

CITY OF WEST TORRENS



Notice of Council & Committee Meetings

NOTICE IS HEREBY GIVEN in accordance with Sections 83, 84, 87 and 88 of the Local Government Act 1999, that a meeting of the

COUNCIL

and

- **Urban Services Prescribed Standing Committee**
- **Governance Prescribed Standing Committee**

of the

CITY OF WEST TORRENS

will be held in the Council Chambers, Civic Centre
165 Sir Donald Bradman Drive, Hilton

on

**TUESDAY, 6 SEPTEMBER 2016
at 7.00 PM**

**Bill Ross
Chief Executive Officer (Acting)**

City of West Torrens Disclaimer

Please note that the contents of these Council and Committee Agendas have yet to be considered by Council and officer 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

Leave of Absence

Mayor Trainer
Cr Dua

4. DISCLOSURE STATEMENTS

Elected Members are required to:

1. Consider Section 73 and 75 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 75A of the *Local Government Act 1999*.

5. CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the meeting of Council held on 16 August 2016 be confirmed as a true and correct record.

6. MAYOR'S REPORT

(Preliminary report for the agenda to be distributed Friday 2 September 2016)

In the three weeks since the last Council Meeting of 16 August 2016, functions and meetings involving the Acting Mayor have included:

Tuesday 23 August

6.00pm Participated in the Civic Committee meeting.

Wednesday 24 August

9.00am Attended the Lockleys Primary School assembly and presentation of badges to new students of the Student Voice Committee.

Friday 26 August

7.00pm Attended the Western Youth Centre Annual General Meeting and presented the Mayor's Encouragement Award.

Saturday 27 August

3.00pm Attended the IGBO Community of SA Inc 'Iri Ji (New Yam) 2016 Nigeria Festival at the Thebarton Community Centre.

Tuesday 30 August

6.00pm Participated in an Elected Member workshop to discuss funding for Community Services initiatives.

In addition, after the compilation of this report on Thursday evening as part of the distributed Agenda on Friday, the Acting Mayor also expects to have attended or participated in the following:

Monday 5 September

11.30am Official opening of the Temple Christian College Advanced Woodworking Centre by Hon Simon Birmingham, Minister for Education and Training.

Tuesday 6 September

6.00pm Council pre-brief and dinner

7.00pm Council Meeting

RECOMMENDATION

That the Acting Mayor's Report be noted.

7. ELECTED MEMBER REPORTS

8. PETITIONS

Nil

9. DEPUTATIONS

Nil

10. ADJOURN INTO STANDING COMMITTEES

RECOMMENDATION

That the meeting be adjourned, move into Standing Committees and reconvene at the conclusion of the Governance Prescribed Standing Committee.

11. ADOPTION OF STANDING COMMITTEE RECOMMENDATIONS

11.1 URBAN SERVICES COMMITTEE

RECOMMENDATION

That the recommendations of the Urban Services Prescribed Standing Committee held on 6 September 2016 be adopted.

11.2 GOVERNANCE COMMITTEE

RECOMMENDATION

That the recommendations of the Governance Prescribed Standing Committee held on 6 September 2016 be adopted.

12. ADOPTION OF GENERAL COMMITTEE RECOMMENDATIONS

12.1 CIVIC NON-PRESCRIBED GENERAL COMMITTEE

RECOMMENDATION

That the Minutes of the Civic Non-prescribed General Committee dated 23 August 2016, be noted and the recommendations adopted.

13. QUESTIONS WITH NOTICE

Nil

14. QUESTIONS WITHOUT NOTICE

15. MOTIONS WITH NOTICE

Nil

16. MOTIONS WITHOUT NOTICE

17. REPORTS OF THE CHIEF EXECUTIVE OFFICER

17.1 Business Parking Permit Fees

Brief

This report proposes a fee reduction for business parking permits.

RECOMMENDATION(S)

It is recommended to Council that:

1. The fees for business parking permits be \$200 for a one year permit and \$380 for a two year permit.
 2. The fees and charges register for 2016/17 be amended accordingly.
-

Introduction

It was resolved on 14 July 2015 that parking permits be made available to businesses operating in the Council area, with fees to be charged as follows:

- \$500 for a one year permit;
- \$950 for a two year permit.

Details, which were not changed for 2016/17, are included in attachment 1.

Discussion

It was reported on 16 August 2016 that no permits had yet been issued to businesses, prompting the suggestion that:

- Fees be reviewed; and
- Publicity be given to the availability of parking permits for businesses.

The current fees for business permits do seem relatively expensive, so it is proposed that they be reduced to:

- \$200 for a one year permit;
- \$380 for a two year permit.

Publicity is being planned to encourage a greater uptake by businesses.

Conclusion

A fee reduction for business parking permits is proposed in this report.

ATTACHMENT 1

**City of West Torrens
Proposed Fee Structure 2015/16
Parking Permits, Exemptions and Vouchers**

Permit Type	Transitional Charges	New Charges		
		Zone Permit	Street Permit	
			Vehicle Specific	Trans-ferrable
Residential Permit				
- Initial application fee	\$35.00	No charge	No charge	No charge
- Issue Fee				
- One Year	\$13.00	\$50.00	\$35.00	\$70.00
- Two Year	\$25.00	\$90.00	\$60.00	\$120.00
- Pensioners	N/A	50% discount	50% discount	50% discount
Business Permit				
- One Year	N/A	N/A	N/A	\$500.00
- Two Year	N/A	N/A	N/A	\$950.00
Temporary Permits	No Charge	No Charge		
Community Services Permits	No Charge	No Charge		
Exemptions	No Charge	No Charge		

17.2 2016 LGA Conference and AGM

Brief

This report provides notice of the 2016 Local Government Association Conference and Annual General Meeting (AGM) to be held at the Adelaide Entertainment Centre, Hindmarsh from 20 to 21 October 2016.

RECOMMENDATION(S)

It is recommended to Council that:

1. Subject to their confirmation, Council approves the attendance of Mayor Trainer, Cr Demetriou, and Cr/sat the 2016 Local Government Association Conference and Annual General Meeting being held at the Adelaide Entertainment Centre, Hindmarsh from 20-21 October 2016.
2. Expenses be reimbursed in accordance with Council policy.

Introduction

The Local Government Association (LGA) has provided notice that its 2016 LGA Conference and Annual General Meeting (AGM) will be held Thursday 20 and Friday 21 October at the Adelaide Entertainment Centre, Hindmarsh (**Attachment 1**).

Discussion

The theme for the 2016 LGA Conference and AGM is "Creating our Destiny" which will focus on the key issues our sector needs to be united on and how we together can make a difference.

The keynote speaker at this year's Conference will be Andrew Horabin from The Bullshift Company.

The Annual General Meeting of the Local Government Association will be held on the morning of Friday 21 October.

At its August 2016 meeting, Council appointed Mayor Trainer as its voting delegate at the AGM and Cr Demetriou as proxy but both still require the approval of Council to attend.

A draft program and registration is expected to be available in late August/early September 2016.

ATTACHMENT 1



2016 LGA Conference and AGM - Circular 30.9

To **Chief Executive Officer
Corporate Services Staff
Economic Development and Tourism Staff
Elected Members
Governance Officers** Date **28 July 2016**

Contact **Leeanne Manuel**
Email: leeanne.manuel@lga.sa.gov.au

Response No
Required

Summary **The 2016 LGA Conference and Annual General Meeting will be held on Thursday 20 and Friday 21 October at the Adelaide Entertainment Centre, Hindmarsh. Further information on this event can be found in this circular. The LGA is asking for nominations for Councillors recognition of service to be submitted by 30 September 2016.**

2016 LGA Conference

Creating our Destiny

The [2016 LGA Conference and Annual General Meeting](#) will be held on Thursday 20 and Friday 21 October at the Adelaide Entertainment Centre, Hindmarsh.

We are excited to confirm **Andrew Horabin** from **The Bulshiff Company** will be the keynote speaker opening our 2016 conference. This year the conference, themed '**Creating our Destiny**', will focus on the key issues our sector needs to be united on and how we together can make a difference.

The Conference Dinner will be held on Thursday 20 October at the Adelaide Intercontinental, North Terrace, Adelaide.

The LGA Annual General Meeting will be held on the morning of Friday 21 October. For further information on this meeting, please refer to [LGA Circular 27.6](#) or go to www.lga.sa.gov.au/generalmeetings.

Further information on this event is available at [here](#). If you have any questions about this event please contact Rebecca Wake on 8224 2047 or rebecca.wake@lga.sa.gov.au or Leeanne Manuel on 8224 2028 or leeanne.manuel@lga.sa.gov.au.

Nominations for Councillors Recognition of Service

Currently serving council members, who have served for 20 years or more (as either a Councillor or as a combined service of a Councillor and a council employee) are eligible to receive a Certificate of Service.

Due to the prestigious status of these Certificates of Service, they will be presented before an audience of the recipient's peers at the Conference Networking Dinner on Thursday 20 October 2016. Recipients of the Certificates of Service will be invited to attend the Dinner as a guest of the LGA. Please advise Leeanne Manuel of individuals who are eligible to receive a Certificate of Service by completing the [online form](#) below by **Friday 30 September 2016**. For further information please visit www.lga.sa.gov.au/MeritAwards.

www.lga.sa.gov.au/serviceform

17.3 2016 National Local Roads and Transport Congress

Brief

This report provides notice of the ALGA National Local Roads and Transport Congress 2016 to be held at Toowoomba, Queensland from 9 to 11 November 2016.

RECOMMENDATION(S)

It is recommended to Council that:

1. Subject to their confirmation, Council approves the attendance of Cr/sat the ALGA National Local Roads and Transport Congress 2016 to be held at Toowoomba, Queensland from 9 to 11 November 2016.
2. Expenses be reimbursed in accordance with Council policy.
3. Subject to their confirmation, Council approves the attendance of spouses/partners of attending Elected Members and further, consistent with Council policy, that the costs other than air fares, be met by Council.

Introduction

The 2016 Australian Local Government Association (ALGA) National Local Roads and Transport Congress (Congress) will be held from 9 to 11 November 2016 at Toowoomba, Queensland.

Discussion

The ALGA Congress is held on an annual basis to develop and refine a national case for improved investment in local government owned transport infrastructure and other transport infrastructure which impacts on local communities.

The theme for the 2016 National Local Roads and Transport Congress is "Local Infrastructure, Developing Regions", which will focus on the value and importance of strong regional and local collaboration and how those connections contribute to Australia's economic competitiveness.

The keynote speakers include the Minister for Infrastructure and Transport, the Hon Darren Chester MP, the Shadow Minister for Infrastructure, Transport, Cities and Regional Development, the Hon Anthony Albanese as well as the former Ministry of Transport Chief Executive of New Zealand, Mr Martin Matthews.

A copy of the program is attached for Members' information (**Attachment 1**).

The full registration package is \$890 which includes attendance at all Congress sessions, a ticket to the welcome reception and Congress dinner, morning tea, lunch and afternoon tea and a Congress satchel including materials.

The approximate cost of airfares is \$675 return with early booking, and accommodation is available from between \$180 and \$280 per room per night dependent on accommodation type and location within Toowoomba.

Cr/s Demetriou and McKay have expressed an interest in attending the Congress.

ATTACHMENT 1



2016 CONGRESS PROGRAM

Wednesday 9 November 2016

5.00 - 7.00 pm	Welcome Reception, Cobb and Co Museum
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Thursday 10 November 2016

9:00 am	OPENING ADDRESS ALGA President
9:20 am	KEYNOTE ADDRESS Keynote Address: Martin Matthews Former Ministry of Transport Chief Executive, New Zealand
10:00 am	GOVERNMENT ADDRESS Minister for Infrastructure and Transport, the Hon Darren Chester MP
10:30 am	MORNING TEA
11:00 am	Partnerships for improved infrastructure
12:15 pm	Freight Investment Prospectus launch
12:30 pm	LUNCH
1:30 pm	PANEL Partnerships for improved infrastructure
3:00 pm	AFTERNOON TEA
3:30 pm	WORKSHOP How prepared is your council to engage in regional road planning?
5:00 pm	DAY ONE CLOSE
6:30 pm	OFFICIAL DINNER Picnic Point

Friday 11 November 2016

8:00 am - 9:30 am	Breakfast and Heavy Vehicle Demonstration
9:30 am	OPPOSITION ADDRESS Shadow Minister for Infrastructure, Transport, Cities and Regional Development, the Hon Anthony Albanese MP
10:00 am	Emerging Policy Initiatives
11:00 am	MORNING TEA
11:30 am	PANEL SESSION Road Reform Partners
12:45 pm	The Local Government Transport Agenda
1:15 pm	President's Closing Address
1:30 pm	CONGRESS CLOSE

NATIONAL LOCAL ROADS AND TRANSPORT CONGRESS 2016



2016 SPEAKER PROFILES



Martin Matthews

Martin recently stepped down from his position as Secretary for Transport in New Zealand after nearly eight years in the role. In that capacity he was Chief Executive of the Ministry of Transport and responsible for advice to the government on policy, regulation and investment across all modes of transport.

During his term as Secretary Martin led the Ministry in taking a more strategic long term view about the future of mobility and transport, and the role that technology will play in bringing about a paradigm shift in the coming decades. This leadership was recognised in 2015 when he was inducted as one of only three people in the ITS World Congress Hall of Fame.

Prior to his transport role Martin held leadership positions as Chief Executive of the New Zealand Ministry for Culture and Heritage and as an Assistant Auditor-General. Martin is a qualified accountant and economist and is now working as an independent consultant.



The Hon Anthony Albanese

Anthony grew up in a public housing community in Camperdown and recognised early on the need to fight for social justice so that there was equal opportunity in society.

That is what led Anthony to joining the Australian Labor Party. He developed his political activity working for former prisoner of war and legendary Whitlam and Hawke Government Minister Tom Uren.

In 1996 Anthony was elected as the Member for Grayndler in Sydney's inner west, where he has lived his entire life.

Following the election of the Federal Labor Government in November 2007 Anthony became the Minister for Infrastructure and Transport and Leader of the House of Representatives.

Anthony was named Infrastructure Minister of the Year for 2012 by London based publication *Infrastructure Investor*. In June 2013, he became Deputy Prime Minister, and also took on additional responsibility as Minister for Broadband, Communications and the Digital Economy. Anthony was re-elected the Member for Grayndler in 2013 and is now the Shadow Minister for Transport and Infrastructure, and the Shadow Minister for Tourism



2016 SPEAKER PROFILES



Darren Chester

Darren Chester was elected to Federal Parliament as the Member for Gippsland on June 26, 2008, in a by-election following the retirement of the Hon Peter McGauran.

He was re-elected in 2010 and served as the Opposition's Shadow Parliamentary Secretary for Roads and Regional Transport as well as being an active member of various Parliamentary Committees until the most recent Federal election.

Following a successful campaign in 2013 and the introduction of the Abbott-Truss Government, he was appointed the Parliamentary Secretary to the Minister for Defence.

Darren continued as the Assistant Minister for Defence under the new Turnbull Government and in February 2016, was appointed to Cabinet as the Federal Minister for Infrastructure and Transport.

Darren, aged 46, was born and educated in Sale and now lives in Lakes Entrance with his wife Julie and their four children.

Prior to entering Federal Parliament, he worked as a newspaper and television journalist throughout Gippsland and then became Chief of Staff to the Leader of The Nationals in Victoria, Peter Ryan.

Darren is a former Chief Executive Officer of regional lobby group Champions of the Bush and served two terms as President of the Lakes Entrance Business Tourism Association (LEBTA), where he was heavily involved in tourism marketing and organising major events.

He has led various community campaigns and has been actively involved in projects to improve the environment of the world-renowned Gippsland Lakes

17.4 Murray Darling Association 72nd National Conference and AGM 2016

Brief

This report provides notice of the Murray Darling Association 72nd National Conference and Annual General Meeting 2016 to be held at Dubbo, New South Wales from 26 - 27 October 2016.

RECOMMENDATION(S)

It is recommended to Council that:

1. Subject to their confirmation, Council approves the attendance of Cr/s..... at the Murray Darling Association 72nd National Conference and Annual General Meeting 2016 to be held at Dubbo, New South Wales from 26 - 27 October 2016.
2. Expenses be reimbursed in accordance with Council policy.
3. Subject to their confirmation, Council approves the attendance of spouses/partners of attending Elected Members and further, consistent with Council policy, that the cost of any incidental meals be met by Council.

Introduction

The Murray Darling Association (MDA) 72nd National Conference and Annual General Meeting 2016 to be held at Dubbo, New South Wales from 26 - 27 October 2016.

Discussion

The theme for the 72nd National Conference and Annual General Meeting is 'Local Government - The voice of The Basin' - the role of local government in managing the social and economic impacts of the Basin plan.

Conference Guest presentations include:

- Regulatory oversight and the impact of new and emerging industries on water extraction limits and demand patterns across the Basin
- Climate variability and what that will mean for our Basin communities over the next 20 years and beyond. Strategies for councils to stay ahead of the curve.

A copy of the program is attached for Members' information (**Attachment 1**).

The total conference package is \$550 which includes the 2016 National Conference, Annual General Meeting, Annual Dinner (Thursday 27 October), Civic Reception, optional Study Tour (Friday 28 October) and all morning and afternoon teas, lunches and dinners.

The approximate cost of airfares is \$650 return (via Sydney) and accommodation is available from \$130 to \$230 per room per night dependent on accommodation type and location within Tocumwal.

Cr Mangos, in his capacity as Council's representative on the Murray Darling Association SA Committee, has advised of his interest in attending.

Attachment 1



72nd Annual General Meeting & National Conference

26-27 October 2016

Dubbo RSL Club Resort, NSW



Local Government – the Voice of the Basin



It's in the balance!

**WESTERN PLAINS
REGIONAL COUNCIL**
Incorporating the former Dubbo City & Wellington councils

Presented by:
The Murray Darling Association
Hosted by Western Plains Regional Council

The MDA represents local government and the communities of the Murray Darling Basin. That is 14 percent of the land mass of Australia, encompassing 172 councils, 82 of which are currently members of the MDA. That is a powerful voice.

