for restoration works of the Brickworks Kln and Chimney at the Brickworks Marketplace to assist Council remediate the State Heritage item.		Terry Buss	No further action taken at this point in time as negotiations to dispose of the Riverfront land are currently in progress.
17/09/2013	Council Meeting	Car Parking Contribution Fund	Mckay/Coxon that following the approval (by Council) of its Housing Diversity DPA, the Administration commence the requisite investigations to identify the designated areas for considering contributions and the location and costs for providing the car parks, associated with this proposed Car Parking Fund.	Suzy Stiles	Pauline Koritsa	A West Torrens Activity Centres DPA was included in the forward program of DPAs in Council's recent Strategic Directions Report (approved by Council October 2014 and by the Minister February 2015). The Strategic Directions Report proposed that a needs analysis and investigations into the feasibility of a City of West Torrens Parking Contribution Fund be included in the supporting investigations for this DPA. Subsequent to this the Minister has released an Activity Centres DPA for consultation (August 2015), which would have significant impact on any Car Parking Contribution Fund in West Torrens. A report was presented to Council on 6 October with a recommended response to the Minister on his Activity Centres DPA. In-house investigations based on land rezoned through the Housing Diversity DPA have commenced, however it is recognised that the Minister is undertaking a suite of changes to the Planning System that will impact significantly on areas where parking contributions may be considered. The location, costs and viability of providing a Car Parking Contribution Fund will also be significantly affected by the Minister's Activity Centres DPA. This is expected to be rolled out during 2016.

7.4 Street Numbering Policy Revocation

Brief

This report seeks the revocation of *Council Policy - Street Numbering*.

RECOMMENDATION

The Committee recommends to Council that the *Council Policy - Street Numbering* be revoked.

Introduction

Council approved its *Council Policy - Street Numbering* (the Policy) at its September 2010 meeting (**Attachment 1**). This Policy, which details how Council will control, manage and maintain the assignment of street numbers for all buildings and allotments adjoining a public road in the City of West Torrens, has been subject to a scheduled review.

Discussion

The Policy is highly administrative and is not required by legislation. Provisions regarding street numbering are contained within the *Local Government Act 1999* (the Act) as well as the relevant Australian Standard. As a result, this policy duplicates much of this information or provides unnecessary material. The Administration relies on the Act and relevant Standards to govern their decisions with little reference to the Policy.

A review of similar councils across South Australia has revealed that most do not have a standalone policy regarding street numbering.

Conclusion

Given the information contained in the *Council Policy - Street Numbering* forms part of the *Local Government Act 1999* (the Act) as well as the relevant Australian Standard, it is recommended that the *Council Policy - Street Numbering* be revoked.

ATTACHMENT 1

City of West Torrens Council Policy - Street Numbering



Council Policy: Street Numbering

Classification:	Council Policy
First Issued:	7 September 2010
Dates of Review:	
Version Number:	1
DW Doc set ID:	1423041
Next Review Due:	7 September 2015
Applicable Legislation:	Local Government Act 1999
Related Policies or Corporate Documents:	<ul style="list-style-type: none">• Kerbside House Numbering Policy• Procedure: Street Numbering
Associated Forms:	
Note:	
Responsible Manager:	Manager Financial Services Manager City Development
Confirmed by General Manager:	Date
Approved by Council:	Date 7 September 2010

City of West Torrens Policy - Street Numbering

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City of West Torrens Policy - Street Numbering

COUNCIL POLICY – Street Numbering

1. Introduction

- 1.1 The provision of Section 220 of the *Local Government Act 1999* requires that Council must assign a number (as part of its primary street address) to all buildings or allotments adjoining a public road.
- 1.2 It is essential that Council has a logical and consistent street numbering policy to ensure clear identification of the address of all properties within the City of West Torrens.

2. Purpose

- 2.1 To ensure the clear identification of the addresses of all buildings and allotments within the City of West Torrens.
- 2.2 To enable individuals, service providers and drivers of emergency vehicles to easily locate properties by their unique street address.
- 2.3 To specify how Council requires identification of properties by the use of logical established pattern of street numbering in accordance with AS/NZ 4819:2003 Geographic Information – Rural and urban street addressing.

3. Scope

- 3.1 This policy is intended for use by council staff, developers and the community in understanding and applying a clear and unambiguous numbering system to all properties within the City of West Torrens.

4. Definitions

Number – In applying this policy 'number' can mean numeral(s) or a combination of numeral(s) followed by a capital letter.

5. Policy Statement

5.1 General

- a) Council must assign a number (as part of its primary street address) to all buildings or allotments joining a public road.
- b) Owners are obliged, under the *Local Government Act 1999*, to comply with Council's requirements.
- c) All premises are to be identified by a property number on the building exterior or mailbox, clearly visible from the street frontage. The minimum height shall be 75mm for residential properties with 50mm on mailboxes and 100mm for commercial or industrial properties with 75mm on mailboxes.
- d) Council does not endorse the marking of residential property numbers on kerb faces. For further information refer to Council's policy on Kerbside House Numbering.

City of West Torrens Policy - Street Numbering

5.2 Allocation of numbers

- a) All requests and allocations of numbers will be assessed according to the Street Numbering Procedure.
- b) Council will assess surrounding property numbering and make allowances for existing inappropriate numbering where possible.
- c) Street numbers will be allocated on the approval of a new development application.
- d) Street numbers required as a consequence of property development will be allocated as a condition of development consent.
- e) Property owners may submit a written request for a change of property number.
- f) An owner of land must not adopt a number for a building or allotment that is inconsistent with a numbering system adopted by Council.

5.3 Street numbering amendment

- a) Council may from time to time alter a numbering system, or substitute a new numbering system.
- b) Council reserves the right to direct owners to change the address of a property where the existing numbering is inappropriate or confusing.
- c) A period of 28 days will be provided to allow property owners to notify relevant parties of address changes prior to Council's officially allocating the amended address.
- d) Council will not provide financial reimbursement for notification and/or associated costs.

5.4 Notification

- a) Public notice must be given of the adopting, altering or substituting of a numbering system of a public road.
- b) Council will notify the applicant and any affected land owners in writing of new or changed property numbers.

7.5 Informal Gatherings Policy

Brief

The draft *Council Policy - Informal Gatherings* has been developed in readiness for the imminent commencement of the *Local Government (Accountability and Governance) Amendment Act 2015* and is presented to the Corporate Planning, Policy and Performance Prescribed General Committee for its consideration and recommendation to Council.

RECOMMENDATION

The Committee recommends to Council that:

1. The draft *Council Policy - Informal Gatherings* be approved to commence when the *Local Government (Accountability and Governance) Amendment Act 2015* commences.
2. The Chief Executive Officer be authorised to make amendments of a formatting and/or minor technical nature to ensure the currency of the *Council Policy - Informal Gatherings*.

Introduction

The draft *Council Policy - Informal Gatherings (Attachment 1)* has been developed due to the imminent commencement of the *Local Government (Accountability and Governance) Amendment Act 2015* and is presented to the Corporate Planning, Policy and Performance Prescribed General Committee for its consideration and recommendation to Council.

Discussion

The *Local Government (Accountability and Governance) Amendment Act 2015* (the Amendment Act) received assent on 17 November 2015 and is expected to commence on 31 March 2016.

The Amendment Act amends several provisions of the *Local Government Act 1999* including the introduction of a new provision (section 90(8a)) which requires councils to adopt a policy on the holding of informal gatherings or discussions (Policy). Any informal gatherings or discussions must then comply with this policy.

This Policy must provide:

- limitations on the holding of informal gatherings or discussions; and
- procedures for approval of informal gatherings or discussions; and
- the capacity of the council to impose conditions on such approval.

The attached draft Policy has been developed pursuant to these provisions and reviewed by KelledyJones Lawyers to ensure that it meets all legislative requirements.

If adopted by Council, the commencement date of this policy will be the commencement date of the Amendment Act.

Conclusion

The draft *Council Policy - Informal Gatherings* is presented to the Corporate Planning, Policy and Performance Prescribed General Committee for its consideration and recommendation to Council.

CITY OF WEST TORRENS



Classification:	Council Policy		
First Issued:	TBA		
Dates of Review:			
Version Number:	1		
DW Doc set ID:	TBA		
Applicable Legislation:	<u>Local Government Act 1999 (SA)</u> <u>Local Government (General) Regulations 2013 (SA)</u> <u>Local Government (Procedures at Meetings) Regulations 2013 (SA)</u>		
Related Policies or Corporate Documents:	<u>Code of Conduct for Council Members</u> <u>Code of Practice: Access to Meetings and Documents</u> <u>Code of Practice: Procedures at Meetings</u>		
Associated Forms:			
Note:			
Responsible Manager:	General Manager Business and Community Services		
Confirmed by General Manager:	General Manager Business and Community Services	Date	17 February 2016
Approved by Executive:		Date	17 February 2016
Endorsed by Council		Date	

City of West Torrens Council Policy - Informal Gatherings and Discussions

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Draft

COUNCIL POLICY - Informal Gatherings and Discussion

1. Preamble

- 1.1 Section 90(8) and (8a) of the *Local Government Act 1999* (the Act) operates to enable the City of West Torrens (the Council) to lawfully hold informal gatherings of Elected Members, with or without Council employees, provided that:
- any matters discussed relating to a matter that would ordinarily form part of the agenda for a formal meeting of the Council or a Council Committee are not dealt with in such a way as to obtain, or effectively obtain a decision; and
 - the Council has adopted a policy on the holding of informal gatherings and the informal gathering complies with the policy.

2. Purpose

- 2.1 This Policy is adopted pursuant to section 90(8a) of the Act and is intended to clearly outline the purpose of and the basis upon which, the Council will apply the provisions of s90(8) of the Act regarding informal gatherings.

3. Scope

- 3.1 This Policy applies to all informal gatherings that are:
- a. held by or involving eight (i.e. a quorum of the Council) or more Elected Members regardless of whether Council employees are in attendance; and
 - b. involve discussion or consideration of any matter that would ordinarily form part of the agenda for a formal meeting of Council or Council Committee; and
 - c. approved by the Chief Executive Officer

4. Definitions

- 4.1 For the purposes of this Policy, **Informal gatherings** mean informal gatherings of, or discussions involving:
- a. eight (8) or more Elected Members outside of a formal Council or Council Committee meeting; or
 - b. members of a Council Committee outside of a formal Committee meeting in circumstances where a quorum of members of the Committee is present.

i.e. any gathering or meeting involving Elected Members (whether in person or otherwise) at which the number of Elected Members present constitute a quorum of the Council and, therefore, at which a decision of the Council could be obtained or effectively obtained.

City of West Torrens Council Policy - Informal Gatherings and Discussions

5. Policy Statement

- 5.1 Council will, on occasions, hold informal gatherings involving Elected Members or members of Council Committees. The Chief Executive Officer is responsible for determining who is invited to attend an informal gathering.
- 5.2 Unless the Chief Executive Officer determines otherwise, informal gatherings are not open to the public.
- 5.3 The types of informal gatherings that may be convened by the Chief Executive Officer include, but are not limited to:
 - planning sessions associated with the development of policies or strategies;
 - briefing/consultation sessions;
 - workshops/training/conferences/seminars;
 - ward meetings;
 - training sessions; or
 - social gatherings or events to encourage informal communication between Elected Members or between Elected Members and Council employees; or
 - meetings with politicians or State Government agencies.
- 5.4 With the exception of social gatherings or events and activities arranged by the Council to encourage informal communication between Elected Members or between Elected Members and Council employees, the following provisions apply to an informal gathering:
 - a. a record of the persons invited to attend an informal gathering and those persons present at the informal gathering will be maintained by the Council;
 - b. the Chief Executive Officer will ensure that an agenda is prepared for each informal gathering and either at the informal gathering or prior to its scheduled start time; this will be distributed to the persons invited to attend;
 - c. if the Chief Executive Officer determines that an informal gathering will be open to the public, notice of the informal gathering and its purpose will be displayed on the Council website and at the Council offices as soon as practicable after the informal gathering has been arranged; and
 - d. the Council's Annual Report will include details of informal gatherings held by the Council in the preceding financial year, including the date of the informal gathering or discussion, the matter(s) to which it related and whether the public were able to attend.
- 5.5 Elected Members and members of Council Committees will not convene or otherwise participate in informal gatherings outside of this Policy.
- 5.6 A copy of this Policy is available for inspection by members of the public at the offices of Council or the library during normal office hours, or from the City of West Torrens' website. Alternatively, the public may obtain a copy for a fee fixed by Council.
- 5.7 Further enquiries in relation to the policy should be directed to the General Manager Business and Community Services, or telephone 8416 6333 or by email to csu@wtcc.sa.gov.au.

7.6 Asset Naming Policy Review

Brief

The *Council Policy - Asset Naming* has been subject to an unscheduled review due to the imminent commencement of the *Local Government (Accountability and Governance) Amendment Act 2015* and is presented to the Corporate Planning, Policy and Performance Prescribed General Committee for its consideration and recommendation to Council.

RECOMMENDATION(S)

The Committee recommends to Council that:

1. The revised *Council Policy - Asset Naming* be approved for public consultation.
2. The Chief Executive Officer be authorised to make amendments of a formatting and/or minor technical nature to ensure the currency of the *Council Policy - Asset Naming*.

Introduction

The *Council Policy - Asset Naming* has been subject to an unscheduled review due to the imminent commencement of the *Local Government (Accountability and Governance) Amendment Act 2015* (Amendment Act).

Discussion

The Amendment Act received assent on 17 November 2015 and is likely to commence in March 2016. The Amendment Act amends several provisions of the *Local Government Act 1999* which in turn affect the content and focus of various policies of the City of West Torrens.

Consequently, the *Council Policy - Asset Naming* (Policy) has been reviewed to ensure that it is consistent with the provisions of the Amendment Act (**Attachment 1**). Track changes have been used throughout the Policy to highlight the changes proposed.

The key change to this Policy is clause 5.6 to bring the public notice requirements in line with the provisions of the Amendment Act. On commencement of the Amendment Act, the *Local Government Act 1999* (Act) will provide that a notice be placed in a newspaper circulating generally throughout the Council area as opposed to the current requirement that a notice be placed in a newspaper circulating the State.

Minor typographical amendments have also been made to the Policy.

The review date of this Policy has not been amended as a result of this review given minor adjustments only are necessary to ensure legislative compliance.

Pursuant to s219(6) of the Act, public notice must be given of the adopting or altering of this Policy and s50(4)(a) provides that public consultation must occur for a minimum of 21 days. Therefore, it is proposed that public consultation be undertaken for a three week period, between 22 March 2016 and 19 April 2016, to provide a reasonable opportunity for interested persons to consider the content before providing a response.

in accordance with *Council Policy - Public Consultation* this consultation will take the form of a public notice posted in both the Guardian and Weekly Times Messengers as well as in the Civic Centre and Hamra Centre Library. It will also be placed on the CWT website and social media pages.

A report detailing the outcome of the consultation will be presented to the 10 May 2016 meeting of the Corporate Planning, Policy and Performance Prescribed General Committee for its consideration and recommendation to Council.

Conclusion

The revised *Council Policy - Asset Naming* has been subject to an unscheduled review and is presented to the Corporate Planning, Policy and Performance Prescribed General Committee for its consideration and recommendation to Council.

ATTACHMENT 1

CITY OF WEST TORRENS



**Council Policy:
Asset Naming**

Classification:	Council Policy
First Issued:	June 2010
Dates of Review:	20 February 2013, <u>2016</u>
Version Number:	<u>23</u>
DW Doc set ID:	1423091
Next Review Due:	5 March 2018
Applicable Legislation:	<u>Local Government Act 1999 (SA)</u>
Related Policies or Corporate Documents:	
Associated Forms:	
Note:	Amendments and/or adoption of this policy require public notification. Formally Road Naming Policy
Responsible Manager:	General Manager Business and Community Services
Confirmed by General Manager:	Date <u>20 February 2013</u>
Approved by Executive	Date <u>20 February 2013</u>
Endorsed by Council:	Date <u>5 March 2013</u>

City of West Torrens Council Policy - Asset Naming

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City of West Torrens Council Policy - Asset Naming

Council Policy - Asset Naming

1. Introduction

- 1.1 A Council has the power under section 219 of the *Local Government Act 1999* (the Act) to assign a name to, or change the name of:

- a public road;
- a private road; and
- a public place.

- 1.2 Council *must* assign a name to each public road created by land division.

2. Purpose

- 2.1 The purpose of this Policy is to:

- Provide a framework for selecting new and replacement names for assets in the City of West Torrens (CWT).
- Provide staff, the local community and developers with clear information on Council's requirements for the naming of assets.
- Ensure asset names are appropriate, will stand the test of time and preferably are of local or historical significance.

3. Scope

This policy applies to:

- 3.1 All existing and proposed assets and public places in the CWT; including both public and private assets.
- 3.2 All sealed and all formed public roads within the City of West Torrens CWT.
- 3.3 All formed private roads that are accessible to the public; including (but not limited to) roads within complexes such as hospitals and retirement villages.

4. Definitions

4.1 Asset

A fixed item or facility used to satisfy a service potential or enabling the CWT to meet its corporate or community objectives. There are three types of assets:

1. Infrastructure - includes roads, bridges, footbridges, footpaths, bike paths, carparks, drainage, stormwater and traffic infrastructure.
2. Community - includes parks, playgrounds, sporting fields, monuments, community buildings and hubs.
3. Corporate - includes the Civic Centre, depot and other administrative buildings.

4.2 Community

Community means the residents of the CWT.

City of West Torrens Council Policy - Asset Naming

4.3 Developer

Developer means a person, persons or company that has submitted a development application to Council.

4.4 Land Division

Land division is a reference to the division of an allotment under the *Development Act 1993* or to the dealing with land under the *Roads (Opening and Closing) Act 1991* so as to open a road.

4.5 Property Owner

Property Owner means the registered owner of the relevant parcel of land.

4.6 Road

Road means a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes –

- (a) a bridge, viaduct or subway; or
- (b) an alley, laneway or walkway.

4.7 Private Road

Private Road means a road that is on private property that is not under the control of Council.

5. **Policy Statement**

5.1 An asset or public place naming process may be initiated if:

- 5.1.1 A request is received by the Council from an affected land owner or their agent; or the community;
- 5.1.2 Council resolves that a name change be investigated;
- 5.1.3 Council staff determine it is in the public interest to investigate a change in name;
- 5.1.4 Council or DTEI opens or forms a road; or
- 5.1.5 Council receives an application for a land division. Council *must* assign a name to each public road created by land division.

5.2 In the naming and renaming of assets and public places the following principles will be observed.

Uniqueness

- 5.2.1 An asset or public place will have only one name.
- 5.2.2 Duplicate names and similar sounding names within a suburb or locality will be avoided where possible.
(e.g. Paice, Payce or Pace Roads)

City of West Torrens Council Policy - Asset Naming

- 5.2.3 Wherever practicable, road names will be continuous from the logical start of the road to the logical end of the road, irrespective of Council boundaries, landforms and intersecting roads.

Name Sources

- 5.2.4 Sources for road or public place names may include:

- 5.2.4.1 Early explorers, pioneers, and settlers;
- 5.2.4.2 Historic home and property names;
- 5.2.4.3 Long-term and past landholders of the City;
- 5.2.4.4 Names on old survey plans;
- 5.2.4.5 Local history;
- 5.2.4.6 Eminent or notable persons with a connection to the area;
- 5.2.4.7 Landscapes or physical forms;
- 5.2.4.8 Persons who have served the community well;
- 5.2.4.9 Achievements in arts, culture, education, law, medicine, research sciences and sports;
- 5.2.4.10 Thematic names such as flora, fauna, ships, etc;
- 5.2.4.11 Commemorative names; and
- 5.2.4.12 Aboriginal names taken from the local Aboriginal language; only after consultation with the Aboriginal community and obtaining the appropriate permissions.

- 5.2.5 Names will be selected that are appropriate to the physical, historical or cultural character of the area concerned.
- 5.2.6 The origin and significance of each name should be clearly stated and subsequently recorded.
- 5.2.7 Preference will be given to names that refer to the history and development of the CWT; including pre-European settlement history.
- 5.2.8 However, Council will not assign the name of a serving member of the Elected Council, or of the Administration, to an asset owned and/or controlled by the ~~City of West Torrens~~ CWT.

City of West Torrens Council Policy - Asset Naming

Propriety

5.2.9 Names, which may be characterised as follows, will not be used:

- 5.2.9.1 Offensive or likely to give offence;
- 5.2.9.2 Incongruous - out of place;
- 5.2.9.3 Could be construed as advertising particular commercial or industrial enterprise; or
- 5.2.9.4 Names of living persons , except in exceptional circumstances.

Form

- 5.2.10 Names will be reasonably easy to read, spell and pronounce in order to assist service providers, emergency services and the travelling public.
- 5.2.11 Unduly long names and names composed of two or more words or unusual combinations of words will be avoided.
- 5.2.12 When using geographical place or feature names, the form adopted in the State Gazetteer will be used. The State Gazetteer may be accessed online at www.placenames.sa.gov.au or by contacting the Geographical Names Unit of the Land Services Group (DTEI).
- 5.2.13 Road or public place names will not contain abbreviated prefixes, with the exception of "St" in place of "Saint" and "Mt" in place of "Mount".
- 5.2.14 The possessive case will not be used e.g. "Smith's Road" would be "Smith Road".
- 5.2.15 The use of given names or both given names and surname or initials should generally be avoided.
- 5.2.16 The use of hyphens or other similar diacritical marks will be avoided. However, hyphens may be used when naming a road after a person with a hyphenated name.
- 5.2.17 Asset and public place names should be practical for maps and plans when possible. Long street names should not be allocated to short roads as the inclusion of such names on street directories and other maps can result in name crowding difficulties for the mapmakers and confusion or uncertainty for the people using the maps.
- 5.2.18 Asset or public place names will not contain a prefix or an additional suffix, eg. "north" or "extension".

City of West Torrens Council Policy - Asset Naming

Road Type

5.2.19 Road names will include an appropriate road type suffix (e.g. Smith Road) conforming with the following guidelines:

5.2.19.1 The appropriate suffix will be selected from those approved at Appendix 1.

5.2.19.2 The suffix chosen will be compatible with the class and type of road and any geometry of the road form where appropriate.
e.g. a crescent shaped road takes the suffix Crescent.

5.3 Naming of Private Roads

5.3.1 Private land owners are not obliged to seek Council approval for naming their roads. However, there is a public interest in encouraging private land owners and developers to select suitable names, preferably in accordance with this policy, and to obtain Council endorsement for the name.

5.3.2 When Council proposes to assign or change a private road name it will consult with the owner of the land over the proposed name and the signage requirements for the road.

5.4 Consultation with Affected Parties

5.4.1 If Council decides to change the name of a road or public place, it will:

- give at least 14 days notice of the proposed change to owners of adjoining properties;
- consider any representations made in response to the notice; and
- When the road or public place runs into the area of an adjoining council, the Council will give the adjoining council at least two months notice to allow for consultation with their residents.

5.4.2 Council will consult with the Department for Transport, Energy and Infrastructure (DTEI) when State roads under the Council's care and control are to be named.

5.5 Council Decisions and Responsibility for Costs

5.5.1 A report will be put before Council for a decision detailing the selected name(s), outlining compliance with Clause 5.2 of this policy and providing any submissions made in the consultation phase of the naming process.

5.5.2 The cost of implementing any decision to assign or change a name, that being public notification and signage, will be borne by the Council unless otherwise specified.

5.6 Public Notice of Name Assignment or Name Change

5.6.1 Council will give public notice of the assigning or changing of a road or public place name. This will be by publication on the Council website, in the Government Gazette and by notice in a newspaper circulating generally throughout the State Council area, as required under Section 219 of the *Local Government Act 1999*. The public notice will include the date that the name takes effect.

Comment [L11]: Amended to reflect new public notice requirements introduced by the Local Government (Accountability and Governance) Act 2015

City of West Torrens Council Policy - Asset Naming

5.6.2 The date when an asset or public place name takes effect shall be the date of gazettal or the date specified in the resolution of Council.

5.6.3 When a developer proposes to change the approved layout of a development or the layout adjacent to a development that will require a change of an existing or approved road or public place name(s), all costs and any associated public consultation requirements will be borne by the developer.

5.7 Advise Relevant Parties of Name Assignment or Change

5.7.1 Council will provide written notice of Council's decision of a name assignment or change to the Registrar-General, Surveyor-General and Valuer-General in accordance with Section 219 of the *Local Government Act 1999*.

5.7.2 Council will update the Register of Public Roads as required by Section 231 of the *Local Government Act 1999*.

5.8 Signage

5.8.1 Council will ensure signage is in accordance with the relevant Australian Standard (AS 1742.5 – 1997) is erected.

5.8.2 Signage may be erected during construction of a sub-division.

City of West Torrens Council Policy - Asset Naming

Appendix 1. APPROVED ROAD SUFFIXES

Two lists are provided in this Appendix:

- Suffixes for Open Ended Roads.
- Suffixes for Cul-de-sacs.

Open Ended Roads		
Alley	Al	A usually narrow roadway for people or vehicles in cities and towns. A minor roadway through the centre of city blocks or squares.
Arcade	Ar	A passage having an arched roof, or any covered passageway, especially one with shops along the sides.
Avenue	Av	A broad roadway, usually planted on each side with trees.
Boulevard	Bvd	A wide roadway, well paved, usually ornamented with trees and grass plots.
Break	Bk	A vehicular access on a formed or unformed surface which was originally prepared as a firebreak.
Bypass	By	An alternative roadway constructed to enable through traffic to avoid congested areas or other obstructions to movement.
Circle	Ci	A roadway that forms a circle or part of a circle.
Circus	Cs	A circular open place where many roads come together.
Circuit	Cct	A roadway enclosing an area.
Crescent	Cr	A crescent or half-moon shaped roadway.
Drive	Dr	A wide thoroughfare allowing a steady flow of traffic without many cross streets.
Edge	Ed	A roadway constructed along the edge of a cliff or ridge.
Entrance	Ent	A roadway connecting other roads.
Esplanade	Esp	A level roadway, often along the seaside or a river.
Fairway	Fry	A short open roadway between other roadways.
Formation	Fmn	A formed surface, once a timber railway, which now provides vehicular access.
Freeway	Fwy	An express highway with limited or controlled access.
Highway	Hwy	A main road or thoroughfare. A main route.
Interchange	Int	A highway or freeway junction designed so that traffic streams do not intersect.
Lane	La	A narrow way between walls, building, etcetera. A narrow country or city roadway.
Loop	Lp	A roadway that diverges from and rejoins the main thoroughfare.
Mall	MI	A sheltered walk, promenade or shopping precinct.
Meander	Mr	A sinuous winding roadway, wandering at random through an area or subdivision.
Parade	Pde	A public promenade or roadway which has good pedestrian facilities along the side.
Parkway	Pwy	A roadway through parklands or an open grassland area.
Pass	Ps	A roadway connecting major thoroughfares or passing through hills.
Path	Pt	A roadway usually used for pedestrian traffic.
Promenade	Prm	A roadway-like avenue with plenty of facilities for the public to take a leisurely walk. A public place for walking.
Quays	Qs	A roadway leading to a landing place alongside or projecting into water.
Ramble	Ra	A roadway that meanders from place to place.
Road	Rd	A place where one may ride. An open way or public passage for vehicles, persons and animals. A roadway forming a means of communication between one place and another.
Rotary	Rty	An intersection of two or more carriageways at a common level where all traffic travels around a central island.
Row	Rw	A roadway with a line of professional buildings on either side.
Spur	Sp	A minor roadway off at less than 45 degrees.

City of West Torrens Council Policy - Asset Naming

Street	St	A public roadway in a town, city or urban area, especially a paved thoroughfare with footpaths and buildings along one or both sides.
Terrace	Tce	A roadway usually with houses on either side raised above the road level.
Track	Tk	A roadway with a single carriageway.
Trail	Trl	A roadway through a natural bushland region.
Turn	Tn	A roadway containing a sharp bend or turn.
Vista	Vs	A road with a view or outlook.
Walk	Wk	A thoroughfare with restricted vehicle access used mainly by pedestrians.
Way	Way	An access way between two streets.
Closed Ended Roads		
Close	Cl	A short enclosed roadway.
Court	Ct	A short enclosed roadway.
Courtyard	Cy	An enclosed area.
Cove	Ce	A short enclosed roadway.
Cross	Cro	A roadway forming a "T" or cross.
Elbow	El	A roadway containing a sharp bend or turn.
Gardens	Gns	A roadway with special plantings of trees, flowers, etcetera, and often leading to a place for public enjoyment.
Green	Grn	A roadway often leading to a grassed public recreation area.
Grove	Gr	A roadway which often features a group of trees standing together.
Mews	Me	A roadway having houses grouped around the end.
Place	Pl	A short sometimes narrow enclosed roadway.
Plaza	Pa	A roadway enclosing the four sides of an area forming a market place or open space.
Retreat	Rt	A roadway forming a place of seclusion.
Square	Sq	A roadway bounding the four side of an area to be used as open space or a group of buildings.
View	Vw	A roadway commanding a wide panoramic view across the surrounding areas.

7.7 Social Media Policy Review

Brief

The *Council Policy - Social Media Use and Management* has been subject to a scheduled review and is presented to the Corporate Planning, Policy and Performance Prescribed General Committee for its consideration and recommendation to Council.

RECOMMENDATION(S)

The Committee recommends to Council that:

1. The revised *Council Policy - Social Media Use and Management* be approved.
 2. The Chief Executive Officer be authorised to make amendments of a formatting and/or minor technical nature to ensure the currency of the *Council Policy - Social Media Use and Management*.
-

Introduction

Council's *Council Policy - Social Media Use and Management* (Policy) has been subject to a scheduled review and is attached for consideration by the Corporate Planning, Policy and Performance Prescribed General (the Committee).

Discussion

The Policy was approved by Council with a 12 month review period following presentation to the then Policy, Planning and Performance Committee. Consequently, this Policy has been reviewed in line with this recommendation and presented for consideration and recommendation to Council.

The review of this Policy is minor in nature with the proposed inclusions shown as 'track changes' in **Attachment 1**.

The Policy has been amended to:

- Allow the Administration to support local and community not-for-profit organisations by sharing their web or social media content:
- Use of social media to respond to questions and queries from members of the public received.

Conclusion

The revised *Council Policy - Social Media Use and Management* has been subject to a scheduled review and is presented to the Corporate Planning, Policy and Performance Prescribed General Committee for its consideration and recommendation to Council.

CITY OF WEST TORRENS



Classification:	Council Policy
First Issued:	1 July 2014
Dates of Review:	<u>2016</u>
Version Number:	<u>24</u>
Next Review Date:	2021
DW Doc set ID:	2188615
Applicable Legislation:	<u>Copyright Act 1968 (Cth)</u> <u>Local Government Act 1999 (SA)</u> <u>Competition and Consumer Act 2010 (Cth)</u>
Related Policies or Corporate Documents:	<ul style="list-style-type: none"> • <u>Mandatory Code of Conduct for Council Employees</u> • <u>Mandatory Code of Conduct for Council Members</u> • <u>Elected Members Electronic Communications Facilities Policy</u> • <u>Elected Members Records Management Policy</u> • <u>Elections Period Caretaker Policy</u> • <u>Commercial Advertising Policy</u> • <u>Correspondence Policy</u> • <u>Customer Interaction Policy</u> • <u>Information Technology and its Use Policy</u> • <u>Mobile Devices Policy</u> • <u>Media Releases and Public Comment Policy</u> • <u>Social Media Register</u>
Associated Forms:	
Note:	
Responsible General Manager:	General Manager Business and Community Services
Confirmed by General Manager:	General Manager Business and Community Services Date
Approved by Executive:	_____ Date
Endorsed by Council	_____ Date

City of West Torrens Council Policy - Social Media Use and Management

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Draft

City of West Torrens Council Policy - Social Media Use and Management

COUNCIL POLICY - Social Media Use and Management

1. Preamble

- 1.1 Social Media can be used by the City of West Torrens (CWT) in a myriad of ways for dynamic and interactive two-way communication with its community including event promotion, emergency management, recruitment, branding, networking and consulting on strategic, operational and specific issues to further improve access to and delivery of key services.

2. Purpose

- 2.1 This policy provides guidance on the management, maintenance, monitoring and moderating of official CWT's social media sites by Elected Members, employees, volunteers and contractors to build an understanding of what is appropriate and productive use of social media, to minimise miscommunication and prevent misuse of social media tools in order to protect the reputation and security of CWT.

3. Scope

- 3.1 This policy applies to the management of official CWT social media sites.
- 3.2 This policy does not apply to the personal social media sites of Elected Members or employees.
- 3.3 This policy should be read in conjunction with other relevant policies and procedures of CWT.

4. Definitions

- 4.1 **Official CWT pages/sites** means those social media pages/sites authorised by the CWT.
- 4.2 **Elected Members** means the Mayor and Councillors.
- 4.3 **Employee** refers to full-time, part-time, contract, casual, work experience, trainees, and volunteers, as well as those persons working at a CWT workplace through a contract or similar external arrangement.
- 4.4 **Post** means an entry, i.e. a comment, onto a social media site.
- 4.5 **Social Media** refers to any form of online publication or software tool that allows users to generate online content, participate in conversations and exchange content on the internet.

Examples of social media include, but are not limited to:

- Social networking sites such as Facebook.
- Video and photo sharing websites like Flickr and YouTube.
- Micro-blogging sites like Twitter.
- Weblogs, including personal blogs or blogs hosted by traditional media publications.

- Forums and discussion boards such as Whirlpool, Yahoo! Groups or Google groups.
- Online encyclopaedias such as Wikipedia.
- Websites that allow individual users or companies to use publishing tools e.g. comments on news sites.

5. Policy Statement

5.1 The CWT will create, manage, maintain and monitor its official social media pages/sites for purposes such as:

- a. To promote Council events.
- b. To disseminate information and news.
- c. To promote projects and programs.
- d. To undertake consultation and obtain feedback.
- ~~d-e.~~ To respond to questions.

5.2 Employees that post to social media using personal accounts are personally responsible for their posts whether undertaken in or out of work hours.

5.3 CWT will undertake all reasonable efforts to ensure it owns and controls all CWT or West Torrens City Council badged social media sites that are not created by the CWT.

5.4 Any official CWT social media site must be authorised by the CEO prior to its launch.

5.5 An employee must be approved by the CEO or delegate to implement, update, monitor, moderate and respond to comment on behalf of Council on official CWT social media pages/sites.

5.6 Content

5.6.1 Employees may post comments through social media or share official CWT social media pages/sites but in doing so they must uphold the values of the Council by acting with honesty, integrity, courtesy, professionalism and not breach their duty of loyalty to their employer. In addition, they must not be discriminatory, defamatory, harassing or encourage law breaking. They must also ensure that their comments/posts do not breach the Council [Employee's Code of Conduct](#) and clearly indicate that they are not acting on behalf of or as the spokesperson of the Council.

5.6.2 Elected Members, if sharing or commenting on official CWT social media pages/sites, should be mindful of their legislative obligations as well as the [Council Members' Code of Conduct](#) and, during an election caretaker period, the provisions of the [Elections Period Caretaker Policy](#). In addition, other than the Mayor, Elected Members must ensure that their comments/posts clearly indicate they are not acting on behalf of or as the spokesperson for Council

5.6.3 Content posted on CWT's social media page/sites ~~must will~~ be directly related to Council events, news, information, projects, programs, issues, statements as part of a consultation strategy or be relevant to the community. Local not-for-profit organisations that have social media sites which the CWT is following may have their content shared on official CWT sites if the content is:

- a. not a core service provided by Council;
- b. a fundraising opportunity for the not-for-profit organisation;
- c. information pertinent to the West Torrens' community.

5.6.4 At times, information of a community service nature from not-for-profit organisations outside of the CWT area, may also be shared. This information may come from, but is not limited to, Federal and State Government agencies and other local government bodies (ie neighbouring councils and Local Government Association SA).

5.6.5 Content must reflect Council's stated positions and policies and not personal opinion. Language must be conversational in style, without the use of jargon, and written in the third person (Council, CWT or Hamra Centre Library).

5.6.6 All CWT content must be accurate, factually correct and comply with all relevant legislation and CWT policies, including the Codes of Conduct.

5.6.7 Authorised CWT social media sites will be monitored by an approved employee who will respond to customer enquiries and comments in accordance with CWT policy.

5.6.8 Content must not relate to legal matters or include material that could be considered obscene, defamatory, threatening, intimidating, harassing or portray the CWT in a negative manner.

5.6.8 Content must not reveal private or financial information or breach legislation, confidentiality or any CWT policy or Code of Conduct.

5.6.9 Content will be removed if it:

- Reveals private or financial information.
- Breaches legislation, confidentiality or any CWT policy, including Codes of Conduct.
- Incites or attempts to incite unlawful conduct.
- Is profane, abusive or sexually explicit.
- Contains unauthorised copyright material.
- Is spam, junk or advertising.
- Contains political or election related lobbying or bias.
- Compromises the safety of Elected Members or employees.

5.6.10 Any posts or comments that breach the relevant Code of Conduct will be dealt with according to the provisions of the Code of Conduct and/or the ICAC's Directions and Guidelines for Public Authorities or Public Officers and/or the ICAC Act 2012.

5.7 Monitoring and Moderating

5.7.1 CWT social media sites will be monitored and moderated during the hours of 8am and 9pm, Monday to Friday.

5.7.2 Comments added to CWT posts, other than by an approved officer, will be moderated by an approved officer prior to the comments becoming live.

5.7.3 Comments posted to CWT social media sites that breach legislation, CWT policy or Codes of Conduct or that are defamatory, threatening, intimidating, harassing or contain personal or confidential information will not be approved for posting by an approved officer.

City of West Torrens Council Policy - Social Media Use and Management

5.8 Records Management

- 5.8.1 Social media records will be managed in accordance with legislation in CWT's record keeping system.
- 5.8.2 When information is disseminated using multiple channels, a record of where this information is maintained will be kept by the Administration.

Draft

7.8 Council Reception Room - Richmond Oval Policy Review

Brief

The *Council Reception Room - Richmond Oval Policy* has been subject to a scheduled review and is presented to the Corporate Planning, Policy and Performance Prescribed General Committee for its consideration and recommendation to Council.

RECOMMENDATION(S)

The Committee recommends to Council that:

1. The revised *Council Reception Room - Richmond Oval Policy* be approved.
2. The Chief Executive Officer be authorised to make amendments of a formatting and/or minor technical nature to ensure the currency of the *Council Reception Room - Richmond Oval Policy*.

Introduction

Council's *Council Reception Room - Richmond Oval Policy* (Policy) has been subject to a scheduled review and is attached for consideration by the Corporate Planning, Policy and Performance Prescribed General (the Committee).

Discussion

The review has resulted in significant changes. Consequently, both the current and draft policy are attached for reference (**Attachments 1 & 2 respectively**). Track changes are shown in the draft Policy to ensure proposed amendments are clearly presented.

The review proposes the following changes to the Policy.

- Preamble has been amended to ensure clarity as to the nature of the Policy.
- Purpose has been amended to reflect the new focus.
- Scope has been amended to include events or functions held in the Council Reception Room at Richmond Oval outside of West Adelaide Football Club home games.
- The number of tickets and passes (Reception Room and Oval entry) that Elected Members are entitled to and how these tickets and passes will be provided have been clarified.
- The service and consumption of alcohol provisions have been further refined with clauses added regarding donated alcoholic beverage consumption.

The proposed changes to the Policy reflect current legislative requirements of the *Liquor Licensing Act 1997* as well as the Council reception room's liquor licence.

Conclusion

The revised *Council Reception Room - Richmond Oval Policy* has been subject to a scheduled review and is presented to the Corporate Planning, Policy and Performance Prescribed General Committee for its consideration and recommendation to Council.

City of West Torrens Council Policy - Council Reception Room

Classification:	Council Policy (Elected Members)		
First Issued:	15 February 2000		
Dates of Review:	7 August 2001, 19 April 2005, 27 October 2009, 4 March 2014		
Version Number:	5		
DW Doc set ID:	305624		
Next Review Due:	27 October 2014		
Applicable Legislation:	<ul style="list-style-type: none"> - Local Government Act 1999 - Liquor Licensing Act 1997 - Responsible Service of Alcohol Principles 		
Related Policies or Corporate Documents:	<ul style="list-style-type: none"> - Elected Members Allowances, Facilities, Support and Benefits Policy - Code of Conduct for Council Members 		
Associated Forms:			
Note:	<p>Formerly Policy EM.1-3 ('Use of the Mayors Room - Richmond Oval')</p> <p>Policy updated on 4 March 2014 as per resolution by the Policy, Planning and Performance General Committee on 25 February 2014.</p>		
Responsible Manager:	Chief Executive Officer		
Confirmed by General Manager:	Chief Executive Officer	Date	
Approved by Executive:		Date	
Endorsed by Council		Date	

City of West Torrens Council Policy - Council Reception Room

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City of West Torrens Council Policy - Council Reception Room

COUNCIL POLICY - Council Reception Room – Richmond Oval

1. Preamble

- 1.1 Richmond Oval is a Council owned facility which has been home to the West Adelaide Football Club since 1958. The Stadium is located at 11-13 Kingston Avenue Richmond.

2. Purpose

- 2.1 This policy outlines the entitlements of Elected Members to use the Council Reception Room at Richmond Oval for the home games of the West Adelaide Football Club.

3. Scope

- 3.1 This policy supports the principles of the [Elected Members Allowances, Support, Facilities and Benefits Policy](#) and Part 5 - Allowances and Benefits of the *Local Government Act 1999*.
- 3.2 This policy defines an Elected Member's access to Richmond Oval on game day.

4. Definitions

Nil

5. Policy Statement

5.1 Access to Richmond Oval

- 5.1.1 There are 3 different types of passes or tickets provided to an Elected Member when attending a West Adelaide Football Club (WAFC) home game.

These are:

- A car park pass - to use the reserved parking within Richmond Oval on game day.
- An entry ticket - supplied by the SANFL for entry to Richmond Oval on game day.
- A Council Reception Room pass - for entry into the room during the game.

- 5.1.2 Council has also arranged reserved seating in the main grandstand for guests of the Council Reception Room to use.

- 5.1.3 To ensure that public health and safety is upheld, and to remain compliant with Council's licensing requirements, the maximum number of people permitted in the room at any one time is seventy five.

- 5.1.4 A list of invited guests will be posted within the room on game day by Council staff. All guests' names will be checked against the invitation list before entry is permitted (see attached form).

City of West Torrens Council Policy - Council Reception Room

- 5.1.5 Elected Members will need to contact the Office of the CEO no later than 5pm, 5 days before game day to obtain tickets and passes.
 - 5.1.5.1 Tickets and passes will be sent to the Elected Member via the post unless otherwise specified or alternate arrangements are made with the delegate of the CEO.
 - 5.1.5.2 Tickets and passes will be provided with the name of the user and the date of the game.
 - 5.1.5.3 Tickets and passes are not transferable.
- 5.2 Provision of Tickets
 - 5.2.1 All Elected Members (including the Mayor) are entitled to two entry tickets and two room passes for their personal use per game.
 - 5.2.1.1 Elected Members may be able to obtain a further two guest tickets and passes, by application to a delegate of the CEO. These tickets and passes are subject to availability.
 - 5.2.1.2 An Elected Member may negotiate with a delegate of the CEO if they require additional tickets and passes, subject to availability. If there are no available tickets, the Elected Member has the option to purchase tickets provided by the SANFL at cost. In this instance an invoice will be raised and provided to the Elected Member.
 - 5.2.1.3 Elected Members' children under the age of 12 years issued with a ticket and pass will be admitted to the Council Reception Room and must be under parental supervision at all times.
 - 5.2.2 Former Elected Members who hold a Civic Award have life admission to the Council Reception Room.
 - 5.2.3 Passes into the Council Reception Room for State and Federal politicians, civic leaders, council business associates and community groups can be made available on an individual game basis as determined by the Mayor or CEO.
 - 5.2.4 The Council of the visiting team will be offered six entry tickets with passes into the Council Reception Room for use by their Elected Members for the day of their team's game. These tickets and passes will only be provided on request to a delegate of the CEO (see attached form).
 - 5.2.5 Council staff who provide bar and food service at the Council Reception Room are entitled to two tickets and two passes (staff member and partner/guest) on the day of that game.
 - 5.2.6 Tickets and passes for an individual game may be provided for a General Manager or other staff members and their partner/guest at the discretion of the CEO.
 - 5.2.7 The WAFC will be given twelve passes for entry to the Council Reception Room per game. This allocation of passes may be used by representatives of the Club, the SANFL or the opposing team.

City of West Torrens Council Policy - Council Reception Room

5.3 Service of Alcohol

- 5.3.1 Alcohol is not to be served in the room prior to the first quarter break of the main game of the day.
- 5.3.2 Alcohol is not to be served in the room after the commencement of the final quarter of the main game of the day.
- 5.3.3 Drinks are to be consumed only under the roofed area of the balcony or within the room.
- 5.3.4 Council staff providing bar service are authorised to refuse to serve alcohol to any guest if they consider further service inappropriate, taking into account the Responsible Service of Alcohol Principles of the *Liquor Licensing Act 1997*.
- 5.3.5 Elected Members are required to act in accordance with the [Code of Conduct for Council Members](#) when attending Council events or functions at Richmond Oval.
- 5.3.6 The beverages available in the Council Reception Room during SANFL games will be limited to tea/coffee, soft drinks, beer and wine.

5.4 Consideration of Special Events or Functions

- 5.4.1 Where a one-off variation of entry requirements is indicated for a special event or celebration, then the Council may direct the CEO, or the CEO may recommend to Council, that entry requirements for that day be varied.

APPENDIX A

INVITEES FOR W/E / /2010 WEST ADELAIDE -v-	
MAYOR	GUESTS
ELECTED MEMBERS	GUESTS
STATE AND FEDERAL POLITICIANS	
VISITING TEAM COUNCIL	
OTHER ALLOCATIONS	

CITY OF WEST TORRENS



Classification:	Council Policy (Elected Members)	
First Issued:	15 February 2000	
Dates of Review:	7 August 2001, 19 April 2005, 27 October 2009, 4 March 2014, March 2016	
Version Number:	6	
DW Doc set ID:	305624	
Next Review Due:	27 October 2014/2021	
Applicable Legislation:	<ul style="list-style-type: none"> • Local Government Act 1999 (SA) • Liquor Licensing Act 1997 (SA) 	
Related Policies or Corporate Documents:	<ul style="list-style-type: none"> • Elected Members Allowances, Facilities, Support and Benefits Policy • Code of Conduct for Council Members 	
Associated Forms:		
Note:	<p>Formerly Policy EM.1-3 ('Use of the Mayors Room - Richmond Oval')</p> <p>Policy updated on 4 March 2014 as per resolution by the Policy, Planning and Performance General Committee on 25 February 2014.</p>	
Responsible Manager:	Chief Executive Officer	
Confirmed by General Manager:	Chief Executive Officer	Date
Approved by Executive:		Date 5 February 2016
Endorsed by Council		Date

| City of West Torrens Council Policy - Council Reception Room [and Richmond Oval](#)

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Draft

City of West Torrens Council Policy - Council Reception Room ~~and Richmond Oval~~

COUNCIL POLICY - Council Reception Room ~~—and~~ Richmond Oval

1. Preamble

- 1.1 Richmond Oval (~~Oval~~) is a Council owned facility which has been home to the West Adelaide Football Club since 1958. The ~~Stadium Oval~~ is located at 11-13 Kingston Avenue Richmond.

~~1.2 Council has the use of a private function room, the Council Reception Room (Room), at the Oval for the during home games of the for West for West Adelaide Football Club (WAFC) home games or any other game, event or function held at the Oval.~~

2. Purpose

- 2.1 This policy ~~outlines the entitlements of Elected Members~~ provides guidelines on the attendance at and to use of the Council Reception Room at Richmond ~~the Oval~~ for the WAFC home games of the West Adelaide Football Club (WAFC) ~~or any other event or function held at the Oval.~~

3. Scope

- 3.1 This policy supports the principles of the Elected Members Allowances, Support Facilities and Benefits Policy and Part 5 - Allowances and Benefits of the *Local Government Act 1999*.
- 3.2 This policy ~~defines an Elected Member's~~ provides guidelines for access to Richmond the Oval ~~and Room on when attending a at a WAFC home game day or event/function at the Oval.~~

4. Definitions

Nil

5. Policy Statement

5.1 Access to Richmond Oval During Games and Events

- 5.1.1 There are ~~3-two (2)~~ different types of passes or tickets provided to an Elected Member when attending a ~~West Adelaide Football Club (WAFC) home game, game/ event/function at the Oval.~~

These are:

1. A car park pass - to use the reserved parking within Richmond Oval on game day.
2. An entry ticket - supplied by the SANFL for entry to Richmond Oval on game day.
- A Council Reception Room pass for entry into the room during the game.

Comment [PK1]: Relocated to clause 5.2

5.2 Use of Council Reception Room During Games, Events and Functions

- 5.2.1 A Room pass is provided to Elected Members and guests which enables entry into the Room during games/events/functions at the Oval.

City of West Torrens Council Policy - Council Reception Room ~~and Richmond Oval~~

~~Council has also arranged a~~

5.2.2 ~~The Room will be open to Elected Members and guests a half an hour before the commencement of the game/event/function and closes within fifteen (15) minutes of the end of the game/event/function.~~

5.2.3 ~~Seating is available in the main grandstand directly in front of the Room for Elected Members and guests of the Council Reception Room to use during games/events/functions.~~

5.2.4 To ensure that public health and safety is upheld, and to remain compliant with Council's licensing requirements, the maximum number of people permitted in the ~~R~~room at any one time is seventy five.

5.2.5 A list of invited guests will be ~~posted within the room on game day by held by~~ Council staff. All guests' names will be checked against the invitation list before entry is permitted (see attached form).

5.2.6 ~~Elected Members will need to contact the Office of the CEO no later than 5pm, 5 days before game day to obtain tickets and passes.~~

Comment [PK2]: Relocated to clause 5.2

~~5.1.5.1 Tickets and passes will be sent to the Elected Member via the post unless otherwise specified or alternate arrangements are made with the delegate of the CEO.~~

~~5.1.5.2 Tickets and passes will be provided with the name of the user and the date of the game.~~

~~5.1.5.3 Tickets and passes are not transferable.~~

Comment [PK3]: Relocated to clause 5.2

5.3 Provision of Tickets

5.3.1 All Elected Members (including the Mayor) are entitled to ~~two~~ 4 (four) entry tickets and ~~two~~ room passes for their personal use per game/event/function.

~~5.3.1.1 Elected Members need to contact the Office of the CEO no later than 5pm, 5 days before the game/event/function to obtain tickets and passes.~~

~~5.3.1.2 Tickets and passes will be sent to the Elected Member unless otherwise specified or alternate arrangements are made with the delegate of the Chief Executive Officer (CEO).~~

~~5.3.1.3 Tickets and passes will be provided with the name of the user and the date of the game/event/function.~~

~~5.3.1.4 Tickets and passes are not transferable.~~

5.3.2 Elected Members may be able to obtain a further two guest tickets and passes, by application to a delegate of the CEO. These tickets and passes are subject to ~~availability~~. Elected Member may negotiate with a delegate of the CEO if they require additional tickets and passes, subject to availability.

5.3.3 ~~If there are no tickets available tickets, the for a game/event/function, an Elected Member has the option to of purchasing tickets provided by the SANFL directly from the organisers at cost. In this instance an invoice will be raised and provided to the Elected Member for reimbursement.~~

City of West Torrens Council Policy - Council Reception Room ~~and Richmond Oval~~

- ~~5.3.4 Elected Members' children under the age of 12 years issued with a ticket and pass will be admitted to the Council Reception Room and must be under parental supervision at all times.~~
- 5.3.4 Former Elected Members who hold a Civic Award have life admission to the ~~Council Reception Room~~.
- 5.3.5 Passes into the ~~Council Reception Room~~ for State and Federal politicians, civic leaders, council business associates and community groups can be made available on an individual game/~~event/function~~ basis as determined by the Mayor or CEO.
- 5.3.6 ~~At WAFC home games, the c~~Council of the visiting team will be offered up to six entry tickets with passes into the ~~Council Reception Room~~ for use by their Elected Members for the day of their team's game. ~~These tickets and passes will only be provided on request to a delegate of the CEO (see attached form).~~
- 5.3.7 Council staff who provide bar and food service at the ~~Council Reception Room~~ are entitled to two tickets and two passes (staff member and partner/guest) on the day of that game/~~event/function~~.
- 5.3.8 Tickets and passes for an individual game/~~event/function~~ may be provided ~~for to~~ a General Manager or other staff members and their partner/guest at the discretion of the CEO.
- 5.3.9 The WAFC will be given twelve passes for entry to the ~~Council Reception Room~~ per game. This allocation of passes may be used by representatives of the Club, the SANFL or the opposing team.

5.4 Service of Alcohol Service and Consumption

- 5.4.1 All beverages are to be consumed only under the roofed area of the balcony or within the Room

- 5.4.2 The beverages available in the Room during games/events/functions will be limited to tea/coffee, soft drinks, beer and wine:

5.4.2.1 Games

- a. Alcohol is will not to be served by Council staff or volunteers in the Room prior to the first quarter break of the main game of the day or after the end of the third quarter break to allow for clean up of the Room by staff and volunteers.
- b. Tea/coffee/soft drinks will be served by Council staff or volunteers from the commencement of the game to the end of the third quarter break to allow for clean up of the Room by staff and volunteers.

5.4.2.2 Events and Functions

- a. Alcohol/tea/coffee/soft drinks will not to be served by Council staff or volunteers in the Room prior to the commencement of the event/function and will cease 30 minutes before the end of the event to allow clean up of the Room by staff and volunteers

City of West Torrens Council Policy - Council Reception Room ~~and Richmond Oval~~

5.4.3 Elected Members may donate alcoholic beverages (beer/wine/spirits) for consumption during a game/event.

5.4.5.1 Elected Members may serve donated alcoholic beverages to their guests from the commencement to the end of the game/event.

5.4.5.3 Donated alcoholic beverages may be stored in the Room between games but Council will bear no liability for loss.

5.4.5.4 Donated alcoholic beverages are to be forwarded to the CEO's Office at least 24 hours before a game.

5.4.5.5 A sign will be placed in the Room indicating that alcoholic beverages available during the game are, at times, supplemented by personal donations from Elected Members.

5.4.5.6 Council staff or volunteers will serve alcoholic beverages to guests, if requested, on a non-exclusive basis i.e. any guest who asks for a donated alcoholic beverage will be served as long as it is available

a. In relation to games, this service will commence at the start of the quarter time break to the end of the three quarter time break on a non-exclusive basis.

b. In relation to events/functions, this service will commence at the start of the event to 30 minutes before the end of the event

5.4.6 Drinks are to be consumed only under the roofed area of the balcony or within the room.

Comment [PK4]: Relocated to clause 5.3.2

5.4.7 Council staff or volunteers providing bar service are authorised to refuse to serve alcohol to any guest if they consider further service inappropriate, taking into account the Responsible Service of Alcohol Principles of the *Liquor Licensing Act 1997*.

5.4.8 Elected Members are required to act in accordance with the *Code of Conduct for Council Members* when attending Council events or functions at ~~Richmond the~~ Oval.

5.4.9 The beverages available in the Council Reception Room during SANFL games will be limited to tea/coffee, soft drinks, beer and wine.

Comment [PK5]: Relocated to clause 5.3.1

5.5 Consideration of Special Events or Functions

5.5.1 ~~Where~~ When a one-off variation of entry requirements is indicated for a special event or celebration, then the Council may direct the CEO, or the CEO may recommend to Council, that entry requirements for that day be varied.

INVITEES FOR W/E / 201920xx	
WEST ADELAIDE -v-	
MAYOR	GUESTS
ELECTED MEMBERS	GUESTS
STATE AND FEDERAL POLITICIANS	
VISITING TEAM COUNCIL	
OTHER ALLOCATIONS	

7.9 Elected Member Allowances, Facilities, Support and Benefits Policy Review

Brief

The *Council Policy - Elected Members Allowances, Facilities, Support and Benefits* has been subject to an unscheduled review due to the imminent commencement of the *Local Government (Accountability and Governance) Amendment Act 2015* and is presented to the Corporate Planning, Policy and Performance Prescribed General Committee for its consideration and recommendation to Council.

RECOMMENDATION(S)

The Committee recommends to Council that:

1. The revised *Council Policy - Elected Members Allowances, Facilities, Support and Benefits* be approved to commence on commencement of the *Local Government (Accountability and Governance) Amendment Act 2015*.
2. The Chief Executive Officer be authorised to make amendments of a formatting and/or minor technical nature to ensure the currency of the *Council Policy- Elected Members Allowances, Facilities, Support and Benefits*.

Introduction

The *Council Policy - Elected Members Allowances, Facilities, Support and Benefits* has been subject to an unscheduled review due to the imminent commencement of the *Local Government (Accountability and Governance) Amendment Act 2015* and is attached for consideration by the Corporate Planning, Policy and Performance Prescribed General (the Committee).

Discussion

The *Local Government (Accountability and Governance) Amendment Act 2015* (the Amendment Act) received assent on 17 November 2015 and is expected to commence on 31 March 2016. The Amendment Act amends several provisions of the *Local Government Act 1999* which in turn affect the content and focus of various policies of the CWT, including the *Council Policy - Elected Members Allowances, Facilities, Support and Benefits* (Policy).

Consequently, the Policy has been reviewed to ensure that it is consistent with the provisions of the Amendment Act (**Attachment 1**). Track changes have been used throughout the Policy to highlight the amendments proposed.

The key change to this Policy is clause 5.1.1 to bring member allowance payment dates in line with the provisions of the Amendment Act. On commencement of the Amendment Act, the starting date for payment of Elected Member allowances will be from the conclusion of the elections.

Minor typographical amendments have also been made to the Policy.

The next review date of this Policy has not been amended given minor adjustments only were made to the Policy to ensure legislative compliance.

Conclusion

The revised *Council Policy - Elected Members Allowances, Facilities, Support and Benefits* has been subject to an unscheduled review and is presented to the Corporate Planning, Policy and Performance Prescribed General Committee for its consideration and recommendation to Council.

ATTACHMENT 1

CITY OF WEST TORRENS



Council Policy: Elected Members Allowances, Facilities, Support and Benefits

Classification:	Council Policy
First Issued:	21 November 2006
Dates of Review:	6 November 2007, 12 February 2009, 23 November 2010, 9 December 2014, July 2015, 17 November 2015, <u>2016</u>
Version Number:	<u>68</u>
Next Review Due:	<u>17 November 2019</u>
DW Doc set ID:	494249
Applicable Legislation:	<ul style="list-style-type: none"> • Local Government Act 1999 (SA) • Local Government (Members Allowances and Benefits) Regulations 2010 (SA) • Income Tax Assessment Act 1997 (Cth) • Code of Conduct for Council Members
Related Policies or Corporate Documents:	<ul style="list-style-type: none"> • Elected Members Training and Development Policy • Elected Member Electronic Communications Facilities Policy • Council Reception Room - Richmond Oval Policy • Elected Members Attendance at Conferences Policy • Elections Period Caretaker Policy • Register of Allowances and Benefits
Associated Forms:	<ul style="list-style-type: none"> • Travel Expenditure Claims Form • Expenditure Authorisation Form • Travel Authority • Annual Allowance for Elected Members
Note:	A person is entitled to inspect this policy (without charge) at the principal office of council during normal office hours. The policy is also available on Council's website. A person is entitled to a copy of the policy at the fee as set by Council in its Fees and Charges Schedule.
Responsible Manager:	General Manager Business and Community Services
Confirmed by General Manager:	General Manager Business and Community Services Date: <u>October 2015</u>
Approved by Council:	Date: <u>17 November 2016</u>

City of West Torrens Council Policy – Elected Members Allowances, Facilities, Support and Benefits

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City of West Torrens Council Policy – Elected Members Allowances, Facilities, Support and Benefits

Council Policy - Elected Members Allowances, Facilities, Support and Benefits

1. Preamble

- 1.1 Council will ensure that the necessary facilities, support and benefits are made available to Elected Members, on a uniform basis, to enable them to undertake their official duties and functions effectively and expediently.
- 1.2 Council supports the principle that Elected Members should not be out-of-pocket as a result of undertaking their official duties and functions. Consequently, Council will ensure that reasonable reimbursement is made for costs that are actually and necessarily incurred in the performance and discharge of their roles.
- 1.3 This policy meets the requirements of Section 77(1)(b) of the [Local Government Act 1999](#) (the Act) and sets out the kind of expenses for which a Member may be reimbursed.

2. Purpose

- 2.1 The purpose of this Policy is to formalise and document Council's agreed position in relation to the allowances, benefits, facilities, support and reimbursements of expenses it will make available to its Elected Members.

3. Scope

- 3.1 This policy applies to Elected Members.

4. Definitions

- 4.1 **Conclusion of the Election** is as defined in Section 4(2) of the [Local Government Act 1999](#).
- 4.2 **Consumer Price Index** is defined by Section 76(15) of the [Local Government Act 1999](#) as the Consumer Price Index (All groups index for Adelaide) published by the Australian Bureau of Statistics.
- 4.3 **Eligible Journey** means a journey (in either direction) between the principal place of residence, or a place of work, of an Elected Member and the place of a prescribed meeting.
- 4.4 **Facilities** means any property or assets owned by the Council and includes (but is not limited to) reserves, buildings, meeting rooms, mobile phones, laptops, email facilities, fax machines, scanners, printers etc.
- 4.5 **Prescribed Meeting** means a meeting of the Council, Council Committee or an information gathering or discussion involving members of the Council or Council Committee including when Council staff are also involved.
- 4.6 **Prescribed and Non Prescribed Committees** are the classifications applied by the South Australian Remuneration Tribunal for the purpose of determining the allowance to be paid to the Presiding Member of a Council Committee.

City of West Torrens Council Policy – Elected Members Allowances, Facilities, Support and Benefits

4.7 **Relative** is defined in s4 of the Local Government Act 1999 as a:

- spouse;
- parent or remoter lineal ancestor; or
- son, daughter or remoter descendant; or
- brother or sister.

5. Policy Statement

5.1 Allowances

- 5.1.1 Section 76(1) of the Act provides that all Elected Members are entitled to receive an annual allowance, determined by the Remuneration Tribunal, for performing and discharging their official functions and duties ~~from commencing on the date of the first ordinary meeting of Council held after the conclusion of a Council election until the conclusion of the next periodic election.~~
- 5.1.2 This determination applies to all Members of a council in South Australia and is based on five council groupings. The Remuneration Tribunal has classified the City of West Torrens as a **Group 1b** Council.
- 5.1.3 In addition to their Elected Member Allowance, a Member who is appointed as a Presiding Member of a Council Committee, constituted in accordance with s41 of the Act, is entitled to an additional allowance determined by the Remuneration Tribunal. The amount of this allowance is dependent on the classification of the council and whether the Committee is classified as a prescribed or non-prescribed Committee.
- 5.1.4 The Remuneration Tribunal will make Elected Member allowance determinations on a four yearly basis at least 14 days before the close of nominations in a general election. Allowances will be adjusted on the first, second and third anniversary of the relevant general election to reflect changes in the Consumer Price Index as described in the Local Government (Members Allowances and Benefits) Regulations 2010 (the Regulations).
- 5.1.5 The City of West Torrens will ensure the allowance, determined by the Remuneration Tribunal, will be paid monthly in advance for the Mayor and quarterly in arrears for Elected Members.
- 5.1.6 In accordance with the determination by the Remuneration Tribunal, allowances paid to Members will be adjusted annually by the consumer price index on the first, second and third anniversary of the 2014 Local Government Periodic Elections.
- 5.1.7 Any Elected Member may decline to receive their allowance or the use of any Council provided facility, benefit or support or part thereof.

Comment [LJ1]: Amendment required to allow for clause 15 of the Local Government (Accountability and Governance) Act 2015 which amends section 76 of the Local Government Act 1999

City of West Torrens Council Policy – Elected Members Allowances, Facilities, Support and Benefits

5.2 Reimbursement of Expenses

5.2.1 Section 77(1)(a) of the [Act](#) provides that all Elected Members are entitled to receive reimbursement for expenses, actually and necessarily incurred, of the kind prescribed in performing or discharging official functions and duties.

5.2.2 The City of West Torrens will ensure that the reimbursement of expenses is accountable, transparent and in accordance with the provisions in the [Act](#) and the [Regulations](#).

5.2.3 Eligible Journey Expenses for Attendance at Prescribed Meetings

5.2.3.1 In accordance with s5(1)(a) and s5(2)(a) of the Regulations, travel expenses incurred for an eligible journey within the Council area in travelling to or from a prescribed meeting of the Council or Committee of the Council will be reimbursed without the need for prior Council approval. However the Regulations provide that:

- a. Travel must be by the shortest or most practical route.
- b. If an eligible journey relates to travel between a place within the Council area and a place outside the Council area, in either direction, the Member will only be reimbursed in respect of travel within the Council area.
- c. If a Member makes an eligible journey by private motor vehicle, the rate to be reimbursed will be equal to the appropriate rate per kilometre, determined according to engine capacity, prescribed for the purposes of calculating deductions for car expenses under s28.25 of the [Income Tax Assessment Act 1997](#) available at the ATO website, www.ato.gov.au.
- d. Appropriate travel logs must be maintained by the Elected Member to ensure they are accurately reimbursed.

5.2.4 Travel Expenses for Journeys other than Eligible Journeys

5.2.4.1 Travel, other than to a prescribed meeting i.e. conference, training seminar etc. outside of the Council area will be reimbursed with prior Council approval.

5.2.4.2 Air travel will be reimbursed or paid for at economy class rates for all Elected Members.

5.2.5 Dependant Care When Attending a Prescribed Meeting or Function

5.2.5.1 Expenses incurred for the care of an Elected Member's child(ren), or a dependant living with the Elected Member who requires full time care, as a consequence of an Elected Member's attendance at a prescribed meeting, function or other Council related activity will be reimbursed to a maximum of 8 hours per occasion of care.

- a. Reimbursement for child care expenses will be paid at the rate of \$25.00 per hour for 3 (three) hours, then \$30.00 for each hour thereafter.

City of West Torrens Council Policy – Elected Members Allowances, Facilities, Support and Benefits

- 5.2.5.2 An Elected Member will not be reimbursed if the care is provided by a relative of the Member who ordinarily resides with the Member.

5.2.6 General Requirements for Reimbursement Claims

- 5.2.6.1 Claims for reimbursements, other than vehicle expenses, can only be made with the submission of a tax invoice/ tax receipt. An ABN number must be displayed to comply with Goods and Services Tax (GST) requirements and submitted on the relevant form.
- 5.2.6.2 Elected Members may be entitled to be reimbursed for expenses when travelling on approved Council business outside the Council area.
- a) If this travel relates to conferences, refer (to the [Elected Members Attendance at Conferences Policy](#)).
- 5.2.6.3 If it is anticipated that a hire car will be required at the location to which a Member is travelling, prior approval by Council, including the type or make of car and its range of use, is required.

5.3 Facilities and Services

5.3.1 General Principles

- 5.3.1.1 The facilities, support and services made available to Elected Members have been identified as necessary and/or expedient to the performance or discharge of their official functions or duties.
- 5.3.1.2 The provision of facilities, support and services will be available to all Elected Members on a uniform basis (other than those additional facilities, support and services will be made available for the benefit of the Mayor in accordance with [clause 5.3.3](#) of this policy).
- 5.3.1.3 In accordance with the provisions of the [Code of Conduct for Council Members](#), an Elected Member must not use any facilities and services for a purpose unrelated to the performance or discharge of official functions or duties unless they have obtained the prior approval of the Council.
- If Council approves the private use of its facilities and services, the Elected Member will reimburse the Council for the costs or expenses that relate to that private use.
- 5.3.1.4 Any property provided to a Member remains the property of Council at all times and is insured via Council's insurers.
- 5.3.1.5 Elected Members who retire or are not re-elected will be offered the opportunity to purchase, at market rate, any equipment provided to them i.e. mobile phones, tablets, laptops, printers, modems and routers etc. prior to disposal of the equipment via other avenues.
- 5.3.1.5.a Equipment supplied by the Council that is not required by an Elected Member is to be returned, and telephone services cancelled, at the Council's cost, within five

City of West Torrens Council Policy – Elected Members Allowances, Facilities, Support and Benefits

working days of the end of the Elected Member's term of office - or at any other time as determined by the Council

- 5.3.1.6 The Council reserves the right to review and, if appropriate, withdraw an Elected Member's equipment if it is not achieving the intended purpose or being used inappropriately.
- 5.3.1.7 The type, supply and installation of equipment will be arranged by the Administration in accordance with the [Council Policy - Procurement](#).
- 5.3.1.8 Servicing and maintenance of equipment must only be arranged by the Administration.

5.3.2 Facilities, Support and Services - Elected Members

- 5.3.2.1 The Council will make the following facilities, support and services available to all Elected Members:

Administration or Office Facilities

- name badge
- A box of 250 business cards will be made available to Elected Members on request twice per financial year after which additional cards will be supplied at the requesting Elected Member's own cost
- access to the Elected Members Lounge which will have available a computer and printer for use by Members
- fridge stocked with soft drinks and water

Information technology equipment

- information technology equipment as approved by Council:
 - An Apple or Samsung smartphone;
 - An Apple or Samsung tablet computer or a Toshiba tablet / laptop hybrid;
 - A Hewlett-Packard multifunction printer;
 - A Dell laptop computer, but only if a Toshiba tablet / laptop hybrid is not taken;
 - A modem / router;
 - Broadband and a telephone line in the home;
 - Use of a member's own devices, rather than the above items being provided by Council.
- consumables associated with the use of information technology equipment i.e. paper, toner etc.

Other Facilities and Services

- access to the Council Reception Room at Richmond Oval on match days.
- ongoing support and training; including attendance at conferences.
- out of hours I.T support
- Elected Members are provided with insurance that:
 - provides benefits if bodily injury is sustained while engaged in any activity directly or indirectly connected with or on behalf of Council.
 - professional/public indemnity insurance that indemnifies Members but only in connection with their role as Members of Council.

City of West Torrens Council Policy – Elected Members Allowances, Facilities, Support and Benefits

- provides cover for damage to property and personal effects that occurs while Members are engaged in Council business.
- provides corporate travel cover for Members and their partners/spouses while engaged in any activity directly or indirectly connected with or on behalf of Council, including while travelling to and/or from such activity.

5.3.3 Additional Resources for the Mayor

5.3.3.1 In addition to the facilities, services and support made available to Elected Members, the following facilities, services and support is made available to the Mayor;

- An office space and associated provisions including stationery, postage, and general expenses of the Mayor's office.
- Administrative support in accordance with Council's budget
- A motor vehicle for which the Mayor will reimburse Council for private use on an annual basis.
- The following conditions will apply to the Mayor's vehicle as part of the Council vehicle fleet:
 - a. The vehicle will be of an appropriate standard recognising the responsibilities and status of the Office of the Mayor.
 - b. A hands free kit for mobile telephone will be made available if integrated blue tooth is not available.
 - c. Servicing of the vehicle will be in accordance with purchase or lease arrangements and arranged through the Fleet Coordinator.
 - d. A fuel card will be provided.
 - e. All mechanical problems must be reported to the Fleet Coordinator immediately.
 - f. The vehicle is to be maintained and kept in a clean and tidy condition at all times.
 - g. If possible the vehicle is to be parked off-street overnight.
 - h. The towing of any boat trailers or any trailer/caravan in excess of the vehicle makers stated weight is not allowed.
 - i. Any fines for offences under the [Road Traffic Act 1961](#) and [Road Traffic \(Road Rules – Ancillary and Miscellaneous Provisions\) Regulations 2014](#) are the responsibility of the driver of the vehicle and will not be met by Council.
 - j. The procedure to follow if the vehicle is involved in an accident must be stored in the glove box of the vehicle and followed in the event of an accident.