In 2014, Hon Craig Knowles then Chair of the MDBA, signed a Memorandum of Understanding with the MDA. That MOU acknowledges the key role of local government in the governance of the Murray-Darling Basin, and the importance of local knowledge to effective decision making. Mr Knowles said "If the MDA didn't exist, we'd have to invent it", noting that local government must have the means and opportunity to actively participate in informing water policy to give best effect to the implementation of the Basin Plan.

The MDA's strength and success relies upon the active participation of our member councils. It is the technical and professional expertise that is uniquely invested in local government, that gives voice to the needs of our communities, individually and collectively across the Basin.

Local Government – the Voice of the Basin



WEDNESDAY 26 OCTOBER 2016

8:30am	Conference registration <i>Dubbo RSL Club Resort Cnr Brisbane and Wingawarra Streets, Dubbo, NSW 2830</i>
9:15am	Conference commences – delegate seating <i>Dubbo RSL Club Resort</i>
9:25pm	Delegates call to order
9:30am	Welcome to our National Conference <i>MDA National President Mayoral welcome "Welcome to country"</i>
9:45am	Attendance: present and apologies
10:00am	Keynote presentation <i>Murray Darling Basin Authority – Chair and CEO The role of local government in managing the social and economic impacts of the Basin plan</i>
10.25am	MORNING TEA
10:45am	Previous minutes <i>Meeting held 2015, Berrigan</i>
10:50am	Presentation of reports – 2016 Annual Report – 2016 Annual Financial Report – Appointment of Auditor for 2016/17 – Board Report – Chief Executive Officer's Report
11:30pm	Guest Presentation <i>Regulatory oversight and the impact of new and emerging industries on water extraction limits and demand patterns across the Basin</i>
12:00pm	Presentation of motions:
12:00pm	Presentation of motions: Motion 1 – Adoption of new constitution <i>Speaker – Andrew Sherman, Principal. Russel Kennedy Lawyers</i>
12.30pm	LUNCH <i>motion particulars will be distributed to members by 30/9/2016</i>
1:30pm	Motion 2 <i>Speaker TBC</i>
1:40pm	Motion 3 <i>Speaker TBC</i>

WEDNESDAY 26 OCTOBER 2016 continued

1:50pm Motion 4

Speaker TBC

2:00pm Motion 5

Speaker TBC

2:10pm Motion 6

Speaker TBC

2:20pm Motion 7

Speaker TBC

2:30pm Motion 8

Speaker TBC

2:40pm AFTERNOON TEA

3:00pm Guest presentation

Climate variability and what that will mean for our Basin communities over the next 20 years and beyond. Strategies for councils to stay ahead of the curve

3.45pm Announcement of the 2017 AGM Location
Presentation – host council

4:00pm Conference closes

6:15pm CIVIC RECEPTION

THURSDAY 27 OCTOBER 2016

8:30am to 3:30pm Regional study tour
Study tour of points of regional significance presented by Western Plains Regional Council.



This program may be subject to minor changes for scheduling, but we will endeavour to keep as close as possible to what appears here.

Please visit mda.asn.au for registration and accommodation options

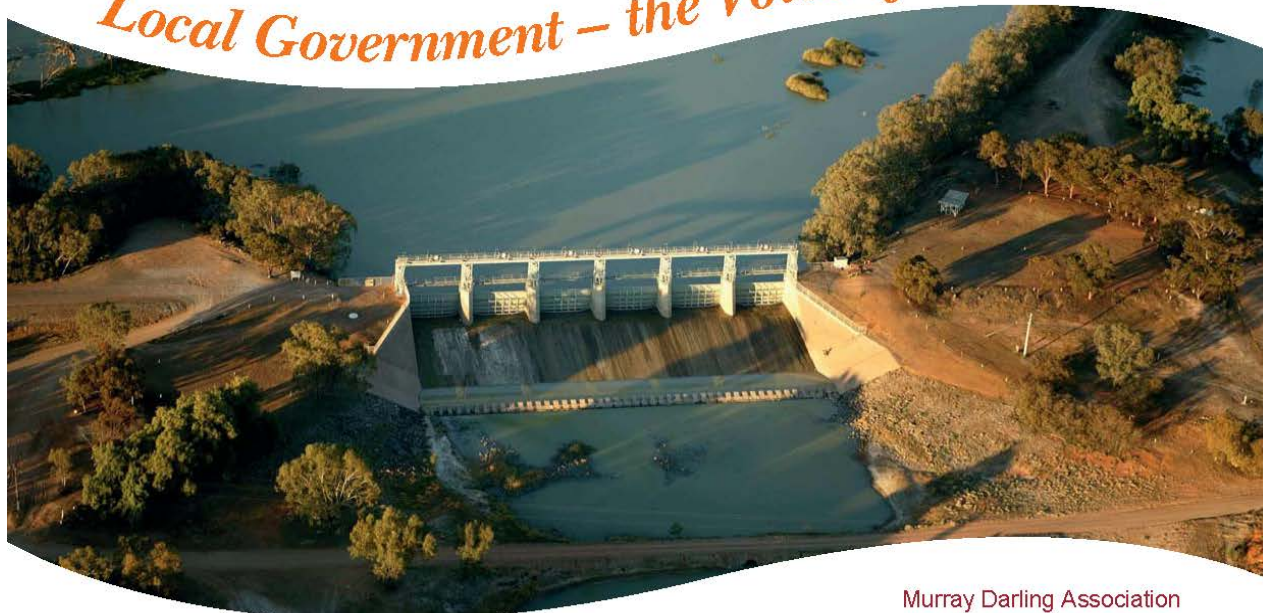


WESTERN PLAINS
REGIONAL COUNCIL
Incorporating the former Dubbo City & Wellington councils

Additional copies of this document can be downloaded from www.mda.asn.au



Local Government – the Voice of the Basin



Murray Darling Association
461-463 High Street, Echuca Vic 3564
Ph 03 5480 3805 | Email admin@mda.asn.au

17.5 Study Tour - Waste Working Party

Brief

This report proposes the participation of members of the Waste Working Party in a study tour of waste facilities in Mildura.

RECOMMENDATION(S)

It is recommended to Council that:

1. Subject to their confirmation, Council approves the participation of Cr/s in a study tour of waste facilities in Mildura in 2016 on dates yet to be determined.
2. Elected Member expenses be reimbursed in accordance with Council policy.

or

The report be received.

Introduction

The participation of members of the Waste Working Party in a study tour of waste facilities in Mildura is proposed in this report.

Discussion

Members of the Waste Working Party are planning a study tour to Mildura over two days later this year (dates yet to be determined) in order to:

- Meet with Mildura Rural City Council representatives and tour / inspect key waste recycling facilities; and
- Meet with Integrated Waste Management and tour facilities.

The focus of the tour will be on recycling initiatives being taken in the area that might be transferrable to West Torrens.

The tour is expected to cost \$1,000 for each member supported to attend and there are funds available in the budget. Current working party members are Crs McKay, Woodward and Demetriou.

It is intended that travel arrangements be made if / when approval is given.

Conclusion

This report proposes the participation of members of the Waste Working Party in a study tour of waste facilities in Mildura.

17.6 Waste South Australia 2016 Conference

Brief

This report provides notice to Council of the upcoming Waste South Australia (WasteSA) 2016 Conference at the Stamford Grand Adelaide from 21 to 23 September 2016.

RECOMMENDATION(S)

It is recommended to Council that:

1. Subject to their confirmation, Council approves the attendance of Cr/s at the WasteSA 2016 Conference being held at Stamford Grand Adelaide from 21 to 23 September 2016.
2. Expenses be reimbursed in accordance with Council policy.

Or

That the report be received.

Introduction

The WasteSA 2016 Conference will be held at the Stamford Grand Adelaide, Glenelg from Wednesday 21 to Friday 23 September 2016.

Discussion

The Waste Management Association of Australia (WMAA) will be hosting the WasteSA 2016 Conference. WMAA is the peak body for the waste and resource recovery industry throughout Australia.

The keynote speakers include the Minister for Sustainability, Environment and Conservation, Minister for Water, Minister for Climate Change, Hon Ian Hunter MLC, Mayor of the City of Holdfast Bay, Mayor Stephen Patterson, Chief Executive of SA Environment Protection Authority, Tony Circelli, and Chief Executive of Green Industries SA, Vaughan Levitzke.

Conference presentations and sessions include:

- Future Directions in the Green Economy - Global and Local
- South Australian Regulatory Reform
- A South Australian Industry Perspective on Waste, Resource Recovery and Remanufacturing
- Organics and Emissions Reduction (Session one)
- Infrastructure and Planning (Session two)
- Regional waste successes and challenges (Session three)
- Innovation and best practice (Session four)

The Conference will provide participants an up to date view of the opportunities and challenges in the SA waste and resource recovery sector.

The full program is attached for Members' information (**Attachment 1**).

The total conference package is \$1,280 (inclusive of GST) and includes the Welcome Drinks (Wednesday 21 September), conference sessions, Technical Tour (Wednesday 21 September), Conference Dinner (Thursday 22 September), conference workshops (Friday 23 September), morning teas, lunches and afternoon teas, and link to download Conference APP.

ATTACHMENT 1



21-23 SEPTEMBER 2016
STAMFORD GRAND HOTEL
ADELAIDE SA

WASTE SOUTH AUSTRALIA

CONFERENCE PROGRAM

Government Partner



Government of South Australia
Office of Green Industries SA



21-23 SEPTEMBER 2016
STAMFORD GRAND HOTEL ADELAIDE SA
CONFERENCE PROGRAM



Wednesday, 21 September 2016

Technical Tour

12noon	Technical Tour Departs - Stamford Grand Adelaide Hotel, Glenelg <i>Suez - Resource Co Alt Fuels</i> <i>Trident Plastics</i> <i>Visy MRF</i> <i>East Waste - Truck Demonstration</i>
1700	Technical Tour Returns - Stamford Grand Adelaide Hotel, Glenelg
1730-1900	Welcome Drinks meet the WMAA Board - The Moseley Bar & Kitchen, Glenelg



Thursday, 22 September 2016

Opening Plenary

Chair: Martin Tolar - Chief Executive Officer, Waste Management Association of Australia

0845	Welcome and introduction Adam Faulkner - Program Convener and General Manager, East Waste
0850	Official opening Mayor Stephen Patterson - Mayor of City of Holdfast Bay
0900	Ministerial address The Hon Ian Hunter MLC Minister for Sustainability, Environment and Conservation, Minister for Water, Minister for Climate Change
0915	Keynote address: 'Future Directions in the Green Economy - Global and Local' Vaughan Levitzke - Chief Executive, Office of Green Industries SA
0945	Keynote address: South Australian Regulatory Reform Tony Circelli - Chief Executive Officer, Environment Protection Authority SA
1015	Morning Tea

Plenary one: South Australia: State

Chair: Mark Rawson - Managing Director & Principal Consultant, Rawtec

1045	Presentations and Panel session: <i>A South Australian Industry Perspective on Waste, Resource Recovery and Remanufacturing</i> Laurie Kozlovic - Veolia Australia & New Zealand, Simon Brown - ResourceCo, Peter Wadewitz - Peats Soil, Marina Wagner - Fleurieu Regional Waste Authority
1215	Lunch

>>> continuing

Thursday, 22 September 2016 continuing

Session one: Organics and Emissions Reduction <i>Chair: Chris Brideson - Director, Water and Waste Innovations</i>	
1300	<i>Food2Green: The kitchen basket success story</i> Shani Wood - Environmental Education and Projects Officer, City of Holdfast Bay
1315	<i>Engaging the community to improve organics and recycling collections</i> Kathy Scarborough - Waste Education, Project Officer and Audits Manager, KESAB
1330	<i>Seeing the opportunities in small abatement, Emissions Reduction Fund</i> Mark Williamson - Executive General Manager, Clean Energy Regulator
1345	<i>Post collection contamination management</i> Martin Jeffries - Managing Director, Jeffries
1400	<i>Who moved MY CHEESE? Introducing fortnightly kerbside waste collection in Alexandrina</i> Jane Brook - Project Coordinator, Fleurieu Regional Waste Authority
1415	Questions and Answers
1445	Afternoon Tea
Session three: Regional waste successes and challenges <i>Chair: Stephen Smith - Director, Policy, Local Government Association</i>	
1515	<i>Litter and nuisance control legislation: An EPA perspective</i> Steven Mudge - Manager, Legislation and Policy Reform Environment Protection Authority SA
1530	<i>Litter and nuisance control legislation: An LGA perspective</i> Simon Thompson - Policy Officer, Environment, Local Government Association SA
1545	<i>Hard waste collection - Vertical integration</i> David Beaton - Chief Executive Officer, Berri Barmera Council
1600	<i>Upper Spencer Gulf - A region in transition</i> Anita Crisp - Executive Director, Upper Spencer Gulf Common Purpose Group
1615	<i>Illegal dumping: A study into community behaviour</i> Kate Harmer - Environmental Management Officer - Waste & Recycling, City of Charles Sturt
1630	Questions and Answers
1700	Day one concludes
1830	Conference Dinner - Stamford Grand Adelaide Hotel, Glenelg
WASTE SOUTH AUSTRALIA 2016 CONFERENCE	
Session two: Infrastructure and Planning <i>Chair: Geoffrey Webster - Director, Waste and Management Services</i>	
1300	<i>SA's Resource Recovery Infrastructure Plan</i> Serena Yang - Manager, Policy and Projects, Office of Green Industries SA & Mark Rawson - Managing Director & Principal Consultant, Rawtec
1315	<i>Renewable base load power with energy from waste</i> Dr Marc Stambach - Managing Director, Hitachi Zosen Inova Australia
1330	<i>Victorian Statewide Waste and Resource Recovery Plan: Past, present and future</i> Stan Krpan - Chief Executive Officer, Sustainability Victoria
1345	<i>Learnings and outcomes from the NSW EPA Waste Less Recycle More Investment</i> Steve Beaman - Director Waste and Resource Recovery, NSW Environment Protection Authority
1400	<i>Unintended consequences from levy legislation</i> Mike Haywood - Principal Consultant, Sustainable Resource Solutions
1415	Questions and Answers
1445	Afternoon Tea
Session four: Innovation and best practice <i>Chair: Adam Faulkner - General Manager, East Waste</i>	
1515	<i>Energy from waste, where does Australia sit?</i> Dr Ron Wamberg - Technical Director, MRA Consulting Group
1530	<i>Nyrstar E-Waste precious metals refining has arrived to SA</i> Bill Watt - Manager Technology, Nyrstar
1545	<i>Investment certainty for resource recovery</i> Dr Dan Chesson - Commercial Director, Re.Group
1600	<i>Waste wonders from the west</i> Rebecca Brown - Manager, Waste and Recycling, WALGA
1615	<i>Scrap tyres: A voluntary stewardship for tyres</i> Matt Genever - Chief Executive Officer, Tyre Stewardship Australia
1630	Questions and Answers
1700	Day one concludes
1830	Conference Dinner - Stamford Grand Adelaide Hotel, Glenelg
Page 2	



21-23 SEPTEMBER 2016
STAMFORD GRAND HOTEL ADELAIDE SA
CONFERENCE PROGRAM



Friday, 23 September 2016

Plenary two:

Chair: Miranda Ransome - President, Waste Management Association of Australia

0900 **Welcome and introduction**

Miranda Ransome - President, Waste Management Association of Australia

0905 *Waste Aid - The charity for the waste and resource recovery sector*

Anne Prince - Founder & Chief Executive Officer, Waste Aid

Workshop one: EPA Regulatory Reform

Chaired by: WMAA Young Professionals

0920 Introduction and background on WMAA Young Professionals.

0925 The Environment Protection Authority (EPA) SA has initiated a number of significant reforms that have the potential to impact across many levels within the waste industry. Hear from the EPA SA on the latest on what is happening with regulatory reform, and provide your input on where the reform journey is taking you. (Invited)

1100 Morning Tea - Exhibitor opportunity

Workshop two: Draft State Infrastructure Plan - Office of Green Industries SA

Chaired by: WMAA Young Professionals

1145 Green Industries SA will outline the draft state infrastructure plan and would like to workshop the plan to receive feedback on a range of areas. The workshop will explore areas including specific needs in the different regions, priorities for the region, issues to be considered in finalising the plan.

1310 Young Professionals - Wrap-Up

1315 Lunch

1400 Conference close

18. LOCAL GOVERNMENT BUSINESS

18.1 Local Government Circulars

Brief

This report provides a detailed listing of current items under review by the Local Government Association.

RECOMMENDATION(S)

It is recommended to Council that the Local Government Circulars report be received.

Discussion

The Local Government Association (LGA) distributes a weekly briefing on a range of matters affecting the general functions, administration and operations of councils through a 'General Circular'.

The indices attached for Members' information in this report are numbers 32, 33 and 34.

If Members require further information, they may contact the Chief Executive Officer's Secretariat. In some circumstances, it may then be appropriate for the Member to contact the relevant General Manager for more information.

ATTACHMENT 1



**Local Government Association
of South Australia**

32.3 Reminder - 2016 Safe Cycling Awards for Local Government

The Motor Accident Commission along with the Department for Planning, Transport and Infrastructure, and the Local Government Association are proud to announce the inaugural Safe Cycling Awards for South Australian councils. Applications close 2 September 2016.

32.7 Reminder to register - 2016 LGA Roads and Works Conference

Don't forget to register for the 2016 LGA Roads and Works Conference. Further information can be found in this Circular.

32.4 Delegations Updates – Electronic Conveyancing National Law (SA) Act – 1 August 2016

A new delegations template is available under the Electronic Conveyancing National Law (SA) Act.

32.2 Nominations open - Women in Waste Award

Nominations are being called for the 2016 Office of Green Industries SA Women in Waste Award.

32.5 LGA forum - using the Australian Early Development Census

Councils are invited to a forum on 23 September 2016 at the LGA to learn more about how they can use the Australian Early Development Census (AEDC) in strategic planning, public health planning and community development. This circular contains more information and registration details.

32.6 Liquor Licensing (Small Venue Licence) Amendment Bill 2016

Hon Tammy Franks MLC has introduced a Bill to amend the Liquor Licensing Act to extend the liquor licensing scheme to enable small bars to be licensed outside of the Adelaide CBD and North Adelaide. The LGA is seeking council feedback on the proposals.