City of West Torrens Council Policy – Elected Members Allowances, Facilities, Support and Benefits

- k. No smoking is allowed in the vehicle.
- l. Costs associated with private use must be reimbursed to Council.

5.4 Telephone Accounts

- 5.4.1 Monthly charges for Council-owned mobile telephones will be met by Council.
- 5.4.2 Photocopies of telephone accounts will be provided to elected members monthly for their review and reimbursement of any personal charges or usage.
- 5.4.3 Elected members are required to complete and sign the pro-forma attached as Appendix A to show either (a) the value of any personal charges or usage or (b) that no personal usage occurred, and this must be returned to the Financial Services department within 21 days.
- 5.4.4 A report on telephone usage will be referred quarterly to the Corporate and Regulatory Prescribed Standing Committee.

5.5 Register of Allowances and Benefits

- 5.5.1 A register of Allowances and Benefits (Register) will be kept in accordance with s79 of the [Act](#).
- 5.5.2 The Register will include allowances, mobile telephone/internet expenses, reimbursements, conference and seminar costs, training, the provision of equipment, insurance and consumables etc.
- 5.5.3 A person is entitled to inspect the Register without charge at the principal office of Council during normal office hours.
- 5.5.4 A person is entitled to an extract from the Register for a fee set by Council and included in its Schedule of Fees and Charges.
- 5.5.5 Details recorded in the Register will be reported to the Council on a quarterly basis.

City of West Torrens Council Policy – Elected Members Allowances, Facilities, Support and Benefits

APPENDIX A

Civic Centre
165 Sir Donald Bradman Drive
Hilton, SA 5033
Tel 08 8416 6333
Fax 08 8443 5709
Email: csu@wtcc.sa.gov.au
Web: westtorrens.sa.gov.au



Date:..... / /

To the Manager, Financial Services

Re Telephone Accounts for the Month of

I have examined the telephone accounts for the above period, and hereby certify that:

(Please tick the appropriate boxes)

- ☐ No personal use occurred and no costs therefore need to be reimbursed
- ☐ Personal use occurred and an amount of \$..... needs to be reimbursed
- ☐ An agreed amount of \$..... needs to be reimbursed

Payment Options

- ☐ Cash (attached)
- ☐ Cheque (attached)
- ☐ Credit Card (via phone or at CSU)
- ☐ Raise Invoice
- ☐ Deduct from next allowance

As per Council's policy, please return this signed declaration to Financial Services within 21 days.

.....
(Signature of Elected Member)

..... / /
(Date)

Service Centre use only

Receipt Type: RC MS/CFR

Receipt No.

Please forward to Financial Services once receipted

7.10 Provision of Council Gifts Policy Review

Brief

The *Council Policy - Provision of Council Gifts* has been subject to an unscheduled review and is presented to the Corporate Planning, Policy and Performance Prescribed General Committee for its consideration and recommendation to Council.

RECOMMENDATION(S)

The Committee recommends to Council that:

1. The revised *Council Policy - Provision of Council Gifts* be approved.
 2. The Chief Executive Officer be authorised to make amendments of a formatting and/or minor technical nature to ensure the currency of the *Council Policy - Provision of Council Gifts*.
-

Introduction

The *Council Policy - Provision of Council Gifts* (Policy) has been subject to an unscheduled review to ensure that it is consistent with current practice (**Attachment 1**) and is presented to the Corporate Planning, Policy and Performance Prescribed General Committee for its consideration and recommendation to Council.

Discussion

Proposed changes to the Policy are shown as 'track changes' to highlight the changes proposed.

The key changes proposed include:

- Amendment to the Policy Scope to ensure residents celebrating 100th birthdays and 50th and 60th wedding anniversaries are captured.
- Restructure of policy statements to ensure clarity.
- Providing that the CEO is responsible for purchasing civic gifts rather than the Mayor which is currently the case.

Conclusion

The revised *Council Policy - Provision of Council Gifts* has been subject to a review and is presented to the Corporate Planning, Policy and Performance Prescribed General Committee for its consideration and recommendation to Council.

ATTACHMENT 1

CITY OF WEST TORRENS



Council Policy: Provision of Council Gifts

Classification:	Council Policy		
First Issued:	7 March 2000		
Dates of Review:	2 September 2008, 21 July 2015, <u>February 2016</u>		
Next Review Due	<u>21-2020</u> <u>2021</u>		
Version Number:	<u>34</u>		
DW Doc set ID:	305936		
Applicable Legislation:			
Related Policies or Corporate Documents:	Procurement Policy		
Associated Forms:			
Note:			
Responsible Manager:	Deputy Chief Executive Officer <u>Chief Executive Officer</u>		
Confirmed by General Manager:	Deputy Chief Executive Officer	Date	<u>July 2015</u>
Approved by Executive:		Date	<u>July 2015</u>
Endorsed by Council		Date	<u>21 July 2016</u>

City of West Torrens Council Policy – Provision of Council Gifts

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Draft

City of West Torrens Council Policy – Provision of Council Gifts

Council Policy - Provision of Council Gifts

1. Preamble

- 1.1 Gifts serve to promote the City of West Torrens (CWT), and are given as a gesture of goodwill and friendship, or in recognition of cooperation on joint projects.

2. Purpose

- 2.1 This policy provides Council with a consistent process to procure and present gifts as gestures of goodwill and friendship and/or in recognition of cooperation on joint projects.

3. Scope

- 3.1 This policy applies to all gifts presented by Council, or by the Mayor on behalf of the Council, to:

- a. Dignitaries;
- b. Visitors;
- c. Guests;
- d. Senior staff of organisations
- e. Residents celebrating their 100th birthday when Council is notified of this event
- ~~a.f. Residents celebrarting their 50th and/or 60th wedding anniversaries when Council is notified of these events.-~~

- ~~3.1.2~~ This policy does not apply to items provided by the City of West Torrens to promote the organisation and/or its services.

4. Definitions

- 4.1 Nil.

5. Policy Statement

- 5.1 Council's suite of gifts comprises:

- Corporate gifts;
- Civic gifts;
- Celebratory gifts.

Comment [PK1]: Moved up from clause 5.5. and I've added celebratory gifts

~~Council makes available a selection of items which may be given as gifts to dignitaries, visitors, guests, and senior staff of organisations.~~

- 5.2 ~~Recipients may be individuals or organisations from the Council area, other parts of Australia, or overseas.~~

- 5.3 ~~The request and intended use of materials which comprise gifts must be submitted in writing to the Chief Executive Officer (CEO) or Mayor for authorisation.~~

Comment [PK2]: Not needed I think - who would submit this?

City of West Torrens Council Policy – Provision of Council Gifts

5.4 The process for selecting items will be in accordance with Council's the Council Policy - Purchasing, Tendering and Sale and Disposal of Assets Policy, Procurement and the Administration Policy - Procurement

5.5 Council's suite of gifts comprises:
Corporate gifts
Civic gifts

Comment [PK3]: Moved to 5.1

5.6 Corporate Gifts

5.6.1 Recipients may be individuals or organisations from the Council area, other parts of Australia, or overseas.

5.6.2 Preference will be given to gifts which are of Australian design and manufacture. The items should include the Council's Corporate Logo.

5.6.2 Corporate gift items held in stock must be recorded in an Inventory and securely stored, with access only by nominated persons who have been authorised by the CEO. The Inventory records the description of the item, quantity purchased, quantity in stock, quantity to be issued, name of recipient, reason for gift, date of presentation, name of person who authorised gift, and any other information as may be required for accountability purposes.

5.7 Civic Gifts

5.7.1 Civic gifts are only purchased for specific formal occasions when there is an expectation that Council will provide a gift of a quality expected of a Civic entity.

5.7.2 Recipients may be individuals or organisations from the Council area, other parts of Australia, or overseas.

5.7.23 Items purchased and presented as Civic Gifts should be made in Australia and show the Council Coat of Arms.

5.7.34 The Mayor is authorised by Council to purchase a Civic Gift, up to the value of \$1,000, in collaboration with the CEO (or Deputy CEO) for the occasion.

5.7.45 A report is to be provided to each Civic Committee meeting detailing the purchase of any Civic Gift since its previous meeting.

Comment [PK4]: I think the CEO purchases not the Mayor so I think we should authorise the CEO to purchase the gift - any thoughts?

5.8 Celebratory Gifts

5.8.1 Celebratory Gifts will be presented to those residents who are celebrating their 100th birthday as well as 50th and/or 60th wedding anniversaries if Council has been notified of the event.

5.8.2 Celebratory gifts will take the form of a bouquet and/or gift hamper.

5.8.3 The Chief Executive Officer is authorised to determine and purchase the appropriate gift to be proffered in these circumstances and the Mayor is authorised to present such gift on behalf of Council.

7.11 Code of Practice - Access to Meetings and Documents Review

Brief

The *Code of Practice - Access to Meetings and Documents* has been subject to an unscheduled review due to the imminent commencement of the *Local Government (Accountability and Governance) Amendment Act 2015* and is presented to the Corporate Planning, Policy and Performance Prescribed General Committee for its consideration and recommendation to Council.

RECOMMENDATION(S)

The Committee recommends to Council that:

1. The revised *Code of Practice - Access to Meetings and Documents* be approved for public consultation.
2. The Chief Executive Officer be authorised to make amendments of a formatting and/or minor technical nature to ensure the currency of the *Code of Practice - Access to Meetings and Documents*.

Introduction

The *Code of Practice - Access to Meetings and Documents* has been subject to an unscheduled review due to the imminent commencement of the *Local Government (Accountability and Governance) Amendment Act 2015* and is attached for consideration by the Corporate Planning, Policy and Performance Prescribed General (the Committee).

Discussion

The *Local Government (Accountability and Governance) Amendment Act 2015* (the Amendment Act) received assent on 17 November 2015 and is expected to commence on 31 March 2016. The Amendment Act amends several provisions of the *Local Government Act 1999* which in turn affect the content and focus of various policies of the CWT, including the *Code of Practice - Access to Meetings and Documents* (Code).

Consequently the Code has been reviewed to ensure its consistency with the provisions of the Amendment Act (**Attachment 1**). Track changes have been used throughout the Policy to highlight the changes proposed.

The key changes to this Code have been made to clauses 5.8.1.2, 5.8.1.3 and 5.8.2 to bring the confidentiality order restrictions and informal gatherings requirements in line with the provisions of the Amendment Act.

On commencement of the Amendment Act, the *Local Government Act 1999* (Act) will:

- Contain additional grounds that should not be considered as a reason to go into confidence and build on existing grounds (incorporated into clause 5.8.1.2).
- Require more information to be recorded in the minutes when a confidentiality order is made (incorporated into clause 5.1.8.3).
- Require Council to adopt a policy in relation to the holding of informal gatherings (these provisions are incorporated into clause 5.8.2).

Minor typographical and administrative amendments have also been made to the Code.

The review date of this Policy has not been amended given the adjustments are minor in nature and are necessary to ensure legislative compliance.

Pursuant to s92(5) of the Act, the Code must be made available for public consultation prior to its adoption by Council. Section 50(4)(a) of the Act determines that public consultation must occur for a minimum of 21 days. Therefore, it is proposed that public consultation be undertaken for a four week period, between 22 March 2016 and 19 April 2016, to provide a reasonable opportunity for interested persons to consider the content before providing a response.

This consultation will take the form of a public notice posted in both the Guardian and Weekly Times Messengers as well as in the Civic Centre and Hamra Centre Library in accordance with *Council Policy - Public Consultation*. Information will also be placed on Council's social media pages.

As the Code is a statutory requirement, it requires direct consideration and approval by Council. Consequently, a report will be presented to the 15 March 2016 meeting of Council seeking formal approval to release the revised Code for public consultation.

A report detailing the outcome of the consultation will be presented to the May 2016 meeting of the Corporate Planning, Policy and Performance Prescribed General Committee for its consideration and recommendation to Council. Following this, a separate report will be presented to Council for its consideration and final approval.

Conclusion

The *Code of Practice - Access to Meetings and Documents* has been reviewed and is presented to the Corporate Planning Policy and Performance Committee for its consideration and recommendation to Council that it be released for public consultation pursuant to s92 of the Act.

ATTACHMENT 1

CITY OF WEST TORRENS



Code of Practice: Access to Meetings and Documents

Classification:	Council Policy
First Issued:	7 November 2000
Dates of Review:	11 December 2001, 12 November 2002, 3 February 2004, 2 October 2007, 7 October 2008, May 2011, August 2012, July 2015, <u>10 February 2016</u>
Version Number:	<u>910</u>
DW Doc set ID:	591879
Next Review Due:	November 2019
Applicable Legislation:	Local Government Act 1999 (SA) Development Act 1993 (SA) Freedom of Information Act 1991 (SA) Local Government (Procedures at Meetings) Regulations 2013 (SA) Criminal Law Consolidation Act 1935 (SA) Code of Conduct for Council Members Code of Conduct for Council Employees
Related Policies or Corporate Documents:	Code of Practice: Procedures at Meetings Public Consultation Council Policy Internal Review of Council Decisions Policy Customer Complaints Council Policy
Associated Forms:	
Note:	This is a statutory document and must be reviewed within 12 months of each Local Government General Election.
Responsible Manager:	General Manager Organisational Support Business and Community Services
Confirmed by General Manager:	General Manager Organisational Support Business and Community Services
Approved by Executive:	Date <u>July 2015</u>
Approved by Council:	Date <u>15 September 2015</u>

City of West Torrens Code of Practice – Access to Meetings and Documents

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City of West Torrens Code of Practice – Access to Meetings and Documents

CODE OF PRACTICE – Access to Meetings and Documents

1. Preamble

- 1.1 The City of West Torrens (CWT) acknowledges that the procedures observed during the conduct of a meeting of Council, Council Committee (Committee) or the Development Assessment Panel (DAP) should contribute to open, transparent and informed decision-making. However, Council also recognises that on a limited number of occasions it may be necessary, in the broader community interest, to restrict public access to Council, Committee or DAP meetings and/or documents.

2. Purpose

- 2.1 To provide guidelines relating to access to meetings and documents by the public and Elected Members.
- 2.2 To clearly outline the purpose of, and on what basis, the Council may apply the provisions of s90 and s91 of the [Local Government Act 1999](#) (Act) and s56A of the [Development Act 1993](#) (Development Act) to restrict public access to meetings and/or documents.

3. Scope

- 3.1 The Code of Practice - Access to Meetings and Documents (the Code) applies to the access to Council, Committee or DAP meetings and all documents including Council, Committee and DAP agendas, minutes and attachments.

4. Definitions

- 4.1 **Agenda** refers to a list of items of business to be considered at a meeting.
- 4.2 **Clear Days** means the days between the:
- posting of a notice of a meeting and the day the meeting is held excluding both the day on which the notice is given and the day of the meeting, e.g. when notices are given on a Friday for a following Tuesday meeting, the clear days are Saturday, Sunday and Monday; or
 - holding of a meeting and the day the minutes are released excluding the day of the meeting and the day the minutes are released.
- 4.3 **Minutes** refers to a record of the items discussed and the resolutions made at a meeting of Council, Committee or the DAP.
- 4.4 **Principal Member** refers to the Mayor.
- 4.5 **Presiding Member** refers to a member appointed by the Council to preside at Committee meetings.

City of West Torrens Code of Practice – Access to Meetings and Documents

5. Access to Meetings

5.1 Council Meetings

5.1.1 Sections 81(2) and 81(6) of the Act require Council to meet at least once during each month, but not on a Sunday or public holiday and no earlier than 5pm unless Council resolves otherwise by a resolution supported unanimously by all members of Council. Consequently, ordinary Council meetings will commence at 7pm, in the Council Chamber at the Civic Centre, 165 Sir Donald Bradman Drive, Hilton SA 5033, on the first and third Tuesday of the month with the exception of January each year when it only meets on the third Tuesday of the month and in December each year when Council meets on the second Tuesday of the month.

5.1.2 Special Council meetings may be held at any time.

5.1.2.1 In accordance with the Act, the Chief Executive Officer (CEO) will give each Elected Member at least 4 hours' notice before the commencement of a special Council meeting.

5.2 Committees established under Section 41 of the [Act](#).

5.2.1 Council has established four Prescribed Standing Committees that comprise all Elected Members and meet as part of an ordinary Council meeting. These Committees are:

- Finance and Regulatory Prescribed Standing Committee;
- Governance Prescribed Standing Committee;
- Strategy and Community Prescribed Standing Committee; and
- Urban Services Prescribed Standing Committee.

5.2.1.1 The Urban Services and Governance Prescribed Standing Committee meet during the Council meeting held on the first Tuesday of each month between and including February and November each year.

5.2.1.2 The Finance and Regulatory and Strategy and Community Prescribed Standing Committees meet during the Council meeting held on the first Tuesday of each month between and including February and November each year.

5.2.1.3 All four prescribed standing committees meet on the second Tuesday in December and on the third Tuesday of January each year.

5.2.2 Council has established four Prescribed General Committees to which Elected Members and, if legally required, independent members are appointed by Council. These Committees, held outside of the ordinary meetings of Council, are the:

- Audit and Risk Prescribed General Committee;
- Chief Executive Officer's Prescribed General Review Committee;
- Community Facilities Prescribed General Committee; and
- Corporate Planning, Policy and Performance Prescribed General Committee.

City of West Torrens Code of Practice – Access to Meetings and Documents

5.2.3 Council has established one Non-Prescribed General Committee to which Elected Members are appointed by Council. The meetings of this Committee are held outside of Council meetings. This Committee is the:

- Civic Non-Prescribed General Committee

5.3 Committees established under a Deed of Trust.

5.3.1 Council has established the Mendelson Committee under a Deed of Trust and not under s41 of the [Act](#). Both Elected Members and independent members are appointed to this Committee in accordance with the provisions of the Deed of Trust with meetings held outside of Council meetings.

5.3.1.1 The public has no legal right of access to this meeting.

5.4 Development Assessment Panel Meetings.

5.4.1 The DAP, established in accordance with s56A of the [Development Act](#), comprises three Elected Members and four independent members, appointed by Council based on their skills and expertise.

5.4.2 The DAP meets on the second Tuesday of each month.

5.5 Notice and Agenda for Meetings.

5.5.1 The CEO will ensure that notice is given to the public of the times and places of meetings of Council, Committees and the DAP via:

- Hard copies publically displayed at least three clear days before the date of each meeting at the Civic Centre and Hamra Centre Library;
- [Council's website](#);
- A monthly advertisement in the Guardian and Weekly Times Messenger Newspapers.

5.5.2 The CEO will ensure copies of the agenda for meetings are made available for public inspection three clear days before the date of the meeting via:

- Hard copy displayed in the Civic Centre and Hamra Centre Library;
- The [City of West Torrens' website](#).

5.6 Meeting Schedules.

5.6.1 The CEO will ensure that a schedule of the dates, times and places set for meetings of Council, Committees and the DAP is made available on the [City of West Torrens' website](#).

5.7 Public Access to Meetings.

5.7.1 Section 90 of the [Act](#) requires Council and Committee meetings be open to the public.

5.7.2 Section 56A(11) of the [Development Act](#) requires DAP meetings to be open to the public.

City of West Torrens Code of Practice – Access to Meetings and Documents

- 5.7.3 The public will only be excluded from part of a Council, Committee or DAP meeting if the need for confidentiality outweighs the principle of open decision-making and an order to exclude the public is made in accordance with s90 of the [Act](#) or, in respect of DAP meetings, s56A(12) of the [Development Act](#).

5.8 Circumstances when the public can be excluded from a meeting.

5.8.1 Council or Committee Meetings

- 5.8.1.1 Section 90(3) of the [Act](#) provides that Council or a Committee may order that the public be excluded from attendance at any part of a meeting as is necessary to receive, discuss or consider in confidence, any information or matter in the following circumstances:
- a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);
 - b) information the disclosure of which:
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom Council is conducting, or proposing to conduct, business, or to prejudice the commercial position of Council; and
 - (ii) would, on balance, be contrary to the public interest;
 - c) information the disclosure of which would reveal a trade secret;
 - d) commercial information of a confidential nature (not being a trade secret) the disclosure of which:
 - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage of a third party; and
 - (ii) would, on balance, be contrary to the public interest;
 - e) matters affecting the security of Council, Members or employees of Council, Council property or the safety of any person.
 - f) information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial;
 - g) matters that must be considered in confidence in order to ensure that Council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;
 - h) legal advice;

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- i) information relating to actual litigation, or litigation that Council or Committee believes on reasonable grounds will take place, involving Council or an employee of Council;
- j) information the disclosure of which;
 - (i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of Council, or a person engaged by Council); and
 - (ii) would, on balance, be contrary to the public interest;
- k) tenders for the supply of goods, the provision of services or the carrying out of works;
- l) information relating to a proposed amendment to a Development Plan under the [Development Act 1993](#) before a Development Plan Amendment relating to the amendment is released for public consultation under that Act;
- m) information relevant to the review of a determination of a Council under the [Freedom Of Information Act 1991](#).

5.8.1.2 Council and Committees cannot make an order, that the public be excluded from a meeting, only on the basis that discussion of a matter in public may:

- cause embarrassment to Council, the Committee, Elected Members, independent members of a Committee or employees of the City of West Torrens; or
- cause a loss of confidence in Council; or
- involve discussion of a matter that is controversial within the council area; or
- make the council susceptible to adverse criticism.

5.8.1.3 When a decision to exclude the public is taken, a note will be made in the minutes of the meeting which details:

- a. the making of the order;
- b. the grounds on which the order was made in accordance with s90(7) of the Act;
- c. the basis on which the information or matter to which the order relates falls within the ambit of each ground on which the order was made;
- b-d. if relevant, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest and
- e-e. which employees were in attendance.

5.8.2 Informal Gatherings.

5.8.2.1 Council will, on occasions, hold informal gatherings from which the public are excluded in accordance with Council's Informal Gatherings Policy. Section 90(8) of the [Act](#) provides that

Comment [LJ1]: Amendment to include clause 17 of the Local Government (Accountability and Governance) Act 2015 which amend section 90(4) of the Local Government Act 1999

Comment [LJ2]: Amendment to include clause 17 of the Local Government (Accountability and Governance) Act 2015 which amend section 90(7) of the Local Government Act 1999

Comment [LJ3]: Amendment to include clause 17 of the Local Government (Accountability and Governance) Act 2015 which amend section 90(8) of the Local Government Act 1999

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informal gatherings of Elected Members (with or without City of West Torrens' employees) may take place if the matter(s) being discussed would not normally form part of a Council meeting agenda, and no decisions are reached.

~~Informal gatherings include:-~~

- ~~• planning sessions associated with the development of policies or strategies;~~
- ~~• briefing or training sessions;~~
- ~~• workshops; or~~
- ~~• social gatherings to encourage informal communication between Members or between Members and staff.~~

Comment [LJ4]: Suggested removal as Policy will contain relevant information and policy will be linked above.

5.8.3 Development Assessment Panel

5.8.3.1 Section 56A(12) of the Development Act, provides that the DAP may order that the public be excluded from attendance at any part of a meeting as is necessary to receive, discuss or consider in confidence, any information or matter in the following circumstances:

- a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);
- b) information the disclosure of which:
 - i) could reasonably be expected to confer a commercial advantage on a person, or to prejudice the commercial position of a person; and
 - ii) would, on balance, be contrary to the public interest;
- c) information the disclosure of which would reveal a trade secret;
- d) commercial information of a confidential nature (not being a trade secret) the disclosure of which:
 - i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
 - ii) would, on balance, be contrary to the public interest;
- e) matters affecting the safety or security of any person or property;
- f) information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial;
- g) matters that must be considered in confidence in order to ensure that Council does not breach any law, order or

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direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;

- h) legal advice;
- i) information relating to actual litigation, or litigation that the panel believes on reasonable grounds will take place;
- j) information the disclosure of which:
 - i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of Council, or a person engaged by Council); and
 - ii) would, on balance, be contrary to the public interest; or
 - iii) during so much of a meeting that consists of its discussion or determination of any application or other matter that falls to be decided by the panel.

5.8.3.2 The DAP will apply the same level of transparency and accountability as Council or Committee and will not make an order, that the public be excluded from a meeting, only on the basis that discussion of a matter in public may:

- cause embarrassment to Council, Committee, DAP, Elected Members, independent members of Committees and/or City of West Torrens employees; or
- cause a loss of confidence in Council or the DAP.

5.8.3.3 When a decision to exclude the public from all or part of a DAP meeting is taken, a note is required to be made in the minutes detailing the making of the order and the grounds on which it was made under s56A(12) of the [Development Act](#).

5.9 Approach to the Use of Confidentiality Provisions

5.9.1 Any consideration of the use of confidentiality provisions, to exclude the public from the discussion of a particular matter at a meeting, will require the identification of the grounds as outlined in clause 5.8.

5.9.2 Council, Committee and DAP meetings are guided by the following principles:

- a) open and accountable government is strongly supported;
- b) confidentiality provisions will only be used when considered proper and necessary;
- c) when a decision to exclude the public is taken, the reason and legislative grounds for this will be communicated to the public, both in the meeting at the time of the public being requested to leave, and in the meeting minutes;

5.9.3 The CWT cannot guarantee confidentiality in relation to any information provided to it by members of the public. This includes information such as the names and addresses of person(s):

City of West Torrens Code of Practice – Access to Meetings and Documents

- contained in petitions to Council
- responding to consultation
- who are representors at DAP meetings

5.9.4 A report contained in a Council, Committee or DAP agenda must meet the requirements of s90 of the [Act](#) or s56A(12) of the [Development Act](#) respectively before the CEO orders that a report be retained in confidence until the matter is presented to Council or a Committee.

5.9.4.1 Council, a Committee or the DAP will determine whether any such information will be retained in confidence, refer clause 6.4.

5.10. Process to Exclude the Public

5.10.1 Items to be considered at Council, a Committee or DAP meetings will generally be placed at the end of the relevant agenda. However, each meeting may resolve, for the convenience of the public present at the meeting, to deal with a confidential matter earlier in the meeting.

5.10.2 Before an order to exclude the public from a meeting, to enable the receipt, discussion and consideration of a particular matter, the Council, Committee or DAP will formally determine, in open session, if this is necessary and appropriate.

5.10.2.1 If it is deemed necessary and appropriate, Council, a Committee or DAP, after due consideration will resolve to exclude the public while dealing with a particular matter. The resolution will include the grounds, under the relevant legislation, on which the order to exclude the public was made in accordance with s90 of the [Act](#) or s56A(12) of the [Development Act](#) respectively.

5.10.3 When a number of agenda items are identified as confidential within an agenda, the Council, a Committee or DAP will;

- determine each item separately, and
- consider the grounds for exemption(s) relevant to each item, and
- if so determined, resolve to consider the item in confidence.

5.10.4 If Council, a Committee or DAP resolves that a particular matter will be considered in confidence, members of the public must immediately leave the Council Chamber or meeting room.

5.10.4.1 If Council or Committee orders that a matter is to be considered in confidence, City of West Torrens' employees are considered to be members of the public and required to leave the meeting unless the Council, Committee or DAP resolves to allow them to remain in the meeting while the item is being considered. The names of those employees will be included in the resolution to consider the matter in confidence.

5.10.4.2 It is an offence for a member of the public, who knowing that a confidential order is in force, to enter or remain in the room in which a matter is being considered in confidence.

5.11 Interruption of Meetings by Members

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5.11.1 Interruptions of meetings by members will be dealt with in accordance with the [Local Government \(Procedures at Meetings\) Regulations 2013](#) (Regulations) and [Council's Code of Practice Procedures at Meetings](#).

5.11.2 Regulation 29 states:

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

Maximum penalty: \$1250.

5.12 Interruption of Meetings by Others

5.12.1 Interruptions of meetings by others will be dealt with in accordance with the [Regulations](#) and Council's [Code of Practice: Procedures at Meetings](#).

5.12.2 Regulation 30 states:

- (1) A member of the public who is present at a meeting of a council or council committee must not:
 - (a) behave in a disorderly manner; or
 - (b) cause an interruption.

Maximum penalty: \$500.

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5.12.3 A member of the public who interrupts the orderly conduct of a meeting must, on request by the Presiding Member, immediately leave the place where the meeting is being held.

5.12.3.1 If a person does not leave the place where the meeting is held at the request of the Presiding Member, SAPOL will be contacted by a Senior Officer of Council and requested to attend and remove that person.

6. Access to Documents

6.1 **Publicly available documents**, including Council and Committee agendas and minutes are available for inspection at the Civic Centre, and in some cases the Hamra Centre Library as well as on [City of West Torrens' website](#).

6.2 **Requests to access documents held by Council** which are not publically available can be made in accordance with the [Freedom of Information Act 1991](#).

6.2.1 Enquiries in relation to the process for seeking access to documents held by Council should be directed to one of the City of West Torrens' accredited freedom of information officers or by going to the [City of West Torrens' website](#).

6.3 Access to Agendas

6.3.1 The CEO will make the agenda for each ordinary meeting of Council, Committee and the DAP available for public inspection at least three clear days before the date of the meeting in hard copy at the Civic Centre and Hamra Centre Library and on [City of West Torrens' website](#) at the same time they are forwarded to the members of Council, a Committee or the DAP.

6.3.2 Items listed on the agenda will be described accurately and in reasonable detail. Copies of any documents and reports that are to be considered at the meeting will be supplied to Council, Committee and DAP members in accordance with clause 6.3.1.

6.3.3 Items which are deemed to require consideration in confidence will not be contained in a Council, Committee or DAP agenda made available to the public pursuant to s84(6)(b) of the [Act](#) or s56A(12) of the [Development Act](#).

6.3.3.1 When a confidential item is to be considered by Council, a Committee or DAP, a report will be included in the public agenda, made available pursuant to s84(6)(b) of the [Act](#), detailing

- a. the report title;
- b. the basis on which matter should be considered in confidence;
- c. the relevant legislative provisions; and
- d. the recommendation to Council to consider the matter in confidence.

6.4 Access to Minutes

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- 6.4.1 The CEO will make the minutes of each ordinary or special meeting of Council, a Committee or the DAP available for public inspection, within 5 days after the meeting, in hard copy at the Civic Centre and Hamra Centre Library as well as on [City of West Torrens' website](#) at the same time they are provided to members of Council, a Committee or DAP.
- 6.4.2 In some circumstances Council, a Committee or DAP may order that a document(s) relating to a particular matter that has been considered in confidence (refer clauses 5.10 and 5.11) be retained in confidence in accordance with s91 of the [Act](#) and s56A(16) of the [Development Act](#) and be kept confidential.
- 6.4.3 Council or a Committee must not make an order to retain a document in confidence:
- a) to prevent the disclosure of the remuneration or conditions of service of an employee of the City of West Torrens after the remuneration or conditions have been set or determined; or
 - b) to prevent the disclosure of the identity of a successful tenderer for the supply of goods or the provision of services (including the carrying out of works), or of any reasons adopted by Council as to why a successful tenderer has been selected; or
 - c) to prevent the disclosure of the amount or amounts payable by Council under a contract for the supply of goods or the provision of services (including the carrying out of works) to, or for the benefit of, Council after the contract has been entered into by all parties to the contract; or
 - d) to prevent the disclosure of the identity of land that has been acquired or disposed of by Council, or of any reasons adopted by Council as to why land has been acquired or disposed of by Council.
- 6.4.4 If the retention of a document(s) in confidence is considered proper and necessary, taking into account the public interest when required, a resolution to this effect contained in the minutes will include the reason and legislative grounds for confidentiality and the circumstances in which the order will cease to apply.
- 6.4.5 Any order that operates for a period exceeding 12 months will be reviewed by Council at least once each year. Such matters will be considered on a case-by-case basis depending on the particular circumstances of the matter.
- 6.4.6 Council may delegate to an employee of the City of West Torrens the power to revoke the order but not extend the order and, if relevant, may place other conditions placed on the delegation.
- ~~6.4.7~~ If an order under section 91(7) of the Act expires or ceases to apply in relation to a document or part of a document, Council will make the document or part of the document (as the case requires) available for inspection on City of West Torrens' website and available for inspection at the Civic Centre within a reasonable time.
- 6.4.78 Requests to obtain Council, Committee or DAP documents which are not normally available for public inspection can be made under the [Freedom of Information Act 1991](#) for a fee set annually by the State Government.

Comment [LJ5]: Amendment to include clause 25 of the Local Government (Accountability and Governance) Act 2015 which amend section 132 of the Local Government Act 1999

6.5 Status of Recommendations to Council by the CEO and Council Committees

- 6.5.1 Recommendations to Council or a Committee, contained in reports within a Council or Committee agenda, have not been considered or approved by Council. It is only after the Council has adopted these recommendations, or made alternative decisions, at a formal Council meeting, the Presiding Member has initialled each page of the minutes and signed and dated the last page of the minutes that they become the approved decisions of Council.
- 6.5.2 Committees do not have the legal ability to make decisions on behalf of Council. Consequently, any decisions contained in the minutes of a Committee have not been considered or approved by Council. It is only after the Council has adopted the recommendations of a Committee, or made alternative decisions, contained in a Council agenda (refer item 12 Adoption of Standing Committee Recommendations and item 13 Adoption of General Committee Recommendations in the agenda), and the Presiding Member has initialled each page of the minutes and signed and dated the last page of the minutes that they become the approved decisions of Council.
- 6.5.3 Recommendations to the DAP contained in the DAP agenda have not been considered or approved by the DAP. It is only after the DAP has adopted the recommendations contained in a DAP agenda, or made alternative decisions, that they have legal status.

6.6 Elected Member Access to Documents

- 6.6.1 An Elected Member may access any relevant document held by the City of West Torrens in conjunction with the performance or discharge of their functions and duties as an Elected Member without any charge and within a reasonable timeframe.
- 6.6.1.1 A request for access to a document held by the City of West Torrens is to be directed, in the first instance to the CEO or a General Manager via phone, in person or email. The request should identify the document(s) sought with sufficient detail for the document(s) to be identified and retrieved as well as state the reason(s) for the request.
- 6.6.1.2 The documents requested should relate to matters under consideration by Council.
- 6.6.2 Elected Members will not be granted access to documents regarding the personal affairs of City of West Torrens' employees, other than the Employee Register of Interests and any publically available information.
- 6.6.3 Elected Members must not seek document(s) for personal reasons or release or divulge documents to any third parties. To do so may constitute a breach of the [*Code of Conduct for Council Members*](#) and/or the [*Criminal Law Consolidation Act 1935*](#).
- 6.6.4 The form of access to the document(s) will be negotiated with the Elected Member with regard to administrative efficiency. Forms of access include hard and soft copies or links to websites.

City of West Torrens Code of Practice – Access to Meetings and Documents

- 6.6.5 If there is a degree of sensitivity surrounding the access to a particular document, the CEO may make the document available to the Elected Member for viewing only at the Civic Centre at a mutual convenient time.

7. Confidential Orders Reporting

- 7.1. A report will be provided to Council on the use of confidential provisions on an annual basis. The report will include the following information:
- the number of occasions each of the identified provisions for excluding the public was used;
 - the number of occasions a confidential order was utilised;
 - the subject of the confidential item (e.g. a property sale or purchase)
 - the relevant sub-sections of s90 and s91 of the [Act](#) or s56A of the [Development Act 1993](#) under which the order was made.
- 7.2 In accordance with Schedule 4 of the [Act](#), a summary of confidential items will be included in Council's Annual Report.
- 7.3 A list and the status of items retained in confidence will be maintained on [City of West Torrens' website](#) and will be made available on the website when the confidential order is revoked.

8. Review

- 8.1 The Act requires that Council's Code of Practice - Access to Meetings and Documents (the Code) be reviewed within 12 months of a periodic election but Council has the ability to review this Code at any other time.
- 8.2 Before Council adopts, alters, or substitutes this Code, unless proposed changes are minor in nature and do not alter the materiality of the Code, it will;
- a) Make copies of the proposed Code, alterations or substitute Code available for inspection or purchase at Council's principal office and on the Council's website; and
 - b) Follow the relevant steps set out in its [Council Policy - Public Consultation](#).

Comment [LJ6]: Amendment to include clause 19 of the Local Government (Accountability and Governance) Act 2015 which amend section 92(5) of the Local Government Act 1999

9. Grievance

- 9.1 Council has established a policy for the review of decisions made by:
- Council
 - Employees of the City of West Torrens
 - Other persons acting on behalf of Council, which have resulted or will result in an administrative act of Council.
- 9.1.1 If a person is aggrieved about a decision to restrict access to meetings and/or documents they may lodge an application in writing for consideration under the [Council Policy – Internal Review of Council Decisions](#), established by Council in accordance with s270 of the [Act](#) or lodge a complaint with the [SA Ombudsman](#).
- 9.2 Council has established a policy for customer complaints

City of West Torrens Code of Practice – Access to Meetings and Documents

- 9.2.1 If a person is aggrieved by a matter contained in this Code, they may lodge a complaint in writing under the [Council Policy- Customer Complaints](#) established by Council in accordance with s270 of the [Act](#) or lodge a complaint with the SA Ombudsman.

10. Availability of the Code

- 10.1 A copy of this Code is available for inspection by members of the public at the offices of Council or the library during normal office hours, or from the [City of West Torrens' website](#). Alternatively, the public may obtain a copy for a fee fixed by Council. Further enquiries in relation to the Code should be directed to the General Manager ~~Organisational Support~~ [Business and Community Services](#), or telephone 8416 6333 or by email to csu@wtcc.sa.gov.au

7.12 Customer Complaints Policy Review

Brief

The *Council Policy - Customer Complaints* has been reviewed and is presented to the Corporate Planning, Policy and Performance Prescribed General Committee for its consideration and recommendation to Council.

RECOMMENDATION(S)

The Committee recommends to Council that:

1. The revised *Council Policy - Customer Complaints* be approved.
 2. The Chief Executive Officer be authorised to make amendments of a formatting and/or minor technical nature to ensure the currency of the *Council Policy - Customer Complaints*.
-

Introduction

The *Council Policy - Customer Complaints* has been subject to an unscheduled review to include provisions for managing unreasonable complainant conduct.

Discussion

The Administration has recently been subjected to the unreasonable conduct of a regular complainant. Consequently, legal advice has been sought to provide a means to effectively and legally manage this, and other similar, situations taking into account the expectations of the Ombudsman. This advice recommended that a new clause (7.4) be inserted into the *Council Policy - Customer Complaints* to guide the management of such conduct.

The revised Policy is attached (**Attachment 1**) and presented to the Committee for its consideration and subsequent recommendation to Council. The inclusion of clause 7.4 is shown as 'track changes' to highlight the additional provisions.

Conclusion

The *Council Policy - Customer Complaints* has been reviewed and is attached for consideration by the Corporate Planning, Policy and Performance Prescribed General (the Committee).

ATTACHMENT 1

CITY OF WEST TORRENS



Council Policy: Customer Complaints

Classification:	Council Policy
First Issued:	3 April 2012
Date of Review:	3 July 2012, 2016
Next Review Date:	3 July 2017, 2021
Version Number:	3
DW Doc set ID:	1780634
Applicable Legislation:	<ul style="list-style-type: none"> • Local Government Act 1999 (SA) • Freedom of Information Act 1991 (SA) • Government Business Enterprises (Competition) Act 1996 (SA) • Ombudsman Act 1972 (SA) • Whistleblowers Protection Act 1993 (SA)
Related Policies, Guidelines or Corporate Documents:	<ul style="list-style-type: none"> • Whistleblowers Policy • Fraud and Corruption Prevention, Control Reporting and Investigation Policy • Code of Conduct for Council (Elected) Members • Code of Conduct for Council Employees • Internal Review of Council Decisions Policy • Managing Performance, Misconduct and Inappropriate Behaviour Policy • SA Ombudsman's 'Managing Unreasonable Complainant Conduct Practice Manual'
Associated Forms:	
Note:	
Responsible Manager:	Executive Manager Organisational Support General Manager Business and Community Services
Confirmed by General Manager:	Date
Endorsed by Council:	Date 3 July 2012

City of West Torrens Council Policy - Customer Complaints

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Draft

City of West Torrens Council Policy - Customer Complaints

COUNCIL POLICY - Customer Complaints

1. Preamble

- 1.1 Council is committed to listening and responding to people with complaints.
- 1.2 This policy is developed in accordance with Section 270 of the *Local Government Act 1999* (the Act).

2. Purpose

- 2.1 The purpose of this policy is to:
 - 2.1.1 clarify the definition of a complaint.
 - 2.1.2 detail the principles and processes to manage complaints received in relation to the services provided including their registration, investigation, resolution and reporting.
 - 2.1.3 ensure that the process for managing a complaint is fair, effective, transparent, consistent and time efficient.

3. Scope

- 3.1 This policy provides the principles and processes for managing a complaint made by an affected person regardless of which department of the City of West Torrens (CWT) it relates to.
- 3.2 The following will not be regarded as a complaint under this policy:
 - A request for service (unless it is a second request when the service requested has not been completed within the identified timeframe)
 - A request for information (unless it is a second request for identical information)
 - A request for a waiver or review of a penalty infringement notice, unless it is about the conduct of the employee issuing the notice
 - An objection to a development application
 - A request for a review of a Council or Council officer's decision.

4. Definitions

- 4.1 A complaint is any expression of dissatisfaction, in relation to:
 - no action taken in response to a request for service or information
 - the type or level of response after a request for service or information was made
 - the quality, standard or timeliness of a service provided
 - the behaviour or actions of an Elected Member or an employeewhen a response or resolution is explicitly or implicitly sought.
- 4.2 A complainant is any person who makes a complaint about a matter that has directly affected them by any action or inaction by CWT that gives rise to a complaint in accordance with 4.1.

- 4.3 A **customer** is any person or entity that has dealings with CWT. These include, but are not limited to:
- Residents, business owners and their staff, facility users and ratepayers of the City of West Torrens
 - Elected Members
 - City of West Torrens' employees
 - Representatives from all agencies and community groups within and outside of the CWT
 - Developers.
- 4.4 **Elected Member/s** is the term used to define all members of Council, including the Mayor.
- 4.5 An **employee** is any individual who is employed by CWT and includes agency staff, contractors, volunteers and work experience students.
- 4.6 A **frivolous or trivial complaint** is a complaint that is considered by the relevant Manager to be minor, without merit or lacking substance or credibility.
- 4.7 A **complaint review** is a review of the complaint by the relevant Manager or an officer designated by the Manager within the responsible area to undertake a review of the complaint.
- 4.8 An **internal review** is a review of a decision made by Council, Council officers and other people acting on behalf of Council (a Council decision) in accordance with s270 of the Act. The request must arise from a grievance with a Council decision on access to a service, the way in which a service is delivered, or the application of regulatory powers.
- 4.9 For the purposes of this policy, **Manager** refers to a member of the Management Team.
- 4.10 A **personal complaint** is any complaint by an individual against another individual that includes personal information about either party. This includes a complaint about the conduct of an Elected Member or an employee.
- 4.11 **Personal information** is any information or opinion that identifies a person. This could include:
- written records about a person
 - a photograph or image of a person
- 4.12 A **request for information** is when a customer seeks information e.g:
- the status of a request for service
 - the status of a planning application
 - 'how to' requests
 - content of Council policies etc.
- 4.13 A **request for service** is a request from a customer seeking action on a particular matter or for the CWT to provide a particular service, e.g:
- pot hole repairs
 - waste collection
 - installation of speed humps
 - footpath repairs
 - reports of stray dogs, etc.

- 4.15 The **investigating officer** is the employee assigned to investigate and resolve a complaint.
- 4.16 A **vexatious complaint** is any complaint:
- from a complainant who has consistently, over a period of time, complained about a minor matter or the same matter which has previously been dealt with and no new information has been provided by the complainant; and/or
 - which the Manager, considers to be mischievous, without sufficient grounds or serving only to cause annoyance; and/or
 - when the resources required to address such complaints would be an unreasonable diversion of public resources.

5. Principles

5.1 Commitment

- 5.1.1 CWT is committed to the provision of quality customer service which includes the efficient and fair resolution of complaints.
- 5.1.2 CWT commits to:
- treating all customers with respect and courtesy
 - responding to customer enquiries promptly, efficiently and impartially.
 - acting with integrity and honesty when dealing with customers
 - providing relevant and timely feedback to customers including clear reasons for decisions.

6. Policy Statement

- 6.1 A complainant must have been directly affected by any action or inaction by CWT that gives rise to a complaint.
- 6.2 Complaints will be dealt with expediently, courteously and in accordance with this Policy.
- 6.3 All complaints will be considered on their merits, the principles of natural justice will be observed and complainants will not suffer any reprisal from CWT for making a complaint.
- 6.4 All parties will have the opportunity to express their point of view, provide relevant information and respond to issues raised.
- 6.5 Where possible the CWT will aim to address a complaint at the first point of contact.
- 6.6 Complainants will be encouraged to participate cooperatively in the review process. However, this will not negate the complainant's right to seek external review through the State Ombudsman, other legal processes or the Courts at any time during the review process.
- 6.6 If the Ombudsman, in accordance with the *Ombudsman Act 1972*, refers a complainant or complaint to the CWT, the complaint will be investigated by CWT in accordance with this policy unless otherwise determined by the CEO.

6.7 Complaints about Elected Members

As elected community representatives, complaints about Elected Members are treated seriously. In accordance with the requirements of the Act, complaints in relation to Elected Members will be considered in accordance with the [Code of Conduct for Council \(Elected\) Members](#).

6.8 Complaints about Employees

If a complaint relates to the conduct or behaviour of an individual employee the complaint will be assessed by the relevant Manager and dealt with in accordance with the [Code of Conduct for Council Employees](#) and/or the [Counselling and Discipline Administration Policy](#).

6.9 Anonymous Complaints

Anonymous complaints relating to allegations of maladministration, corruption or illegal activity occurring in the organisation must be made according to the process outlined in CWT's [Whistleblowers Executive Standard](#).

6.10 Complaints of a Serious Nature

Any formal complaint alleging maladministration, serious and substantial waste of public money, corrupt conduct or pecuniary interest will be dealt with in accordance with the CWT's [Whistleblowers Executive Standard](#) and Council's [Fraud and Corruption Prevention Control Policy](#).

6.11 Complaints Constituting a Breach of the Law

If the details of a complaint indicate that a crime may have been committed, the complaint will be immediately reported to the relevant law enforcement agency.

6.12 Privacy and Confidentiality

6.12.1 The complainant's personal information will be used by the investigating officer when investigating and handling the complaint.

6.12.2 If the complaint is referred to the Ombudsman, the CWT will share any relevant information relating to the complaint with the Ombudsman in accordance with the *Ombudsman Act 1972*.

6.12.3 Information contained within complaints may be accessible under the *Freedom of Information Act 1991*.

6.12.4 A complainant may apply directly to the CWT to suppress their personal details by completing and submitting an Application to Suppress Personal Details [form](#). Application forms are also available from Council's Civic Centre and the Hamra Centre Library.

6.12.4a The CEO will assess the application and may suppress the complainant's name or address details if the CEO is satisfied that the complainant's personal safety or that of any other person is at risk. Acceptance of the application is at the discretion of the CEO.

6.12.5 Complaints alleging misuse of personal information will be acknowledged in writing within three (3) business days.

6.13 Data Collection

Statistical information may be used to identify areas/services/procedures that require review or that may need additional resources to provide the required level of service for customers.

6.14 Reporting

A summary of complaints received, including outcomes, will be included within the City of West Torrens' Annual report.

7. Complaint Handling Model

7.1 Lodging a Complaint

7.1.1 A complaint may be made:

- in person at the Civic Centre
- by telephone on (08) 8416 6333
- by facsimile on (08) 8443 5709
- by email to csu@wtcc.sa.gov.au
- online at <http://www.westtorrens.sa.gov.au> (hyperlink to form); or
- in writing to:

The Chief Executive Officer
City of West Torrens
165 Sir Donald Bradman Drive
HILTON SA 5033

7.1.2 Complaints in writing are preferred to ensure that the complaint is clearly defined for both the complainant and CWT.

7.1.3 Verbal complaints may be summarised and provided, in writing, to the complainant for verification prior to the commencement of the assessment of the complaint.

7.1.4 Assistance in lodging complaints is available on request. This includes assisting customers with language and communication difficulties.

7.1.5 Information about the complaints process is available on CWT's website and on request.

7.1.6 If the complaint is in relation to a decision of Council, its employees or someone acting on behalf of Council then the complainant should lodge a formal request for an '*Internal Review of a Council Decision*' in accordance with Council's [Internal Review of Council Decisions Policy](#).

7.2 Timeframes and progress notification

7.2.1 Complaints, other than in relation to misuse of information, will be acknowledged in writing within 5 business days of receipt and will include advice about the expected timeframe for investigating the matter.

7.2.2 In most cases complaints will be investigated within 10 business days.

7.2.3 The complainant will be kept informed about the progress of the investigation.

7.2.4 The complainant will be advised, in writing, of the outcome of the investigation as soon as possible after a determination is made.

7.3 Complaints that will not be investigated

In general, every complaint will be investigated, unless it falls into one of the following categories:

- A vexatious complaint.
- A frivolous or trivial complaint.
- It is considered by the relevant Manager to lack substance or credibility and therefore investigating the complaint is deemed unnecessary, unjustifiable or an inappropriate use of resources.
- It is made using rude or abusive language or accompanied by threatening, intimidating or rude behaviour.
- The complaint is made anonymously and the relevant Manager determines that there is insufficient information to investigate it.
- When the complainant is able to pursue the complaint through an alternative review process.

If a complaint is deemed to fall into one of these categories the complainant will be advised accordingly unless the complaint is anonymous.

7.4 Unreasonable Complainant's Conduct

7.4.1 All complaints received by Council will be treated seriously and complainants will be treated courteously.

7.4.2 Occasionally the conduct of a complainant can be unreasonable. This may take the form of unreasonable persistence, unreasonable demands, lack of cooperation, argumentative or threatening behaviour. What can be termed 'unreasonable' will vary depending on a number of factors and the organisation aims to manage these situations in a fair and equitable manner.

7.4.3 If a complainant's behaviour consumes an unwarranted amount of Council resources or impedes the investigation of their complaint, a decision may be made to apply restrictions on contact with the person. Before making any decision to restrict contact, the complainant will be warned that, if the specified behaviour(s) or actions continue, restrictions may be applied.

7.4.3.1 The relevant departmental manager will issue this warning in writing if the home or email address of the complainant is known, otherwise it will be made verbally and a record of the discussion will be made.

7.4.4 Any decision to suspend action on a complaint will be made by the Chief Executive Officer or his/her delegate and communicated in writing to the complainant.

City of West Torrens Council Policy - Customer Complaints

7.5 Initial Assessment of a Complaint

- 7.5.1 An initial assessment of the complaint will include its severity, any safety implications and the need for immediate action.
- 7.5.2 If the complaint is not able to be resolved at the first point of contact it will be forwarded to the relevant Manager for a complaint review.
- 7.5.3 If the complainant remains dissatisfied after the complaint review the complainant may lodge a formal request for an [Internal Review of a Council Decision](#).

7.6 Opportunity to Provide Additional Information

- 7.6.1 After receiving the complaint, the investigating officer may invite the complainant to provide further information to assist in understanding:
 - a. the complainant's concerns, and/or
 - b. the issues to be investigated, and/or
 - c. the outcome or remedy sought by the complainant.
- 7.6.2 Complainants are welcome to supply information relevant to the initial complaint at any time during the review process. However, if the additional information is determined by the investigating officer to be of a different nature a secondary review may commence.
- 7.6.3 Complainants will be invited to comment on any additional information obtained by the investigating officer during the course of an investigation.

7.7 Complaint Remedies

When complaints are found to be justified CWT will, where practical, remedy the situation in a manner which is consistent and fair for both the complainant and CWT.

7.8 Dispute Resolution

7.7.1 The CWT may use alternate dispute resolution methods e.g. mediation, conciliation or neutral evaluation to resolve a complaint in circumstances where the CEO or their delegate deems such a course of action appropriate and the complainant is amenable to that process.

7.7.2 Any mediation, conciliation or neutral evaluation will be undertaken in accordance with s271 of the Act and the costs and expenses shared equally between the CWT and the complainant.

7.7.3 If the complaint cannot be resolved the complainant may refer the matter to the Ombudsman, or seek a legal remedy.

7.9 Withdrawal of Complaints

A complainant may withdraw their complaint at any time during the investigation period.

7.10 Discontinuation of an Investigation into a Complaint

An investigation into a complaint may be discontinued by the relevant Manager if the complainant fails to provide sufficient information about the complaint or in some way inhibits the investigation.

If a complaint is discontinued then the complainant will be advised in writing of the reasons for the discontinuation of the investigation.

7.11 Completion of an Investigation into a Complaint

Complainants will be advised in writing of the outcome of the investigation as soon as is practical once the investigation is finalised.

7.13 Impoundment of Vehicles Policy Review

Brief

The *Council Policy - Impoundment of Vehicles* has been subject to an unscheduled review due to the imminent commencement of the *Local Government (Accountability and Governance) Amendment Act 2015* and is presented to the Corporate Planning, Policy and Performance Prescribed General Committee for its consideration and recommendation to Council.

RECOMMENDATION(S)

The Committee recommends to Council that:

1. The revised *Council Policy - Impoundment of Vehicles* be approved to commence when the *Local Government (Accountability and Governance) Amendment Act 2015* commences..
2. The Chief Executive Officer be authorised to make amendments of a formatting and/or minor technical nature to ensure the currency of the *Council Policy - Impoundment of Vehicles*.

Introduction

The *Council Policy - Impoundment of Vehicles* has been subject to an unscheduled review due to the imminent commencement of the *Local Government (Accountability and Governance) Amendment Act 2015* and is attached for consideration by the Corporate Planning, Policy and Performance Prescribed General (the Committee).

Discussion

The *Local Government (Accountability and Governance) Amendment Act 2015* (the Amendment Act) received assent on 17 November 2015 and is likely to commence in March 2016. The Amendment Act amends several provisions of the *Local Government Act 1999* which in turn affect the content and focus of various policies of the CWT.

Consequently the *Council Policy - Impoundment of Vehicles* (Policy) has been reviewed to ensure that it is consistent with the provisions of the Amendment Act (**Attachment 1**). Track changes have been used throughout the Policy to highlight the changes proposed.

The key change to this Policy has been made to clause 5.2 to bring the requirements in line with the provisions of the Amendment Act. This amendment has been made to ensure wording is consistent between this Policy and the *Local Government Act 1999*.

Minor typographical amendments have also been made to the Policy.

The review date of this Policy has not been amended as a result of this review given minor adjustments were necessary to ensure legislative compliance.

Conclusion

The revised *Council Policy - Impoundment of Vehicles* has been subject to a review and is presented to the Corporate Planning, Policy and Performance Prescribed General Committee for its consideration and recommendation to Council.

ATTACHMENT 1

CITY OF WEST TORRENS



Council Policy: Impoundment of Vehicles

Classification:	Council Policy
First Issued:	3 August 1993
Dates of Review:	17 April 2001, 4 March 2008, 3 March 2010, 4 March 2014, 198 February <u>March 2016</u>
Version Number:	55
DW Doc set ID:	305672
Next Review Due:	4 March 2019
Applicable Legislation:	Local Government Act 1999 (SA) Road Traffic Act 1961 (SA) Unclaimed Goods Act 1987 (SA) Motor Vehicles Act 1959 (SA)
Related Policies or Corporate Documents:	Delegations Policy Sale and Disposal of Assets Policy Found Property Policy
Associated Forms:	N/A
Note:	Formerly Policy D.7 - Disposal of Impounded Vehicles
Responsible Manager:	Manager Regulatory Services
Confirmed by General Manager:	General Manager Corporate and Regulatory Date 13 February 2014
Approved by Executive:	Date 18 February 2014
Endorsed by Council	Date 4 March 2014

City of West Torrens Council Policy - Impoundment of Vehicles

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Draft

City of West Torrens Council Policy - Impoundment of Vehicles

COUNCIL POLICY - Impoundment of Vehicles

1. Purpose

- 1.1 The purpose of this policy is to provide information about the identification, removal and possible disposal of abandoned vehicles.
- 1.2 This policy provides the framework for dealing with vehicles that have been abandoned or left on public roads or in public places, to ensure such matters are dealt with lawfully and in a fair, consistent and transparent fashion.

2. Scope

- 2.1 This policy applies to
 - 2.1.1 The abandonment of vehicles under Section 236 of the *Local Government Act 1999*;
 - 2.1.2 The removal and disposal of vehicles pursuant to Section 237 of the *Local Government Act 1999*; and
 - 2.1.3 The removal and disposal of vehicles pursuant to Section 40N of the *Road Traffic Act 1961*.

3. Definitions

- 3.1 *Abandonment* refers to the relinquishment or renunciation of an interest, claim, possession or right, especially with the intent of never again resuming or reasserting it.
- 3.2 *Authorised officer* for the purposes of the *Road Traffic Act 1961* refers to an authorised person appointed under Section 260 of the *Local Government Act 1999*.
- 3.3 *Authorised person* refers to a person appointed by the Council as an authorised person under Section 260 of the *Local Government Act 1999*.
- 3.4 *Delegation* refers to the assignment by Council of the authority for an officer to make decisions or undertake specific tasks.
- 3.5 *Public place* means a place to which the public has access, as defined in Section 4 of the *Local Government Act 1999*.
- 3.6 *Public road* refers to a road as defined in Section 4 of the *Local Government Act 1999*.

4. Policy Statement

4.1 Local Government Act Requirements

- 4.1.1 The *Local Government Act 1999* provides Council the authority to:
 - Expiate or prosecute a person who abandons a vehicle on a public road or public place (Section 236); and
 - Impound and sell vehicles left on public roads or public places, or local government land, for longer than 24 hours (Section 237).

City of West Torrens Council Policy - Impoundment of Vehicles

4.1.2 Abandonment of Vehicles

- 4.1.2.1 Vehicle owners will not be expiated or prosecuted under s236 of the *Local Government Act 1999* unless abandonment can be established clearly, along with the identity of the person who abandoned the vehicle.
- 4.1.2.2 The removal of a vehicle deemed abandoned under s236 will be in accordance with the requirements of s237 of the *Local Government Act 1999*.

4.1.3 Removal of Vehicles

- 4.1.3.1 Vehicles will not be impounded by Council:
- That are stolen - this being a police matter; or
 - Simply because they have been parked for more than 24 hours on a public road or public land, it being a requirement for [Sections 4.3.2 to 4.3.6 of this policy to be followed](#) abandonment to be established.
- 4.1.3.2 Council staff will endeavour to have all vehicles left on a public road or in a public place removed by their owners. All avenues to locate owners and have them remove their vehicles will be exhausted before resorting to impoundment.
- 4.1.3.3 If an unregistered vehicle is reported for being on a road, in breach of s9 of the *Motor Vehicles Act 1959*, Council staff will initially notify police and request action by them for the vehicle to be moved. Removal by Council can occur after this has been done, ~~where if~~ the police have not acted, consistent with the requirements of this policy.
- 4.1.3.4 Owners found must be advised of *Local Government Act 1999* requirements and be given a reasonable amount of time to remove their vehicles. Compliance staff will follow up any verbal requests of an owner with a letter explaining Council's requirements.
- 4.1.3.5 ~~Where/When~~ an owner cannot be contacted personally, a letter will be sent to the address of the last registered owner requesting that that owner remove the vehicle or contact Council within seven working days if the vehicle cannot be removed.
- 4.1.3.6 A prescribed warning notice must be placed on a vehicle before impoundment occurs.

Comment [BR1]: To reflect the "to avoid doubt" amendment. These sections aren't in the policy.

4.2 Road Traffic Act Requirements

- 4.2.1 Section 40N of the *Road Traffic Act 1961* applies to vehicles left unattended or broken down on any road where the vehicle is:
- Causing harm, or creating a risk of harm, to public safety, the environment or road infrastructure; or
 - Causing or likely to cause an obstruction to traffic or any event lawfully authorised to be held on the road; or
 - Obstructing or hindering, or likely to obstruct or hinder, vehicles from entering or leaving land adjacent to the road.
- 4.2.2 An *event* is defined in section 33 of the Act as an organised sporting, recreational, political, artistic, cultural or other activity, and includes a street party.

City of West Torrens Council Policy - Impoundment of Vehicles

4.2.3 Removing a vehicle under these circumstances is regarded by Council as being a police matter. If reported to Council, SAPOL must be advised immediately of the vehicle's location, and a request needs to be made for the vehicle to be moved. ~~Where~~ If SAPOL contacts Council for such a vehicle to be moved, advice should be provided that it is a police rather than a Council responsibility.

4.2.4 Further action by Council is not normally required. However, it is recognised under certain circumstances that SAPOL may choose not to move dangerous or obstructive vehicles, and in such cases removal may be authorised, subject to the authorising officer being satisfied that Section 40N allows removal under the circumstances and the requirements of this policy being observed.

4.2.5 The removal of stolen vehicles is a police matter, and Council staff should not be involved, apart from notifying police.

5. Procedure

5.1 Removal, Reclaim and Disposal of Vehicles

5.1.1 Towing a Vehicle

5.1.1.1 Prior to the towing of the vehicle, authorisation must be obtained in writing from the Manager Regulatory Services.

5.1.1.2 An owner is entitled to the return of goods left in an impounded vehicle and they can be claimed by the owner by providing proof of ownership.

5.2 Notice of Removal

5.2.1 Vehicle owners must be notified in writing of the removal of their vehicles ~~and the place to where their vehicles were moved~~, and this must occur as soon as practicable after impoundment occurs. This notice must be served personally, whenever possible, but if the owner is unknown or cannot be found an advertisement in a state newspaper must be placed within 14 days of a vehicle being removed.

5.2.2 ~~When~~ personal service has not been possible, the notice may be sent to the owner by person-to-person registered post, requiring delivery only to the person named and their signature to acknowledge receipt.

5.3 Reclaiming a Vehicle

5.3.1 An owner is entitled to take possession of an impounded vehicle when all expenses in connection with the removal, custody, maintenance and advertising / notification are paid in full. Proof of ownership must be sighted prior to release of a vehicle, and release requires the signing of a release form by the owner.

5.3.2 The expenses levied on the owner of an impounded vehicle must not exceed the expenses incurred.

5.3.3 Costs incurred to hold a vehicle longer than one month will be carried by Council, rather than being passed on to a vehicle owner.

5.3.4 A vehicle must be sold when payment in full does not occur within the time frames set under the *Local Government Act 1999* and the *Road Traffic Act 1961*.

Comment [BR2]: Amendment required to allow for clause 32 of the Local Government (Accountability and Governance) Act 2013 which amends section 237 of the Local Government Act 1999

City of West Torrens Council Policy - Impoundment of Vehicles

5.4 Disposal of Vehicles

- 5.4.1 When a vehicle has been impounded and Council has complied with all statutory requirements in relation to contacting the owner and / or advertising in a state wide newspaper, the Council may dispose of the vehicle.
- 5.4.2 The disposal process must not be commenced until after statutory time frames have passed following the service of a notice to the owner or advertisement appearing in the state newspaper.
- 5.4.3 All vehicles will be sold by auction by an automotive auctioneering company, except as provided below.
- 5.4.4 All vehicle disposals must be authorised in writing by the Manager Regulatory Services.
- 5.4.5 Disposal of a vehicle may occur otherwise than by way of auction, but this can only occur when the proceeds of sale are unlikely to exceed the costs incurred in removing, holding and selling the vehicle. The costs incurred in selling a vehicle include:
- Advertising;
 - Sales commission;
 - Costs associated with preparing a vehicle for sale, including having an ignition key cut; and
 - Costs associated with towing a vehicle to the premises of a motor vehicle auctioneer.
- 5.4.6 Any goods in the vehicle at the time of ~~impounding~~ impoundment must not be sold with the vehicle. Disposal must be in accordance with the requirements of the *Unclaimed Goods Act 1987* and Council's [Found Property Policy](#).

5.5 Transparency and Accountability

- 5.5.1 The expenses levied on the owner of an impounded vehicle must not exceed the expenses incurred.
- 5.5.2 Costs incurred to hold a vehicle longer than one month will be carried by Council, and will not be passed on to a vehicle owner.

5.6 External Parties Used by Council

- 5.6.1 Where external parties are used to tow, store, value and sell vehicles, the Manager, Regulatory Services will ensure that the costs are reasonable and competitive, and evidence of this must be available for audit purposes.
- 5.6.2 Valuations cannot be undertaken by the party responsible for selling a vehicle.
- 5.6.3 Formal agreements must be in place with the external parties that provide these services. The storage company's responsibility for costs associated with damage to a vehicle being stored must be covered in an agreement.

7.14 Expiation Notice Review Policy Review

Brief

The *Council Policy - Expiation Notice Review* has been reviewed and is presented to the Corporate Planning, Policy and Performance Prescribed General Committee for its consideration and recommendation to Council.

RECOMMENDATION(S)

That the Corporate Planning, Policy and Performance Prescribed General Committee recommends to Council that:

1. The revised *Council Policy - Expiation Notice Decision Review* be approved.
2. The Chief Executive Officer be authorised to make amendments of a formatting and/or minor technical nature to ensure the currency of the *Council Policy - Expiation Notice Decision Review*.

Introduction

Council's *Council Policy - Expiation Notice Review* (Policy) has been reviewed and is attached for consideration by the Corporate Planning, Policy and Performance Prescribed General Committee (the Committee).

Discussion

The review has resulted in significant changes being made, so both the current and draft policies are attached for ease of reference (**Attachments 1 and 2 respectively**). Track changes are not shown because of the magnitude of the changes made.

A substantial change is necessary to the process of expiation notice review because of the large number of requests now being received and the resourcing impact this is having. Council is now faced with the prospect of almost 3,500 review requests each year and many involve people writing in multiple times, refusing to accept a "no" decision. It is much easier with e-mail to keep challenging a decision and in one recent case a person came back to us on seven occasions.

Administrative staff in Compliance are finding it difficult to keep up with the workload. There are few short cuts, given the need for due process in dealing with review requests.

Key changes proposed are as follows:

- Only one expiation review request will be considered and Council's determination will be final. Further review by Council will not be possible.
- The decision to review an expiation decision under the Expiation Offences Act and Section 270 of the *Local Government Act 1999* will be combined into one process. Two Council reviews will not be available.
- Parking and related review requests will not be considered unless a review form is completed for each expiation for which review is requested (refer **attachment 3**). Requests for review received without the required form will be returned to the applicant for this requirement to be addressed. This will include expiation review requests from Members of Parliament.

In the interests of transparency and accountability, Elected Members of Council cannot become involved in the review of expiation notice decisions (refer to clause 5.1.1).

As a result of incorporating the section 270 review provisions discussed below, the title of this policy has been amended from Expiation Notice Review Policy to the Expiation Notice Decision Review Policy. Minor amendments have also been made to the template.

An upsurge in Section 270 review requests appeared inevitable if review under this section remained available as a second review after a review under the *Expiation Offences Act 1996* had taken place. The option to combine the two processes was considered by Norman Waterhouse, given an obvious need to ensure Council was on a solid legal footing with this aspect, and the following advice was provided:

In relation to the internal complaint handling process, I consider that the Council can properly combine its review process under the Expiation Offences Act (EO Act) with its Section 270 of the Local Government Act 1999 internal review process. There is nothing improper about this and, in fact, it is strongly arguable that any application for review of a decision to issue an expiation notice should be treated as a Section 270 review as a matter of course. Importantly however, the legislative scope available to the Council to review and then withdraw an expiation notice is narrowed by the statutory grounds provided for in the EO Act. The Council can only withdraw an expiation notice in accordance with the statutory grounds expressly provided for in Sections 8A and 16 of the EO Act. These include, that the offence was trifling, that the alleged offender did not commit the offence, the expiation notice should not have been given with respect to the offence, the notice is defective, or that the Council has determined to prosecute the offender for the alleged offence. Unless the express grounds provided for in the EO Act are satisfied, the Council has no statutory capacity to withdraw an expiation notice.

Advice was also provided more broadly on the draft policy as follows:

*In finalising this document it is important for your elected members to note that the Expiation Offences Act (EO Act) establishes a 'complete code' governing the expiation of minor offences (see *Riessen v The State of South Australia* (2001) 79 SASR 82). Where an expiation fee is provided for an offence against an Act, Regulation, Rule or By-law, the Council is entitled to make a choice whether to prosecute the alleged offender, or issue an expiation notice in lieu of taking prosecution proceedings, in the first instance.*

*The decision of the Supreme Court in *Riessen* establishes that an expiation notice issued by a council under the EO Act provides an alleged offender with the opportunity to make a voluntary payment (or compromise), the effect of which is that upon payment of the fee, it becomes impossible for the Council (or any other authority) to then prosecute the alleged offender for that offence (or any other expiable offence arising out of the same incident).*

Upon payment of the expiation fee, the statutory bargain provided under the EO Act is complete. The effect of an expiation notice therefore, is to provide the alleged offender with the opportunity to deal with an alleged offence without having to be summonsed to Court, where they risk a fine and conviction. The key to the EO Act rests in the choices available to an alleged offender. An alleged offender does not have to pay an expiation fee in relation to an alleged offence and always retains the choice to elect to be prosecuted for the offence(s) to which the notice relates.

It is not unreasonable to expect the policy position proposed to attract the greater involvement of the Office of the Ombudsman in expiation review matters.

Conclusion

The *Council Policy - Expiation Notice Review* has been reviewed and is presented to the Corporate Planning, Policy and Performance Prescribed General Committee for its consideration and recommendation to Council.

ATTACHMENT 1

City of West Torrens Policy - Expiation Notice Review Policy



Council Policy: Expiation Notice Review Policy

Classification:	Council Policy
First Issued:	17/04/2001
Dates of Review:	01/08/2009, 01/05/2012
Version Number:	3
DW Doc set ID:	306033
Applicable Legislation:	<ul style="list-style-type: none"> - Expiation of Offences Act 1996 - Development Act 1993 - Dog and Cat Management Act 1995 - Environment Protection Act 1993 - Fire and Emergency Services Act 2005 - Public and Environmental Health Act 2005 - Food Act 2001 - Local Government Act 1999 - Supported Residential Facilities Act 1992 - Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 1999 - Youth Court Act 1993
Related Policies or Corporate Documents:	<ul style="list-style-type: none"> - Parking Exemptions Policy - Internal Review of Council Decisions Policy - Bylaw 1 – Permits and Penalties
Associated Forms:	
Note:	Formerly Policy A.20-1 - Waive of Infringement (Expiation of Offence) Notice Policy
Responsible Manager:	Manager Regulatory Services Manager City Assets
Confirmed by General Manager:	General Manager Urban Services Date
	General Manager Corporate and Regulatory Date
Endorsed by Council:	Date 1 May 2012

City of West Torrens Policy - Expiation Notice Review Policy

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Current

City of West Torrens Policy - Expiation Notice Review Policy

COUNCIL POLICY - Expiation Notice Review Policy

1. Preamble

- 1.1 This policy aims to provide an informal avenue of appeal for a Council-issued Expiation Notice.
- 1.2 This policy outlines a person's right to seek a review of the decision made in context of the circumstances surrounding the issue of a Notice.
- 1.3 This policy is to ensure that all appeals to waive a Council-issued Expiation Notice are dealt with consistently, equitably, fairly, and impartially. In all situations, the principles of natural justice will be upheld.