33.1 SA LG Financial Management Group - AGM & Breakfast Presentation

The AGM of the SA Local Government Financial Management Group will be held in conjunction with a breakfast presentation on Friday 26 August 2016; with guest speaker Senator Nick Xenophon.



Local Government Association of South Australia

33.2 Draft South Australian Railway Crossing Safety Strategy

The draft strategy outlines the various safety issues at railway crossings in South Australia and proposes a range of measures to improve safety. Councils are invited to make comment on the Strategy at the SA Government yoursay website.

33.3 Reminder - Reconciliation Action Plan Networking Forum

Councils are reminded of the forum to discuss the development and progression of Reconciliation Action Plans and Aboriginal affairs across South Australian councils is being held on 22 August 2016. More information can be found in this Circular.

33.4 Irrigated Public Open Space (IPOS) training - register now

The Office for Recreation and Sport are offering free Irrigated Public Open Space (IPOS) training sessions across South Australia in September. Register now to attend.

33.6 Planning and Partnerships Forum – new and emerging opportunities for Councils

Councils are invited to a full day Regional Public Health Planning forum on Friday 23 September 2016. The morning session will focus on how Councils can use the Australian Early Development Census in strategic planning, public health planning and community development. The afternoon session, provides an opportunity to link the work of the Non-Government Organisation (NGO) sector and Councils in relation to improved public health outcomes for communities.

33.7 South Australian Public Health Evaluation Framework and Indicators – Update

SA Health sought input from councils about the Public Health indicators at a series of workshops over 2015-16. SA Health will continue to consult with stakeholders as the Evaluation Framework develops. This Circular contains an update of the development of the South Australian Public Health Evaluation Framework and Indicators.

33.9 Dogs and Cats Online (DACO) - consultation on Business Case

The LGA is consulting with councils on a proposed centralised database for dog and cat management, DACO, which will assist in the implementation of recent amendments to the Dog and Cat Management Act. More information and a short survey can be found in this circular.

33.5 Notice of inquiry into regulatory arrangements for small-scale and off-grid water, gas and electricity services

The Essential Services Commission of South Australia (ESCOSA) has announced an inquiry into the way in which it regulates small-scale utility operations. Councils are encouraged to participate in the inquiry, particularly those licensed under the Water Industry Act 2012.

33.10 Updated Regional Public Health Planning Resource Directory now available

An updated version of the Regional Public Health Planning Directory of Resources is now available. This has been compiled to support Councils with the implementation of their Regional Public Health Plans.

33.8 Special prices for LGA members at 2016 UDIA State Conference in September

The Urban Development Institute of Australia is holding their 'Urban Futures' conference in the Barossa on 6 & 7 September.

33.11 LG Professionals SA Rural Management Challenge

Register now for the 2016 LG Professionals SA Rural Management Challenge to be held at the Clare Country Club on Thursday 13 October 2016. Further details can be found in this circular.

33.12 Reminder to Register - LGA Governance Forum - 2 September 2016

The annual LGA Governance Forum is scheduled for Friday 2 September 2016 to be held at Local Government House, 148 Frome Street, Adelaide. Further information can be found in this Circular.



Local Government Association of South Australia

34.3 Reminder – Feedback sought on rate capping inquiry final report

The Economic and Finance Committee have now released its final report on their Inquiry into Local Government Rate Capping Policies. The LGA is now seeking council feedback on the recommendations made within both the Final Report and a Minority Report. Feedback is due by COB 29 August 2016.

34.1 Local Heritage Discussion Paper

The State Government has released a Local Heritage Discussion Paper seeking feedback to inform the preparation of a future Local Heritage Bill.

34.2 2016 Jim Hullick Award

Nominations for the 2016 Jim Hullick Award have been extended till 2 September. Further information can be found in this Circular.

34.5 Public Sector Governance Forum 2016

The Governance Institute of Australia is holding their annual Public Sector Governance Forum on Wednesday 28 September 2016 at the Stamford Plaza, 150 North Terrace, Adelaide.

34.6 Important information regarding the Planning and Partnerships Forum – new and emerging opportunities for Councils

There has been a glitch in the registration form (which has now been remedied). If you have registered previously, can you please do so again, as your contact details were not saved. We apologise for any inconvenience. Councils are invited to a full day Regional Public Health Planning forum on Friday 23 September 2016.

34.4 State-wide visits by Nuclear Consultation and Response Agency

South Australians are being encouraged by the Consultation and Response Agency (CARA) to attend state-wide engagement sessions on the nuclear fuel cycle throughout August, September and October.

34.7 Call for Nominations for LGA President, Board Members and Deputy Board Members

The LGA has written to all councils and Regional LGAs calling for nominations for LGA Board Members, Deputy Board Members and the LGA President. The new LGA President and Board will take their Oaths of Office at the first meeting following 13 December 2016.

19. MEMBERS' BOOKSHELF

Nil

20. CORRESPONDENCE

20.1 Council Funding Application

Correspondence has been received from the Deputy Premier and Minister for Planning of the Department of Planning, Transport and Infrastructure, Hon John Rau MP, advising Council that funding under the Planning and Development Fund has been approved for Council projects Holland Street Plaza and Streetscape, and Open Space for Higher Density Development Structure Plan (**Attachment 1**).

RECOMMENDATION

That the correspondence be received.

20.2 Informal Gatherings Policy

Correspondence has been received from the Minister for Local Government of the Local Government Association, Hon Geoff Brock MP, acknowledging Council's letter dated 22 June 2016 in relation to the Council informal gatherings policy (**Attachment 2**).

RECOMMENDATION

That the correspondence be received.

20.3 Aircraft Operations during Adelaide Curfew

Correspondence has been received from the Adelaide Airport Limited summarising aircraft operations during the Adelaide curfew from May to July 2016 (**Attachment 3**).

RECOMMENDATION

That the correspondence be received.

20.4 Adelaide Airport Curfew Dispensation Report

Correspondence has been received from the Adelaide Airport Limited, regarding the granted curfew dispensations from May to July 2016 (**Attachment 4**).

RECOMMENDATION

That the correspondence be received.

20.5 Brown Hill Keswick Creek Management Project

Correspondence has been received from the Federal Member for Adelaide, Ms Kate Ellis MP, forwarding a letter sent to the Deputy Prime Minister, Hon Barnaby Joyce MP, regarding the Brown Hill Keswick Creek Management Plan (**Attachment 5**).

RECOMMENDATION

That the correspondence be received.

20.6 Adelaide and Mount Lofty Ranges Natural Resources Management Board Minutes

Correspondence has been received from the Adelaide and Mount Lofty Ranges Natural Resources Management Board regarding the minutes of the Board meeting held on Thursday 23 June 2016 (**Attachment 6**).

RECOMMENDATION

That the correspondence be received.

20.7 Australia Day Council Membership 2016/17

Correspondence has been received from the Australia Day Council of South Australia thanking Council for renewing our membership as a Member of the Australia Day Council (**Attachment 7**).

RECOMMENDATION

That the correspondence be received.

20.8 Australian Mayoral Aviation Council (AMAC) Minutes

Correspondence has been received from the Australian Mayoral Aviation Council regarding the minutes of the Executive Committee meeting held on Saturday 20 August 2016 (**Attachment 8**).

RECOMMENDATION

That the correspondence be received.

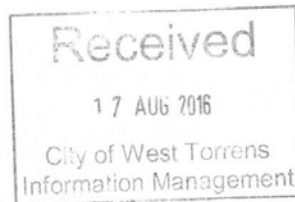
ATTACHMENT 1

The Hon John Rau MP

10661513

6 August 2016

Mayor John Trainer
City of West Torrens
165 Sir Donald Bradman Drive
HILTON SA 5033



**Government
of South Australia**

Deputy Premier
Attorney-General
Minister for Justice Reform
Minister for Planning
Minister for Industrial Relations
Minister for Child Protection
Reform
Minister for the Public Sector
Minister for Consumer and
Business Services
Minister for the City of
Adelaide

45 Pirie Street
ADELAIDE SA 5000
GPO Box 464
Adelaide SA 5001
Tel 08 8207 1723
Fax 08 8207 1736

Dear Mayor Trainer

I refer to Council's applications for funding under the Planning and Development Fund.

After consideration I am pleased to advise Council that I have approved funding for the following projects, as outlined in your applications.

- \$281,270 for the Holland Street Plaza and Streetscape
- \$19,000 for the Open Space for Higher Density Development Structure Plan

The formalisation of the funding agreement between Council and the Department of Planning, Transport and Infrastructure, including the establishment of key outcomes, funding conditions and time lines for progress reports has been arranged.

If you require any further information please do not hesitate to contact Mr Matthew Lang, on 7109 7090 at the Department of Planning, Transport and Infrastructure.

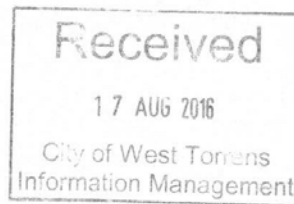
Yours sincerely

A handwritten signature in black ink, appearing to read "John Rau".

John Rau
Deputy Premier
Minister for Planning

ATTACHMENT 2

eA179213



Hon John Trainer OAM
Mayor
City of West Torrens
165 Sir Donald Bradman Drive
HILTON SA 5033

Dear Mayor ~~Trainer~~ *Solter*

Thank you for your letter of 22 June 2016 regarding the City of West Torrens' (the Council) informal gatherings policy. I also thank you for hosting my recent visit to Council.

I note that you state in your letter that Council has complied with the relevant statutory provisions under the *Local Government Act 1999*.

While I understand that my expectations are yet to have legislative force, I had hoped councils would voluntarily meet the expectations I stated in Parliament during the passage of the *Local Government (Accountability and Governance) Amendment Act 2015* and in my correspondence to all councils.

I am of the view it is necessary to prescribe these requirements in regulation to ensure consistency of policy and intention.

I am currently undertaking the necessary processes for the making of such regulations and will write to all councils when the regulations have been made.

Yours sincerely

A handwritten signature in dark ink, appearing to read "Brock".

Hon Geoff Brock MP
Minister for Regional Development
Minister for Local Government

ph
14 August 2016

Minister for Regional Development
Minister for Local Government

Level 17, 25 Grenfell Street Adelaide SA 5000 | GPO Box 2557 Adelaide SA 5001 DX 667
Tel 08 8226 1300 | Fax 08 8226 0316 | pisa.MinisterBrock@sa.gov.au



ATTACHMENT 3



AIRCRAFT OPERATIONS DURING ADELAIDE CURFEW

MAY - JULY 2016

SUMMARY

LNHF	Dispensations granted	Pre-curfew Taxi Clearance	Adelaide as an Alternate	Emergency & Search/Rescue Movements	Permitted Jet Movements	Exempt Propeller Driven Aircraft	Declared Medical Emergency
154	3	1	4	576	15	236	4

Low Noise Heavy Freight (LNHF)

- There were 154 permitted Low Noise Heavy Freight movements by Cobham and Airwork using BAe-146 and B737's.

Curfew Shoulder Quota movements

- There were 48 curfew quota shoulder movements by Cathay Pacific airlines.

Dispensations Approved by the Department

- Three curfew dispensations were approved during the May to July 2016 period.

Emergencies/ Search and Rescue

- There were 576 movements declared as emergencies (26 police helicopter movements, 40 Search and Rescue movements and 510 RFDS movements using the BE20 or PC12 aircraft).

Other approved aircraft movements:

- There were 236 approved propeller driven aircraft movements on top of the RFDS operations. These aircraft included:
 - 148 x PC12; 27 x BE20; 28x Fokker 50; 13 x SW4; 4 x Cessna 441; 2 x Saab 340 and a number of other single aircraft types.
- There were 15 business jet movements, including 8 x Learjet 45, 2 x Falcon 900, and one each of Cessna 525, Global Express, Hawker 800, Falcon 20 and Learjet 35 aircraft.
- Four commercial airlines declared medical emergencies and diverted to Adelaide airport during the above period, and there were four weather-related diversions.

ATTACHMENT 4



Australian Government
Department of Infrastructure
and Regional Development

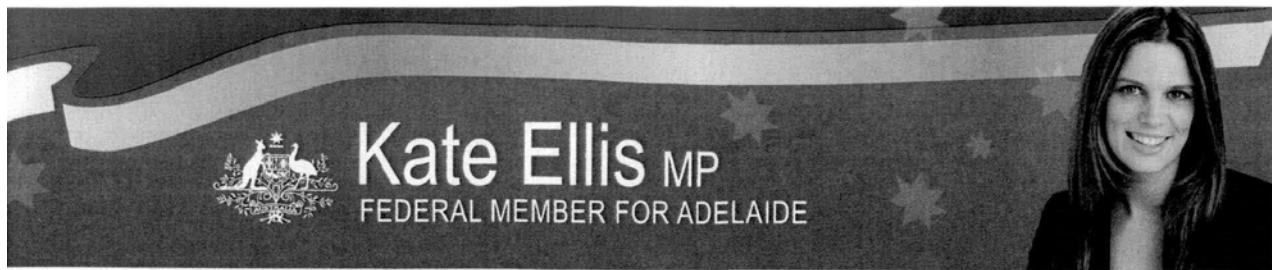
Curfew Dispensation Report Adelaide

Curfew Dispensations granted May – July 2016

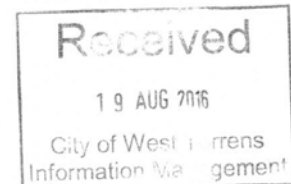
Date	Carrier	Aircraft Type	Movement	Summary of events
5/06/2016	Qantas	B737-800	Arrival	Qantas Flight QF785 (Sydney to Adelaide) was delayed due to the unforeseen duration of single runway operations at Sydney which caused network wide delays restricting aircraft take-offs and landings, and a ground stop which further delayed operations. Qantas was granted a dispensation to land no later than 11.30pm. There were 125 passengers and 7 crew on board. The aircraft landed at 11.15pm.
5/06/2016	Qantas	B737-800	Arrival	Qantas Flight QF783 (Sydney to Adelaide) was delayed due to the unforeseen duration of single runway operations at Sydney which caused network wide delays restricting aircraft take-offs and landings, and a ground stop which further delayed operations. Qantas was granted a dispensation to land no later than 11.30pm. There were 75 passengers and 7 crew on board. An extension was granted to 11.45 pm to enable the aircraft to do a go around. The aircraft landed at 11.43pm.
28/06/2016	Qatar Airways	A350	Departure	Qatar Airways Flight QR915 (Adelaide to Doha) was delayed on departure due to a technical fault which affected the safe take-off weight, requiring 107 passengers to be offloaded. There were originally 288 passengers including 6 in wheelchairs and 4 infants, and 17 crew on board. Qatar was granted a dispensation to depart no later than 11.30pm on runway 23. The aircraft departed at 11.35pm on runway 05.

Note: Qatar Airways Flight QR915 on 28 June 2016 was granted a dispensation to 11.30pm but departed at 11.35pm. Due to the weather conditions, QR915 requested a take-off on Runway 05, which was granted by Air Traffic Control. The Department is investigating this incident with Qatar Airways.

ATTACHMENT 5



Wednesday 17 August



Hon Barnaby Joyce MP
Deputy Prime Minister and Minister for Agriculture and Water Resources
Parliament House
CANBERRA ACT 2600

Dear Deputy Prime Minister

Brown Hill Keswick Creek Management Project

Flooding of the Brown Hill and Keswick Creek Catchment has caused heartache and financial loss for many residents in Adelaide. Floods in this area have the potential to cause up to \$130 million in property damage, affect 2,000 homes, impact the Adelaide Airport and damage important public infrastructure. It's a long-standing problem that needs to be fixed.

Earlier this year, local councils agreed on a sustainable long-term strategy to protect residents and businesses from flooding: the Brown Hill Keswick Creek Management Project. This plan requires each level of government to contribute one third of the cost.

The South Australian Government and local councils are committed to the project. Federal Labor also allocated \$44 million to the project at the recent election.

Only the Federal Liberal Government has not yet confirmed its support. It's vitally important that the Liberal Government follows Labor's lead and commits to funding its share of the project.

Investing in the Brown Hill Keswick Creek Management Project will avoid costly damage in the long term – taking the pressure off council rates and insurance premiums. This is particularly important in the context of increased weather variability associated with climate change.

We understand the South Australian Government has made clear to you that without Commonwealth funding, works are unlikely to proceed or will be delayed, leaving the local area at increased flood risk.

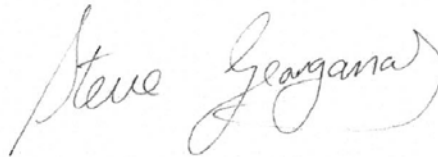
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We look forward to seeing all levels of government cooperating to protect local residents and businesses from flooding.

Yours Sincerely



Kate Ellis MP
Member for Adelaide



Steve Georganas MP
Member for Hindmarsh

cc Senator the Hon. Fiona Nash, Minister for Regional Development
 Hon. Ian Hunter MLC, Minister for Water and the River Murray
 Lord Mayor Martin Haese, Adelaide City Council
 Mayor David Parkin, City of Burnside
 Mayor Glenn Spear, City of Mitcham
 Mayor Lachlan Clyne, City of Unley
 Mayor John Trainer, City of West Torrens

ATTACHMENT 6

**ADELAIDE AND MOUNT LOFTY RANGES
NATURAL RESOURCES MANAGEMENT BOARD**

MINUTES OF MEETING NO 120

**held from 1pm to 2.45 pm
on Thursday 23 June 2016
at AMLR NRM Board Office,
205 Greenhill Road, Eastwood**



**Government
of South Australia**

Adelaide and
Mount Lofty Ranges
Natural Resources
Management Board

PRESENT:

Chair:	Chris Daniels
Members:	Alexandra Kentish Russell Johnstone Mark Searle Karl Telfer Rachael Siddall Rob Lewis Belinda Bramley James Crocker Julia Grant Trevor Bennett Andrew Gear Joanna Andrew Allison Bretones Peter Pfennig

APOLOGIES: There are no apologies

**STAFF
IN ATTENDANCE:**

Brenton Gear, Regional Director
Marguerite Swart, Manager Business Support
Lisien Loan, A/Manager Parks and Sustainable Landscapes
Steven Gatti, Manager Water Projects
Kim Krebs, Manager Community Engagement
Nicole Bennett, A/Manager Land Marine and Biodiversity Services
Hannah Ellyard, A/Manager Planning & Evaluation
Monica Bayer, Minute Secretary
Observer: Sam Phillips, Water Projects Engineer
Observer: Eilidh Wilson, Senior Policy Officer
Observer: Michael Heinson, Regional Animal and Plant
Control Coordinator

230616-120-1.0 MEETING PROCEDURE

230616-120-1.1 Welcome

The Chair opened the meeting and acknowledged that it was taking place on Kaurna land and the Aboriginal peoples' ongoing and deep connection with the land. He welcomed all attendees to the meeting.

230616-120-1.2 Apologies

There were no apologies for the June 2016 meeting

230616-120-1.3 Declarations of Interest

There were no additional declarations of interest declared.

230616-120-1.4 Consent Schedule

Agenda items *Item 3.2 Lifting the Adelaide Groundwater Moratorium* was removed from the consent schedule.

*The Board **confirmed** the items within the consent schedule be adopted.*

CARRIED

230616-120-1.5 Minutes of Previous Meeting

*The Board **confirmed** the minutes of meeting number 119 held on 26 May 2016 as a true and accurate record.*

CARRIED

230616-120-1.6 Matters Arising from Previous Meetings

*The Board **noted** the matters arising.*

CARRIED

230616-120-1.7 Resolution Register

*The Board **noted** the resolution register.*

CARRIED

230616-120-2.0 PRESENTATION

230616-120-2.1 Department of Planning, Transport and Infrastructure

Manager Strategic and Development Planning, Information and Strategy Directorate provided the board with an understanding of the work undertaken by Department of Planning, Transport and Infrastructure.

*The Board **notes** the information provided.*

CARRIED

230616-120-3.0 BOARD MATTERS

230616-120-3.1 St Peters Billabong Improvement Project

The region's Water Projects Engineer provided the board with and update on the project.

The Board noted the update and discussion occurred on its future investment.

The Board recommended changes to the letter to the City of Norwood Payneham & St Peters to clearly articulate that this concludes the Board's investment of levy funds in these improvement works, informing the Council of the Board's approved budget upper limit and the reversion of responsibility for the billabong to the Council following completion of works.

The Board:

3.1.1 **Notes** the current status of the St Peters Billabong Improvement Project;

3.1.2 **Approves** the investment of a further \$415,000 by the Board in improvement works at St Peters Billabong bringing the total investment to an upper limit of \$922,000 (excluding GST);

3.1.3 **Endorses** a letter to the City of Norwood Payneham & St Peters advising of the board's current and future investment.

CARRIED

230616-120-3.2 Lifting the Groundwater Moratorium

The Board notes the proposal that the current moratorium on new domestic wells in Adelaide be lifted.

Discussion occurred with regards to the suitability of the water resources for use. Given limited suitability it is unlikely that there would be a significant increase in access to the shallow aquifers.

The Board invited the Senior NRM Officer to discuss the proposal. The Board were advised that DEWNR has an engagement plan that includes consulting with the EPA. This agenda paper is part of DEWNR's engagement with the Board. The Board noted that the moratorium was originally imposed during the "Millennium" drought, and that there is now a greater diversity of water sources available to water users.

The Board has requested further information be presented on the risks and impacts, issues around EPA-listed contaminated areas, communication and a briefing with more explanation of the rationale for lifting the moratorium. This is to include clarity about whether this would be supported by the Minister and whether drought was still an issue.

The Board:

- 3.2.1 **notes** the proposal to recommend to the Minister that the current moratorium on new domestic wells in Adelaide be lifted.

CARRIED

230616-120-3.3 Appointment of James Cook as an Authorised Officer

The Board:

- 3.3.1 **notes** the tabling of the report
- 3.3.2 **approves** the appointment of James William Herbert Pook.
- 3.3.3 **authorises** the Presiding Member and Regional Director to sign the associated instrument of appointment.
- 3.3.4 **authorises** the use of the Board's Common Seal by the Presiding Member and another appropriately authorised person so that it may be affixed to the associated instrument of appointment.

CARRIED

230616-120-3.4 Patawalonga Lake System

Manager Water Projects provided an overview and update on the Patawalonga Lake System. The board noted this update and discussion occurred around the clarification of the current system and seeking confirmation of the Patawalonga Lake System arrangements with the Minister for Sustainability, Environment and Conservation and DEWNR Chief Executive.

The Board

- 3.4.1 **notes** the incorporation of the management of staff and operations associated with the Patawalonga Lake System into the responsibilities of Natural Resources Adelaide and Mount Lofty Ranges;
- 3.4.2 **notes** that the Board is currently funding activities associated only with the operation and maintenance of the Patawalonga Lake System;
- 3.4.3 **notes** that management of the Patawalonga Lake System is the responsibility of the Department of Environment Water and Natural Resources;
- 3.4.4 **writes** to the Minister for Sustainability, Environment and Conservation seeking clarification in relation to the Patawalonga Lake System activities and budget quantum to be funded by the Board
- 3.4.5 **develops** a Service Level Agreement between the Board and Department of Environment, Water and Natural Resources that confirms the scope and funding arrangements in relation to the Patawalonga Lake System.

CARRIED

230616-120-3.5 Willunga Farmers Market – Young Farmers Scholarship

The Manager Communications advised that collaborations with the farmers-market movement could be realised, and that this was an additional promotional activity that aims to increase awareness of the Boards work and connection to the local community. The Board requested that its investment enable Board representation on the selection panel.

The Manager Community Engagement informed the Board that there are limited media platforms in the southern part of the region and that this initiative would be used for that purpose.

The Board:

- 3.5.1 **endorses** sponsorship of the Willunga Farmers Market Young Farmers Scholarship as an activity to lift awareness of the work of the Board/regional staff in the Fleurieu and Willunga Basin district, and to demonstrate support for, and connection with, the local community

CARRIED

230616-120-3.6 Submission to the Independent Review Panel for the Intergovernmental Agreement on Biosecurity

The Board:

- 3.6.1 **notes** the tabling of the report
3.6.2 **approves** the draft submission to the independent review panel for the Intergovernmental Agreement on Biosecurity.

CARRIED

230616-120-3.7 Normanville Dunes Biodiversity Action Plan

The Board:

- 3.7.1 **notes** the tabling of the report
3.7.2 **endorses** release of the report via the Board's website

CARRIED

230616-120-3.8 Conservation of Southern Bandicoots, using conservation genetic and taxonomic assessment to inform conservation strategies in the Adelaide and Mount Lofty Ranges region

The Board:

- 3.8.1 **notes** the tabling of the report.
3.8.2 **endorses** release of the report via the website
3.8.3 **notes** the journal publication
3.8.4 **endorses** release of the report via restricted communication

CARRIED

230616-120-3.9 Penguin Monitoring and Conservation Activities in the Gulf St Vincent July 2015 to June 2016

The Board:

3.9.1 **notes** the tabling of the report

3.9.2 **requests** release of the report via the Board's website.

CARRIED

230616-120-3.10 Seagrass Biodiversity Surveys in Yankalilla Bay

The Board:

3.10.1 **notes** the tabling of the report

3.10.2 **requests** release of the report via the Board's website.

CARRIED

230616-120-3.11 Audit Finance and Risk Committee Charter and Membership

The Board has been asked to approve the current members, approve an extension and add an additional Board member for a one year term.

Mark Searle discussed the Committee requirements and asked for a volunteer from the Board. Joanna Andrew kindly volunteered for the position.

The Board:

3.11.1 Approves the current membership of the Audit Finance and Risk Committee Charter

3.11.2 Approves the extension of Gianna Giannopoulos for a further two years

3.11.3 Appoints Joanna Andrew as the additional Board member to the Committee for a one year term

CARRIED

230616-120-3.12 Tier 2 Financial Reporting Requirements

The Board:

3.12.1 **notes** the tabling of the report.

3.12.2 **approves** the adoption of Tier 2 reporting requirements for the Board's annual financial statements, as approved by the Department of Treasury and Finance

CARRIED

230616-120-3.13 2016-17 Board Authorisations and Delegations

The Board nominated Russell Johnstone and Mark Searle to sign the 2016-17 instrument of authorisation and delegations.

The Board:

3.13.1 **notes** the tabling of the report.

3.13.2 **approves** the 2016-17 Instrument of authorisations and delegations.

3.13.3 **authorises** the use of the Common Seal and nominates two Board members, Russell Johnstone and Mark Searle, to sign the 2016-17 Instrument of authorisations and delegations.

CARRIED

230616-120-3.14 Bad Debt Write Off

The Board:

3.14.1 **notes** the tabling of this report

3.14.2 **endorsed** the write off of the debt by the National Centre for Groundwater Research and Training of \$33,000.

CARRIED

230616-120-3.15 Business and Operational Plan Budget 2016-17

The Board

3.15.1 Approves the 2016-17 Board Business Plan Income and Key Driver Expenditure budget

3.15.2 Approves the 2016-17 Action Operating Budget

3.15.3 Approves the 2016-17 Administration and Governance Expenditure Budget.

3.15.4 Notes the Summary of Projects proposed by Action

3.15.5 Delegates responsibility for approving variations to projects, within the Actions, in the Board's Budget to the Regional Management Team consistent with existing expenditure authorisations, noting that approval for major projects over \$550k (GST inclusive) will remain with the Board.

3.15.6 Delegates to the Regional Director the authority to approve variations to budget of up to \$150k (GST exclusive) between the Actions.

CARRIED

240316-117-4.0 WATER PLANNING AND MANAGEMENT MATTERS

There are no water planning and management matters for noting.

240316-120-5.0 COMMITTEE MATTERS

230616-120-5.1 Audit Committee Minutes – August 2015

The Board:

5.1.1 notes the Audit Committee Minutes dated August 2015

CARRIED

230616-120-6.0 FINANCE REPORT

Manager Business Support provided a verbal overview on the finances as at the end of May 2016. It was noted that there have been no potential hurdles detected for the upcoming financial year. Retained earnings for 2016/17 has been approved by Cabinet.

The Board

6.0.1 notes the financial reports for the financial period ending 31 May 2016.

CARRIED

230616-120-7.0 REGION'S MONTHLY REPORT

Regional Director provided an update on the Patowalonga Lake System. It was noted that reform of Native Vegetation legislation and regulation continues with current focus being clearance pathways through the Regulations.

The Board notes the region's monthly report.

CARRIED

230616-120-8.0 PAPERS TO NOTE

230616-120-8.1 Register of Interests

The board noted the register of interest.

230616-120-9.0 OTHER BUSINESS

230616-120-9.1 NRM Conference Coffs Harbour

Board member Rachael Siddall, and Regional Director attended the recent NRM Conference in Coffs Harbor. A verbal overview of their learnings was provided. It was noted with interest that there were no women keynote presenters for the conference.

230616-120-9.2 WAPAC

Alexi Kentish discussed the lack of membership attendance at the Barossa WAPAC.

A call for new members has recently been advertised in local press.

It was recommended that a letter be sent to WAPAC members from Chris Daniels thanking them for their service to the board, and reiterating the need for progress to continue on the development of the draft WAP.

230616-120-9.3 Broad Acre Land

Andrew Gear discussed that as part of the 30 Year Plan for Greater Adelaide (2010) the consumption of residential land was substantially less in 2016 than at time of release of the Plan.

230616-120-10.0 MEETING CLOSED

There being no further business, the Chair declared the meeting closed at 2.45 pm.

The next Board meeting will be held on Thursday 28 July 2016 at 205 Greenhill Road Eastwood.

Chris Daniels
Presiding Member

 Date: 28 / 07 / 2016

ATTACHMENT 7



23 August 2016

Mr Terry Buss
Chief Executive Officer
City of West Torrens
165 Sir Donald Bradman Drive
HILTON SA 5033



Dear Terry

Australia Day Council Membership 2016-17

Thank you for your continued support in renewing your membership as a Member of the Australia Day Council of South Australia.

Your membership greatly assists in successfully achieving the celebration of our national day throughout the community, as well as pride in being an Australian and the recognition of achievement in the community.

Continued support from our members allows us to improve on existing services and events and to create new and exciting ones for the future.

Yours sincerely



Matthew Miles
Executive Officer

ATTACHMENT 8



AMAC *Australian Mayoral Aviation Council*

PO BOX 331, MASCOT NSW 1460

MINUTES OF A MEETING OF THE EXECUTIVE COMMITTEE OF THE AUSTRALIAN MAYORAL AVIATION COUNCIL, HELD IN THE EXECUTIVE BOARDROOM, SOFITEL SYDNEY WENTWORTH HOTEL, 61-101 PHILLIP STREET SYDNEY, COMMENCING AT 9.30AM ON SATURDAY 20TH AUGUST, 2016.

ITEM 1 Welcome to Delegates.

The Deputy President, Deputy Mayor Jock Campbell, opened the meeting and extended a welcome to all present.

ITEM 2 Attendance and Apologies

The following delegates were in attendance:

Mayor Ben Keneally, President NSW (from Item 5)
Deputy Mayor Jock Campbell, Vice President TAS
Councillor Adem Atmaca VIC
Councillor Paul Tully QLD
Mayor Phil Marks WA
Councillor Garth Palmer SA
John Patterson Executive Director, AMAC

Also in attendance:

Stuart Cole CEO, Belmont Council WA

Apologies were received and accepted from:

Mayor John Trainer SA
Ron Hoeing MP Immediate past President.

ITEM 3 Confirmation of the Minutes of the Executive Committee meeting held at the Stamford Plaza Hotel, 150 North Terrace, Adelaide on 4th May 2016.

RESOLVED

THAT: The Minutes, as circulated, be confirmed.

Minutes of the Executive Committee Meeting of the Australian Mayoral Aviation Council held Saturday 20 August, 2016.

ITEM 4 Business arising from the Minutes

Covered in separate reports on the meeting agenda.

ITEM 5 Review of AS 2021-2000 Acoustics – Aircraft Noise Intrusion – Building Siting and Construction

RESOLVED

THAT:

The contents of the Handbook “Acoustics – Guidance on producing information on aircraft noise,” be noted

FURTHER

THAT:

The Handbook be drawn to the attention of AMAC member Councils as a resource which they might refer to in assisting residents.

ITEM 6 Rate Equivalent Payments

RESOLVED

THAT:

The Executive Director investigate the existence of a “Statement of Intent” or similar document as well as the parliamentary speeches introducing legislation permitting the lease of Commonwealth airports to establish any expressed intent regarding rate equivalent liability.

FURTHER

THAT:

The Executive Director compile a list of Commonwealth parliamentarians whose communities will be adversely impacted by a reduction in airport rate equivalent payments along the lines of those contemplated for Tasmanian leased airports; and

FINALLY

THAT:

The Executive Director prepare a briefing note to be used in communicating with those parliamentarians identified alerting them to the issues and inviting their intervention. Noting that face-to-face briefing by members of the Executive or member Council representatives is preferred.

ITEM 7 Airservices Activities

Attention was drawn to publicity regarding a proposed reduction in Airservices staff with indications of an initial reduction of 900 with a further 500 to follow. There was a

Minutes of the Executive Committee Meeting of the Australian Mayoral Aviation Council held Saturday 20 August, 2016.

question as to what any such reduction may mean, particularly in the area of public information and complaints handling.

RESOLVED

THAT: The Executive Director investigate and also liaise with the Aircraft Noise Ombudsman regarding the impact of any staff reductions.

ITEM 8 Airport Activity

RESOLVED

THAT: The information be received and noted.

ITEM 9 Western Sydney Airport

RESOLVED

THAT: The information be received and noted.

ITEM 10 Aircraft Noise Metric Review

The Executive Director provided a verbal report of discussions at the Sydney Airport Community Forum (SACF) the previous Friday 12th August.

It was indicated the Chair of the SACF had written to the Minister seeking financial support for a review of the metric.

The Minister had responded that there are a range of international studies underway and that any further action should be based on the outcome of those studies.

It was indicated that SACF had resolved that the Chair should seek advice on the specific studies in question and also the timeframe for their anticipated completion.

RESOLVED

THAT: The report be received and noted.

FURTHER

THAT: The Executive Director continue to monitor the progress of this matter.

ITEM 11 NSW Government “Fit for the Future” Program and Council Mergers

The President and Executive Director provided an update advising that, while a number of mergers had occurred the Minister’s proposed City of Botany Bay

Minutes of the Executive Committee Meeting of the Australian Mayoral Aviation Council held Saturday 20 August, 2016.

and Rockdale City merger remains on hold with Botany's appeal decision reserved.

There are also the alternate proposals concerning the City of Botany Bay and Rockdale which are yet to be concluded.

Finally there remain court proceedings by other Councils yet to be finally determined and so there is no clear indication as to what the outcome of the merger proposal might be and when it might take effect.

Should it proceed in line with other mergers the Council will be dismissed and replaced by an Administrator who will hold office until elections in September, 2017.

RESOLVED

THAT: The information be received and noted.

ITEM 12 Member Subscriptions 2016/2017

RESOLVED

THAT: The report be received and noted.

FURTHER

THAT: The Executive Director prepare an Options Paper for consideration at the November meeting exploring various methodologies for calculating subscriptions from the 2017/18 year including a potential specific levy on those Councils receiving rate equivalent payments.

FINALLY

THAT: Once determined the recommendation of the Executive Committee be submitted to the 2017 AGM for endorsement.

ITEM 13 Annual Conference, 2017

RESOLVED

THAT: The Executive Committee supports a May 2017 conference to be held in Sydney.

FURTHER

THAT: A shortened program taking in Thursday and Friday is preferred excluding an airport inspection as an element of the Conference with consideration for concurrent sessions as well as the Annual General Meeting and Conference Dinner.

Minutes of the Executive Committee Meeting of the Australian Mayoral Aviation Council held Saturday 20 August, 2016.

FURTHER

THAT: Hawkesbury City Council be thanked for its offer to host the 2017 Conference.

FINALLY

THAT: The Executive Director draft a 2017 Conference program to circulate to the Committee for comment / approval to allow for planning to commence.