2. Scope

- 2.1 The policy clarifies the responsible officer for the management of an application for review of an Expiation Notice.
- 2.2 This policy outlines the appropriate matters to be considered in a review of an Expiation Notice.
- 2.3 This policy applies to an application for review of an expiation notice from any member of the public.

3. Legislation

- 3.1 Expiation notices may be issued by authorised Council officers under the provisions of the *Expiation of Offences Act 1996* for alleged offences under the:
 - *Local Government Act 1999*
 - *Development Act 1993*
 - *Dog and Cat Management Act 1995*
 - *Environment Protection Act 1993*
 - *Fire and Emergency Services Act 2005*
 - *Public and Environmental Health Act 2005*
 - *Food Act 2001*
 - *Supported Residential Facilities Act 1992*
 - *Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 1999*
 - Council By-laws.
- 3.2 The *Expiation of Offences Act 1996* details the procedure to be followed after an Expiation Notice is issued.

4. Definitions

4.1 Expiation/Infringement Notice

A ticket issued for an alleged offence against one of the Acts listed above. An offence and the prescribed fee for not complying with the requirements of these Acts can only be issued by a Council Officer who has been provided the relevant authority to do so under that Act.

City of West Torrens Policy - Expiation Notice Review Policy

4.2 Registrar

Registrar takes the meaning defined in the *Magistrates Court Act 1991* or the *Youth Couth Act 1993* (where the person issued an expiation is less than 18 years of age).

4.3 Trifling

An offence will be regarded as trifling for the purposes of an expiation notice issued under the Expiation of Offences Act 1996 if, and only if, the circumstances surrounding the commission of an offence were such that the alleged offender ought to be excused from being given an expiation notice on the ground that:

- There were compelling humanitarian or safety reasons for the conduct that allegedly constituted the offence; or
- The alleged offender could not, in all the circumstances, reasonably have averted committing the offence; or
- The conduct allegedly constituting the offence was merely a technical, trivial or petty instance of a breach of the relevant enactment.

5. **Policy Statement**

5.1 Responsibilities and Authority

5.1.1 In the interests of transparency and accountability, neither Elected Members nor Independent members of a Section 41 Committee will become involved in the review of an Expiation Notice or hear deputations regarding Expiation Notices.

5.1.2 An application for review will be the responsibility of the relevant Manager or Team Leader.

5.1.3 Only those officers with the relevant authority will be able to withdraw or waive an expiation notice.

5.1.4 Any subsequent appeal of that decision will be assessed by the General Manager of that area.

5.2 Review Process

5.2.1 If a person believes an Expiation Notice was issued without relevant or adequate evaluation of the circumstances surrounding the alleged offence, a written application for review of the Expiation Notice must be submitted to Council.

5.2.2 The applicant will provide all written or pictorial evidence which may be useful in the review of the Expiation Notice. A Statutory Declaration will be required to accompany this information in most circumstances.

5.2.3 A review will be conducted as promptly as possible involving the following:

- Receipt of a written request for review of Expiation Notice.
- The relevant Manager will write to the person advising that the clock has stopped in relation to the fine and any late fees until such time as the review is completed.
- The relevant Manager will examine Council records which relate to the issue of the Expiation Notice.

City of West Torrens Policy - Expiation Notice Review Policy

- The Officer who issued the Notice will also be contacted and asked to provide an account (if possible) of any events or the circumstances surrounding the alleged offence.
- The relevant Manager will make a determination based on this evidence as to the removal, waiving or reinstatement of the Expiation Notice.
- The relevant Manager must advise the applicant in writing of the results of the review and the subsequent decision.

5.2.4 If at any time the Administration discovers a processing or procedural error, a review will be instigated. If a systematic error is detected, a hold on the issuing and processing of all Expiation Notices of that class (e.g. parking) will be implemented until the process is adequately reviewed to ensure that no further fees are incurred or enforcement action is taken.

5.2.5 A person issued with an Expiation Notice may elect to be prosecuted at any time pursuant to Section 8 of the *Expiation of Offences Act 1996*. An Expiation Notice will be taken to have been withdrawn where this occurs.

5.3 Circumstances for Review

5.3.1 Each application for review will be assessed on its own merits and considered on an individual basis.

5.3.2 An approved Council Officer may consider waiving an Expiation Notice in the following circumstances:

- If a reviewing officer is satisfied that the offence is trifling.
- If the reviewing officer is of the opinion that the alleged offender did not commit the offence(s), or that the Notice should not have been given with respect to the offence(s).
- A processing error, including an oversight of the facts or a procedural error has occurred and the Notice is rendered defective.
- It is decided that the alleged offender should be prosecuted for the offence(s).

5.3.3 A person's inattention to their circumstances or ignorance of the law will not be considered sufficient reason to waive an Expiation Notice.

5.3.4 A declaration of financial hardship is not sufficient grounds for the expiation to be waived by Council. However, in these circumstances, the applicant can be referred to the Fines Payment Unit of the Courts Administration Authority or a Registrar to apply for a payment plan.

5.4 Completion of Review

5.4.1 If the result of a review is that the expiation should stand, the applicant will be required to pay the prescribed fee, and any late fees, in accordance with the procedures outlined in the *Expiation of Offences Act 1996*. If that fee is not met, Council may then refer the matter onto the Courts.

City of West Torrens Policy - Expiation Notice Review Policy

- 5.4.2 Council will not intervene once a referral to the Courts has occurred as technically the matter is no longer under Council's control. However, should an error be detected, the relevant Manager or General Manager will contact the Courts and arrange to have the matter withdrawn.
- 5.4.3 If the applicant feels that due process has not been followed by the Council, they have an opportunity to lodge a complaint as prescribed under Section 270 of the *Local Government Act 1999* (see [*Internal Review of Council Decisions Policy*](#)).

5.5 Courts Review

- 5.5.1 Council cannot withdraw an Expiation Notice when a Certificate of Enforcement has been issued by a Court.
- 5.5.2 A person liable under an Enforcement Order may apply to the relevant Court for a review of the Order within 30 days of being given notice of the Order.
- 5.5.3 A person issued with an Expiation Notice may elect to have the matter referred to the Courts at any time.

ATTACHMENT 2

City of West Torrens Policy - Expiation Notice Decision Review Policy



Council Policy: Expiation Notice Decision Review Policy

Classification:	Council Policy				
First Issued:	17/04/2001				
Dates of Appeal:	01/08/2009, 01/05/2012, xx/03/2016				
Version Number:	4				
DW Doc set ID:	306033				
Applicable Legislation:	<ul style="list-style-type: none"> - Expiation of Offences Act 1996 - Development Act 1993 - Dog and Cat Management Act 1995 - Environment Protection Act 1993 - Fire and Emergency Services Act 2005 - South Australian Public Health Act 2011 - Food Act 2001 - Local Government Act 1999 - Supported Residential Facilities Act 1992 - Road Traffic Act 1961 - Private Parking Areas Act 1986 - Road Traffic (Miscellaneous) Regulations 2014 - Youth Court Act 1993 - Australian Road Rules 				
Related Policies or Corporate Documents:	<ul style="list-style-type: none"> - Parking Permits and Exemptions Policy - Correspondence Administration Policy - Internal Review of Council Decisions Policy - By-laws No. 1 to 5 				
Associated Forms:	Review of a Council Decision (to Expiate) Form				
Note:	Formerly Policy A.20-1 - Waive of Infringement (Expiation of Offence) Notice Policy				
Responsible Managers:	Manager Regulatory Services Manager City Development Manager City Assets				
Confirmed by General Manager:	<table> <tr> <td>General Manager Urban Services</td><td>Date</td></tr> <tr> <td>General Manager Corporate and Regulatory</td><td>Date</td></tr> </table>	General Manager Urban Services	Date	General Manager Corporate and Regulatory	Date
General Manager Urban Services	Date				
General Manager Corporate and Regulatory	Date				
Endorsed by Council:	Date xx/03/2016				

City of West Torrens Policy - Expiation Notice Decision Review Policy

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Draft

City of West Torrens Policy - Expiation Notice Decision Review Policy

COUNCIL POLICY - Expiation Notice Decision Review Policy

1. Preamble

- 1.1 This policy provides an avenue for the review of a decision to issue an expiation notice pursuant to provisions of the *Expiation Offences Act 1996* and the requirements of Section 270 of the *Local Government Act 1999*.
- 1.2 This policy acknowledges the right of a person who has been issued with an expiation notice by the Council to request a review of that decision.
- 1.3 This policy is to ensure that all review requests are dealt with consistently, equitably, fairly, and impartially. In all situations, the principles of natural justice will be applied.

2. Scope

- 2.1 The policy clarifies the responsible officer for the management of an application for review against a Council issued expiation notice.
- 2.2 This policy outlines the appropriate matters to be considered in the process of review against a Council issued expiation notice.
- 2.3 This policy is relevant to all expiation notices issued by Authorised Officers on behalf of the Council.
- 2.4 The review mechanism set out in this policy provides a cost effective, just and flexible alternative for both Council and those persons issued with a notice by allowing the matter to be considered and resolved before it is escalated to the courts.

3. Legislation

- 3.1 Expiation notices may be issued by authorised Council officers under the provisions of the *Expiation of Offences Act 1996* for alleged offences under the:
 - *Local Government Act 1999*
 - *Development Act 1993*
 - *Dog and Cat Management Act 1995*
 - *Environment Protection Act 1993*
 - *Fire and Emergency Services Act 2005*
 - *South Australian Public Health Act 2011*
 - *Food Act 2001*
 - *Supported Residential Facilities Act 1992*
 - *Road Traffic (Miscellaneous) Regulations 2014*
 - *Private Parking Areas Act 1986*
 - *Australian Road Rules*
 - Council's By-laws
- 3.2 The *Expiation of Offences Act 1996* provides details on the procedure to be followed after an expiation notice is issued.

City of West Torrens Policy - Expiation Notice Decision Review Policy

4. Definitions

4.1 Expiation Notice

Expiation notice refers to a ticket issued for an alleged offence against one of the Acts listed above. An expiation notice provides the alleged offender with the opportunity to deal with an alleged offence by payment of a fee set by legislation to Council, without having to be summonsed to Court, where they risk a fine and conviction. An expiation notice alleging non-compliance with an Act may only be issued by an Authorised Officer who has been provided the relevant authority to do so under either the *Expiation of Offences Act 1996* or the relevant Act.

4.2 Responsible Officer

Responsible Officer refers to:

- In respect of the Regulatory Services Department, a team leader, manager or general manager; or
- In respect of the City Assets and City Development Departments, a manager or general manager.

4.3 Trifling

An offence will be regarded as trifling for the purposes of an expiation notice issued under the *Expiation of Offences Act 1996* if, and only if, the circumstances surrounding the commission of an offence were such that the alleged offender ought to be excused from being given an expiation notice on the ground that:

- There were compelling humanitarian or safety reasons for the conduct that allegedly constituted the offence; or
- The alleged offender could not, in all the circumstances, reasonably have averted committing the offence; or
- The conduct allegedly constituting the offence was merely a technical, trivial or petty instance of a breach of the relevant enactment.

5. Policy Statement

5.1 Responsibilities and Authority

- 5.1.1 In the interests of transparency and accountability, neither Elected Members nor independent members of a Section 41 Committee will become involved in the consideration of review against the decision to issue an expiation notice or hear deputations regarding expiation notices.
- 5.1.2 A request to review an expiation decision is considered to be a request under Section 270 of the *Local Government Act 1999*.
- 5.1.3 Only those officers with the relevant authority will be able to withdraw or waive an expiation notice.
- 5.1.4 Unless the CEO directs otherwise, reviewing and responding to expiation complaints and requests from Members of Parliament will be the responsibility of the CEO, consistent with the requirements of Council's *Correspondence Administration Policy*.

City of West Torrens Policy - Expiation Notice Decision Review Policy

- 5.1.5 An application for review will otherwise be the responsibility of a Responsible Officer.
- 5.1.6 A Responsible Officer may refuse to consider an application for review if it appears that the application is frivolous or vexatious.
- 5.1.7 Records will be maintained to meet reporting obligations under Section 270(8) of the *Local Government Act 1999*.
- 5.1.8 No fees will be charged for the application for review.

5.2 Review Process

- 5.2.1 If a person believes an expiation notice should not have been issued, or was issued without relevant or adequate evaluation of the circumstances surrounding the alleged offence, a written application for review of the decision to issue an expiation notice must be submitted to Council on the appropriate form. A person may seek to have the expiation notice withdrawn or set aside on the basis that:

- they did not commit the offence the subject of the notice;
- an expiation notice should not have been given with respect to the offence;
- they were not (in the case of motor vehicle related offences) the owner or driver of the vehicle at the time of the alleged offence;
- the expiation notice is defective; or
- the alleged offence to which the notice relates is trifling.

- 5.2.2 The applicant will be asked to provide all written or pictorial evidence which may be useful in support of their review application. In certain circumstances, a statutory declaration may be required to accompany the review request.

NB: If a person seeks review of the expiation notice on the grounds that the offence to which the notice relates is trifling, Council may *require* the application, or information supporting the application, to be verified on statutory declaration. Council may also *require* the applicant to provide further information to assist it in undertaking the review.

In the case of motor vehicle related offences, a person who was not the driver or owner of a vehicle at the time the notice was issued is invited to submit a statutory declaration nominating the new owner or the driver (as the case may be).

- 5.2.3 The following review process will be conducted as promptly as possible and be finalised within six weeks from the date of the receipt of the application:
 - For parking and related expiations, a written request will only be submitted on the *Review of a Council Decision (To Expiate - Parking and Stopping Offences) Form*. Requests will not be considered without a form being completed, and a separate form is required for each expiation for which review is requested.
 - For all other expiations, review requests must be submitted in writing which may be in letter or email form.

- A review request must be submitted by the expiated person or organisation, or a person acting with the consent of the expiated party. Consent so provided must be evidenced in writing and accompany the review request.
 - The Responsible Officer will 'stop the clock' in relation to the fee and any reminder fees until such time as the review request is completed. If the notice is to stand, extra time will be allowed to pay the expiation fee, any other prescribed fee (being a reminder or enforcement warning notice fee) and/or associated levies.
 - The Responsible Officer will examine Council records which relate to the issue of the expiation notice and may contact the officer who issued the notice to request an account (if possible) of any events or the circumstances surrounding the alleged offence.
 - The Responsible Officer will make a determination based on this evidence as to the removal, waiving or reinstatement of the expiation notice.
 - The Responsible Officer must advise the applicant in writing of the results of the review and the subsequent decision.
 - Only one review will be considered with Council's determination final. The applicant will be advised that if they are unhappy with the outcome of the review, they may elect to be prosecuted in accordance with clause 5.2.5.
- 5.2.4 If at any time the Administration discovers a processing or procedural error, a review will be instigated. If a systematic error is detected, a hold on the issuing and processing of all expiation notices of that class (e.g. parking) will be implemented until the process is adequately reviewed to ensure that no further fees are incurred or enforcement action is taken.
- 5.2.5 The recipient of an expiation notice may elect to be prosecuted under Section 8 of the *Expiation of Offences Act 1996*. If this election is made, a summons may be issued setting out when and where the person is required to attend court to answer the allegation.
- 5.2.6 Nothing in this policy prevents a person from making a complaint to the Ombudsman at any time under the *Ombudsman Act 1972*.

5.3 Circumstances for Review

- 5.3.1 Each application for review will be assessed on its own merits and considered on an individual basis.
- 5.3.2 An authorised Council officer may consider withdrawing an expiation notice in the following circumstances:
- If a reviewing officer is of the opinion that the alleged offender did not commit the offence(s), or that the notice should not have been given with respect to the offence(s);
 - A processing error, including an oversight of the facts or a procedural error has occurred and the notice is rendered defective;

City of West Torrens Policy - Expiation Notice Decision Review Policy

- The alleged offender was not (in the case of a motor vehicle related offence) the owner or driver of the vehicle at the time of the alleged offence and has provided Council with a statutory declaration nominating the new owner or driver (in such cases, the expiation notice will be reissued to the nominated owner/driver who will be advised of the receipt of the statutory declaration by Council);
- It is decided that the alleged offender should be prosecuted for the offence(s); or
- If a reviewing officer is satisfied that the offence is trifling.

5.3.3 A person's inattention to their circumstances, or ignorance of the law, will not be considered sufficient reason to withdraw an expiation notice.

5.3.4 A declaration of financial hardship is not sufficient grounds for the expiation to be waived by Council. However, in these circumstances, the applicant can apply to the Fines Enforcement and Recovery Unit of the Attorney General's Department to enter into a payment plan in respect of the notice.

5.3.5 With the exception of Council By-laws, expiation fees, together with any prescribed fee and associated levies are set by the State Parliament under legislation and/or the State Government under Regulation, and not by Council. Council is required to issue expiation notices containing the fees prescribed by State law, and cannot reduce the fee payable.

5.4 Completion of Review

5.4.1 If the result of a review is that the expiation should stand, the applicant will be required to either:

- Pay in full the prescribed fee and any associated levies, in accordance with the procedures outlined in the *Expiation of Offences Act 1996*;
- Enter into a payment plan with the Fines Enforcement and Recovery Unit; or
- Elect to be prosecuted, and have the matter determined by a court.

5.4.2 Failure by the alleged offender to take any action will result in the expiation notice being referred to the Fines Enforcement and Recovery Unit for enforcement.

6. Commencement

6.1 This policy will apply to any expiation for review of an expiation notice that is received by Council on or after 16 March 2016.

6.2 Completion of the form referred to in clause 5.2.3 will be optional up to and including 15 April 2016.

ATTACHMENT 3

REVIEW OF A COUNCIL DECISION (TO EXPIATE - PARKING AND STOPPING OFFENCES)



Civic Centre: 165 Sir Donald Bradman Drive, Hilton SA 5033 Office hours: Mon - Fri 8.30am - 5pm.
Phone: (08) 8416 6333 Email: csu@wtoc.sa.gov.au Web: westtorrens.sa.gov.au ABN: 16 346 877 634

CLAIMANT DETAILS *Indicates mandatory field (where fields are incomplete, appeal will not be accepted)	
*Expiation Number	*Date of offence
<input type="text"/>	<input type="text"/>
*Vehicle Registration	*Owner/driver
<input type="text"/>	<input type="text"/>
*Drivers Licence Number	*Date of birth
<input type="text"/>	<input type="text"/>
Title	*First name
*Surname/Family name	<input type="text"/>
*Mailing address	<input type="text"/>
<input type="text"/>	<input type="text"/>
*Suburb	*Postcode
<input type="text"/>	<input type="text"/>
*Daytime phone	*Mobile phone
<input type="text"/>	<input type="text"/>
Email	<input type="text"/>
<input type="text"/>	<input type="text"/>

PLEASE ANSWER THE FOLLOWING QUESTIONS

The Expiation of Offences Act 1996 (the Act), the Road Traffic Act (1961) and Australian Road Rules include provisions that allow an expiation notice to be withdrawn if certain circumstances exist, or the offence could be considered trifling as defined by the Act.

To assist in determining if this expiation notice is able to be withdrawn on appeal, **please tick YES or NO** to the following questions before completing the statement overleaf. **(tick ✓):** You will be asked to provide photographic evidence and/or supporting documentation to support your claim.

1. If you answer NO to all of the questions listed on this page it is unlikely that the Expiation Notice will be withdrawn upon your appeal.
2. It is important to note that offences against the Australian Road Rules regarding parking and stopping are not recorded against a driver's traffic record, and do not attract demerit points.
3. Section 15(4) of the Act provides that payment of an expiation notice does not constitute an admission of guilt or civil liability.

Were you directed to park or stop in the detected location by an Officer of South Australia Police? If yes, please provide documented evidence from South Australia Police.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Was there a medical emergency which resulted in the vehicle being parked or stopped in the detected location? If yes, please provide a copy of the documented evidence from the Ambulance Service or Registrar of the relevant Hospital Emergency Administration Department.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Was your vehicle parked in an illegal manner as a result of a mechanical failure or accident preventing you from moving to a legal park? If yes, please provide a copy of documented evidence of the breakdown or accident with your written statement. Your roadside assistance organisation or attending mechanic will be able to provide you with suitable documentation.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Does the Expiation Notice which you received contain incorrect information, such as incorrect date or location? If yes, please detail in your written statement. Please note that photographs may have been taken at the time of the offence and a new expiation notice may be issued with corrected information.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Were signs or road markings relevant to this offence totally obscured or not erected in accordance with Australian Standards or Australian Road Rules? If yes, please provide a written statement containing a diagram of the non-conforming sign or marking. Photographs will assist with your claim, and will be compared to photographs taken at the time of the offence.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Was your exemption or permit to park in a restricted zone, a valid original permit, in good order and visibly displayed in the bottom passenger's side corner of the vehicles windscreen so that the permit number and expiry date were clearly visible from the exterior of the vehicle? If yes, please provide a written statement & photographs to assist your claim, this will be compared to photos taken at the time of the offence.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Were there compelling humanitarian or safety reasons or other reasons for the conduct that resulted in the alleged offence occurring or was the offence trifling for some other reason? If yes, please provide documentary evidence and complete the statement overleaf. Section 4(2) of the Act provides a special meaning of trifling that applies to this review.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Had you sold the vehicle or was someone else driving the vehicle at the time of the offence? If yes, you will be asked to verify this information by statutory declaration and (if relevant) by providing documentary evidence of proof of sale.	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Payment in full can be made:

on line at www.westtorrens.sa.gov.au

 by phone (08) 8416 6333

Payment in installments:

The Fines Enforcement and Recovery Unit can be contacted on 1800 659 538 or at www.fines.sa.gov.au if you wish to apply to enter into a payment arrangement.

STATEMENT TO SUPPORT CLAIM

This image shows a single page of white paper with horizontal blue lines, resembling notebook paper. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

DECLARATION

Applicant's signature

Date _____

D	D	M	M	Y	Y	Y	Y
---	---	---	---	---	---	---	---

A Statutory Declaration may be requested by council to support the information above (refer to the Expiation Review Guidelines on our website: www.westtorrens.sa.gov.au). All supporting documentation must be provided with this submission.

TO LODGE THIS FORM

Please forward to City of West Torrens, csu@wtcc.sa.gov.au or 165 Sir Donald Bradman Drive, Hilton SA 5033.

Note: Reviews may take up to six (6) weeks to complete.

OFFICE USE ONLY

Document reference number

Date application received

D	D	M	M	Y	Y	Y	Y
---	---	---	---	---	---	---	---

7.15 Policing of Parking Restrictions

Brief

This report provides information on the impact of additional resources for parking enforcement.

RECOMMENDATION(S)

The Committee recommends to Council that:

1. Amounts of \$..... and \$..... be included in the 2015/16 and 2016/17 budgets respectively in support of Council's community grants program.
2. One new administrative FTE be provided in support of Compliance operations.
3. An adjustment be made in the March budget review for the additional administrative support that is recommended.

Introduction

Information on the impact of the additional resources for parking enforcement is provided in this report in response to a Council endorsed recommendation of the Corporate Planning, Policy and Performance General Committee (Committee).

Discussion

The following motion was carried by the Committee at its 14 July 2015 meeting and subsequently adopted by Council on 21 July 2015:

1. *A new full time position be created in Compliance in support of parking enforcement;*
2. *An adjustment of \$115,000 be made in the September 2015 budget review*
3. *A report be provided to Committee at the first meeting in 2016 on the impact of additional resources being provided.*
4. *Any unexpected increase in Compliance revenue, over and above operational costs, is made available to the community on an annual basis via an equivalent increase in Council's community grants program.*

The budget was adjusted to allow a full time officer to be appointed plus required equipment to enable support to be provided in parking enforcement.

Prior to the appointment of the additional resource, the city was covered by two parking officers, resources permitting, during normal business hours and the city was divided into two - north and south. The city has now been divided into three to enable set areas for the rostered parking officers to manage.

A total of 7,231 parking expiations were issued, with \$585,833 in fines, from 1 July 2015 until 31 January 2016 (an average of \$81 per expiation). By way of comparison, for the same period in the 2014/15 financial year, a total of 3,936 parking expiations were issued, with \$296,842 in fines received. The yearly totals for 2014/15 were 8,017 parking expiations and \$581,109 in fines (an average of \$72 per expiation).

The following parking expiation notices were issued during the period of 1 July to 31 January for 2014/15 and 2015/16:

Suburb	2015/16	2014/15	Suburb	2015/16	2014/15
Mile End	1,354	708	Kurralt Park	128	39
Thebarton	1,041	669	Underdale	115	14
Torrensville	841	258	Marleston	94	48
Ashford	718	670	Brooklyn Park	88	58
Keswick	656	744	North Plympton	58	24
Hilton	601	106	Fulham	46	17
Richmond	325	102	West Richmond	42	28
West Beach	215	3	Netley	33	6
Cowandilla	187	37	Glandore	29	19
Mile End South	168	146	Novar Gardens	20	12
Plympton	167	27	Keswick Terminal	17	6
Lockleys	151	155	Glenelg North	7	1
Camden Park	130	39	TOTAL	7,231	3,936

The expiation level involved the following coverage over the 12 months of 2014/15 and 7 months of 2015/16:

	1 Jul 14 to 30 Jun 15		1 Jul 15 to 30 Jan 16	
	Days	%	Days	%
No Coverage - Weekends & P/H	91	25.3	10	5.2
1 Officer - Weekends	20	5.6	36	18.8
No coverage - Weekdays	0	0.0	0	0.0
1 Officer - Weekdays	70	19.4	8	4.2
2 Officers - Weekdays	179	49.7	61	31.8
3 Officers - Weekdays	0	0.0	77	40.1
Total	360	100.0	192	100.0

Policing during the period on week days other than public holidays involved an average commitment of 2.3 officers which is an increase of the yearly coverage in 2014/15 of 1.7 officers. Weekend and public holiday policing improved over the past 7 months, with 36 of 62 days (or 58 per cent of the days) covered. This compares with a coverage in 2014/15 of just 18 per cent.

These activity levels suggest a parking income level for the whole of 2015/16 approximating \$1,000,000, up \$418,891 or 72 per cent on income in 2014/15 (actual income being \$581,109). This increase is attributable to a number of factors:

1. The appointment of an additional parking inspector;
2. Changes made to weekend and public holiday coverage, which is supported by overtime;
3. A broadening of the span of hours of parking inspectors on weekdays;
4. The introduction of new technology for field staff;
5. The installation of new parking controls in the Thebarton / Mile End / Torrensville areas.

A level of \$1,000,000 per year in parking income may not be sustainable long term. West Torrens' residents and businesses are becoming aware that Council is not on parking enforcement currently and behaviours are changing, with visitors rather than locals making up the bulk of those now being expiated.

The impact of the new parking inspector position is difficult to assess because of these factors. However, the following estimate is provided for 2015/16:

	\$
One-third of total income	333,333
Less Additional Costs	
- Parking inspector	85,000
- Administrative support	85,000
- Vehicle & sundry costs	30,000
	<u>200,000</u>
Net additional income	<u>133,333</u>

The administrative support above has not yet been provided but will be needed to sustain current activity levels. In the report presented to the committee at its meeting on 14 July 2015, it was highlighted that "*additional clerical support is not proposed at this stage, but the situation will need to be monitored*".

An assessment of the impact on clerical resources has indicated an increase of over one hundred requests per month for parking infringements to be reviewed. Dealing with this additional workload has identified that additional clerical support needs to be provided.

The following requests for review were received during 2014/15 and in the first seven months of 2015/16:

Month	2014/15	2015/16
July	151	280
August	123	267
September	135	325
October	142	294
November	164	270
December	179	287
January	173	278
February	191	
March	185	
April	163	
May	194	
June	257	
Total	2,057	2,001

Activity levels in 2015/16 indicate an annual increase of approximately 1,400 or 70 per cent, to around 3,500. Current administrative staff are not coping with this increase and overtime is being worked at night and on weekends. Other activities which are undertaken in the Compliance administration are also being impacted adversely.

Conclusion

Information on the impact of the additional resource is provided in this report in response to a Council resolution.

8. OUTSTANDING REPORTS/ACTIONS

9. OTHER BUSINESS

9.1 Free Visitor Vouchers for Parking

Cr O'Rielley has indicated her intention to move the following motion:

That the Administration be authorised to provide up to eight booklets of twelve free visitor vouchers per calendar year to residents of Burt Avenue and Mallen Street Hilton for visitors to be exempt from parking time restrictions in these streets, subject to the following conditions:

1. The entitlement of eight booklets will be limited to one resident per household; and
2. New residents after 1 January 2016 will not have an entitlement.

Comment:

The following background information on Burt Avenue and Mallen Street Hilton is provided on this motion:

- 2 hour parking 9 to 5 Mon to Fri was introduced in 2007.
- No parking 5pm to midnight Fri to Sun (resident permit excepted) was introduced in 2009 in addition to the above.
- The practice of providing free visitor vouchers in booklets of 50 to Burt / Mallen residents commenced at around the time these parking controls were introduced. It was not then intended that this be an ongoing practice.
- The provision of free visitor vouchers has never been a policy entitlement.
- Council's parking permits policy was the subject of a major overhaul and a revised policy came into effect in 2010. This was when visitor vouchers were first introduced in policy.
- Visitor vouchers have never been free. Council policy has always stated clearly that a fee will be paid.
- The provision of free vouchers to Burt / Mallen residents continued until recently, but it should have ended years ago, particularly when the policy was overhauled in 2010 and a fee needed to be paid.
- There are no records of vouchers provided to Burt / Mallen residents.
- The Administration cannot operate contrary to Council policy. That it did for quite a few years (unknowingly) is unfortunate and makes dealing with this matter difficult.
- The Administration cannot continue providing free vouchers without Council support, hence the motion.
- There are other parking hot spots in the Council area that could attract calls for free vouchers to be provided if this motion is carried. Resisting these calls could be difficult.
- Allowing vouchers more broadly across the Council area will compromise the current parking permits policy.

10. NEXT MEETING

10 May 2016, 6.30pm in the Mayor's Reception Room.

11. MEETING CLOSE

CITY OF WEST TORRENS



Attachment Under Separate Cover

**Corporate Planning, Policy and Performance Prescribed
Committee**

8 March 2016

Item 7.2 - Underdale and Torrensville Industrial and Residential
Interface Policy Development



City of West Torrens
2015-0285
11 NOVEMBER 2015



UNDERDALE AND TORRENSVILLE RESIDENTIAL/INDUSTRIAL INTERFACE DPA INVESTIGATIONS

Underdale and Torrensville Residential/Industrial Interface DPA Investigations

11 November 2015

Lead consultant	URPS
In association with	SGS Economics and Planning
Prepared for	City of West Torrens
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Document history and status

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2	06/11/15	GM	06/11/15	Report updated following feedback from Council.
3	09/11/15	GM	09/11/15	Updated maps
4	10/11/15	MA	10/11/15	Updated report following feedback from Council.
5	11/11/15	GM	11/11/15	Updated Map

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1.0 Introduction

1.1 Why has this study been initiated?

The City of West Torrens initiated the Underdale and Torrensville Residential/Industrial Interface DPA Investigations project to deepen its knowledge about the residential/industrial interface in Underdale and Torrensville.

This project builds upon the City of West Torrens Residential and Industry Land Use Interface Study (prepared by Connor Holmes in 2013) and the subsequent Statement of Intent (SOI) for the Council's proposed Underdale and Torrensville Residential/Industry Interface Development Plan Amendment (DPA).

In particular, this study provides the additional investigations requested by the Minister for Planning in response to Council's SOI in order to refine the scope of the DPA. The additional investigations requested by the Minister on 10 April 2015 include:

- Analysis of the employment generation provided by the nominated portion of the industry zone, and how this sits with employment lands across the Council area
- Consultation with current land owners and occupiers within the subject area to understand the current operations (such as hours of operation and noise impacts), siting and locational requirements (EPA buffers and licence conditions), and future plans
- The preparation of a Master Plan that considers the above investigations and identifies spatially suitable sites for medium density housing and other uses
- Identification of possible locations where the River Torrens Linear Park could be expanded within the Master Plan
- Consideration of the potential use of the Urban Employment Zone module from the South Australian Planning Policy Library.

Within the context of these investigations, the project team was seeking to identify opportunities and justification to support residential and/or mixed use (including residential) development in the study area.

1.2 What is the role of this report?

Planning authorities, both Councils and the State Government seek to strike the right balance between the concepts of:

- Promoting mixed use localities (residential, retail and offices) that facilitate more vibrant areas and employment opportunities; and
- Minimising land use conflicts to avoid complaints, loss of productivity/jobs and general deterioration in wellbeing.

While contemplating the above two concepts, a planning authority can take a long term public policy position that places more weight on one concept than the other. However, these decisions need to be



taken with the understanding of likely short to medium term risks that could frustrate the delivery of the final goal.

This paper contains investigations to assist decision making of this nature. In particular, the report summarises the additional investigations undertaken by consultants URPS and SGS Economics and Planning with respect to the residential/industrial interface in Underdale and Torrensville.

This report has been prepared as a working document, with the analysis and directions subject to further engagement with the City of West Torrens, state government agencies, and if required, the affected community.

1.3 How has this report been prepared?

This report summarises the outcomes of the following investigations:

- Review of the strategic context, previous studies and EPA licences relevant to the study area
- GIS analysis of land use, land use change, capital values, land sizes and vacant land in the study area
- Economic analysis of employment generation provided by the study area, and how this sits with employment lands across the Council area
- Engagement with some industrial property owners and occupiers in the form of a survey and face-to-face interviews
- Engagement with some residential property owners and occupiers in the form of a survey
- Site inspections
- Analysis of the key issues arising from the investigations.

1.4 Scope and limitations of this study

This study does not seek to provide the entire investigations to support the City of West Torrens Underdale and Torrensville Residential/Industry Interface Development Plan Amendment.

Within the scope and time requirements of the Council brief, this study provides additional and supporting investigations, primarily in the form of landowner engagement and economic analysis. The recommendations contained in this report are made primarily on the basis of these new investigations.



2.0 Background

2.1 30 Year Plan for Greater Adelaide

The 30 Year Plan for Greater Adelaide, the relevant volume of the South Australian planning strategy contains a range of targets and policies relevant to this study. At a broad level, the 30 Year Plan seeks to increase the amount of new development occurring within the existing urban area and identifies key sites and corridors suited for higher density mixed use development. The plan also contains the following targets for the Western Adelaide region:

- 42,560 net additional dwellings
- 83,000 net additional population
- 40,500 net additional jobs
- 4,650ha of infill up-zoning.

The plan contains broad policies that speak to residential/industrial interface issues and the need to protect employment lands for commercial and industrial uses, and prevent encroachment that will undermine the capacity to create well-located jobs. There are also policies that seek to increase housing opportunities in well located locations near public transport, services and open space.

Within the directions for Western Adelaide, the subject area is not identified as a key growth corridor and is mapped as 'existing key industry area'.

2.2 City of West Torrens Strategic Directions Report 2015

Council published its most recent strategic directions report earlier this year and addressed residential/industrial interface issues, as follows:

Urban infill has also lead to a range of interface issues where residential land abuts industrial land uses, resulting in traffic, noise and odour issues. With limited opportunities for expansion and pressure from neighbouring communities to relocate away from homes and schools, there is a trend in local industry to move from 'dirty' heavy manufacturing towards 'cleaner' industries such as biotech facilities, logistics and distribution¹.