ITEM 14 Upcoming Executive Committee Meetings

RESOLVED

THAT: The November meeting proposed for Melbourne on Saturday 19th November be confirmed.

FURTHER

THAT: The meeting following the November Melbourne meeting be scheduled for Hobart on Saturday 18th February 2017

ITEM 15 AMAC Website and AMAC Support

RESOLVED

THAT: The report be received and noted and that establishment of the AMAC website proceed when the future level of Council administrative support is clear should the proposed merger of Botany bay City Council proceed.

ITEM 16 General Business

Congratulation of Executive Director

RESOLVED

THAT: The Executive Director be congratulated on the quality of the reports presented to the meeting.

Public Question Time at CACG Meetings

- Councillor Atmaca sought comment from Committee members regarding the operation of their airport CACG, specifically with regard to the use of public question time and the receipt of comment from members of the public.

CLOSE: The meeting closed at 11.20 a.m.

21. CONFIDENTIAL

Nil

22. MEETING CLOSE

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1. MEETING OPENED

2. PRESENT

3. APOLOGIES

Leave of Absence

Mayor Trainer
Cr Dua

4. DISCLOSURE STATEMENTS

Elected 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*.

5. CONFIRMATION OF PREVIOUS MINUTES

RECOMMENDATION

That the Minutes of the meeting of the Urban Services Prescribed Standing Committee held on 2 August 2016 be confirmed as a true and correct record.

6. COMMUNICATIONS BY THE CHAIRPERSON

7. QUESTIONS WITH NOTICE

Nil

8. QUESTIONS WITHOUT NOTICE

9. MOTIONS WITH NOTICE

Nil

10. MOTIONS WITHOUT NOTICE

11. URBAN SERVICES DIVISION REPORTS

11.1 Road Closure - Main Street, LOCKLEYS

Brief

To authorise under the Common Seal of Council, the Road Process Order required to formally close a portion of Main Street Lockleys and to retain the ownership by Council.

RECOMMENDATION(S)

The Committee recommends to Council that:

1. Council, as the relevant authority, has regard to Roads (Opening and Closing) Act 1991 Section 16 matters in considering whether to make a road closure order;
2. Pursuant to Section 15(1)(a) of the Act, makes the road process order to close part of Main Street, Lockleys as delineated as A on the Hennig & Co Preliminary Plan No 15/0023 dated 02/05/2016 and;
3. The Mayor and Chief Executive Officer be authorised to sign and seal all documents associated with the road closure and transfer process under the Common Seal of Council.

Introduction

Council, at its meeting of 18 March 2014, considered a request for a possible realignment of Main Street, Lockleys, at the northern most end, to facilitate a future land development application that would enable a land division in the order of 40 allotments.

At that meeting Council resolved that '*Council has no objection to the proposed realignment of Main Street, Lockleys, at the northern end, subject to the relevant processes associated with the closure of the road being undertaken and the land division proposal being approved by the Development Assessment Commission*'.

In April 2014, Council received notification from the Department for Planning, Transport and Infrastructure Land Services Group that a part of Main Street Lockleys had not previously been declared as being public road.

Further investigation revealed that the whole of Main Street between Henley Beach Road and the River Torrens, together with the portion of Cross Street between Torrens Avenue and Lot 58 in Deposited Plan 1138 (approximately 143 meters east of Main Street), was still recorded as being in private ownership.

At the meeting of 9 December 2014, Council authorised the Administration to commence the process to declare the above roads to be public roads in accordance with the requirements of the *Local Government Act 1999* and resolved the following:

"that it commences the process and the required public notification under Section 210 of the Local Government Act 1999 to declare the whole of the road known as Main Street and the portion of the road known as Cross Street in the area of Lockleys, Hundred of Adelaide as shown in Deposited Plan 1138 to be public roads."

Accordingly, as required under Section 210 of the *Local Government Act 1999*, efforts to identify any owner/s or person/s with a legal interest in the land were undertaken. As no living descendants of the original owner were identified, notices were published in the Government Gazette and the Advertiser Newspaper on 18 December 2014 giving public notice of the proposed declaration.

The three (3) months' notice required under the Act passed and there were no submissions received by Council regarding the proposal. No owner of the land or a trustee, beneficiary or executor of the land is known. As a result, there were no hindrances or encumbrances to Council declaring the land as public road.

Council at its meeting held 7 April 2015 resolved '*that pursuant to section 210 of the Local Government Act 1999, Council declares the whole of the road known as Main Street and the portion of the road known as Cross Street in the area of Lockleys, Hundred of Adelaide as shown in Deposited Plan 1138, to be public roads*'.

Discussion

Subsequent to Development Approval being granted, and in accordance with Council's resolution of 18 March 2014, the Administration has:

- Arranged for the land to be surveyed and for a preliminary plan to be prepared and lodged with the Surveyor-General;
- Commenced the Road Closure Process required to dispose of a parcel of land comprising a portion of Main Street (marked "B" on Preliminary Plan 15/0023, **Attachment 1**) and transfer the land to the adjoining property owners in line with the approved land division, together with a second parcel of land immediately further to the north of the above land (marked "A" Preliminary Plan 15/0023, **Attachment 1**) within the Linear Park Reserve to be transferred to the Minister of Water Resources; and
- Obtained an Agreement for Transfer dated 2 May 2016.

Further, and as required under the relevant legislation, notification and public consultation have also been undertaken. Notice of the proposed road closure process was published in the Westside Messenger newspaper on Wednesday 9 September 2015 and the Government Gazette on 10 September 2015. The notification further advised that any applications seeking the grant of easement or any objections to the order should be made within 28 days of publication.

No objections to the proposed Road Closure were received during (or subsequent to) the relevant period nor were any applications made seeking the grant of easement over the land for services.

Given the above the Council was in a position to proceed with the process to close the road and at its meeting held 7 June 2016 resolved that:

1. *Council, as the relevant authority, has had regard to Roads (Opening and Closing) Act 1991 Section 16 matters in considering whether to make a road closure order;*
2. *Pursuant to Section 12 (1) and (2) of the Act, has made an agreement to transfer land contained in the closed part of Main Street, Lockleys to Main Street Holdings Pty Ltd as the owner of adjoining land;*
3. *Pursuant to Section 15(1)(a) of the Act, makes the road process order to close part of Main Street, Lockleys as delineated as B on the Hennig & Co Preliminary Plan No 15/0023 dated 02/05/2016;*
4. *Pursuant to Section 17(a) as part of the road process order, the land subject to closure shall be transferred to Main Street Holdings Pty Ltd in accordance with the agreement for exchange dated 02/05/2016 and added to other land in accordance with the agreement covered in 2 above; and*
5. *The Mayor and Chief Executive Officer be authorised to sign and seal all documents associated with the road closure and transfer process under the Common Seal of Council.*

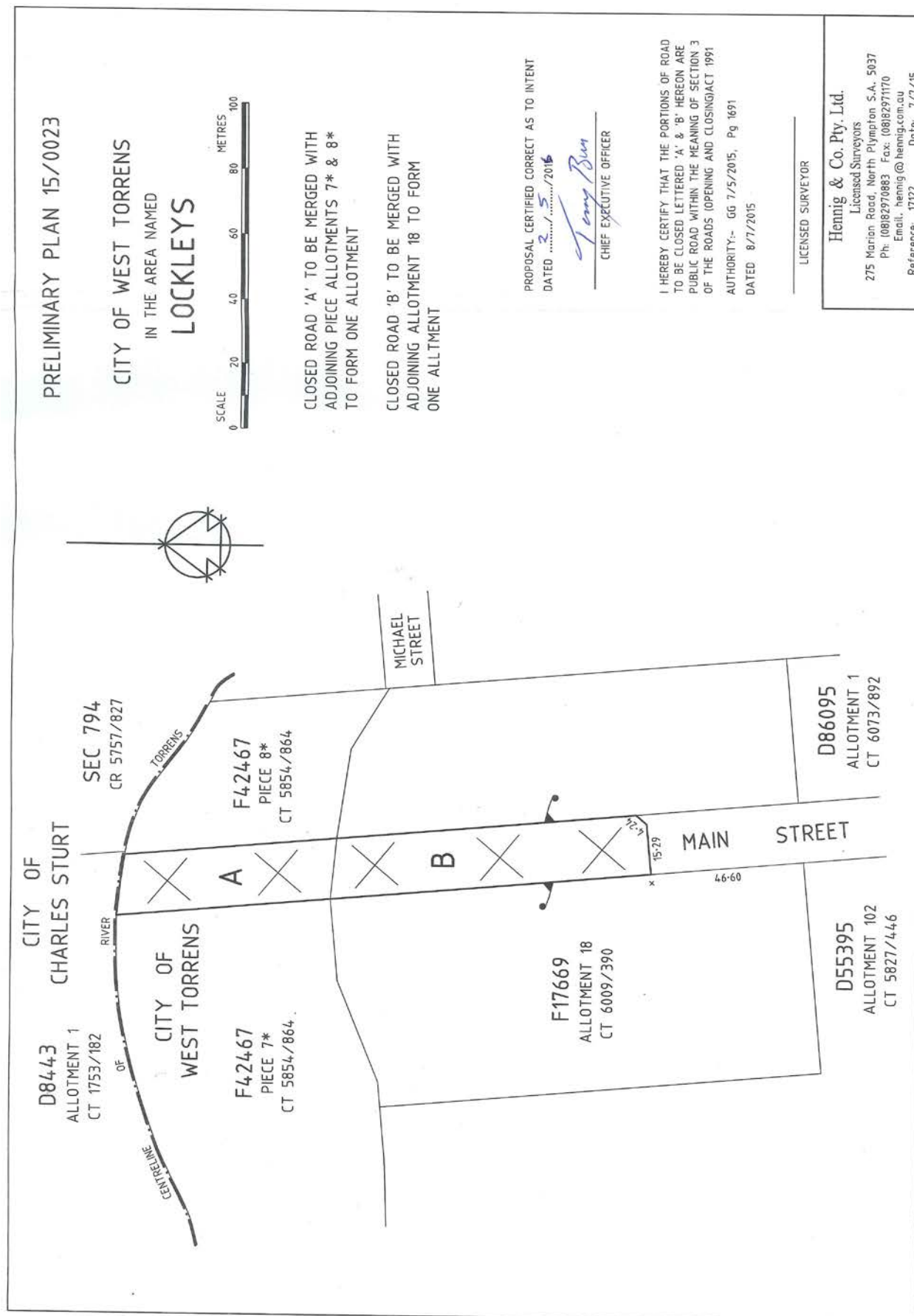
Further to the above, plans have now been finalised to facilitate the closing of part of Main Street, Lockleys as delineated as A on the Hennig & Co Preliminary Plan No 15/0023 dated 02/05/2016 **(Attachment 1)**.

A copy of the Road Process Order and associated documentation including the plan is attached **(Attachments 2 & 3)**.

Conclusion

Council is now in a position to execute a Road Process Order following the undertaking of necessary processes to facilitate the closure and subsequent retention of land as delineated as A on the Hennig & Co Preliminary Plan No 15/0023 dated 02/05/2016

ATTACHMENT 1



ATTACHMENT 2

ROAD PROCESS ORDER

Deposited Plan

ORDER TO CLOSE ROAD **UNDER THE ROADS (OPENING AND CLOSING) ACT, 1991** Main Street, Lockleys

ORDER MADE BY: City of West Torrens
COUNCIL AREA: Lockleys

1. ORDER TO CLOSE ROAD

The following roads, or part of a roads, are **CLOSED**:

Portion of public road being Main Street situate adjoining Pieces 7 and 8 in Filed Plan 42467, more particularly delineated and lettered 'A' in Preliminary Plan 15/0023.

2. ORDER FOR DISPOSAL OF CLOSED ROAD

The road closed by this order must be dealt with in accordance with the following order:

Transfer the whole of the land subject to closure to the City of West Torrens.

Signed, sealed and dated this day of 20

Mayor

Chief Executive Office

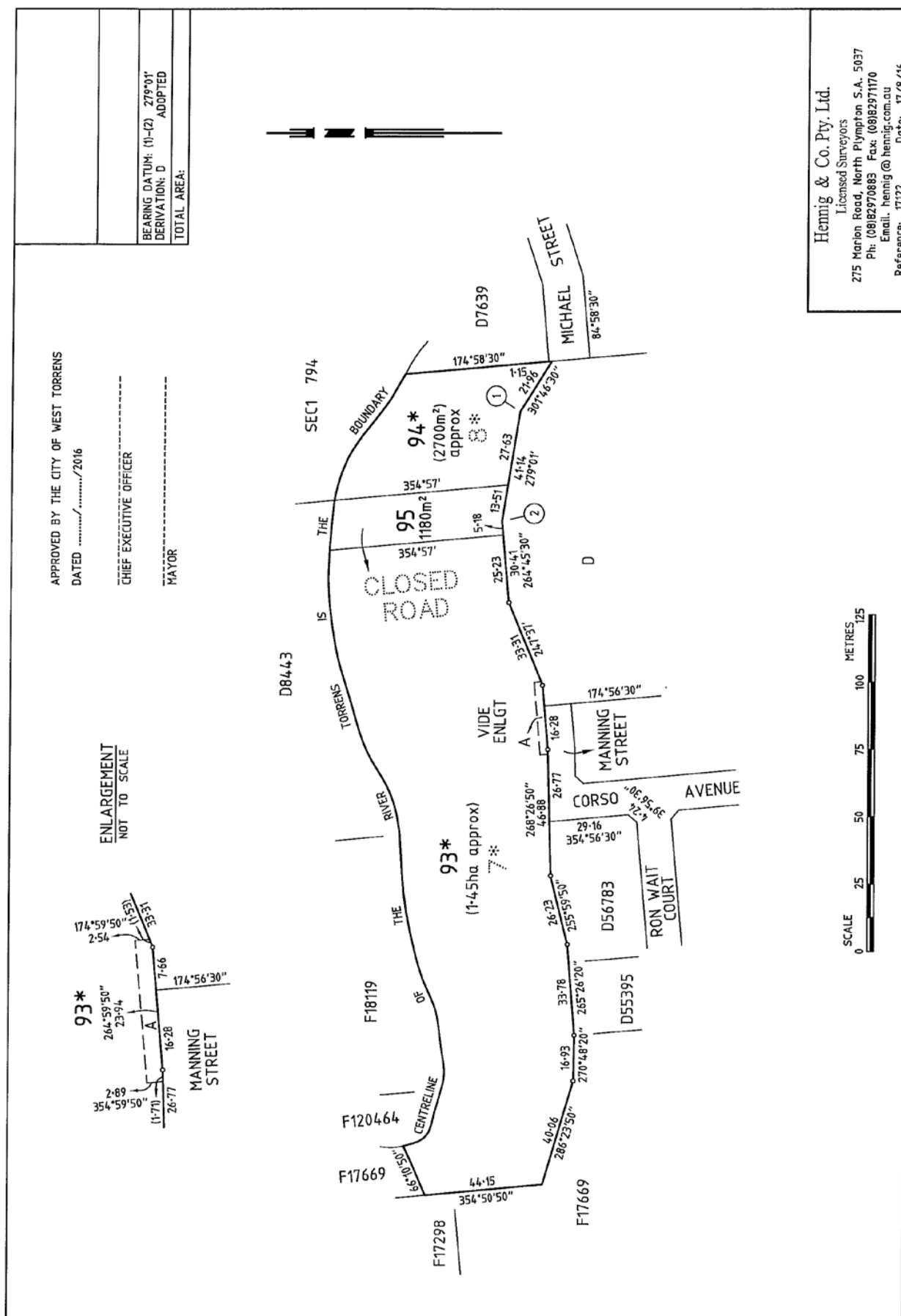
Certified Correct

Confirmed

SURVEYOR-GENERAL

MINISTER FOR TRANSPORT
AND INFRASTRUCTURE

ATTACHMENT 3



PURPOSE: ROADS (OPENING & CLOSING) ACT 1991	AREA NAME: LOCKEYS	APPROVED:	
MAP REF: 6628/41/G	COUNCIL: CITY OF WEST TORRENS	DEPOSITED/FILED:	
LAST PLAN:	DEVELOPMENT NO:	SHEET 1 OF 1 52130_text_01_v01	

AGENT DETAILS: HENNIG & CO PTY LTD 275 MARION ROAD NORTH PLYMPTON SA 5037 PH: (08) 82970883 FAX: (08) 82971170 AGENT CODE: HENN REFERENCE: 17122									
SURVEYORS CERTIFICATION:									

SUBJECT TITLE DETAILS:	PREFIX	VOLUME	FOLIO	OTHER	PARCEL	NUMBER	PLAN	NUMBER	HUNDRED / IA / DIVISION	TOWN	REFERENCE NUMBER
CT	5854	864			ALLOTMENT(S) COMPRISING PIECES	(7* 8')	F	42467	ADELAIDE		
CT	6009	390			ALLOTMENT(S)	18	F	17669	ADELAIDE		
RTD CLOSED ROAD BETWEEN PIECES 7* AND 8* IN F42467 AND CLOSED ROAD DIVIDING ALLOTMENT 18 IN F17669											

OTHER TITLES AFFECTED:			
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EASEMENT DETAILS:	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF	CREATION
STATUS EXISTING	91	LONG	EASEMENT(S)	A		DISTRIBUTION LESSOR CORPORATION (SUBJECT TO LEASE 8890000)	TG 9118471

ANNOTATIONS: NO OCCUPATION ON SURVEYED BOUNDARIES OF SUBJECT LAND UNLESS SHOWN OTHERWISE CENTRELINE OF RIVER TORRENS PLOTTED FROM F42467	
APPROVED BY THE CITY OF WEST TORRENS DATED/...../ 2016 CHIEF EXECUTIVE OFFICER MAYOR	

11.2 Conversion of Private Road and Land to Public Road

Brief

To provide information to Council on options for the process to convert sections of Elm Avenue Mile End, currently being private road and land, to public road.

RECOMMENDATION(S)

The Committee recommends to Council that action be undertaken to resume the parcels of private land laid out as Elm Avenue in Mile End to convert the whole of the road to public road.