The Strategic Directions Report also notes the need to "implement innovative measures and regulatory controls to manage interface issues where residential land and less sensitive land uses such as industrial land, abut each other²". The report also calls for the "protection of key employment zones, which includes industrial precincts and activities".

The mapping in the report, however, does not identify the study area as industrial, which is consistent with Council's previous (2008) strategic directions report which identified the area for medium density residential uses. This matter is further explored in Chapter 7 of this report.

¹ Vision 2025 Strategic Directions Report, page 32.

² Ibid, page 39.



2.3 City of West Torrens Residential and Industry Interface Study

The City of West Torrens Residential and Industrial Land Use Interface Study, prepared by Connor Holmes in 2013, contains a comprehensive analysis of interface issues throughout the Council area. The study recommended policy options to minimise conflict between sensitive residential areas and established industrial areas. Key findings of that study which are relevant to the subject investigations include:

- Land Use interface conflict is an inherent feature of all urban environments and particularly apparent in historic, inner urban mixed use environments such as West Torrens
- The trend towards more integrated or 'mixed' land use zones where commercial activities and residential accommodation are co-located will introduce new and potentially more complex interface issues and expectations for Council to manage
- A combination of policy and non-policy initiatives should be employed to mitigate land use conflict
- A large proportion of the odour and noise complaints relate to specific industrial operations which signals that focused action to manage particular site identified interface issues may successfully resolve a large proportion of the complaints received
- Traffic issues pose a more complex challenge for Council
- Underdale was identified for possible re-zoning to an alternative land use such as residential and/or mixed use
- Public realm treatments including landscaping, public art and local traffic management solutions are important non-policy initiatives.

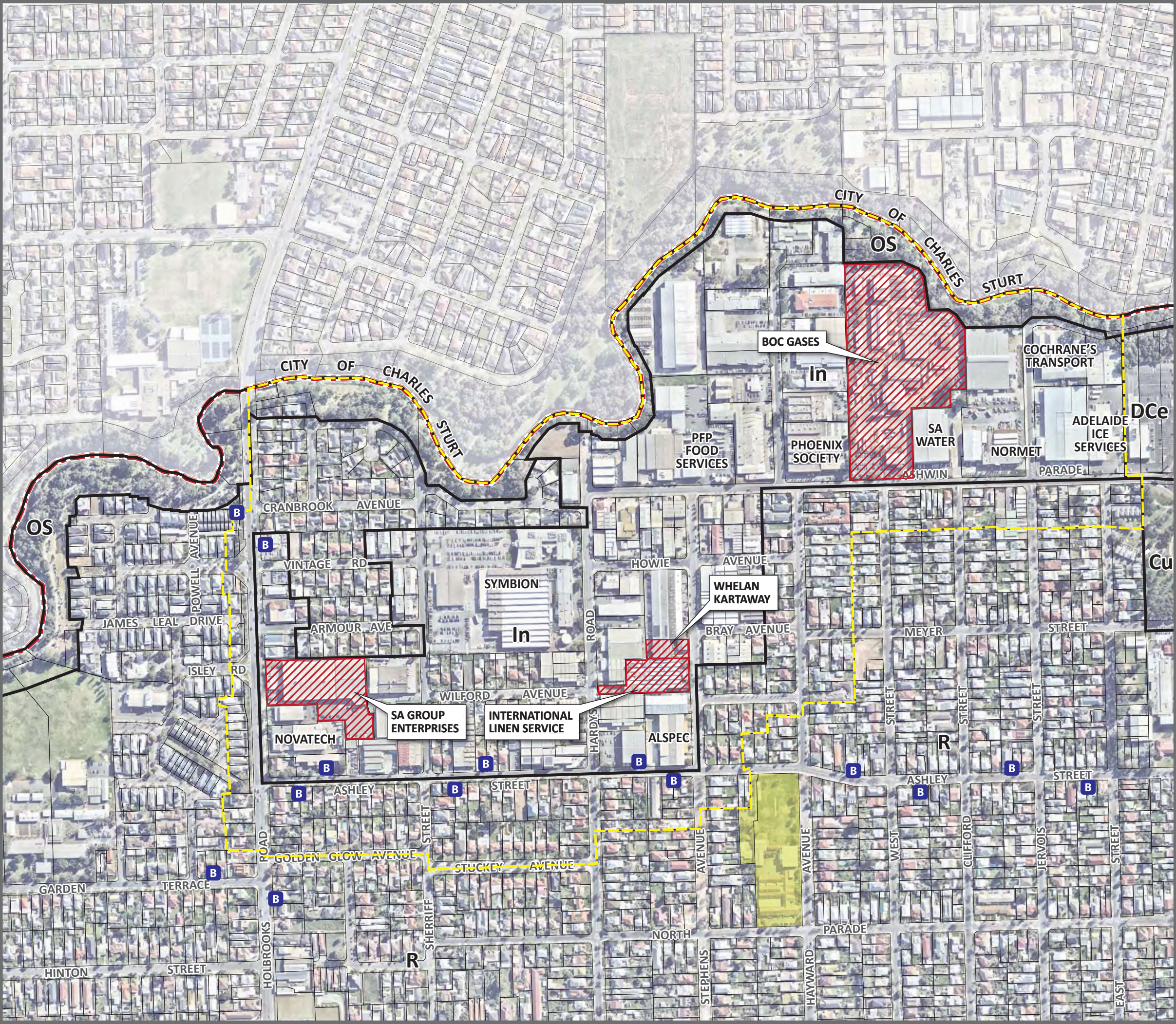


3.0 The Study Area

The study area, as shown in Figure 3-1, comprises the industry zone in Torrensville and Underdale, and the surrounding residential areas. Key features of the area are the River Torrens Linear Park, which marks the boundary, Holbrooks Road, Ashey Street, Hardys Road and Ashwin Parade. Just outside of the study area to the east is the recently constructed Brickworks Marketplace within the District Centre Zone.

Within the study area there are three EPA licenced activities:

- BOC Gases
- Whelan Kartaway
- SA Group Enterprises.



LEGEND

SUBJECT LOCALITY

CADASTRE

ZONE BOUNDARY

EPA LICENSES

BUS STOP

TORRENSVILLE PRIMARY SCHOOL

ZONES

Cu

COMMUNITY

DCe

DISTRICT CENTRE

In

INDUSTRY

OS

OPEN SPACE

R

RESIDENTIAL

LOCALITY PLAN

UNDERDALE & TORRENSVILLE

INDUSTRIAL INTERFACE INVESTIGATIONS

PROJECT	UNDERDALE & TORRENSVILLE INDUSTRIAL INTERFACE INVESTIGATIONS
JOB REF.	2015-0285
PREPARED BY.	ML
DATE.	14.10.2015
REVISION.	1
DATA SOURCE.	Nearmaps, 11-03-2015.

URPS

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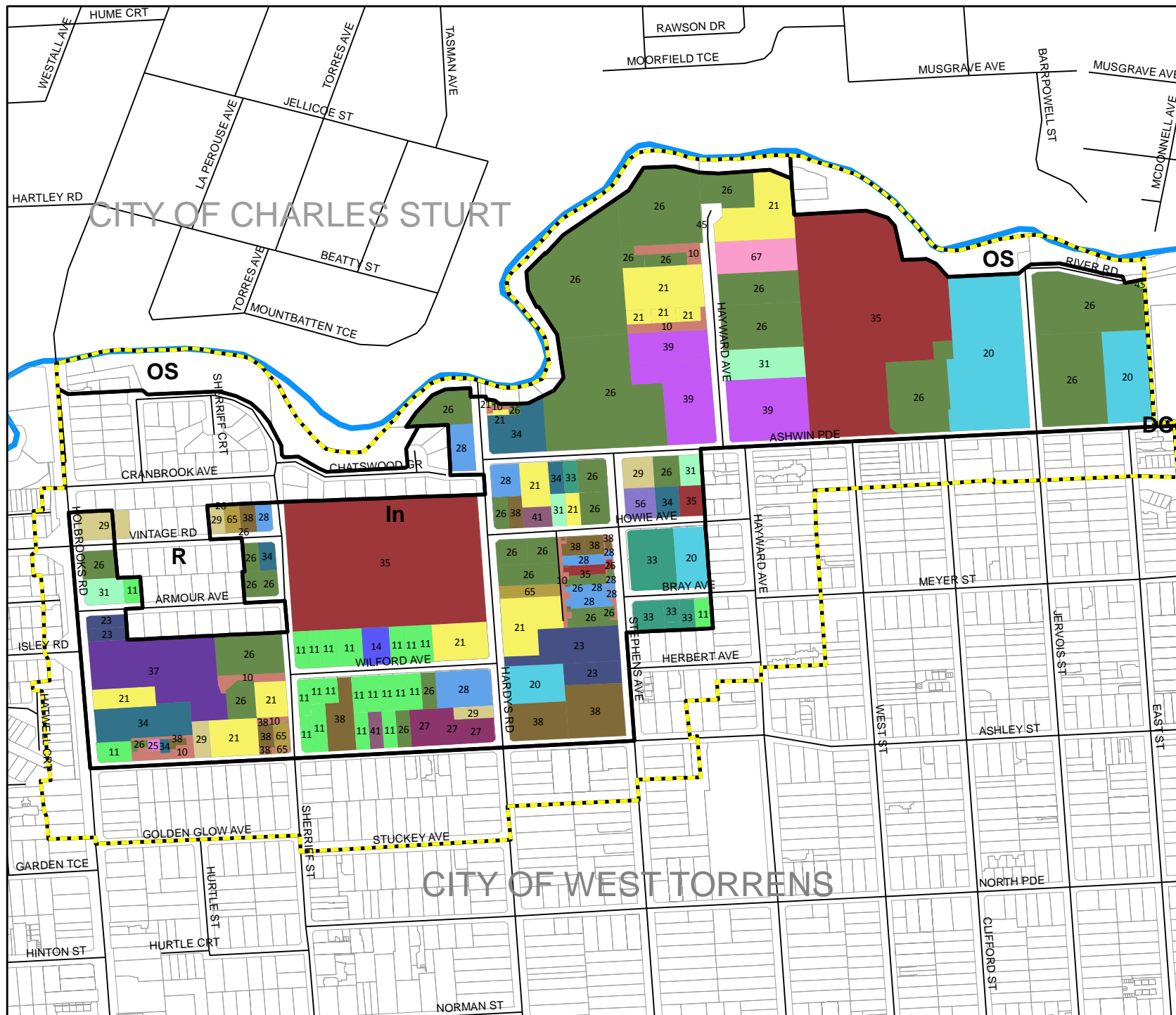
Figure 3-2 summarises land uses in the study area based upon the Valuer General's Detailed Landuse database and Figure 3-3 shows change in land use between 2001, 2006 and 2015.

Land sizes are shown in Figure 3-4. With the exception of the Symbion complex, the largest allotments are generally clustered in the area north of Ashwin Parade. The largest clustering of small allotments is along Wilford Avenue.

Figure 3-5 shows that there is very limited vacant land in the study area – two allotments.

Capital values vary considerably in the study area, as shown in Figure 3-6. There are four allotments with capital value in excess of \$4 Million. The largest cluster of allotments with a low capital value (<\$500,000) is along Wilford Avenue.

Additional commentary about the significance of the data shown in these maps is included in Section 7 of this report.

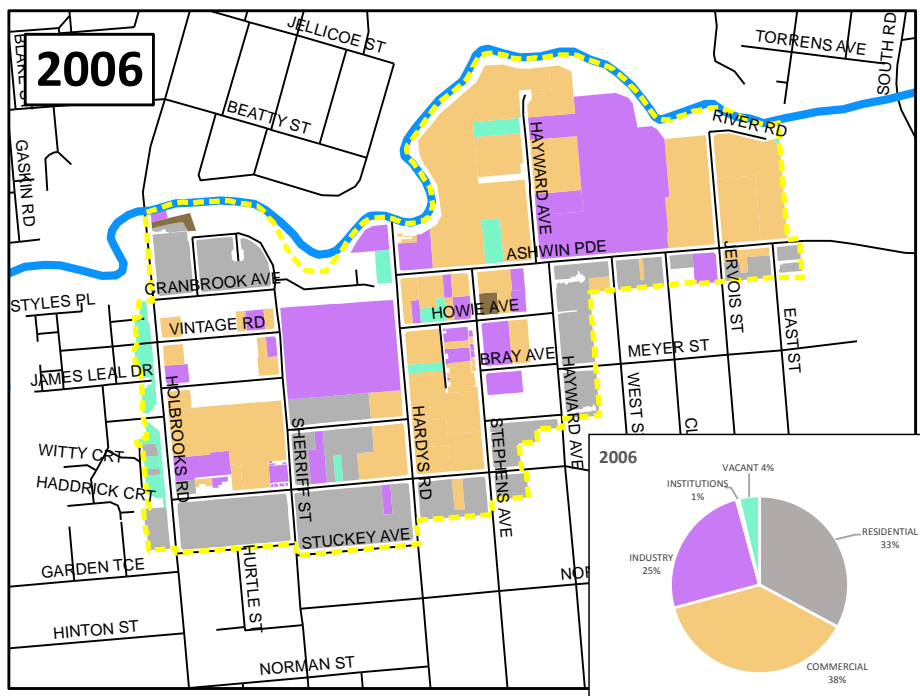
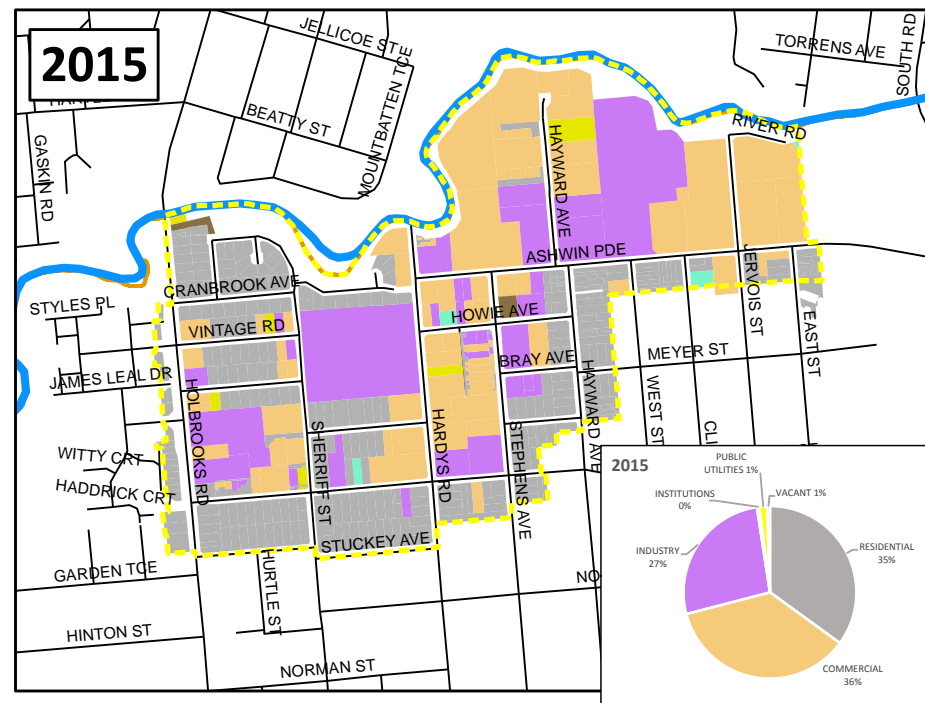
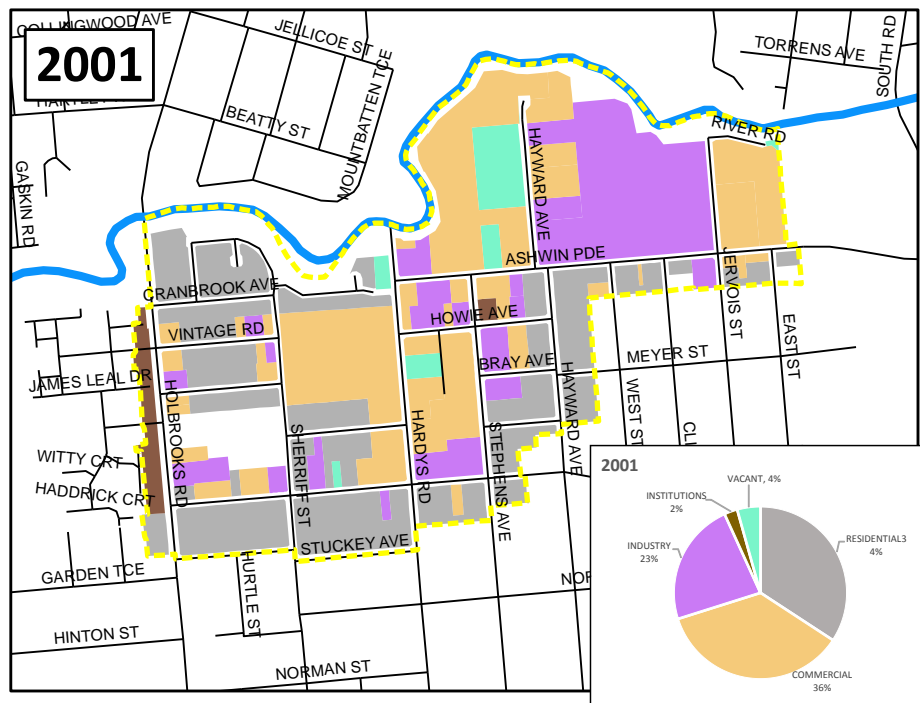


- LANDUSE (LABELLED BY CODE)
- 10-COMMON SUPPLY
 - 11-RESIDENTIAL
 - 14-RESIDENTIAL
 - 20-WHOLESALE TRADE
 - 21-RETAIL TRADE
 - 23-PERSONAL SERVICES
 - 25-BUSINESS SERVICES
 - 26-BUSINESS SERVICES
 - 27-PROFESSIONAL SERVICES
 - 28-CONSTRUCTION SERVICES
 - 29-REPAIR SERVICES
 - 31-FOOD MANUFACTURING
 - 33-WOOD AND WOOD PRODUCTS
 - 34-PAPER AND PAPER PRODUCTS
 - 35-CHEMICALS, PETROLEUM AND COAL PRODUCTS
 - 37-BASIC METAL INDUSTRIES
 - 38-FABRICATED METAL PRODUCTS, MACHINERY & EQUIPMENT
 - 39-MANUFACTURING INDUSTRIES NEC
 - 41-VACANT LAND
 - 45-RESERVES
 - 56-INSTITUTIONS
 - 65-MOTOR VEHICLE TRANSPORTATION
 - 67-TELECOMMUNICATIONS NEC
 - STUDY AREA
 - ZONES
 - ROADS
 - RIVER TORRENS

**FIGURE 3-2 LAND USE
(INDUSTRY ZONE)**

**UNDERDALE & TORRENSVILLE
INDUSTRIAL INTERFACE INVESTIGATIONS**

PROJECT	UNDERDALE & TORRENSVILLE INDUSTRIAL INTERFACE INVESTIGATIONS
JOB REF.	2015-0285
PREPARED BY	AP
DATE	29.10.2015
DATA SOURCE	CITY OF WEST TORRENS, DPTI



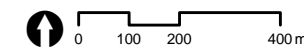
GENERALISED LANDUSE

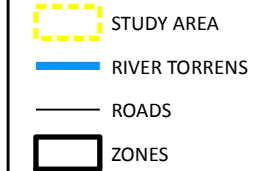
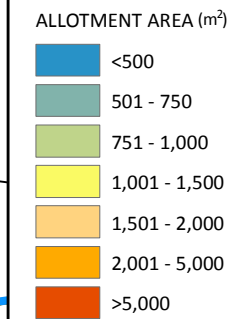
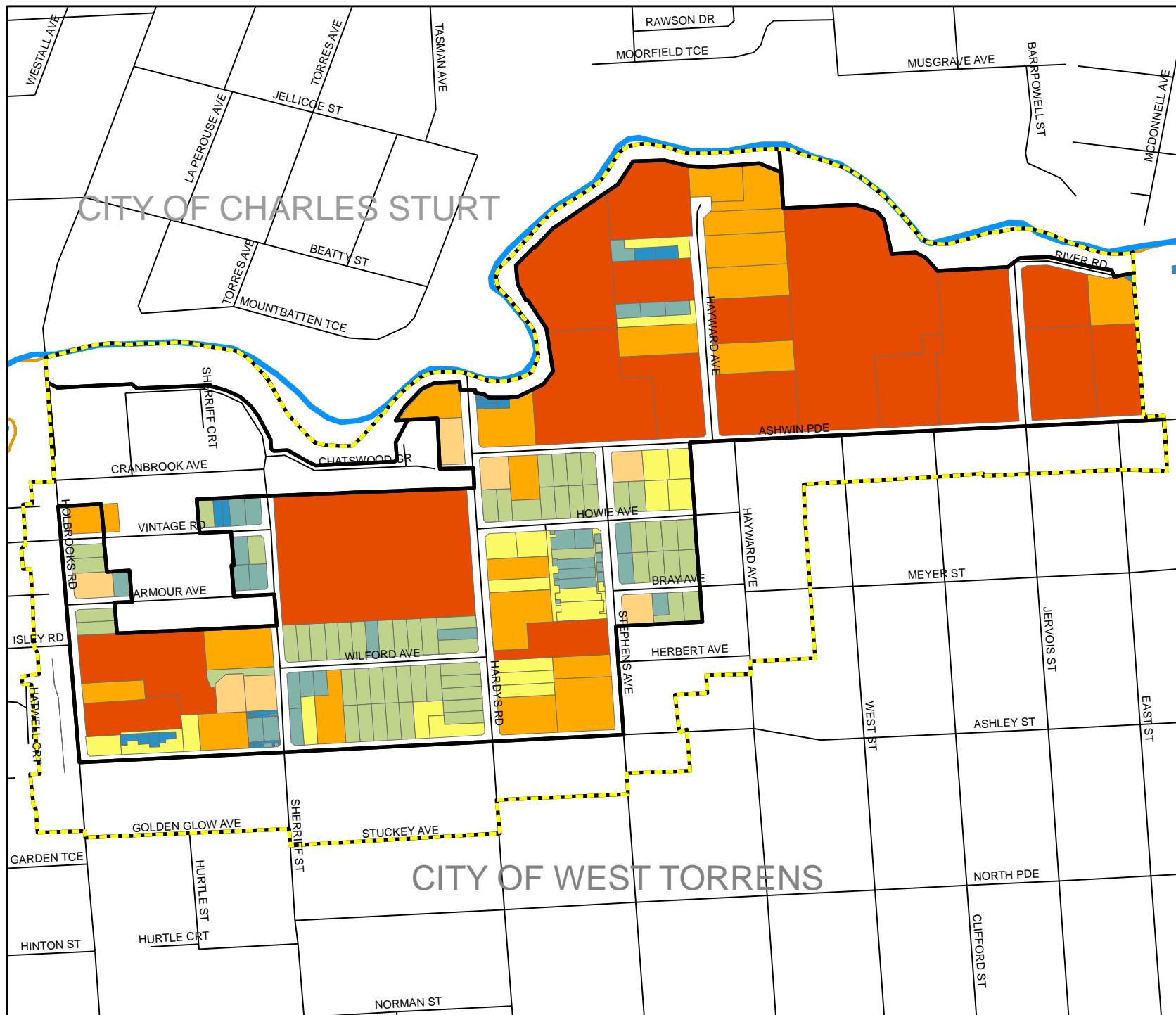
- RESIDENTIAL
- COMMERCIAL
- INDUSTRIAL
- INSTITUTIONS
- PUBLIC UTILITIES
- VACANT LAND
- STUDY AREA
- RIVER TORRENS
- ROADS

FIGURE 3-3 LANDUSE CHANGE

UNDERDALE & TORRENSVILLE INDUSTRIAL INTERFACE INVESTIGATIONS

PROJECT	UNDERDALE & TORRENSVILLE INDUSTRIAL INTERFACE INVESTIGATIONS
JOB REF.	2015-0285
PREPARED BY	AP
DATE	27.10.2015
DATA SOURCE	CITY OF WEST TORRENS, DPTI





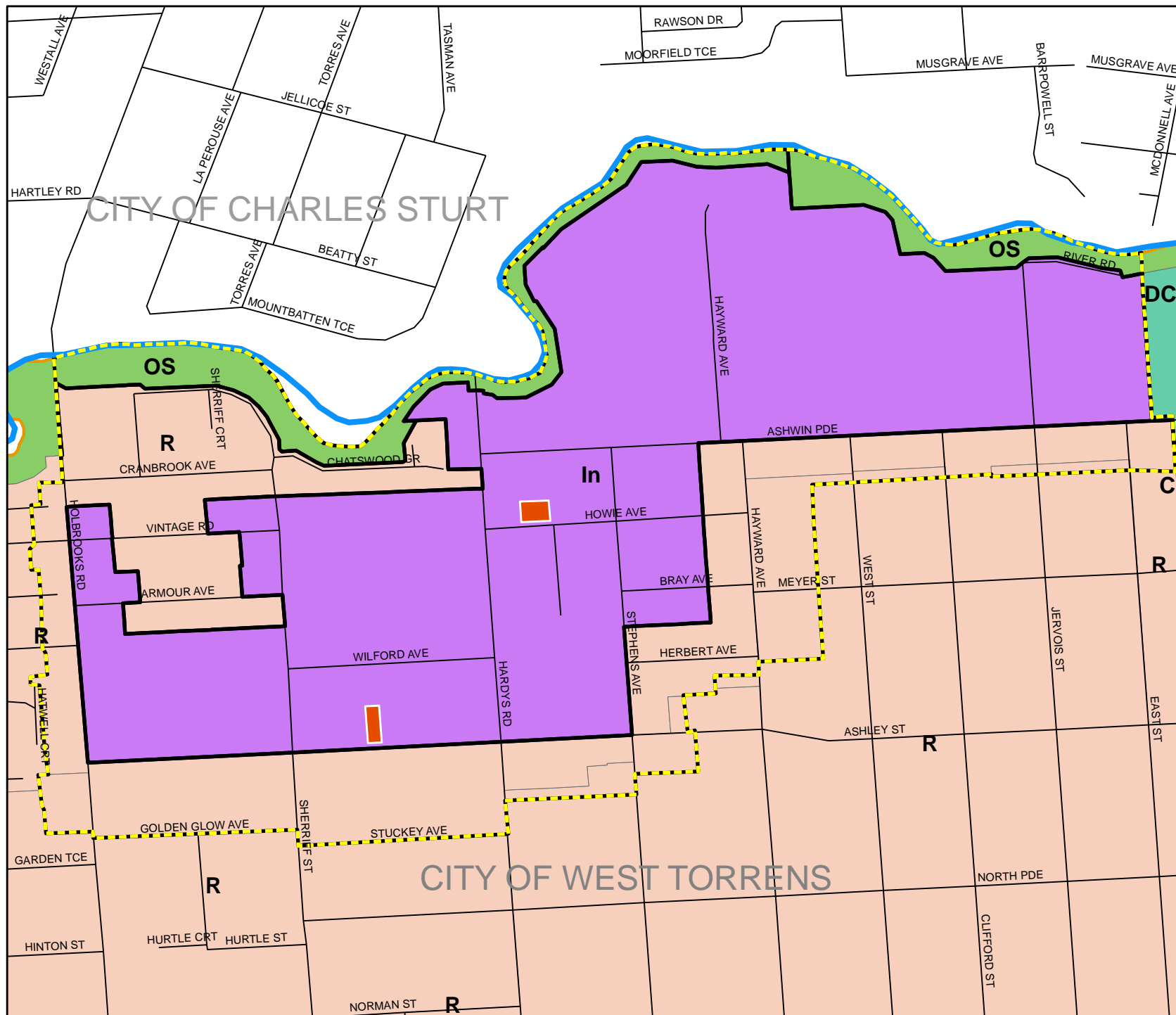
ZONES

Cu COMMUNITY
DCe DISTRICT CENTRE
In INDUSTRY
OS OPEN SPACE
R RESIDENTIAL

FIGURE 3-4 LAND SIZE

UNDERDALE & TORRENSVILLE INDUSTRIAL INTERFACE INVESTIGATIONS

PROJECT	UNDERDALE & TORRENSVILLE INDUSTRIAL INTERFACE INVESTIGATIONS
JOB REF.	2015-0285
PREPARED BY	AP
DATE	27.10.2015
DATA SOURCE	CITY OF WEST TORRENS, DPTI



- VACANT LAND
- STUDY AREA
- ROADS
- CADASTRE
- RIVER TORRENS
- ZONES

ZONES

- Cu** COMMUNITY
- DCe** DISTRICT CENTRE
- In** INDUSTRY
- OS** OPEN SPACE
- R** RESIDENTIAL

FIGURE 3-5 VACANT LAND

UNDERDALE & TORRENSVILLE INDUSTRIAL INTERFACE INVESTIGATIONS

PROJECT	UNDERDALE & TORRENSVILLE INDUSTRIAL INTERFACE INVESTIGATIONS
JOB REF.	2015-0285
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DATA SOURCE	CITY OF WEST TORRENS, DPTI

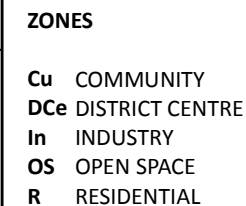
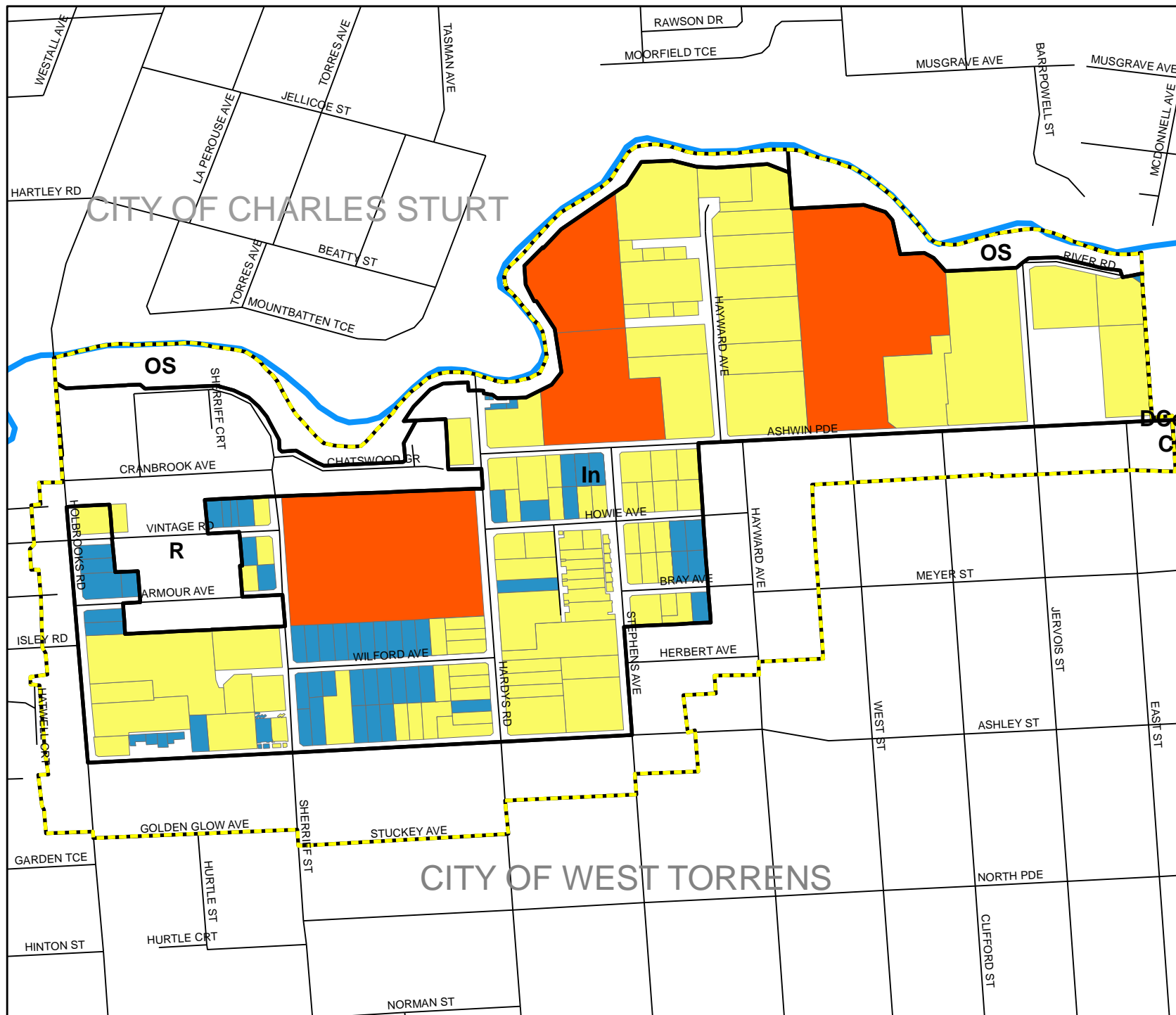


FIGURE 3-6 CAPITAL VALUE
 UNDERDALE & TORRENSVILLE
 INDUSTRIAL INTERFACE INVESTIGATIONS

PROJECT	UNDERDALE & TORRENSVILLE INDUSTRIAL INTERFACE INVESTIGATIONS
JOB REF.	2015-0285
PREPARED BY	AP
DATE	27.10.2015
DATA SOURCE	CITY OF WEST TORRENS, DPTI

Figures 3-7 to 3-14 are photos of the study area, illustrating the diverse land uses in the study area and some of the interface issues present.

Figure 3-7: Industrial development behind residential homes. *Location: Armour Avenue, Underdale.*



Figure 3-8: Workers' car parking spilling into the public realm. *Location: Vintage Road, Underdale.*





Figure 3-9: Residential properties, as viewed from the Linear Park, are directly adjacent to the Symbion development. *Location: Chatswood Grove, Underdale.*



Figure 3-10: The River Torrens Linear Park makes an important contribution to residential amenity. *Location: Chatswood Grove, Underdale.*





Figure 3-11: There is significant investment at the Symbion site. *Location: Hardys Road, Underdale.*



Figure 3-12: Recent investment in modern warehousing. *Location: Ashley Street, Torrensville.*





Figure 3-13: Tregoning Trailer Distributors is a major landowner in the south of the study area. This is their original factory. *Location: Ashley Street, Underdale.*



Figure 3-14: An example of abutting residential and industrial development. *Location: Wilford Avenue, Underdale.*





4.0 Economic Analysis

4.1 Purpose and method

The economic analysis sought to understand the economic significance of the study area in order to understand the advantages and disadvantages of pursuing various future land use options in the precinct.

The economic analysis involved:

- Contextual analysis within the broader municipal region to provide an understanding of the significance of the area to the Council's future employment aspirations
- Statistical analysis of business and land uses over time within the relevant study area, consisting of employment and associated floorspace estimates in the study area by industry and broad land use categories
- Interpretation of this data and relevant implications or conclusions which can be drawn for the investigation.

4.2 Summary of findings

The economic analysis is included in full in **Appendix A**. Key findings about are summarised below:

4.2.1 Economic trends for the City of West Torrens

The municipality's relatively central location within metropolitan Adelaide sees it play an important economic role. As such it boasts high employment self-sufficiency with around 60,000 residents and 40,000 jobs.

The economy of West Torrens exhibits a good balance between population serving employment (retail trade, health care, wholesale trade) and export oriented employment (manufacturing, transport).

Over the past five years there has been some incremental employment changes in selected industry sectors across the City of West Torrens. The population serving jobs have increased in line with population growth, whilst manufacturing employment has fallen, but has been compensated by a commensurate increase in employment in the transport sector.

4.2.2 Economic trends for the study area

The major employers in the study area are in the manufacturing and wholesaling industries. Local population serving businesses including retailing and education are also represented in the precinct.