Introduction

In late March 2016, Council received correspondence from the Director of a company, Tetzlin Pty Ltd (**Attachment 1**), which had recently acquired a residential property in Rankine Road Mile End. The property includes a portion of land at the rear comprising a laneway over which adjoining properties enjoyed a "right of way". The Certificate of Title for the property indicates the "right of way" extends across Elm Avenue to the property alignment of the northern side of the road (**Attachment 1**).

Tetzlin Pty Ltd indicated that they were prepared to negotiate relinquishing the portion of land where it extends over Elm Avenue for an agreed financial consideration by Council.

Further investigation by the Administration revealed that the land over which Elm Avenue is constructed is on three separate property titles, the larger portion of the street being in two private ownerships and the smaller portion being public road under Council's ownership, (**Attachment 3**). Subsequent to the investigation, Administration provided the Director of Tetzlin Pty. Ltd. a response letter advising of its findings (**Attachment 2**).

In 1911, the land between Rankine Road and Henley Street, and fronting Henley Beach Road, was sub-divided into 28 allotments and a "12 foot right of way" [*Indicated as "B" on Attachment 3*] as recorded in Deposited Plan (DP) 1890 (**Attachment 4**) under the ownership of an Edwin Arthur Wilcox with most of the newly created allotments then on-sold.

In 1917, Ernest Charles Saunders, the owner of Allotments 7, 8 and 9 in DP 1890 further subdivided that land by creating five new allotments and an area marked "Elm Avenue" [*Indicated as "A" on Attachment 3*] as recorded in DP 2422 (**Attachment 5**). A new certificate of title was issued for the five allotments and Elm Avenue as a private road. Separate new titles were subsequently issued for the individual allotments which were on-sold but Elm Avenue remains a private road in the ownership of EC Saunders (or his heirs, if any).

Subdivision of land recorded in DP 1021 resulted in the eastern section of Elm Avenue [*Indicated as "C" on Attachment 3*] being laid out and declared to be public road.

Discussion

The provisions of section 210 of the *Local Government Act 1999* enable Council to convert a Private Road to a Public Road if the owner of the road asks for or consents to the declaration, or where reasonable, enquiries have failed to find the owner of the private road. This provision of the Local Government Act could be used to convert the portion of private road indicated as "A" on Attachment 3.

The land indicated as "B" on Attachment 3 comprises part of an "estate in fee simple" and although adjoining residents hold a right to travel along and across the land, it is private land and not a road. As such, the provisions of section 210 of the Local Government Act 1999 are not applicable to change the status of this piece of land. This parcel of land would need to be dealt with under the Roads (Opening & Closing) Act 1991 to open a road over the land.

The provisions of the Land Acquisition Act 1969 apply to both parcels of land in respect to any compensation that may be payable to the owners of either or both parcels of land for the acquisition of the land by Council as persons who hold an interest in the land which is divested or diminished by the acquisition.

In particular to the portion of land marked 'B' within **(Attachment 3)**, given there are multiple rights of way over that interest in favour of numerous separate landowners, the value of the land is considered to be minimal. For the land to be of use exclusively by any one party, in this case Tetzlin, all of those rights of way would need to be extinguished. Accordingly, the value of this land in its current form is therefore nominal.

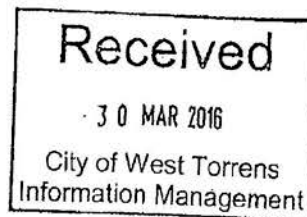
The provisions of the Roads (Opening & Closing) Act 1991 must be used to convert one of the parcels of land [B] to a road and may also be used in respect the other parcel of land [A] **(Attachment 3)** as an alternative to the provisions of the Local Government Act. It would be administratively simpler to utilise the same legal provisions to deal with both parcels of land together.

Conclusion

Following the identification of parts of Elm Avenue Mile End as being private road and land, action needs to be undertaken to resume the parcels of private land and convert the whole of the road to a public road.

ATTACHMENT 1

23 March 2016



City of West Torrens
165 Sir Donald Bradman Drive
Hilton SA 5033

Attention: Mr Terry Buss – City Manager

Dear Sir

Encroachment of Elm Avenue, Mile End on land owned by Tetzlin Pty Ltd

I refer to our previous communications in relation to this matter and thank you for your assistance.

I am the director of Tetzlin Pty Ltd (*Tetzlin*), which recently acquired the residential property situated at 21 Rankine Road, Mile End SA. The property is identified as Certificate of Title Volume 5536, Folio 240, a copy of the diagram is **attached**.

You will note that the property includes a long thin portion of land (*hereinafter referred to as 'the lane'*) that extends in a north west fashion at the rear of the properties on the eastern side of Rankine Road and the rear of the properties on the western side of Henley Street, south of Elm Avenue, Mile End.

The diagram also shows that the lane extends across Elm Avenue to the northern side of that road. It appears that Elm Avenue has been constructed over the lane that is now owned by Tetzlin. Preliminary calculations indicate that the portion of the affected lane measures about 45.5m².

Tetzlin has in place an insurance policy with a commercial insurer that affords cover for any incidents or accidents of a public liability nature occurring on the insured land. As it stands, the cover is afforded to include the portion of the lane being encroached by Elm Avenue.

As you will no doubt appreciate Tetzlin and its insurer is concerned about any incident or accident that may occur on that portion of the lane that arises out of members of the public howsoever using Elm Avenue without any other connection to the subject premises.

As a means of maintaining a good relationship with the local residents and for removing the portion of the lane from the council owned infrastructure, I am willing to come to a financial arrangement with the City of West Torrens and relinquish the portion of the lane that extends across Elm Avenue. The proposed section would commence from the northern boundary alignment of the residential properties either side of the lane on the southern side of Elm Avenue and continuing across the road to the northern side.

According to information that I have obtained the area within that portion of the lane has a value of about \$600/m², which based on an area of about 45.5m² equates to \$27,300. As a means of expediting this issue I am prepared to negotiate a mutually acceptable financial outcome.

I therefore seek your urgent response to Tetzlin's proposal to relinquish the portion of the lane to the City of West Torrens upon payment of the aforementioned sum.

Should you wish to discuss this matter in further detail or require any further information please do not hesitate to contact me on 0424 563 511.

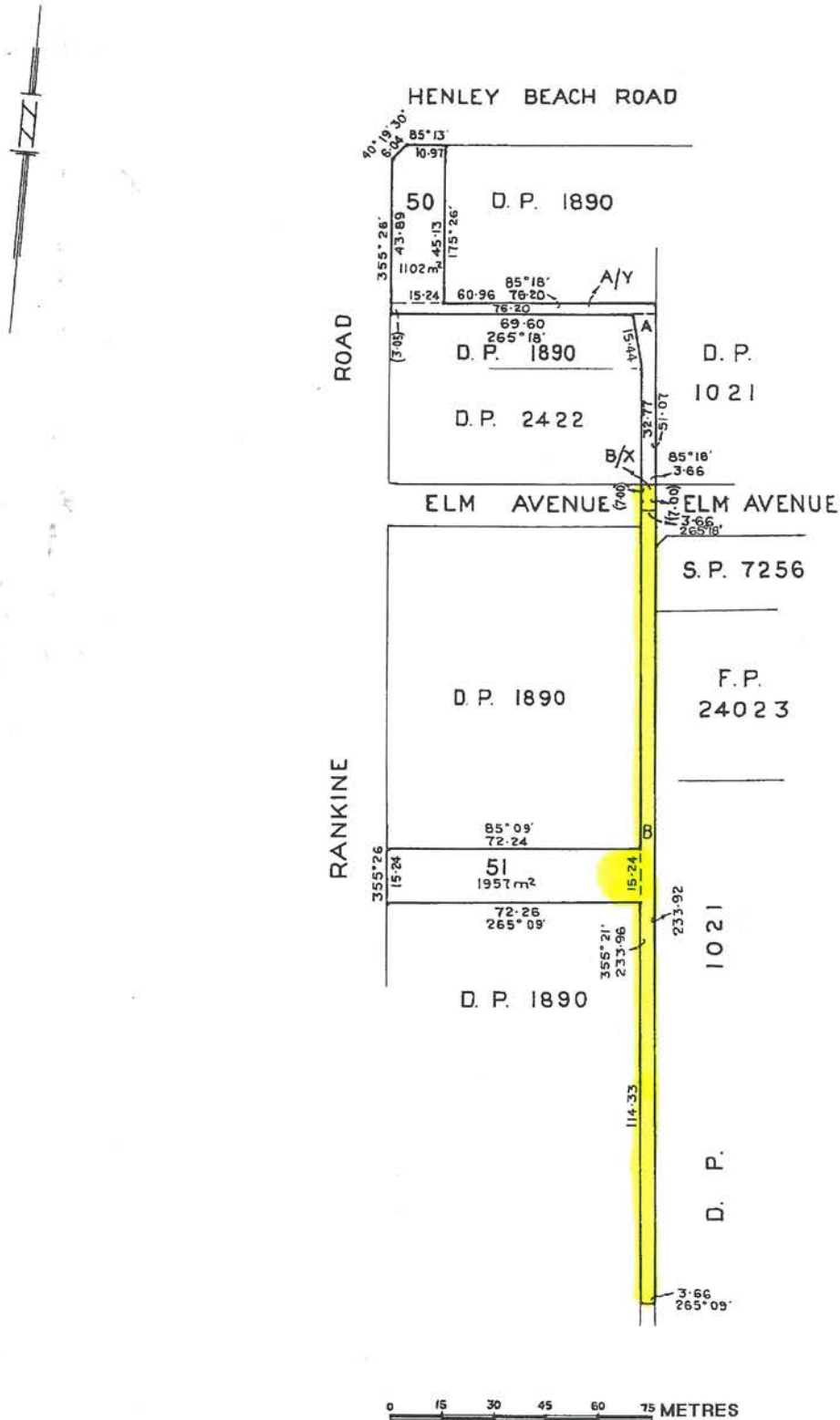
Yours faithfully



Mr John Lindner

Director - Tetzlin Pty Ltd
C/- 23 Rankine Road
Mile End SA 5034

LANDS TITLES OFFICE ADELAIDE SOUTH AUSTRALIA
DIAGRAM FOR CERTIFICATE OF TITLE VOLUME 5536 FOLIO 240
SEARCH DATE : 08/11/2013 TIME: 09:41:27



ATTACHMENT 2

29 August 2016

Mr John Lindner
Director Tetzlin Pty Ltd
c/- 23 Rankine Rd
MILE END SA 5034

Dear John

Re: Elm Avenue Mile End and Right of Way - Tetzlin Pty Ltd

I refer to your correspondence dated 23 March 2016 relating to the above named matter. I apologise for the delay in responding to you however, it has taken us some time to investigate your claims which has included review of your correspondence, plans and titles relating to the subject land.

Our investigations have confirmed that Tetzlin Pty Ltd, as owner of Allotment 51 of DP28474, owns land which is currently used as portion of Elm Avenue Mile End. We have also discovered that the adjoining portion of Elm Avenue between Rankine Road and the Tetzlin interest is still held as private road via interests purchased in 1917- some 99 years ago. We also note that the land owned by Tetzlin that extends across Elm Avenue is subject to Rights of Way to multiple other parties.

Obviously Council needs to correct the anomaly of these private interests in Elm Avenue being (1) the Tetzlin interest; and (2) the portion as private road; so will use the Roads (Opening & Closing) Act 1991 to remedy this situation.

I do acknowledge that the Tetzlin interest entitles you to compensation in accordance with the Land Acquisition Act 1969 but, given there are multiple rights of way over that interest in favour of numerous separate landowners, the value of the land is considered to be minimal. For the land to be of use exclusively by any one party, in this case Tetzlin, all of those rights of way would need to be extinguished. Accordingly, the value of the land in its current form is therefore nominal.

As matters relating to roads opening and closing require a decision of Council, a report will be presented to the Council Meeting of 06 September 2016 for consideration.

Tetzlin Pty Ltd will be further advised once commencement of the road process is underway in accordance with Council's obligations under Section 10(1)(b) of the Roads (Opening and Closing) Act 1991.

Yours sincerely

Angelo Catinari
General Manager Urban Services

ATTACHMENT 3



180
 0606
 100

Plan
 OF ALLOTMENTS IN
 PORTLAND
 Being subdivisions of the allotments in No. 2, 17, 18, 19
 in L.T.O. Plan No. 214 of 1914
 Portion of Section No. 98
 Hundred of Adelaide
 other part of Section No. 98
 in L.T.O. Plan No. 1021
 in P.P. 28023

Reference
 Vol. 129 fol. 74
 112, 126
 Chas. A. Mearns
 Registrar

It is deposited under
 Clause 90—
 It is my intention to make a right
 of way over the right-of-way
 shown on this plan
 Chas. A. Mearns
 Registrar

Mayor of Adelaide
 No. 162285
 P.T.R.O. 25/2/87
 P.T.E.M. AVENUE CLOSED VIDE G.D. 5461
 1/2 pro R.A. 25-9-85

Henley Beach Road
 RANKIN ROAD
 Plan deposited L.T.O. No. 1695
 Plan deposited L.T.O. No. 1810
 Drawn to scale of 100 feet to one inch
 My attention is directed to the fact that the plan deposited in the office of the Registrar of Deeds on the 17th day of May 1911 is given with date & plan deposited in the office of the Registrar of Deeds on the 17th day of May 1911.

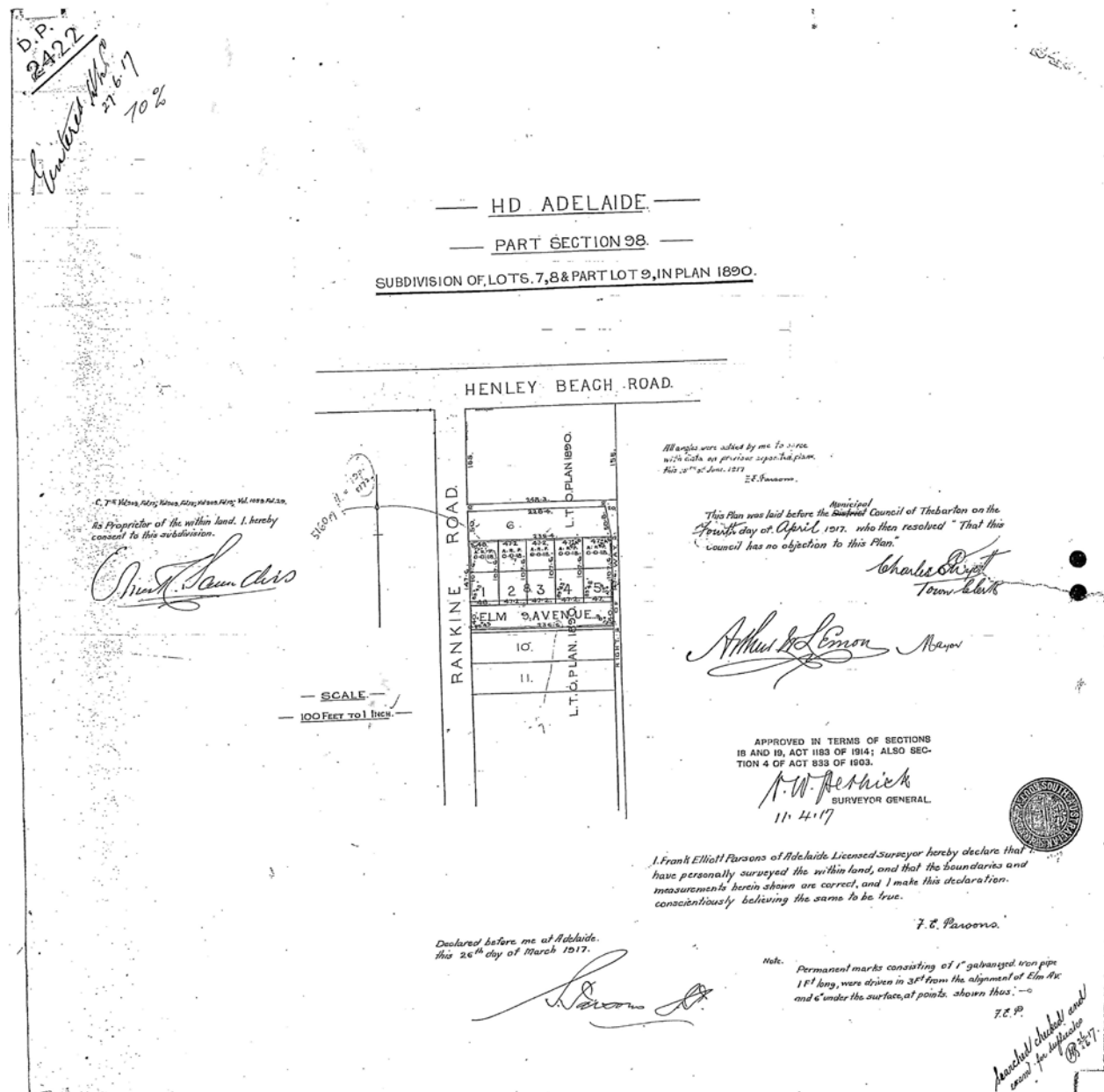
I, Richard George Richardson of Adelaide Licensed Surveyor
 declare that I have personally surveyed the land
 delineated in this plan & the boundaries & measurement
 are correct and I make this declaration conscientiously
 believing the same to be true
 R. G. Richardson
 Subscribed and declared at Adelaide
 the 17th day of April 1911 before me
 Charles A. Mearns, Mayor

Surveyed by
 Surveyor No. 153,40
 W. A. Mearns
 Chief Draftsman
 28-7-87

E.M. (PUBLIC) AVENUE ABUTTING VIDE
 NOTN. 6056190
 pro R.A. 25-9-85

MICROFILMED
 26-2-87

ATTACHMENT 5



11.3 Federal Black Spot Funding - Hardys Road and Ashley Street, TORRENSVILLE

Brief

The Department of Planning, Transport & Infrastructure has written to Council advising that a recent Black Spot funding submission for the construction of a roundabout at the intersection of Hardys Road and Ashley Street has been successful. A funding deed will need to be entered into to secure this funding.

RECOMMENDATION

The Committee recommends to Council that a funding arrangement for works at the intersection of Hardys Road and Ashley Street, Torrensville be entered into and that the Mayor and the Chief Executive Office be authorised to sign and seal the funding deed to secure this funding.

Introduction

Council is provided with updated crash data collected by SA Police and the Department of Planning, Transport and Infrastructure typically in September of each year which is used to identify Black Spots across the City.

In October of last year the Administration applied for Black Spot funding through the State and Federal Governments at two locations being the Hardys Road and Ashley Street intersection and West beach Road.

Discussion

Black Spot data is reviewed annually with all identified sites on roads managed by Council being analysed over the last five (5) years. A site is eligible for Black Spot nomination where there are two (2) or more 'injury' or higher incident crashes over a five (5) year period.

The intersection of Ashley Street and Hardys Road, Torrensville was nominated as part of the ongoing Local Area Traffic Management program in the Torrensville/Thebarton Area.

The proposal is to install a roundabout at this intersection which will address the Black Spot crashes and better facilitate traffic and pedestrian movements in the area.

The approved amount for this project is \$79,750 (inc GST). This project requires no funding contribution from Council.

While the Local Area Traffic Management program is currently being undertaken through a staged approach in this area, intersections where Black Spot funding has been provided will be treated separately to the staging program.

To be eligible to receive this funding, the seal of Council is to be affixed to the funding agreement for each project (**Attachment 1**).

Conclusion

To receive Black Spot funding for construction of a roundabout at the intersection of Ashley Street and Hardys Road, Council will need to enter into a funding deed.

ATTACHMENT 1

FUNDING DEED
under
2016-2017 COMMONWEALTH INFRASTRUCTURE INVESTMENT
BLACK SPOT PROGRAM

Project Number	062598-16SA-BS
Location	Intersection of Ashley Street and Hardys Road, Torrensville
Project Description	Construction of a roundabout
Project Funding	\$ 79,750 (GST Inclusive)

between

THE COMMISSIONER OF HIGHWAYS
("Grantor")

and

THE COUNCIL NAMED IN SCHEDULE 1
("Council")

FUNDING DEED

Between

THE COMMISSIONER OF HIGHWAYS, a body corporate pursuant to the *Highways Act 1926* (administered by the Department of Planning, Transport and Infrastructure) (ABN: 92 366 288 135).....(**"Grantor"**)

And

THE COUNCIL NAMED IN SCHEDULE 1, a body corporate under the *Local Government Act 1999*.....(**"Council"**)

IT IS AGREED:

1. BACKGROUND

- 1.1 The Council has proposed to undertake the project ("**Project**") described in item 3 of Schedule 1.
- 1.2 This deed sets out the terms and conditions under which the Grantor intends to provide funding to the Council solely for the purpose ("**Purpose**") described in item 3 of Schedule 1 which includes the conduct of the Project.
- 1.3 The maximum amount that may be paid to the Council under this deed is set out in item 4 of Schedule 1 ("**Funding**").
- 1.4 Item 3 of Schedule 1 indicates whether or not the Project is to be conducted on a road(s) under the care, control and management of the Commissioner of Highways ("**Commissioner**").
- 1.5 If conducted on a road(s) under the care, control and management of the Commissioner the additional terms and conditions set out in Schedule 2 will also apply.

2. FUNDING

- 2.1 Subject to this deed, the Grantor will pay the Council up to the amount of the Funding.
- 2.2 The Council must only use the Funding for the Purpose.
- 2.3 For the purposes of this deed, the "**Funding Period**" is the period commencing on the Start Date and, subject to funding being available, will continue until the End Date. The "**Start Date**" and "**End Date**" are set out in item 4 of Schedule 1.
- 2.4 The Funding is payable by way of progress payments in arrears for work undertaken for the Purpose and may also be part payable (if indicated in item 5 of Schedule 1) by way of an Initial Instalment in Advance.
- 2.5 During the Funding Period, the Council is entitled in accordance with the conditions set out in item 5 of Schedule 1:
 - (a) to invoice the Grantor for the payment of the amount of any Initial Instalment in Advance set out in item 5 of Schedule 1 (if any); and
 - (b) once the amount of the Initial Instalment in Advance (if any) has been expended on work undertaken for the Purpose, to invoice the Grantor for progress payment(s) for work undertaken for the Purpose.The total of any Initial Instalment in Advance (if any) and all progress payments must not exceed the amount of the Funding.
- 2.6 At the end of the Funding Period the Council must provide a report on the level of any unexpended Funding.

-
- 2.7 The Council must repay any part of the Funding which is unexpended at the end of the Funding Period to the Grantor, unless the Grantor gives written approval for the Council to retain the money.

3. **GST**

- 3.1 The Funding (including any Initial Instalment in Advance or any progress payment) is all-inclusive and not subject to any adjustment for GST or any other tax or cost.
- 3.2 In this Deed "*Taxable Supply*", "*GST*" and "*Tax Invoice*" have the meaning attributed under the *A New Tax System (Goods and Services Tax) Act 1999* ("*GST Law*").

4. **ADMINISTRATION OF DEED**

- 4.1 Any power or discretion exercisable by the Grantor under this deed may be exercised by the person ("**Grantor's Representative**") for the time being in the position within the Department of Planning, Transport and Infrastructure ("**Department**") set out in item 2 of Schedule 1.
- 4.2 Any power or discretion exercisable by the Council under this deed may be exercised by the person ("**Council's Representative**") for the time being in the position within the Council set out in item 2 of Schedule 1.

5. **PROVISION OF FINANCIAL INFORMATION**

- 5.1 The Council must provide the Grantor with appropriate and regular information, records and reports as the Grantor may request from time to time about:
- (a) the administration and financial affairs of the Council;
 - (b) the progress of (and any change to) the authorised scope of the Purpose or the Project;
 - (c) any significant changes to the nature and scope of the activities conducted by the Council;
 - (d) any other matter relevant to the granting of assistance;
 - (e) any other funding or financial assistance promised or received from any source other than the Grantor;
 - (f) the Council's management of the Funding, including, but not limited to, the economic and efficient use of resources to achieve the outcomes of the Purpose; and
 - (g) the performance of the Council's undertakings and obligations under this deed.
- 5.2 The information provided by the Council must be sufficient for the Grantor to make an informed judgement about:
- (a) the Council's ongoing financial position and its resources and expertise in relation to the Purpose;
 - (b) the Council's performance in managing public moneys, acquiring and using resources economically and efficiently and in achieving specified objectives in relation to the Purpose;
 - (c) the overall effectiveness of the Funding throughout the Funding Period;
 - (d) compliance with legislation and generally accepted accounting principles; and

- (e) compliance with the Council's constitution and the conditions of this deed.

5.3 The Council must permit any officer authorised by the Grantor:

- (a) to enter the Council's premises and to have access to all accounting records, equipment, documents and information in possession of the Council; and
- (b) to interview employees of the Council on matters pertaining to the operations of the Council.

6. GENERAL OBLIGATIONS OF THE COUNCIL

The Council must:

- 6.1 use the Funding only for the Purpose for which the Funding was made;
- 6.2 maintain accounting records of the Funding in accordance with generally accepted accounting principles;
- 6.3 ensure that any activity carried out by the Council in connection with the Council's use of the Funding complies with the laws from time to time in force in South Australia;
- 6.4 comply with its constitution;
- 6.5 comply with the additional reporting requirements set out in item 6 of Schedule 1;
- 6.6 prepare financial statements in accordance with Australian Accounting Standards at the end of the Funding Period and submit the financial statements, signed by a senior office holder of the Council, to the Grantor no later than one calendar month after the expiry of the Funding Period;
(Note: for the purposes of compliance with Australian Accounting Standards ("AAS") this includes Tier 1 ASS and Tier 2 ASS – Reduced Disclosure Requirements)
- 6.7 where the Funding to Council is in excess of One Million Dollars (GST exclusive), prepare financial statements in the nature of General Purpose Financial Statements; and
- 6.8 where requested by the Grantor, provide to the Department management accounts, annual reports, financial statements and any other information or documents relevant to the Council's operations.

7. CONDUCT OF THE PROJECT

- 7.1 The Council must ensure that any works undertaken towards the Purpose and/or the Project are undertaken in accordance with (and to the standard required by) any applicable Standards published by Austroads and Standards Australia Limited.
- 7.2 If (as indicated in item 3 of Schedule 1) the Project is to be conducted on a Road(s) under the care, control and management of the Commissioner, the Council must comply with the additional terms and conditions set out in Schedule 2.
- 7.3 The Council must erect signs on each road approach to the Project that comply with Section 4.7.1 – "Signposting" of the Notes on Administration for Land transport Infrastructure Projects" published by the Commonwealth.

8. TERMINATION

- 8.1 If the Council fails to comply with this deed and/or fails within 6 months from the Commencement of this deed to commence the works on the Project (or make sufficient progress to the satisfaction of the Grantor), the Grantor may:
- (a) require the Council to repay either the whole or a portion of the Funding (whether expended or not);
 - (b) withhold all future funding from the Council;
 - (c) pursue any legal rights or remedies which may be available to the Grantor; and
 - (d) terminate or curtail any program or project conducted by the Grantor of which the Purpose conducted by the Council is part.
- 8.2 The Grantor may review any decision made pursuant to this clause if the Council is able to satisfy the Grantor within a period of 30 days from the decision that the Council has complied with the conditions of this deed.
- 8.3 Nothing in this deed is to be taken to limit the Grantor's discretion to determine whether and how any program or project of the Grantor is to be conducted, except if and to the extent that the Grantor gives an express undertaking in that regard.

9. GENERAL TERMS AND CONDITIONS

9.1 Insurance

The Council warrants that it is a member of the Local Government Association Mutual Liability Scheme ("Scheme") and is bound by the Scheme pursuant to section 142 and Schedule 1, Part 2 of the *Local Government Act 1999* (SA) ("Act") and in the event that the Council ceases to be a member of the Scheme it will forthwith, pursuant to Section 142(1) of the Act and the regulations under that Act, take out and maintain insurance to cover its civil liabilities at a minimum level of cover of AUD \$50 million.

9.2 Commonwealth Funded Project

The Council acknowledges that the Funding provided under this deed is (and remains) contingent upon the Commonwealth funding and despite any other clause of this deed, if the Commonwealth for any reason ceases its provision of funding then the Grantor may by notice to the Council cease its provision of Funding under this deed.

9.3 Audit

The Grantor may direct the Council to arrange for the financial accounts relating to the Funding to be audited at the Council's expense. The Grantor may specify the minimum qualifications to be held by a person appointed to conduct the audit.

9.4 Acknowledgements

The Council acknowledge that the Funding represents a one-off contribution by the Grantor towards the Purpose, and the Council agrees that any request for subsequent funding will require a new application to the Grantor. The Grantor is under no obligation to agree to pay any subsequent funding to the Council.

The Council further acknowledges and agrees that the Grantor will not be liable to reimburse the Council for any losses or cost over runs that may result from the operation of this deed or the carrying out of the Purpose or Project.

9.5 Indemnity

The Council acknowledges and agrees that it remains at all times solely responsible for the conduct of the Project and it releases and indemnifies the Grantor, the Commissioner and the Crown in right of the State of South Australia together with their employees, contractors and agents ("those indemnified") from and against any loss or liability incurred or suffered by any of those indemnified as a result of any claim, suit, demand, action or proceeding brought by any person against any of those indemnified in respect to the works to complete the Project or otherwise caused by any breach or default of the Council under this Deed.

9.6 Assignment

The Council must not assign, novate or encumber any of its rights or obligations under this deed.

9.7 Publicity

The Council must not make (or permit a public announcement or media release to be made) about any aspect of this deed without first obtaining the Grantor's written consent.

9.8 Consent

If the Council requires the Grantor's consent under this deed, the Grantor may, in its absolute discretion, give or withhold its consent and if giving consent, the Grantor may impose any condition on that consent that it considers appropriate. The Grantor's consent will not be effective unless it is in writing and signed.

9.9 Entire Deed

This deed incorporates any attached schedules and annexures. This deed contains the entire agreement between the parties with respect to its subject matter and supersedes any prior agreement, understanding or representation of the parties on the subject matter.

9.10 Proper Law

The laws in force in South Australia apply to this deed.

9.11 Jurisdiction of Courts

The courts of South Australia have non-exclusive jurisdiction to determine any proceeding in relation to this deed. Any proceeding brought in a Federal Court must be instituted in (and remain with) the Adelaide Registry of that Federal Court.

9.12 Compliance with Laws

The Council must comply with the laws in force in South Australia in the course of performing its obligations under this deed.

9.13 Notices

A notice is properly given or served if the party delivers it by hand, posts it or transmits it by electronic mail or facsimile, to the address of the Representative of the other party. A notice is taken to be received:

- (a) if sent by post, at the time it would have been delivered in the ordinary course of the post to the address to which it was sent;
- (b) if sent by facsimile, at the time which the sender's facsimile machine records that the communication has been transmitted satisfactorily (or, if such time is outside normal business hours (9am to 5pm on a business day), at the time of resumption of normal business hours);

- (c) if sent by electronic mail or other electronic means, only in the event that the other party acknowledges receipt by any means; or
- (d) if delivered by hand, the party who sent the notice holds a receipt for the notice signed by a person employed at the physical address for service.

9.14 Performance and future proposals

The satisfactory completion of the works for the Purpose, the making of regular progress payments (see note under item 5 of Schedule 1) and on-going compliance with reporting obligations, may be taken into account as a factor in assessing any applications by the Council for future funding.

9.15 Waiver

Any waiver of any provision of this deed is ineffective unless it is in writing and signed by the party waiving its rights. A waiver by either party in respect of a breach of a provision of this deed by the other party is not a waiver in respect of any other breach of that or any other provision.

The failure of either party to enforce any of the provisions of this deed at any time must not be interpreted as a waiver of that provision.

9.16 Variation

Any variation of this deed must be in writing and signed by each party (or its Representative). Any request by the Council for agreement to vary the Funding, the Purpose, the scheduled timing for the conduct of the works for the Project and/or the Funding Period must be accompanied by sufficient details explaining the reasons for the requested variation to enable the Grantor to have regard to its merits.

9.17 Reading down and Severance

In the event that any provision (or portion of any provision of) this deed is held to be unenforceable or invalid by a Court of competent jurisdiction, the validity and enforceability of the remaining provisions (or portions of such provisions) of this deed shall not be adversely affected. The offending provision (or part of a provision) shall be read down to the extent necessary to give it legal effect, or shall be severed if it cannot be read down, and the remaining part and provisions of this deed shall remain in full force and effect.

9.18 Auditor General

Nothing in this deed derogates from the powers of the Auditor-General under the *Public Finance and Audit Act 1987* (South Australia). Without limiting this clause, the Council acknowledges the Auditor General's obligations and powers under sections 32 and 34 of the *Public Finance and Audit Act 1987* (South Australia).

9.19 Public Disclosure

The Grantor may disclose this deed (and/or information relating to this deed) in both printed or electronic form and either generally to the public or to a particular person as a result of a specific request. Nothing in this clause derogates from the Council's obligations under any provision of this deed or the provisions of the *Freedom of Information Act, 1991*.

9.20 Special Conditions

The special conditions set out under item 7 of Schedule 1 (if any) form part of this deed.

Page 8 of 15

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EXECUTED as a DEED

By the Grantor

THE COMMON SEAL of the
COMMISSIONER OF HIGHWAYS

)
)
)
)
)
)
)
)
)
)

was affixed on:
(Date above)

(Affix Seal Above)

in the presence of:

Witness Signature:.....

.....
(Commissioner of Highways)

Print Name:

By the Council

THE COMMON SEAL of the
COUNCIL NAMED IN SCHEDULE 1

)
)
)
)
)
)
)
)
)
)

was affixed on:
(Date above)

(Affix Seal Above)

as attested by the Principal Member and
Chief Executive Officer.

Signature:.....

Signature:

Print Name:

Print Name:

Principal Member

Chief Executive Officer

SCHEDULE 1 - PARTICULARS

1. THE COUNCIL

Name: CITY OF WEST TORRENS

Site Address: 165 Sir Donald Bradman Drive, HILTON, South Australia, 5033

Postal Address: 165 Sir Donald Bradman Drive, HILTON, South Australia, 5033

ABN: 16 346 877 634

2. REPRESENTATIVES

Grantor's Representative	Council's Representative
Name: Ms Fiona Cartwright	Name: _____
Position: A/Manager Safety Strategy, Planning and Transport Policy Department of Planning, Transport and Infrastructure	Position: _____ _____
Address: 77 Grenfell Street ADELAIDE SA 5000	Address: _____ _____
Telephone: (08) 8343 2687	Telephone: _____
E-mail: Fiona.cartwright@sa.gov.au	E-mail: _____

3. THE PURPOSE, DESCRIPTION OF PROJECT & DETAILS OF THE ROAD(S)

The Purpose: The Funding is provided for the Purpose of the Council undertaking on the Road(s) identified below (within the Funding Period) the Project described below (and in any plans and/or proposal attached to this deed) in accordance with (and to the standard required by) any applicable Standards published by Austroads and Standards Australia Limited.

Description of Project:	Project Number	062598-16SA-BS
	Project Description	Construction of a roundabout at the intersection of Ashley Street and Hardys Road as well as a route traffic management scheme along Hardys Road.

Note: Please ensure that a full description setting out all aspects of the Project is included (this is of particular importance for Projects undertaken on DPTI maintained roads).

Intersection of Ashley Street and Hardys Road, Torrensville

Details of the Road(s):

Is the Road(s) under the care control and management of the Commissioner of Highways:

No

Note: If under the care, control and management of the Commissioner then Schedule 2 will apply.

4. THE FUNDING

The Funding: \$79,750.00 AUD (GST Inclusive)

The Funding Period: Start Date: 1 July 2016

End Date: 30 May 2017

5. MANNER & CONDITIONS OF PAYMENT

Limit on payments

The Funding of \$79,750.00 (GST Inclusive) is the maximum total amount the Grantor may be liable to pay the Council under this deed.

Initial Instalment in Advance & Progress Payments

The following table sets out the details of payments comprising the Funding the Council may invoice the Grantor for in accordance with clause 2.5 of the deed.