Overall, employment levels in the area have not shifted dramatically in recent times. The precinct is estimated to contain approximately 2,180 jobs as of the 2011 census compared to 2,280 at the 2006 census.

The decline in manufacturing employment is consistent with most other industrial precincts around the country, and given that the total number of businesses has not changed significantly, the trend should be



interpreted as either a downsizing of businesses or a shift towards more capital intensive (and less labour intensive) modes of production.

The significance of this industrial precinct to the West Torrens economy can also be measured by the proportion of the municipality's employment which is found in this area. Table 4-1 below presents these proportions by industry breakdown. It shows that whilst the precinct only accounts for approximately 5% of all jobs in West Torrens, its share of Wholesale Trade (19%), Education/Training (17%) and Manufacturing (9%) jobs is much higher and is indicative of the industrial role which the precinct plays in the local economy.

Table 4-1: Proportion of West Torrens jobs in Underdale and Torrensville industrial precinct

Industry	Proportion	
	2006	2011
Wholesale Trade	17.5%	18.8%
Education and Training	17.2%	16.5%
Manufacturing	10.2%	9.3%
Professional, Scientific and Technical Services	5.4%	8.0%
Other Services	8.9%	7.4%
Administrative and Support Services	3.6%	6.1%
Transport, Postal and Warehousing	6.0%	4.8%
Retail Trade	4.7%	3.2%
Health Care and Social Assistance	3.2%	2.3%

Usually this quantum of employment would be interpreted as suggesting that the precinct plays a local economic role. In which case any loss of employment in the area would be felt at a local level, but is unlikely to impact the regional or sub regional economy (notwithstanding the cumulative impacts of systematic employment loss across multiple local employment nodes). However, when considered in the context of the land use data analysed below, it would suggest that the precinct potentially plays a greater role than its pure numbers might suggest.

Whilst the Underdale and Torrensville precinct is - for policy purposes - a designated industrial precinct, the present composition of activities by land use suggests a reasonable degree of diversity in the precinct.

Vacancy rates are one of the best indicators of the economic merits of a local industrial precinct. At 0.4%, the precinct can be considered to be healthy and, if anything, the vacancy rate is too low in that it might prevent effective turnover of businesses through higher (or uncompetitive) rents. In the long term, a lack of vacant land usually translates to a lack of new businesses establishing in the precinct. This in turn can reduce the degree to which an employment precinct is able to organically evolve in line with economic trends and disruptions.

When considering change in land use (refer Figure 3-3 in previous chapter), it shows little net change to commercial and residential land use, but an incremental increase in the level of industrial land use found in the area over that period.



This finding is somewhat unusual given the fact that most employment precincts across Australia are experiencing declining levels of industrial activity, often replaced by a larger commercial or residential component. Growth in industrial use by site area in combination with a decline in employment usually suggests more capital intensive modes of production.

More detailed assessment of industrial land uses in the area reveals that that chemical and medicinal product manufacturing accounts for almost half the manufacturing activities in the precinct, with the remainder of industrial production attributable to a diverse range of industries including metal manufacturing, furniture manufacturing and printing.

There is a small provision of local service industry (construction, auto repairs) compared to the level of manufacturing in place in this precinct. This suggests that the industrial businesses in the precinct do more than just service the local population. Manufacturers in industrial chemicals and metal products are often important to the sub-regional and/or regional economy as links in the industrial supply chain.

4.2.3 Summary

Overall, the economic analysis in this report indicates that economic activity in this precinct is not only diverse but also important for what is a relatively small area. 2,000 jobs would ordinarily be considered as highly significant in a municipality that is seeking to attract and maintain businesses and employment. There are also other important indicators which suggest that the jobs in the precinct are indeed worth protecting.

Low vacancy rates, a shift to more capital intensive production and the presence of regional/exporting manufacturers all point to a mix of businesses which should be not only retained in the area, but also prioritised in terms of requirements.

In the absence of more detailed data about the markets that these manufacturers are servicing, it can be assessed that generally speaking, this precinct plays a greater economic role than its physical size would otherwise suggest.



5.0 Engagement with Industrial Property Owners and Occupiers

5.1 Purpose

The purpose of the engagement with industrial property owners and occupiers was to understand current operations, locational requirements and future plans of businesses in the study area.

A separate Council initiated residents survey was conducted concurrently with the Industrial property owner and occupier survey. The residents survey is discussed in Section 6.0.

5.2 Process

The engagement was in the form of a survey of all businesses, complemented by interviews with key businesses.

The survey process involved:

- Writing to all industrial property owners and occupiers inviting their participation
- Preparing and distributing a promotional flyer
- Ensuring the survey was available in paper and online
- Undertaking follow-up phone calls and emails.

The survey was sent to 226³ property owners and occupiers.

5.3 Participation

5.3.1 Survey

In total, 34 survey responses were received, which represents a 15% response rate. This response rate is considered very high⁴ meaning there is a reasonable level of confidence that the findings are representative of businesses in the study area.

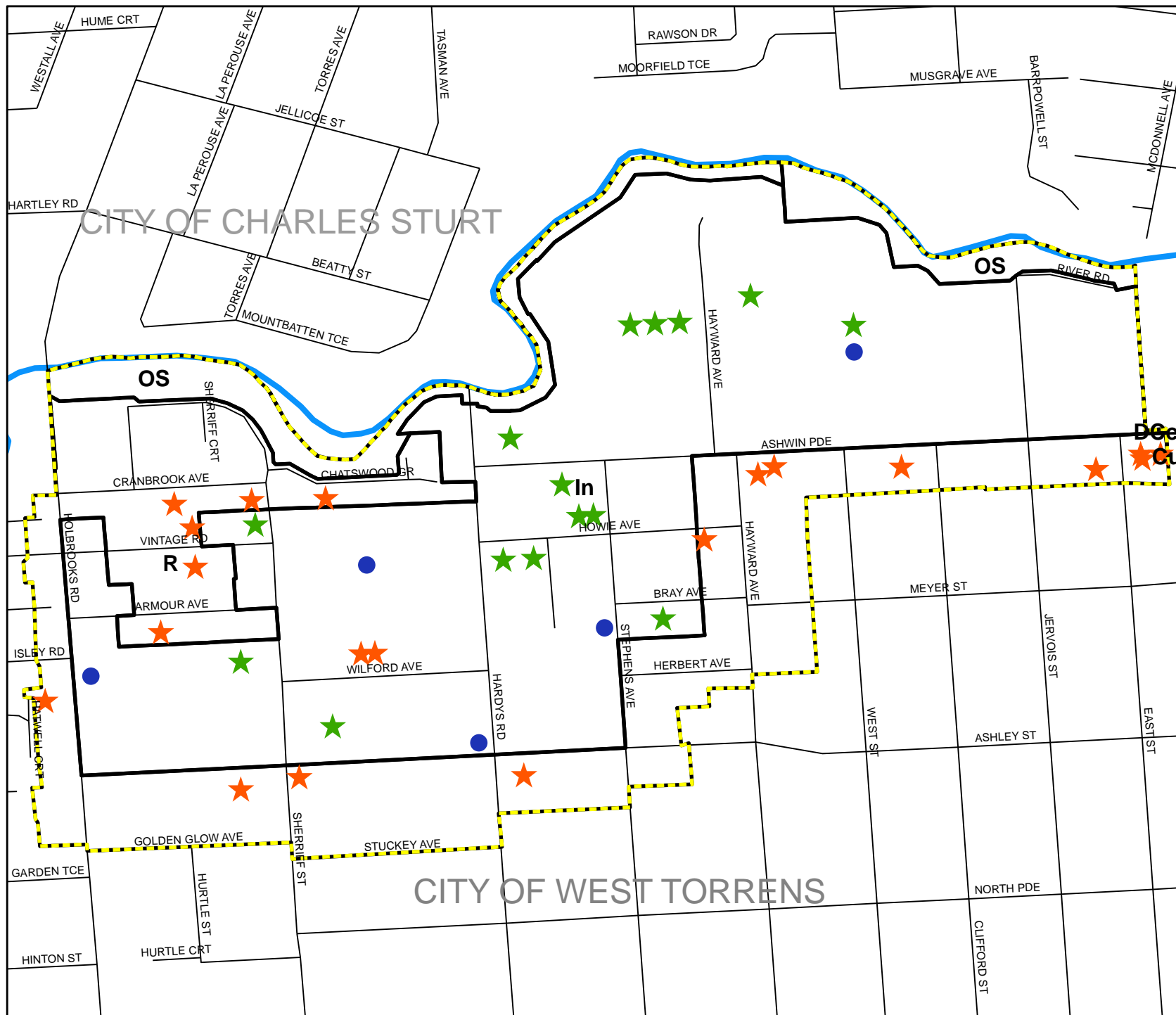
Of these 34 responses:

- 24 (71%) were occupiers/tenants
- 8 (24%) were owner occupiers
- 2 (6%) were owners.

Figure 5-1 maps the survey respondents from both surveys who provided an accurate address.

³ A total of 246 surveys were sent, but 20 return-to-sender responses have been excluded.

⁴ Self-selection survey processes typically generate response rates of less than 1%, with 5% regarded as high.



- BUSINESS INTERVIEWS
- ★ SURVEY RESPONSES - RESIDENTIAL (20)
- ★ SURVEY RESPONSES - BUSINESS (15)
- STUDY AREA
- ZONES
- ROADS
- RIVER TORRENS

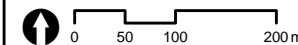
Note: This map shows the location of respondents who provided an address with their responses as follows:

- 20 residential responses out of 26
- 15 business responses out of 34

FIGURE 5-1 SURVEY RESPONSES

UNDERDALE & TORRENSVILLE INDUSTRIAL INTERFACE INVESTIGATIONS

PROJECT	UNDERDALE & TORRENSVILLE INDUSTRIAL INTERFACE INVESTIGATIONS
JOB REF.	2015-0285
PREPARED BY	AP
DATE	29.10.2015
DATA SOURCE	CITY OF WEST TORRENS, DPTI



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5.3.2 Meetings

Members of the consultant team and Council met with representatives of three businesses (BOC Gases, Whelan Kartaway and SA Group Enterprises). In addition, two telephone interviews were conducted with interstate landowners of Symbion and Tregoning Trailers.

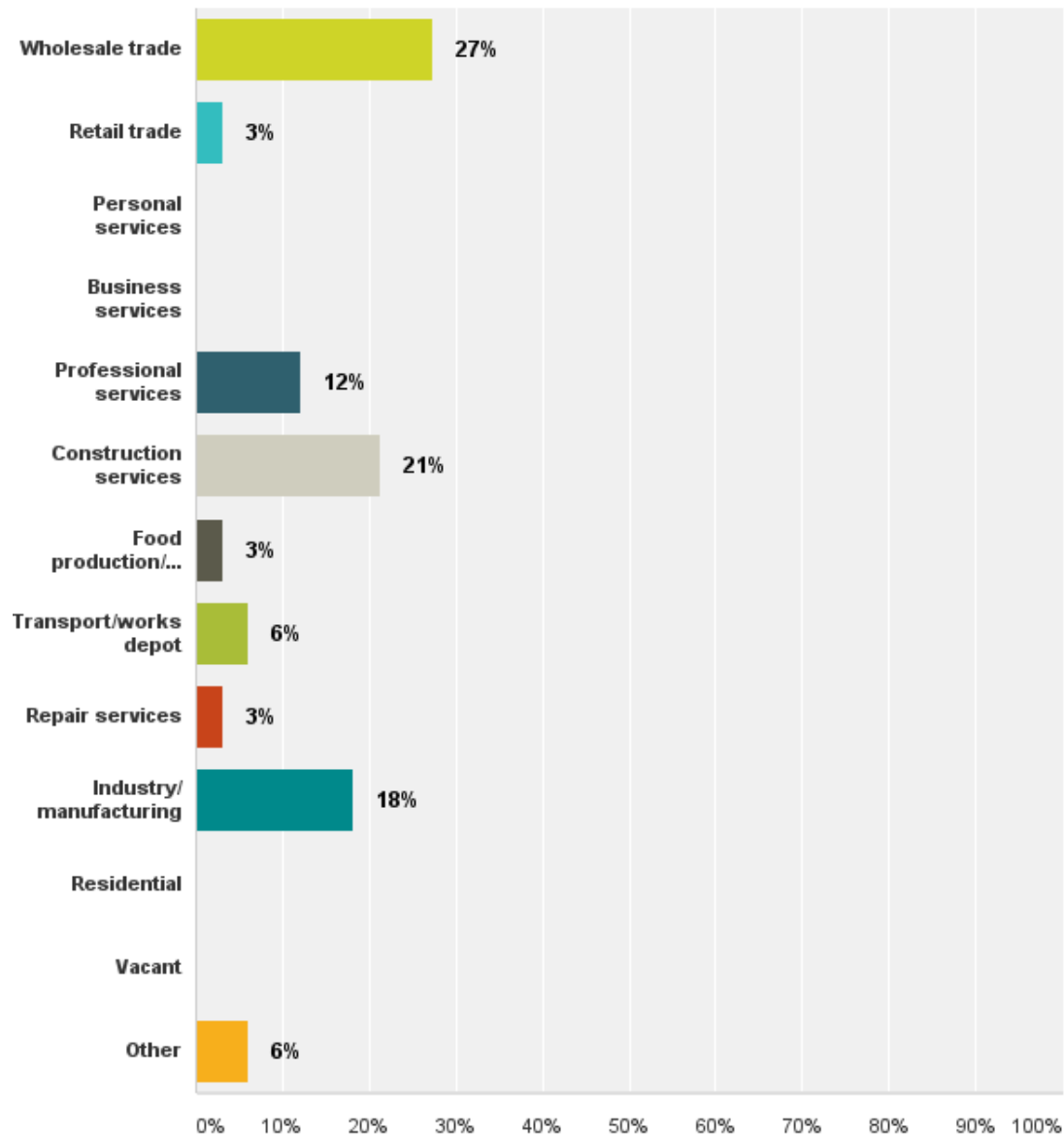
5.4 Engagement findings

5.4.1 Current operations

Business activities

Figure 5-2 below shows the business activities of respondents, showing that the most common were wholesale trade, construction services, industry/manufacturing and professional services.

Figure 5-2: Business activities of respondents





Most businesses (39%) have operated their activity on the site for 0-5 years. Seven businesses (21%) have operated on the site for more than 20 years.

Hours of operation

With respect to hours of operation, two thirds of respondents (22) operate with a typical daytime operation. Four businesses reported continuous operation, 3 reported daytime and evening operations and 1 reported continuous weekday production.

Staffing

Figure 5-3 contains data about staffing patterns from five years ago, today and expectations for the future, demonstrating:

- Most businesses have reported employment growth from 2010 to 2015
- The most significant change between 2010 and 2015 is a decline in the number of businesses employing less than 5 employees and an increase in businesses employing 6-20 employees
- Most businesses expect employment numbers in five years time to be about the same as today.

Figure 5-3: FTE Employment on the site.





5.4.2 Doing business in Underdale and Torrensville

Valued characteristics

When asked about the desirable characteristics of Underdale and Torrensville for doing business, the most common responses were:

- Proximity to the city (50%)
- Proximity to markets and customers (44%)
- Proximity to main roads (44%)
- Always been here (41%)
- Existing facilities/investment (25%).

Undesirable characteristics of the area

A small number of responses commented on aspects of the area that were undesirable, the most common responses being lack of on-street parking, various access and traffic management issues. One respondent cited vandalism along the River Torrens Linear Park and another commented about concerns about the residential interface and potential for complaints.

Complaints

22 (75%) of respondents reported that they had not experienced any complaints. Four respondents indicated they had experienced complaints associated with car and truck parking, 4 reported noise, and 1 reported traffic/truck movements.

5.4.3 Future plans

The overwhelming majority (26 respondents - 81%) indicated that their future intention is to continue on the site, with 3 businesses looking to expand, and 2 looking to relocate.

A range of reasons were given associated with intentions to stay, with common themes being:

- Current site and location is suitable
- No plans to change operation
- Have already invested in the site
- Staff preference to work in the area
- Low rental price (tenants)
- Good rental returns (owners)
- Security of tenure
- Proximity to city, airport and clients.

Those looking to expand expressed a desire to stay in the area, but for more space or improved facilities. One respondent who is looking to move cited high rents.



5.4.4 Thoughts on potential rezoning

Respondents were asked whether they would support a potential rezoning of parts of the Industrial Zone to allow mixed use development, including residential.

Responses were mixed, with

- 11 (34%) responding yes
- 3 (9%) responding no
- 18 (56%) responding maybe.

It is noted that a high proportion of respondents indicated some support for mixed use/residential development. However when the team was able to unpack the matter further with interviews, it became apparent that this support related to the general area not necessarily next door to their individual business.

Comments associated with these responses were wide ranging, including:

- Residential and industrial development already co-exist
- Residential and industrial development are incompatible
- Depends upon the extent to which existing operations can continue
- Additional residential development may limit existing businesses
- Importance of retaining industry which creates employment
- Council should focus on encouraging new businesses to open, and existing businesses' to stay
- Need more information, especially about the detailed impact on individual sites
- Council should pursue a targeted (e.g. street by street) approach to rezoning
- Mixed use zoning may create additional interface issues beyond existing problems
- Good overall for the area.

5.5 Key business interviews

Common themes from the five business interviews included:

- View that the area offers “premium” industrial land due to the proximity to the city and airport
- The area is centrally located and one of a few industrial areas with the ability to service the entire metropolitan area
- Business in the area will benefit from the Torrens to Torrens upgrade of South Road
- The area offers excellent access to employment, with professional and service labour generally located in the inner and coastal suburbs, and general labour in the southern and northern suburbs
- Generally low numbers of complaints from residents



- The issues for which businesses hold EPA licences do not present a nuisance to surrounding residents
- Biggest concerns are around traffic and car parking
- Existing longstanding residents at the interface generally understand and accept industrial businesses – complaints tend to come from new residents
- Greatest concerns are not managing existing complaints but potential new complaints
- Perception that it is preferable for hazardous industry to be adjacent with other industry, as it is more difficult to manage residents than businesses in an emergency situation.
- Increasingly small nature of industries in the area
- Traffic management issues along Ashwin Parade –increasing volumes of traffic and vehicle speeds present problems to trucks entering and existing industrial properties
- General preference for businesses to be located in a wholly industrial area due to the uncertainty associated with future residents
- Increase residential areas/zones and/or promoting mixed uses that include residential developments increases the potential for interface issues/complaints and potentially may restrict productivity.



6.0 Engagement with Residential Property Owners and Occupiers

6.1 Purpose

The purpose of the engagement with residential property owners and occupiers was to understand what is valued about the residential area, experiences of living near industry and thoughts about a potential rezoning of parts of the industry zone.

6.2 Process

The engagement was in the form of a survey for all residential properties in the study area, which were generally those directly adjacent to the industry zone.

The survey process involved:

- Writing to all residential property owners and occupiers inviting their participation
- Preparing and distributing a promotional flyer
- Ensuring the survey was available in paper and online.

The survey was sent to 239 property owners and occupiers. Following the survey, staff from the City of West Torrens randomly selected residents who had participated in the community initiated petitions, along with randomly selected owner occupiers for a follow-up conversation to explore the issues in greater depth. Council staff provided notes from these conversations to the consultant team.

6.3 Participation

In total, 26 survey responses were received, which represents an 11% response rate. This response rate is considered high⁵ meaning there is a reasonable level of confidence in the findings are representative of residents in the study area.

Of these 26 responses:

- 21 (81%) were owner occupiers
- 4 (15%) were non-resident owners
- 1 (4%) was an occupier.

Respondents have owned/resided in properties in the study area for an average of 17 years.

⁵ Self-selection survey processes typically generate response rates of less than 1%, with 5% regarded as high.



6.4 Engagement findings

6.4.1 Valued aspects of the local area

The following themes were repeatedly mentioned when asked about the valued aspects of the residential area:

- Proximity to the city, beach and airport
- Local environment, especially the River Torrens Linear Park
- The residential amenity, including character homes
- The sense of community, diverse population and neighbourliness
- Good access to shops, restaurants, schools and public transport.

6.4.2 Residential/Industrial interface issues

Impact of industry

21 respondents (81%) indicated that they have been impacted by business or industrial activities. These impacts included:

- Visual impact of unsightly buildings
- Insufficient car parking, with workers parking in residential areas and/or parking on footpaths and nature strips
- Mechanics and similar workshops spilling onto the street
- Movements of heavy vehicles (general traffic, enter/exiting of sites resulting in blocked traffic, driving on the wrong side of street)
- Noise of traffic, air brakes and horns
- Traffic noise from Holbrooks Road and transport companies
- Commercial and other vehicles taking short-cuts through the area
- Odours of crash repair businesses
- Insufficient waste management
- Graffiti, burnouts and other antisocial behaviour.

Changes in industrial activity

When asked about any changes attributed to industry that they had observed over time, respondents reported the following:

- Increased truck and car traffic, especially after construction of Brickworks development
- More people taking shortcut from South Road through to Holbrooks or Henley Beach Road
- Some larger businesses moving away and empty sites



- More businesses close to residential areas.

Management of interface issues

Suggestions offered to help manage the interface issues included:

- Rezoning of industrial land to residential to phase out businesses
- Redevelop the area between Ashwin Parade and Torrens River to parkland, housing or light commercial
- Traffic controls e.g. chicanes or one-way streets to slow down traffic and/or prevent people from taking short-cuts
- Consider closing street entrances to prevent commercial traffic in residential areas
- Greater regulation of on-street car parking
- Introduce residential permits instead of 2 hour parking on residential streets
- Greater regulation of operating hours and noise
- Greater EPA regulation of noise and pollution
- Planting of street trees
- Improved landscaping of industrial properties.

6.4.3 Thoughts on potential rezoning

Table 6-1 summarises levels of support for a potential rezoning of parts of the industrial zone, demonstrating a high degree of support for rezoning for both entirely residential purposes, or mixed use development (including residential).

Table 6-1: Levels of support for rezoning.

Question	Number	Percentage
Yes, I support changing the planning policy to allow mixed use development (including residential).	9	35%
Yes, I support changing the planning policy but instead to allow residential (not mixed use development).	15	58%
No, I do not support a change to the planning policy.	2	8%

Reasons given in support of rezoning included:

- Residential development is a better use of land given proximity to city and River Torrens access
- Preference for industry to relocate to middle and outer suburbs
- Don't remove industry, but don't allow any more industrial development
- Would reduce truck movements
- Rezoning industries south of Ashwin Parade
- Industry and residential development cannot co-exist, hence need to relocate industry



- Would result in increased residential property values
- Mix is important with light industry complementing the area and creating local jobs.

6.4.4 Resident interviews

Common themes from the six conversations with residents included:

- The industrial activities in the area have a poor visual appearance and are close to an attractive residential area
- Appreciate that industry existed prior to residents moving to area
- The expectations of long term residents in relation to impacts of industrial activities often differ to the expectations of newer residents
- Narrow streets in the area carry a high volume of traffic and car parking
- Car parking, truck movements and high traffic volumes are the most significant impacts of the nearby businesses
- Traffic calming and restrictions on other residential streets make the traffic and car parking situation worse on Ashley Street
- Some businesses have proactively resolved car parking issues, e.g. Fulham Funerals purchased a residential property to use for car parking
- Some businesses cause odours that adjoining residents can smell, however noise was generally not identified as an issue
- This area should follow the trend of other inner city areas (i.e. Bowden), move industrial activities further out and convert industrial areas to residential
- Increasing residential development in this area would complement the Brickworks redevelopment
- Allowing residential development in the area will increase property values of residential properties and existing industrial properties that may then become residential
- Public access to Linear Park is controlled and potentially limited by industry (e.g. Cochranes) however this is a public way
- Reluctant to renovate and further invest in residential property because while the location is good, further renovations probably won't significantly increase property value due to industrial activities
- Difference in existing residential land use and industrial development plan policy on Wilford Avenue results in uncertainty for owners
- Suggest that residential activities should be allowed in the existing industrial area and in the long run industrial activities will leave as natural attrition occurs
- Seek to allow the option for residential activities in the side streets in the Industrial Zone
- Seek to stop industrial businesses expanding into residential area, for example Treg Trailers, Alspec and Artav (since closed) have all expanded from sites in the industry zone into the residential area. Suggest that if businesses want to expand then they need to move to another industrial area.



- Council should lead with a direction and vision for the area
- The petition deputations commented that residents were overwhelming supportive of the petitions, and further signatures could be obtained if more people were approached.



7.0 Discussion of Key Issues

7.1 Residential locational opportunities

An initial review of the study area, in particular the Underdale industrial/commercial locality indicates that there are a number of site characteristics that would be attractive for residential developments, including:

- Connectivity to and amenity provided by the River Torrens Linear Park
- Good access to arterial roads, the CBD, beach and airport
- Good access to retail and community facilities
- Existing residential development within and directly adjacent to the industry zone.

However, having regard to the issues discussed in the following section, without the support of existing significant industrial landowners, the conversion of this area to allow mixed use residential development is likely to be problematic and potentially unachievable.

7.2 Employment significance of Underdale and Torrensville

The City of West Torrens is a municipality which possesses a high ratio of employment to population. This economic success in combination with a relatively central location in the metropolis means that the municipality is an attractive location for residential infill development, as prospective residents would have great access to employment opportunities not only in West Torrens, but also across Metropolitan Adelaide generally.

The economic analysis in this report indicates that economic activity in this precinct is not only diverse but also important for what is a relatively small area. 2,000 jobs would ordinarily be considered as highly significant in a municipality that is struggling to attract businesses and employment. There are also other important indicators which suggest that the jobs in the precinct are indeed worth protecting.

Low vacancy rates, a shift to more capital intensive production and the presence of regional/exporting manufacturers all point to a mix of businesses which should be not only retained in the area, but also prioritised in terms of requirements.

In the absence of more detailed data about the markets that these manufacturers are servicing, it can be assessed that generally speaking, this precinct plays a greater economic role than its physical size would otherwise suggest.

7.3 Industrial/Commercial locational characteristics

The area provides strategic employment lands that provides a central base for businesses wishing to service the entire metropolitan area. The importance of a central location to service clients across the metropolitan areas was noted in a number of business survey responses and emphasised in the interviews with BOC, SA Group Enterprises and Whelan Kartaway.



During these interviews, businesses were asked about alternative locations. The response was that alternative locations, such as those further south in the Council area around Plympton, in the Edwardstown/Melrose Park area or further north in the City of Charles Sturt were either too far north or south to provide a desirable central base.

The study area appears also to be valued because of the proximity to the airport and associated convenience, as well as access to a diverse pool of labour.

7.4 Alternative industrial locations

It is acknowledged that the Council area and the western region (including those within the neighbouring City of Charles Sturt) contain other industrial zones that have similar locational characteristics to the Underdale and/or Torrensville locality.

However, having regard to the tight industrial landholdings in the region, especially for large industrial sites, the displacement of businesses in the Underdale and/or Torrensville locality will not necessarily result in the majority of those businesses finding appropriate location within the Council area or region.

7.5 Interface issues and existing use rights

Respondents to the residential survey reported a range of interface issues. These included traffic management, car parking, noise, odour, waste management, visual amenity and the general incompatibility of residential and industrial land uses. Of these, the most frequently mentioned issues were the increasing volumes of traffic and inappropriate truck movements, followed by visual impact, spillover car parking and odour.

Although large business sites/activities can generate more traffic movements, the interface issues appear to be heightened on smaller sites which are typically less able to manage their impacts on-site. Smaller sites may contain insufficient car parking for their current use and are sometimes used for activities that have a major impact their surrounds, such as repair services. There are examples of this in the study area near the corner of Vintage Road and Sherriff Street.

For the businesses who participated in the survey and interviews, most mentioned that they have received few or no complaints. The most commonly mentioned interface issue was traffic and, in particular, the way increasing traffic in the area can make it difficult for trucks to service industrial sites. In discussing interface issues, businesses also commented that a particular concern is the uncertainty of resident expectations. This is because newer or future residents may be less accepting that Torrensville/Underdale is an industrial area and more likely to complain than longstanding residents.

These interface issues are well known. Between 1 January 2010 and 12 October 2015, Councils received 26 complaints relating to the study area, as follows:



- Odour – 9 complaints
- Spray drift from spray painting – 3 complaints
- Industrial air conditioners – 2 complaints
- Fallout -2 complaints



- Fume – 2 complaints
- Industrial noise – 2 complaints
- Air and noise – 1 complaint
- Dust -1 complaint
- Industrial machines – 1 complaint
- Vehicle repair – 1 complaint
- Waster liquid discharge – 1 complaint.

In addition to these complaints, Council has received three petitions in recent years, summarised in Table 7-1 below:

Table 7-1: Petitions to Council

Date	Topic	Number of signatures
15 May 2008	Request for the residential zone boundary to be “realigned along the entire length of Ashwin Parade southern side to adjoin the residential boundary line across Hardys Road to adjoin the residential boundary there and south through to Ashley Street and west through to Holbrooks Road’.	48
		
23 May 2008	Request to rezone the shaded area from industry to residential, citing specific interface issues as the reason for the request.	47
		
2 September 2014	Request to change the zoning from industrial to residential in the area ‘west and south of Ashwin Parade and Hayward Avenue to Ashley Street to Holbrooks Road to Cranbrook Avenue in the suburb of Underdale. Interface issues were specifically raised as the reason for the request.	184



Council's 2008 Strategic Directions Report⁶ considered the long term future of the study area in identifying the best areas for higher density housing to achieve the broader strategic goals of Council. This report schematically identified the study area as being suitable for medium density residential development.

Council's most recent strategic direction report⁷ does not explicitly identify the study area for medium density residential uses, but does not identify the area for industrial uses (as are the other industrial areas within West Torrens). This indicates that at a strategic level, Council considered the long term future for this area to be some use other than industry.

We also understand that concerns about interface issues on Ashwin Parade, Torrensville resulted in a boundary realignment as part of Council's BDP conversion DPA in 2011 to better match zoning with existing land use. It appears that this realignment has to a degree addressed some of the interface issues in Torrensville and helped to establish a more appropriate zone boundary (Ashwin Parade).

There is no simple solution to addressing residential/industrial interface issues. Boundary realignments can help by better matching zoning with existing land use. Equally, rezoning industrial properties at the edge of an industrial zone to residential may provide an incentive for 'undesired' activities to relocate.

However, all forms of development in any location are protected by existing use rights⁸, which allows them to continue their use regardless of any changes in zoning. This means that in situations where there is a significant zoning change (i.e. from industrial to residential), detailed landowner engagement with respect to their future plans is essential.

Rezoning should only proceed if there is a good degree of confidence that landowners favour the rezoning. If this does not exist, it is likely that industrial activities will continue, taking advantage of their existing use rights. At worst, it can exacerbate interface issues by allowing construction of some new residential properties into an otherwise predominantly industrial area, and potentially increasing interface issues and complaints

If there is a strategic goal for one land use to be transitioned to another, this typically requires mechanisms in addition to rezoning. This may include financial incentives, such as the purchase of sites and/or payments to landowners who discontinue their existing use rights.

7.6 EPA separation distances

During the process of investigating rezoning opportunities it is appropriate to have regard to the EPA's 'Guidelines for Separation Distances' (2007). These guidelines recommend separation distances for a range of industrial/agricultural uses to more sensitive land uses such as schools and residents.

Separation distances can be applied to EPA licenced and non-licenced land uses. For instance, there is a recommended separation distance of 100 metres to 300 metres from some surface coating/spray painting

⁶ http://www.westtorrens.sa.gov.au/files/22eb77d5-b9ac-433a-b11b-a1170103c160/Attachment_2_Agenda_Item_111_Community_and_Governance_Standing_Committee_2_Sep_2008.pdf

⁷ http://www.westtorrens.sa.gov.au/files/a03f9ba2-57ae-4dc6-80c1-a45f00e179a7/1-Final_SDR_approved_by_DPTI_march_2015docx.pdf

⁸ Refer to Clause 4 of the Development Act 1993.



activities. EPA acknowledges that these generic separation distances can be reduced. Any reduction would need to be considered by relevant experts and have regard to the site specific circumstances, including the scale of operations and level of emissions, the standard of emission control technology, topography, meteorology and associated modelling and monitoring of data.

The study area contains three sites with active EPA licences, each of which is associated with a separation distance and various other land uses that would be captured by the EPA guidelines. The EPA licence separation distances are mapped in Figure 7-1. During interviews, BOC and SA Group Enterprises expressed strong intent to continue production in the area. Whelan Kartaway's plans are less certain as they are considering consolidating their other sites into a single facility.

In a greenfields situation, the presence of EPA licence would generally be regarded as a significant constraint for residential development and zoning.

In a built up urban environment, this is not possible. There are a large number of residential properties within the adjacent residential zone in Underdale and Torrensville that would not be expected nor have any good reason to relocate because of these separation distance guidelines.

However, the fact that there are some existing residential properties within the separation distances does not necessarily mean it is appropriate to introduce additional residential properties into the area. Without undertaking detailed environmental analysis, it is possible that the rezoning of industrial land to allow residential uses within the EPA separation area may result in increased exposure to known environmental hazards.

This typically would only occur when there is a strategic intent for those activities with an EPA licence to discontinue. However, given that at least two of the three licenced properties intend to continue their activities on site and that there are a number of other landuses that are captured by the separation guidelines, any change in zoning should be carefully considered.



7.7 Contamination

It is likely that some sites in the study area that currently contain industrial land uses may contain potentially site contaminating activities.

The joint EPA and Department of Planning, Transport and Infrastructure “Draft Site Contamination Framework for the South Australian Planning System – Guide” (September 2015) notes that a risk-based approach should be adopted with respect to rezoning projects. In part this draft guide informs planning authorities and land owners when full (and costly) environmental audit reports are required. Having regard to many of the industrial activities located in the study area, if Council and/or the state seek to rezone parts of the industry zone to residential, there would be a need for detailed site contamination investigations to be undertaken.

In addition to acknowledging the costs and time associated with undertaking environmental audit reports (either pre or post DPA), land owners need to factor-in the costs of site remediation works (if required). These costs may be a significant impediment to converting industry to residential.

Given the abovementioned, we are hesitant in recommending significant rezoning from industry to residential, particularly sites with existing industrial land uses, without land owner support.

7.8 River Torrens Linear Park

The project brief sought the identification of possible locations where the River Torrens Linear Park could be expanded.

Analysis of allotment sizes and site inspections has revealed that there are generally limited opportunities to expand the River Torrens Linear Park. This is because those areas where the Linear Park is most constrained are adjacent to land containing large industrial buildings with significant investment on site, and in many cases, relatively recent investment. In addition, in a number of places, these buildings are located close to the property boundaries, adding to the difficulty of transferring land for open space.

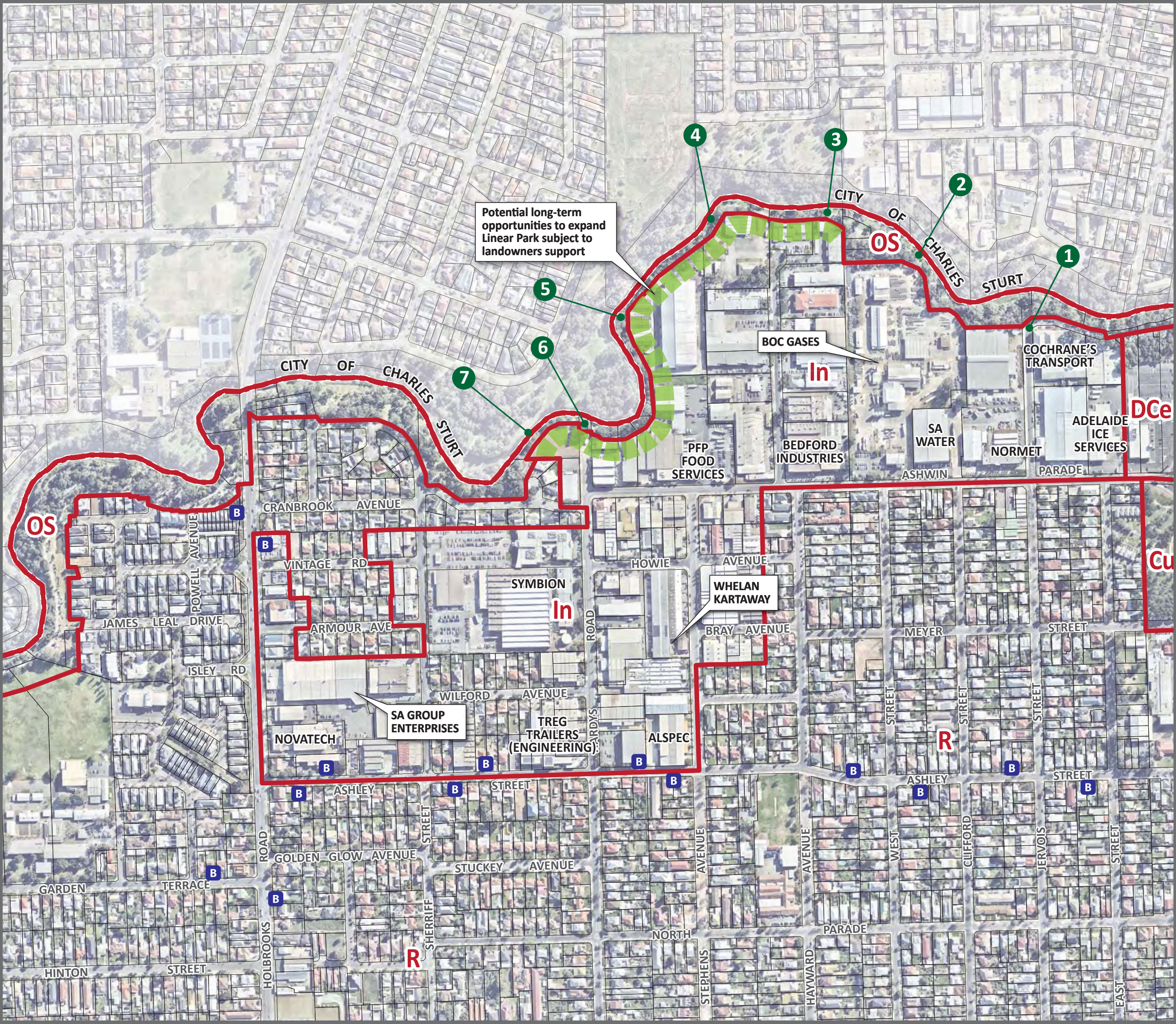
Having regard to these practical limitations, it is not recommended to instigate any strategy to pro-actively seek to acquire land within the study area for the purposes of increasing public open space along the Linear Park.

Nevertheless, in collaboration with local landowners and/or associated with land division applications, if the opportunity arose, Figure 7.2 illustrates the section of the study area adjoining the Linear Park that could be converted to public open space associated with an expanded Linear Park.

7.9 Precinct Analysis

Having regard to the abovementioned context, Figure 7-3 summarises high level residential/mixed use opportunities and constraints for three precincts within the study area.

The figure and associated commentary provides specific high level analysis of the opportunities and constraints that will need to be addressed by introducing residential development into these areas.



LEGEND

- CADASTRE
- ZONE BOUNDARY
- BUS STOP
- Photo locations

ZONES

- Cu COMMUNITY
- DCe DISTRICT CENTRE
- In INDUSTRY
- OS OPEN SPACE
- R RESIDENTIAL

FIGURE 7.2
LINEAR PARK OPPORTUNITIES

PROJECT	UNDERDALE & TORRENSVILLE INDUSTRIAL INTERFACE INVESTIGATIONS
JOB REF.	2015-0285
PREPARED BY.	ML
DATE.	05.11.15
REVISION.	1
DATA SOURCE.	Nearmaps, 11-03-2015.



LINEAR PARK PHOTOGRAPHS

PROJECT	UNDERDALE & TORRENSVILLE INDUSTRIAL INTERFACE INVESTIGATIONS
JOB REF.	2015-0285
PREPARED BY.	ML
DATE.	09.11.15
REVISION.	1



7.10 Planning Policy

7.10.1 Existing Development Plan

Council's Development Plan (consolidated 25 June 2015) contains a number of "Interface between Land Use" policies that provide Council with headpowers to manage interface issues. Council's industry zone policies also contain other supporting policies. If Council sought to retain the industry zoning (or consider an Urban Employment Zone) over the affected area, it should consider updating the zone policies by incorporating desired character statements and principles that more accurately target the interface issues/complaints discussed in this report and the Residential and Industrial Land Interface Study.

7.10.2 SAPPL Urban Employment Zone

The Minister has requested Council to consider the potential of introducing the South Australian Planning Policy Library's Urban Employment Zone.

The Urban Employment Zone contains a number of contemporary policies, including the following objectives:

- *A mixed use employment zone accommodates a range of industrial land uses together with other related employment and business activities that generate wealth and employment for the State.*
- *Provision for large floor plate enterprises, such as major logistics and manufacturing plants, high technology and/or research and development related uses, located to take advantage of existing and future road and rail infrastructure.*

It is noted that residential development (except for industry related short term accommodation, expansion of existing dwellings and/or dwellings in local activity centres) are listed as non-complying developments⁹.

There is merit in considering the incorporation of the Urban Employment Zone over the study area's existing industrial zone. This will ensure the introduction of contemporary planning policies that promote improved urban design and environmental outcomes.

However, unless there is significant changes to the SAPPL Urban Employment Zone module, it is unlikely to promote significant residential development.

⁹ The Urban Employment Zone states that "Development listed as non-complying is generally inappropriate".



8.0 Findings and Recommendations

The purpose of this study was to undertake additional investigations to address the Minister of Planning's desired investigations associated with the SOI for the Underdale and Torrensville Residential/Industrial Interface DPA.

These investigations have included analysis of employment generation, consultation with land owners and occupiers within the study area in the form of surveys and interviews, GIS analysis and site inspections.

Within the context of these investigations, the project team was seeking to identify opportunities and justification to support residential and/or mixed use (including residential) development in the study area.

8.1 Findings

In response to the Minister's and Council's queries, we have concluded the following.

1. As a strategic possibility, the study area contains locational characteristics that would be attractive to the residential development, most notably the proximity to the city, beach, airport, River Torrens Linear Park, shops, community facilities and other residential development. However, as outlined in the following points, without the support of major industrial landowners, the rezoning of the area to allow mixed use and/or residential development is likely to be problematic and potentially unachievable.
2. The area contains approximately 2,000 jobs, plays a greater economic role than its physical size would otherwise suggest, displays low vacancy rates, has largely shifted to capital intensive production and contains regional and exporting manufacturers. For these reasons, it is economically significant to the City of West Torrens and the broader region.
3. Although the Minister's Inner and Middle Metropolitan Corridor Infill DPA will promote mixed use developments along selected corridors, the envisaged mixed uses are limited to retail, offices, consulting rooms, community facilities and residential, and are not targeted to industrial land uses. If the Underdale and Torrensville area is rezoned to residential and/or mixed use, given the anticipated long lead time for the market to take up the mixed use development opportunities, it is unlikely there will be any net gain in jobs.
4. Although many businesses are 'open-minded' to mixed land use concepts/zoning in their locality, we anticipate that they would have significant concerns if they found new residential development abutting their site boundaries.
5. The residents who returned the survey indicated a number of interface issues. A significant proportion of their issues related to traffic and car parking issues, rather than the nature of the industrial activities in themselves.
6. If the area was rezoned from industry to residential (or similar) there is no certainty that industry would relocate out of the area. This is because existing lawfully operating industrial properties



will retain the right to continue their existing industrial activities. For this reason, the rezoning could potentially exacerbate the interface problems by allowing piecemeal residential development interspersed by industry. The comprehensive redevelopment of the area from industrial to residential can only occur if there is landowner support/interest in such development.

7. Without undertaking additional significantly more environmental specialised investigations (odour, air pollution and acoustic), the “EPA’s Guidelines for Separation Distances” raise significant caution with the rezoning proposal that would encourage additional residential development.
8. Having regard to potential land contamination issues associated with some of the industrial activities, we are hesitant in recommending significant rezoning from industry to residential (or similar) without land owner support.
9. There is limited opportunity to expand the land area for the River Torrens Linear Park. It is noted that Councils have the ability via the standard land division process¹⁰ to advocate for land to be vested as reserve. This process could be used to increase Linear Park land holdings. If such an outcome is desired, Council should consider incorporating additional supporting policies within its Development Plan.
10. Although the Wilford Avenue industrial zoned area contains a number of residential land uses, this residential area appears to have been degraded and has attracted new industrial buildings/investment. Rezoning of this street to residential has been considered but is likely to exacerbate existing interface issues by creating a residential ‘island’ surrounded by industry and limit opportunities for other industrial activities to expand.
11. Having regard to the above findings, a Master Plan that recommends opportunities for residential development cannot be provided.

8.2 Recommendations

The following recommendations actions are suggested for Council’s consideration:

1. Council should consider either updating the existing industry zone or introducing an urban employment zone over the existing industrial zone to incorporate contemporary policies that promote better urban design and environmental outcomes, noting those policies can only apply to new development and not existing land uses. The urban employment zone also provides planning policy that better reflects the existing and desired modern industrial development in the area, and a degree of flexibility in employment land uses.
2. It is acknowledged that some eight industrial zoned allotments fronting Vintage Road, Armour Avenue and Sherriff Street located between Symbion and the higher quality residential areas

¹⁰ Refer to Section 50 of the Development Act 1993



contain industrial land uses that potentially have detrimental impacts (ie odour and overspill car parking). Council, in consultation with land owners, should consider a strategy of:

- promoting the conversions of these sites to new high quality industrial/commercial developments that can be designed to minimise industrial externalities; or
 - incorporate the sites within a residential zone (or similar) subject to the support of the land owners for the reasons previously discussed.
3. Council should consider a range of non-planning policy/DPA solutions to address some of the residents and industrial issues, including:
- developing strategies to manage increased traffic movement and car parking issues;
 - streetscape improvements.
4. Council should continue to liaise with land owners and monitor the issues within the locality to ensure it remains aware of land owner's objectives. This issue can be reviewed in Council's next Strategic Directions Report¹¹ or Council's proposed Urban Employment Lands DPA.

¹¹ As required by Section 30 of the Development Act 1993.



Appendix A – Economic Analysis

Underdale & Torrensville DPA Investigations

URPS & City of West Torrens

October 2015





This report has been prepared for URPS & City of West Torrens. SGS Economics and Planning has taken all due care in the preparation of this report. However, SGS and its associated consultants are not liable to any person or entity for any damage or loss that has occurred, or may occur, in relation to that person or entity taking or not taking action in respect of any representation, statement, opinion or advice referred to herein.

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1 INTRODUCTION

1.1 Purpose of this report

The purpose of this report is to provide an analysis and understanding of the business and employment prospects of the Underdale and Torrensville industrial precinct. The report is intended to inform its audience on the economic merits of the precinct's future land use. The data and analysis presented here are intended for discussion purposes and to assist in weighing up the advantages and disadvantages of pursuing various future land use options in the precinct.

1.2 Method

To deliver on these project objectives SGS used a multi-layered approach which includes:

- Contextual analysis within the broader municipal region to provide an understanding of the significance of the area to the Council's future employment aspirations.
- Statistical analysis of business and land uses over time within the relevant study area. This consists of employment and associated floorspace estimates in the study area by industry and broad land use categories.
- Our interpretation of this data and relevant implications or conclusions which can be drawn for the investigation.

1.3 Report outline

The structure of the remainder of this report closely follows the project method:

- **Section 2** presents the economic context within which the Underdale and Torrensville precinct operates.
- **Section 3** explores, in some detail the quantum, the industries and characteristics of land uses which are active in the precinct.
- **Section 4** summarises the findings and implications of the analysis.

2 REGIONAL AND LOCAL CONTEXT

This chapter presents the regional and local economic context surrounding the economic activities in Underdale and Torrensville. It draws from and presents relevant data that articulate spatial trends in the area.

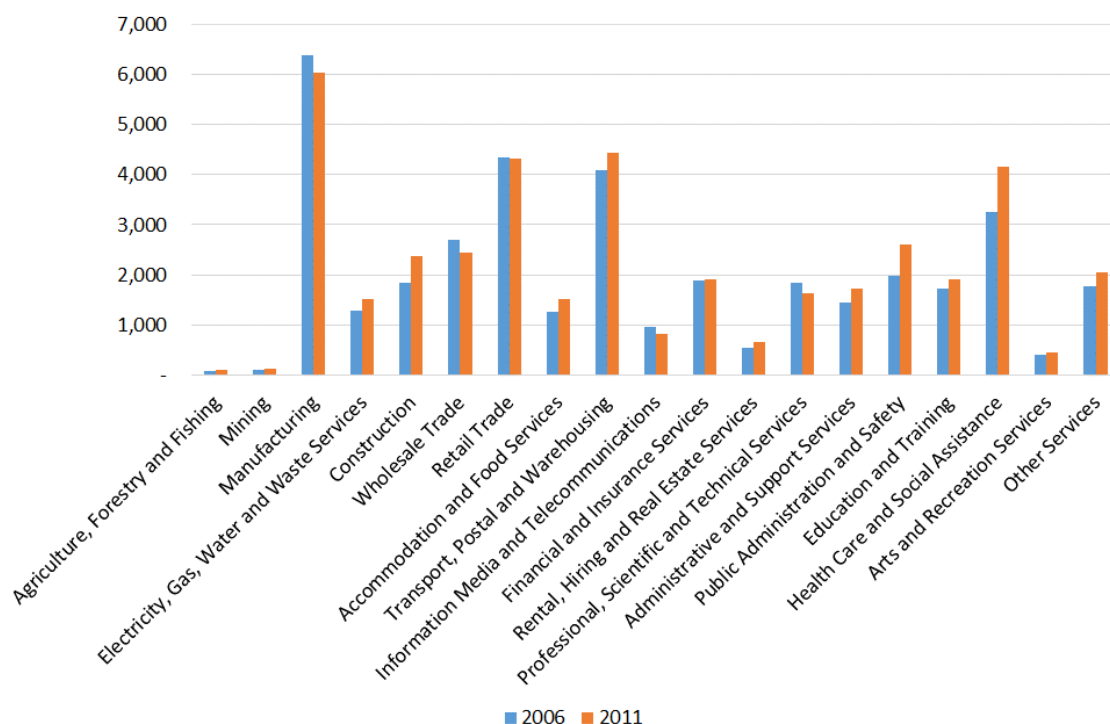
2.1 Economic Trends

West Torrens

The City of West Torrens is located west of the City of Adelaide. The municipality's relatively central location within metropolitan Adelaide sees it play an important economic role. As such it boasts high employment self-sufficiency with around 60,000 residents and 40,000 jobs: close to one job per resident.

As Figure 1 below demonstrates, the economy of West Torrens exhibits a good balance between population serving employment (retail trade, health care, wholesale trade) and export oriented employment (manufacturing, transport).

FIGURE 1 WEST TORRENS EMPLOYMENT BY INDUSTRY 2006 – 2011



Source: ABS 2011 Census

Over the past five years there has been some incremental employment changes in selected industry sectors across the City of West Torrens. The population serving jobs have increased in line with

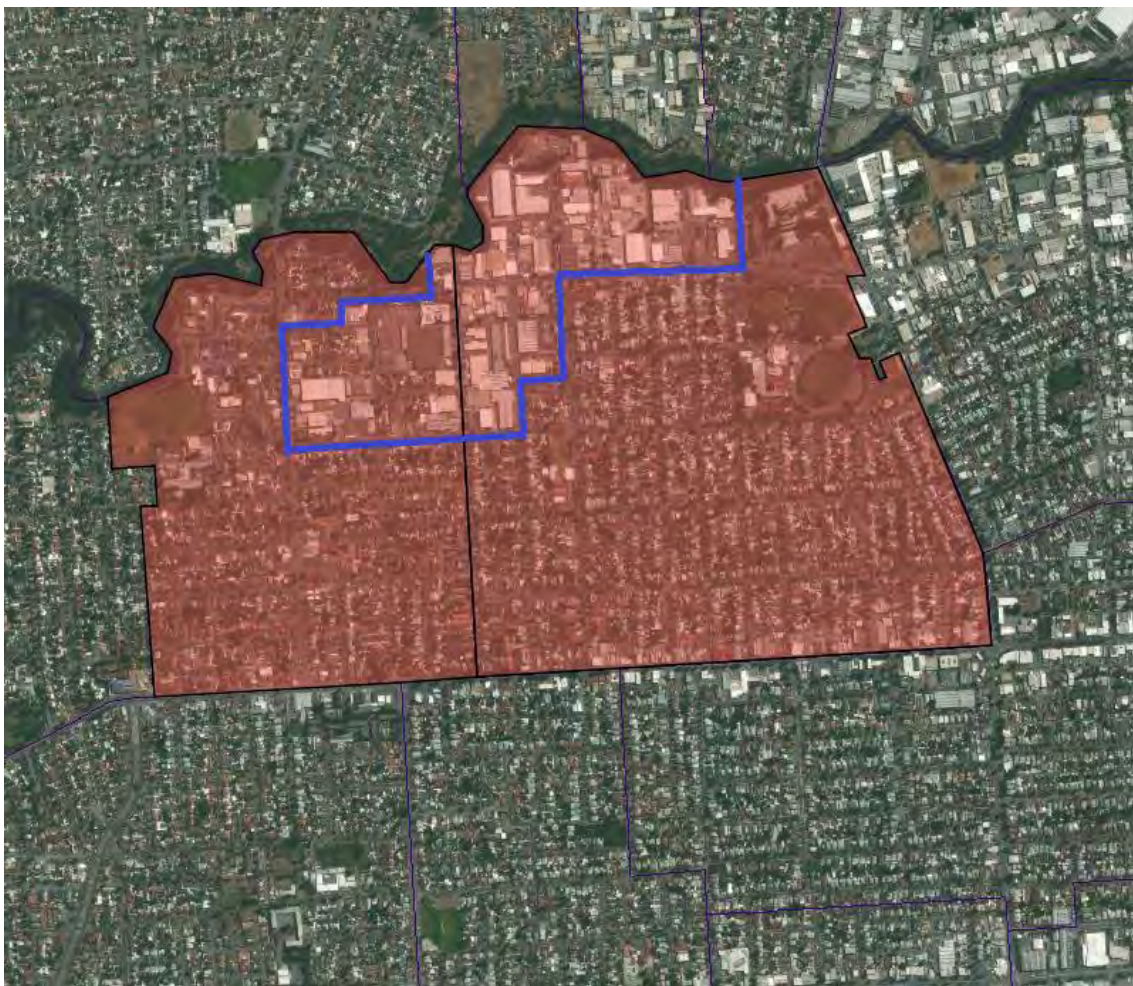
population growth, whilst Manufacturing employment has fallen, but is compensated by a commensurate increase in employment in the Transport sector.

The Underdale and Torrensville Precinct

The Underdale and Torrensville Precinct is located at the northern end of the City of West Torrens, just south of the River Torrens. A relevant statistical area has been identified to assist with the analysis of employment data. This is the area shaded red in Figure 2 below, along with the precinct boundary highlighted by the blue line.

Note that the statistical area contains more than just the businesses of the study area precinct. A District Centre, a community facility precinct, and residential dwellings surround the employment activities in the area.

FIGURE 2 INDUSTRIAL PRECINCT STUDY AREA (BLUE LINE) AND
PRECINCT ABS STATISTICAL AREA (RED SHADE)



Source: SGS 2015

Whilst the residential buildings will not generally contain employment generating land uses, the District Centre and (to a lesser extent) the community facility precinct do, and therefore have the potential to dilute any employment statistics we wish to derive for the industrial precinct.

SGS therefore undertook a rapid stocktake audit of land uses in the District Centre and community uses precinct (CU) via the Google Earth Streetview function. These results are presented below in Figure 3.

FIGURE 3 INDUSTRY OF EMPLOYMENT – BY SUB-PRECINCT

Industry	Industrial Area	District Centre	CU Precinct
Agriculture, Forestry and Fishing			
Mining			
Manufacturing	✓		
Electricity, Gas, Water and Waste Services			
Construction			
Wholesale Trade	✓		
Retail Trade	✓	✓	
Accommodation and Food Services		✓	
Transport, Postal and Warehousing	✓		
Information Media and Telecommunications			
Financial and Insurance Services		✓	
Rental, Hiring and Real Estate Services		✓	
Professional, Scientific and Technical Services	✓	✓	
Administrative and Support Services	✓	✓	✓
Public Administration and Safety		✓	
Education and Training	✓		
Health Care and Social Assistance	✓	✓	✓
Arts and Recreation Services			
Other Services	✓	✓	

Source: SGS 2015

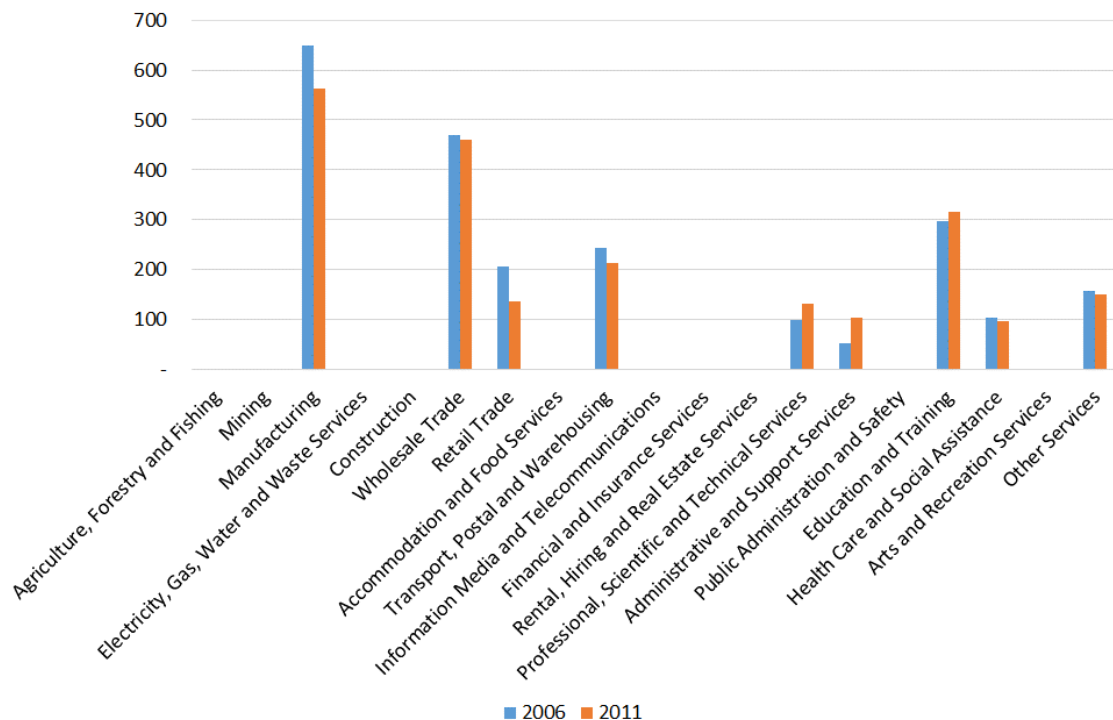
The results of this rapid stocktake audit were then used to deduct employment numbers from the overall precinct numbers. For example, the District Centre was found to contain a significant volume of retail jobs, so many retail jobs of been deducted from the totals – whilst acknowledging that some retail businesses were also identified in the industrial precinct.

Figure 4 below presents the net employment composition in the Underdale and Torrensville industrial precinct. It shows that the precinct's major employers are in the manufacturing and wholesaling industries. Local population serving businesses including retailing and education are also represented in the precinct.

Overall, employment levels in the area have not shifted dramatically in recent times. The precinct is estimated to contain approximately 2,180 jobs as of the 2011 census compared to 2,280 at the 2006 census.

The decline in Manufacturing employment is consistent with most other industrial precincts around the country, and given that the total number of businesses have not changed significantly (see Section 3), the trend should be interpreted as either a downsizing of businesses or a shift towards more capital intensive (and less labour intensive) modes of production.

FIGURE 4 PRECINCT EMPLOYMENT BY INDUSTRY 2006 – 2011



Source: ABS 2011 Census, SGS 2015

2.2 Significance

The significance of this industrial precinct to the West Torrens economy can be measured by the proportion of the municipality's employment which is found in this area.

Figure 5 below presents these proportions by industry breakdown. It shows that whilst the precinct only accounts for approximately 5% of all jobs in West Torrens, its share of Wholesale Trade (19%), Education/Training (17%) and Manufacturing (9%) jobs is much higher and is indicative of the industrial role which the precinct plays in the local economy.

Usually this quantum of employment would be interpreted as suggesting that the precinct plays a **local economic role**. In which case any loss of employment in the area would be felt at a local level, but is unlikely to impact the regional or sub regional economy (notwithstanding the cumulative impacts of systematic employment loss across multiple local employment nodes). However, the data analysed in Section 3 would suggest that the precinct potentially plays a greater role than its pure numbers might suggest.

FIGURE 5 PROPORTION OF WEST TORRENS JOBS IN UNDERTALE & TORRENSVILLE INDUSTRIAL PRECINCT

Industry	Proportion	
	2006	2011
Wholesale Trade	17.5%	18.8%
Education and Training	17.2%	16.5%
Manufacturing	10.2%	9.3%
Professional, Scientific and Technical Services	5.4%	8.0%
Other Services	8.9%	7.4%
Administrative and Support Services	3.6%	6.1%
Transport, Postal and Warehousing	6.0%	4.8%
Retail Trade	4.7%	3.2%
Health Care and Social Assistance	3.2%	2.3%
Agriculture, Forestry and Fishing	0.0%	0.0%
Mining	0.0%	0.0%
Electricity, Gas, Water and Waste Services	0.0%	0.0%
Construction	0.0%	0.0%
Accommodation and Food Services	0.0%	0.0%
Information Media and Telecommunications	0.0%	0.0%
Financial and Insurance Services	0.0%	0.0%
Rental, Hiring and Real Estate Services	0.0%	0.0%
Public Administration and Safety	0.0%	0.0%
Arts and Recreation Services	0.0%	0.0%
Total	6.0%	5.3%

Source: ABS 2011 Census

3 LAND USES IN UNDERDALE AND TORRENSVILLE

This section analyses the precinct land uses and businesses in further detail. It includes an analysis of the type of land uses in the precinct as well as some important trends for those businesses.

3.1 Broad land use

Whilst the Underdale and Torrensville precinct is - for policy purposes - a designated industrial precinct, the present composition of activities by land use suggests a reasonable degree of diversity in the precinct.

Vacancy rates are the best indicator of the economic merits of a local industrial precinct. At 0.4%, the precinct can be considered to be healthy and, if anything, the vacancy rate is too low in that it might prevent effective turnover of businesses through higher (or uncompetitive) rents. In the long term, a lack of vacant land usually translates to a lack of new businesses establishing in the precinct. This in turn can reduce the degree to which an employment precinct is able to organically evolve in line with economic trends and disruptions.

FIGURE 6 BROAD LAND USE COMPOSITION IN THE UNDERDALE&TORRENSVILLE INDUSTRIAL PRECINCT AS OF FEBRUARY 2015

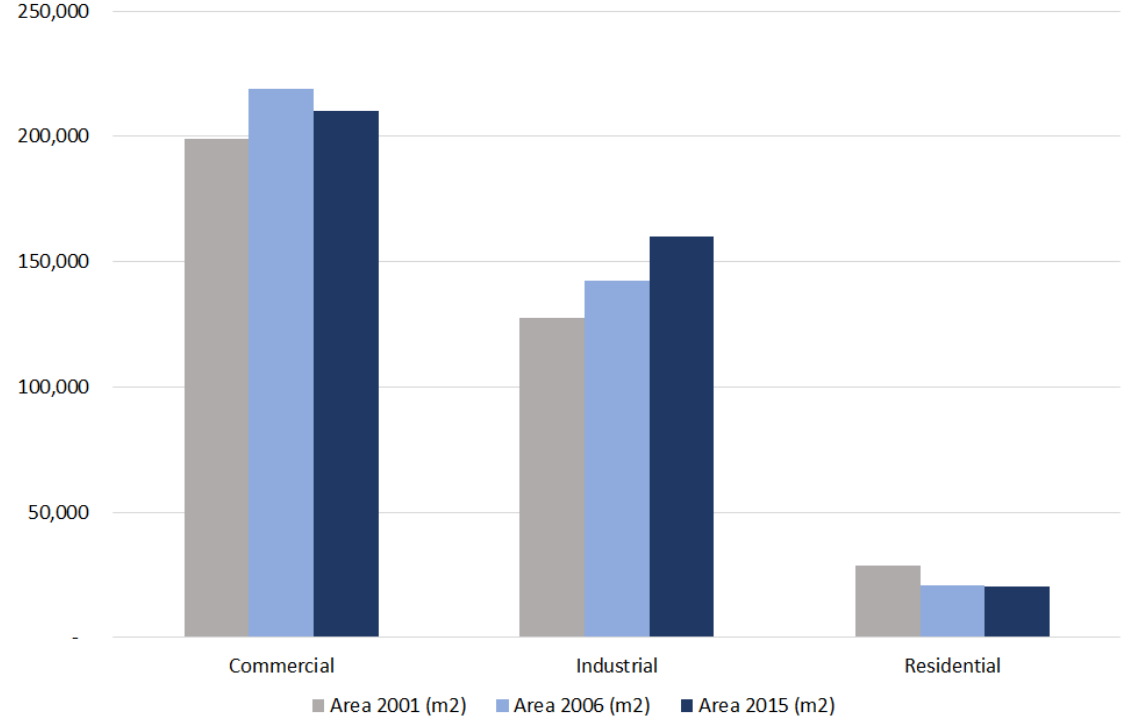
Broad Land Use Category	Land Area (sqm)	Proportion (%)
Commercial	171,167	42.0%
Industrial	167,816	41.2%
Retail	39,513	9.7%
Residential	20,499	5.0%
Other	6,976	1.7%
Vacant land	1,797	0.4%
Total	407,768	100.0%

Source: City of West Torrens, DPTI

Figure 7 then presents the extent of change witnessed in the precinct over the past 14 years. Generally it shows little net change to commercial and residential land use, but an incremental increase in the level of industrial land use found in the area over that period.

This finding is somewhat unusual given the fact that most employment precincts across Australia are experiencing declining levels of industrial activity, often replaced by a larger commercial or residential component. Growth in industrial use by site area in combination with a decline in employment (Figure 4) usually suggests more capital intensive modes of production.

FIGURE 7 HISTORICAL LAND USE CHANGE OVER TIME BY BROAD CATEGORY



3.2 Commercial

More detailed analysis of properties which were broadly categorised as 'commercial' reveals that the vast majority are a combination of offices and warehouses (Figure 8). This building stock combination can predominantly be attributed to the wholesaling industry. Whilst wholesaling was shown to only be the second largest employment industry in this precinct in Figure 4, its proportion of land it occupies is more significant given the low intensity nature of its uses.

Note that the second, third and fourth most significant activities by commercial land area listed in the table below are also of a wholesaling nature. So whilst 42% of the precinct can broadly be considered as 'commercial', this should not be misinterpreted as being professional services or corporate offices.

FIGURE 8 DETAILED LAND USE DELINEATION AMONGST THE 'COMMERCIAL' SITES

Detailed land use categories	Land area (sqm)	Proportion (%)
Office/Warehouse	74,930	43.8%
Refrigerated Storage, Bond Storage And Warehousing	27,790	16.2%
Wholesale Trade - Food And Drink - Warehouse	18,747	11.0%
Wholesale Trade - Food And Drink	10,467	6.1%
Engineering	8,421	4.9%
Telecommunications N.E.C.	4,226	2.5%
Plumbing, Heating And Air-Conditioning Services	4,059	2.4%
Wholesale Trade - Softgoods - Distributor/Agency	3,225	1.9%
Equipment Rental And Leasing Services	3,161	1.8%
Farm Products, Warehousing Storage And Silos (Excl. Stockyards)	2,930	1.7%
Vacant Office	2,868	1.7%
Construction Services N.E.C.	2,642	1.5%
Construction Services	1,738	1.0%
Funeral And Crematorial Services	1,646	1.0%
Private Clubs (Non-Residential)	1,537	0.9%
Civil Engineering Contractors	1,529	0.9%
Car Parking	1,251	0.7%
Total Commercial	171,167	100.0%

Source: City of West Torrens, DPTI

3.3 Industrial

Figure 9 focuses on sites categorised as 'industrial'. It shows that chemical and medicinal product manufacturing accounts for almost half the manufacturing activities in the precinct, with the remainder of industrial production attributable to a diverse range of industries including metal manufacturing, furniture manufacturing and printing.

There is a small provision of local service industry (construction, auto repairs) compared to the level of manufacturing in place in this precinct. This suggests that the industrial businesses in the precinct do more than just service the local population. Manufacturers in industrial chemicals and metal products are often important to the sub-regional and/or regional economy as links in the industrial supply chain.

Furthermore, medicinal product manufacturers are typically exporters that service interstate or international markets.

FIGURE 9 DETAILED LAND USE DELINEATION AMONGST THE 'INDUSTRIAL' SITES

Detailed land use categories	Land Area (sqm)	Proportion (%)
Basic Industrial Chemicals	41,347	24.6%
Drugs And Medicines	40,617	24.2%
Manufacturing Industries N.E.C.	19,641	11.7%
Basic Metal Industries	12,858	7.7%
Fabricated Metal Products, Except Machinery And Equipment N.E.C.	11,149	6.6%
Furniture And Fixtures (Except Primarily Metal)	8,404	5.0%
Printing, Publishing And Allied Industries	7,290	4.3%
Motor Vehicle Repair Services	6,424	3.8%
Bakery	5,669	3.4%
Containers And Boxes Of Paper And Paperboard	4,059	2.4%
Electrical Industrial Machinery And Apparatus	3,507	2.1%
Synthetic Resins, Plastic Materials, Man-Made Fibres (Except Glass)	1,240	0.7%
Processing Of Fish And Other Seafood	1,115	0.7%
Parcels Delivery	803	0.5%
Food Products N.E.C.	766	0.5%
Pulp, Paper And Paperboard	755	0.4%
Petroleum And Coal Products	736	0.4%
Removal, Haulage, Carting And Carrying	723	0.4%
Metal & Wood Working Machinery	712	0.4%
Total Industrial	167,816	100.0%

Source: City of West Torrens, DPTI

4 FINDINGS AND IMPLICATIONS

The City of West Torrens is a municipality which possesses a high ratio of employment to population. This economic success in combination with a relatively central location in the metropolis means that the municipality is an attractive location for residential infill development, as prospective residents would have great access to employment opportunities not only in West Torrens, but also across Metropolitan Adelaide generally.

These factors have created pressure for residential development in infill locations within the municipality, and in the case of the Underdale and Torrensville precinct, has presented a dilemma for local policy makers.

The analysis in this report indicates that economic activity in this precinct is not only diverse but also important for what is a relatively small area. 2,000 jobs would ordinarily be considered as highly significant in a municipality that is struggling to attract businesses and employment. There are also other important indicators which suggest that the jobs in the precinct are indeed worth protecting.

Low vacancy rates, a shift to more capital intensive production and the presence of regional/exporting manufacturers all point to a mix of businesses which should be not only retained in the area, but also prioritised in terms of requirements.

In the absence of more detailed data about the markets that these manufacturers are servicing, it can be assessed that generally speaking, this precinct plays a greater economic role than its physical size would otherwise suggest.

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