Payment	Amount AUD (GST Inclusive)
Initial Instalment in Advance <small>(Note: If no amount is indicated then no Initial Instalment in Advance will be made and the Funding will be made entirely through Progress Payments in arrears)</small>	\$nil
Allocation for Progress Payments	\$ 79,750.00
Total Funding	\$ 79,750.00

Periodic Progress Payments

Except in relation to the last Quarter prior to an End Date of 30 June, the Council is entitled (provided any instalment in advance has been expended) to invoice the Grantor after the end of each Quarter (or after another interval agreed between the parties) for progress payments for work undertaken for the Purpose.

A "Quarter" is the 3 calendar month period ending on 31 March, 30 June, 30 September and 31 December of each year during the Funding Period.

Last Quarter: If the End Date is 30 June (to coincide with the end of the Financial Year) then the Council must by 1 June issue the Grantor with the final invoice for all works undertaken for the Purpose. Late invoices will only be accepted with the written agreement of the Grantor.

Note on Regular Invoices: The Grantor expects that works for the Purpose will be undertaken promptly during the Funding Period and expects to receive the invoice for any instalment in advance (if any) soon after the commencement of this deed and then regular subsequent receipt of invoices for progress payments.

Invoices

The Grantor is not obligated to pay an invoice unless properly rendered. An invoice is properly rendered if it:

- (a) is issued in respect of a payment for which the Council is entitled to invoice for under this deed;
- (b) quotes the relevant purchase order number allocated by the Grantor;
- (c) is accompanied by a Claim Form and invoices (if any) from the Council's contractor(s) undertaking work for the Purpose;
- (d) reflects the correct amount for payment under this deed; and
- (e) is a valid Tax Invoice in accordance with GST Law.

The "Claim Form" must set out:

- (a) The progress of the work towards the Purpose.
- (b) Project expenditure report from Council's financial management system and a summary schedule of expenditure.
- (c) Statement of the amount of any under or over expenditure of the Funding.

A pro-forma Claims Form is available from web-link:

http://www.dpti.sa.gov.au/roadsafety/safer_roads/black_spot_program_2

Payment Term

Provided that the total amount of the Funding has not been (or will be) exceeded, the Grantor must pay the amount of a properly rendered invoice for an Initial Instalment in Advance (if indicated above) and a progress payment for work undertaken towards the Purpose issued by the Council, within 30 days of receiving the Council's invoice.

6. ADDITIONAL REPORTING REQUIREMENTS

Report (Title)	Frequency (By when)	Requirements (Information and applicable standard)
Project Report	1 st Report- 1 st August 2 nd Report-1 st November 3 rd Report-1 st February 4 th Report- 1 st May or 7 days from request	<ul style="list-style-type: none">• The progress of the Project and scheduling of works.• Updated Expenditure forecasts during the term of the funding period.• The management of the Funding (i.e. break down of expenditure of the Funding).• Any changes to the authorised scope of the Project.• Any significant changes to the nature, scope and cost of the activities conducted by the Council.• Any operational matters requested from time to time by the Grantor for inclusion in the Project Report.• Use Template as per attachment (DPTI PM reporting template (PM203-1))
Completion Report	Within 30 days from the completing the works for the Project.	<ul style="list-style-type: none">• Use Template as per http://www.dpti.sa.gov.au/roadsafety/safer_roads/black_spot_program_2

Financial Statements (As referred to in clauses 6.6 and 6.7 of the Deed)	Within 30 days from the expiry of the Funding Period.	<p>Financial Statements prepared in accordance with Australian Accounting Standards setting out in detail the Council's expenditure of the Funding (with invoices attached from any contractors engaged for the Purpose) and signed by a senior office holder of the Council.</p> <p>Standard: <u>If</u> the Funding is in excess of \$1 M (GST exclusive) <u>then</u> the recipient must prepare its Financial Statements in the nature of General Purpose Financial Statements.</p> <p>(Note: for the purposes of compliance with Australian Accounting Standards ("AAS") this includes Tier 1 ASS and Tier 2 ASS – Reduced Disclosure Requirements)</p>
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7. SPECIAL CONDITIONS

- 7.1 The Development Division will contact Council for a commencement meeting or other meetings as required.

SCHEDULE 2 – WORKS ON COMMISSIONER MAINTAINED ROAD(S)

1. APPLICATION OF THIS SCHEDULE 2

The Council must comply with the terms and conditions set out in this Schedule 2 if (as indicated in item 3 of Schedule 1) the Council's proposed Project funded under this deed involves work on (or alterations to) a road ("Road") that is under the care, control and management of the Commissioner of Highways ("Commissioner").

2. LEGAL REQUIREMENT TO GAIN COMMISSIONER'S APPROVAL

Subsection 26(7) of the *Highways Act 1926* (SA) provides that a council must not exercise its powers under Part 2 of Chapter 11 of the *Local Government Act 1999* (SA) (e.g. the powers to conduct roadwork) in relation to a road under the care, control and management of the Commissioner except to the extent (if any) as the Commissioner may approve by written notice to the council.

The Council therefore acknowledges that prior to undertaking any works on the Road it will first need to gain the written approval of the Commissioner pursuant to section 26(7) of the *Highways Act 1926*.

3. TERMS AND CONDITIONS FOR WORKS ON COMMISSIONER'S ROAD

3.1 The Commissioner makes no warranties or representations concerning the suitability of the Road for the Purpose or the presence of third party installations on, in, along, over, under or near the Road. The Council must arrange for any required relocation or alteration of third party installations at its own cost.

In this Deed "third party installations" means any rail, gas, electrical, telecommunications, stormwater, water or other underground or overground installation on, in, along, over, under or near the Road.

3.2 The Council must:

- (a) not less than one calendar month prior to the commencement of works for the Purpose, submit the detailed design(s), any applicable drawings and plans and its Traffic Management Plan(s) to the Commissioner (acting through the Department) for its comment;
- (b) modify the documents submitted in accordance with the preceding item 3.2(a) in accordance with any comments received from the Commissioner (or the Department);
- (c) give prior notification to the Commissioner before commencing any works on the Road and abide by (and ensure that its contractor also abides by) any requirements imposed as to the times for access to the Road;
- (d) undertake (and ensure that its contractor undertakes) the works on the Road in accordance with:
 - (i) the Department's requirements as outlined in "*Works by other Organisations on Roads Maintained by the Commissioner of Highways*" available at http://www.dpti.sa.gov.au/contractor_documents ; and
 - (ii) the detailed design(s), drawings and plans and Traffic Management Plan agreed to by the Commissioner,unless a variation is first agreed in writing by the Commissioner;
- (e) ensure that any works undertaken do not disrupt (or impede) any activity undertaken by the Commissioner (or the Department) on the Road;

-
- (f) ensure that a defect liability period of not less than 24 calendar months applies to the works and the Council must invite (and make provision for) a representative of the Commissioner to attend inspections to assess both practical completion and final completion of the works;
 - (g) ensure that any additional works required to reach practical completion or any remediation (or repair of) defects that are required to allow for final completion, identified by either the Council or the Commissioner, are promptly carried out by the Council (or its contractor);
 - (h) at its cost, comply with any written direction by the Commissioner in relation to the conduct of the works, any alteration or removal of any infrastructure installed, the removal or minimisation of any risks to safety identified, the reinstatement of pavements, traffic management, the public's access to the Road or partial road closures;
 - (i) undertake such reasonable safety measures necessary to protect its employees, contractors, the public and commuters [including without limitation compliance with (and ensuring its contractor complies with) the *Work Health and Safety Act, 2012* (SA) and the *Work Health and Safety Regulations, 2012* (SA)];
 - (j) notify the Commissioner of any safety risk posed by the works or any infrastructure installed or any activity undertaken by the Council (or its employees, contractors and agents), on the Road; and
 - (k) following practical completion of the works [and following any further modifications undertaken by the Council (or its contractor)] provide at the Council's cost, the Commissioner with as constructed drawings and plans accurately depicting the type and location of the works and any infrastructure installed in accordance with Departmental standards available at:
http://www.dpti.sa.gov.au/contractor_documents (intellectual property in the plans and drawings vests in the Commissioner).
- 3.3 If the Council fails to comply with the requirements of item 3.2(g) or fails to carry out a direction of the Commissioner issued in accordance with item 3.2(h) then the Commissioner may (without being obliged to) carry out (or engage a contractor to carry out) the necessary work and the Council promises to pay to the Commissioner the cost it incurs in doing so.

11.4 Ruthven Avenue, Glandore - Petition for Removal of Japanese Pagoda Trees

Brief

To provide Council with a report on the request for removal of Japanese Pagoda trees on Ruthven Avenue, Glandore, in response to the petition received by Council at the meeting of 19 July 2016.

RECOMMENDATION(S)

The Committee recommends to Council that:

1. The report be received
2. A further report to be presented to Council following public consultation with all the residents in Ruthven Avenue, Glandore.
3. The head petitioner is advised accordingly.

Introduction

A petition was received by Council at the meeting of 19 July 2016 from eleven (11) residents of Glandore requesting that Council remove the Japanese Pagoda trees on Ruthven Avenue, Glandore and replace the trees with trees which are more suitable.

Background

Council records indicate that the *Sophora japonica* (Japanese Pagoda Trees), were introduced in 2000 as an infill tree planting to complement the existing *Fraxinus griffithii* (Evergreen Ash).

A petition regarding the trees was received by the Administration from Ms Andrina Meaney of 9 Ruthven Avenue Glandore, on behalf of nine neighbouring residents, expressing concerns regarding the tree species and the effect that the berries from these trees have on the residents (**Attachment 1**).

The petition was presented to the Council meeting of 19 July 2016 where it was resolved that *'...the General Manager Urban Services further examine the claims made by the petitioners including the long-term suitability of the tree for use in our urban streetscapes and report back to Council accordingly...'*

Discussion

The Administration has subsequently undertaken an initial investigation and survey of the street trees with the following findings:

1. Ruthven Avenue includes 57 street trees of which 28 are *Sophora japonica*.

The remaining street trees include:

- 24 x *Fraxinus griffithii* (Evergreen Ash)
- 1 x *Callistemon viminalis* (Weeping Bottlebrush)
- 1 x *Melaleuca armillaris* (Bracelet Honey Myrtle)
- 1 x *Prunus cerasifera* (ornamental Plum)
- 1 x *Photinia robusta* (Photinia)
- 1x *Quercus species* (Oak species)

2. 22 properties have the street tree *Sophora japonica* in front of their properties.
3. The owners of seven (7) of the 22 properties signed the petition that was presented to Council.

The trees in Ruthven Avenue Glandore, are growing well, they have good structure and form with minimal to no defects. They are expected to reach a mature height in ideal conditions of 8-12 metres with a canopy spread of 5-8 metres.

To address the request for removal of the Japanese Pagoda trees in Ruthven Avenue, it should be noted that Japanese Pagoda trees make up approximately 50% of all the street trees in Ruthven Avenue.

It would be premature to recommend removal of all the Japanese Pagoda trees based on a petition signed by such small percentage of residents of Ruthven Avenue especially as a number of the signatories to the petition do not actually reside in Ruthven Avenue.

The Administration therefore proposes to undertake further consultation with the residents in Ruthven Avenue to ascertain feedback from all residents on the possible removal of the Japanese Pagoda trees and the replacement with a more suitable tree.

Following receipt of the feedback from residents, should there be a strong desire for removal of the Japanese Pagoda trees, further consultation would need to be undertaken with the residents on a suitable replacement tree.

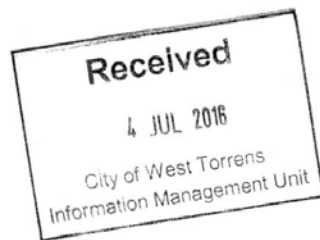
As the consultation process will take some time, as an interim measure in response to the petition, the Administration will provide additional road and footpath sweeping services in Ruthven Avenue during the period of fruit fall to minimise the number of berries on the footpaths.

Conclusion

A consultation process will be commenced with residents in Ruthven Avenue regarding the request for removal of the Japanese Pagoda trees. At the conclusion of the period of public consultation a further report will be presented to Council.

ATTACHMENT 1

To the Manager of Horticulture At the City of West Torrens



WE, the undersigned of Ruthven Avenue, Glandore are all very disappointed with the Japanese Pagoda trees that Council deemed to be appropriate at the time to plant in our Avenue a few years ago.

Each year at this time they drop thousands of little berries/seeds which are very slippery and stick to our shoes.

They also badly stain our driveways and footpaths and even indoors on the carpet.

By the time that they are fully grown the whole street will be a slimy mess.

We would like the trees removed please and something more suitable planted in their place.

Phone Contact

NAME	ADDRESS	SIGNATURE	COMMENTS
Andrina Meaney	9 Ruthven Ave	<i>Andrina Meaney</i>	I would like council to
PETER MEANEY	9 RUTHVEN AVE	<i>Peter Meaney</i>	come out immediately
			to inspect the state of
			the footpaths & driveways
			just to see for themselves
			what we are all talking
			about.
STEVE HAYWAMS	8 WAYMOOR AVE	<i>Steve Hayward</i>	" "
	CNR RUTHVEN		" "
	GLANDORE		" "
KEVIN HAYWARDS	" "	<i>Kevin Hayward</i>	" "
ROSALIE PHILLIPS	15 RUTHVEN AVE	<i>Rosalie Phillips</i>	" "
	GLANDORE		" "
Peter Gardiner	15 RUTHVEN AV. SUMNER	<i>Peter Gardiner</i>	" "
Joanne Oertel	13A RUTHVEN AVE, GLANDORE	<i>Joanne Oertel</i>	" "
Neera Dua	25 RUTHVEN AVE GLANDORE	<i>Neera Dua</i>	" "
Tennille Reed	23 RUTHVEN AVE, GLANDORE	<i>Tennille Reed</i>	" "
Heather Harding	1 ST. GEORGES AVE / CNR. RUTHVEN	<i>Heather Harding</i>	Could we please have some
Row Harding	1 St. Georges Ave	<i>Row Harding</i>	WILGA Trees. i.e. Native.
			" "

11.5 Urban Services Activities Report

Brief

To provide Elected Members with information on activities within the Urban Services Division.

RECOMMENDATION(S)

The Committee recommends to Council that the Activities Report be received.

This report details the key activities of the City Assets, City Development and City Works Departments.

Special Project Work	
New Drainage System - Lockleys Catchment Rutland Ave Stage 2	Design options for the improvement of localised stormwater management, including the incorporation into modified traffic control devices, has recently been completed. It is anticipated that consultation with the residents of the street will commence in September 2016.
New Drainage System - Lockleys Catchment May Terrace Stage 3	The civil contractor engaged by Council has recently commenced these works. Residents within proximity of the works were notified of the arrangements for the works prior to the commencement of works and direct contact has been made with the School, Golf Course and Church located within the street.
Stormwater Management Plan	This project has been awarded and commencement of the consultant's works has begun. Initial engagement with Adelaide City Council, City of Charles Sturt, Stormwater Management Authority and the Adelaide Mounty Lofty Ranges Natural Resources Management Board will begin shortly.
Rankine Road, Mile End - Stormwater Drainage	Works were programmed to commence during early-mid August, however this has been delayed due to a personnel tragedy associated with the contractor. Residents within proximity of the project have been updated on the delayed commencement timing.
James Congdon Drive Feature Landscaping Project	Civil works commenced mid-August on the development of a feature landscape presentation along the Parklands side of James Congdon Drive. The landscape will provide an entrance style feature to this roadway and improved connectivity between the West Torrens Community and the adjacent Parklands. Civil works will be followed by the establishment of approximately 30,000 plants. WTCC staff have worked closely with ACC to provide a project which delivers a 'one park' feel to an area located over both side of the local government boundary.

George Street, Thebarton	<p>A civil designer has been engaged to develop a detailed design (based on the Council approved concept) for the upgrade of George Street from South Road to Dew Street.</p> <p>As part of this the upgrade opportunities for of the stormwater drainage along this section of George Street, as well as Dew Street and Maria Street is also being investigated and detailed.</p>
Recycled Water Pipeline Extension	<p>The new pipeline from the Council connection meter located at Barwell Ave, Marleston will supply recycled water for irrigation to the Westside Bikeway (at the Dog Park) and Rex Jones Reserve. The project is underway on site with completion scheduled for late August / early September 2016, including testing and commissioning of the pipeline.</p>
River Torrens Linear Park, (Pedestrian Light Project)	<p>The River Torrens Linear Park Pedestrian Lighting Project, north of Henley Beach Rd (western river bank) to Riverway (Fulham Gardens) has been completed in August 2016.</p> <p>Design works have also commenced on the next stage (6) and (7) of pedestrian lighting for the 2016/17 program of works, from Henley Beach Rd to Tapleys Hill Rd, Lockleys / Fulham.</p>
Westside Bikeway, Moss Ave - Pedestrian Lighting	<p>The Administration has finalised the design and the procurement process to install new pedestrian LED lighting to replace the existing lights along the Westside Bikeway, (Moss Ave - between Barwell Ave and Tennyson Ave, including the dog park.)</p> <p>The project has been awarded and is scheduled to commence in September 2016.</p> <p>Design works have also commenced for the 2016/17 stage for the bikeway from Barwell Ave to Richmond Rd, Marleston.</p>
Anna Meares Pedestrian Lighting (Stage 1 & 2)	<p>The Administration has finalised the design and the procurement process to install solar pedestrian lighting on the Anna Meares shared pathway along Sir Donald Bradman Drive, Adelaide Airport - for Stage 1 & 2.</p> <p>The project has been awarded and is scheduled to commence in October 2016</p>

Capital Works

Road Reconstruction Works	<p>The following is an update on roadworks occurring in our City:</p> <p>2015/16 Program</p> <ul style="list-style-type: none"> - West Thebarton Road / Phillips Street - the development of the concept design is continuing. - West Beach Road - detailed design works are continuing. - Norma Street, Mile End - Asphalt works to be scheduled prior to the end of September 2016. Minor rectification works to be undertaken in the meantime as required. - Military Road, West Beach - Revised design to be considered to include bicycle lanes. - Tennyson Street, Kurralta Park - Construction works are ongoing. - Holland Street (Winwood Street to Anderson Street) - Construction works are ongoing.
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	<p>2016/17 Program</p> <p>Concept designs are currently being undertaken for the following roads:</p> <ul style="list-style-type: none"> - West Thebarton Road (South Road to Stirling Street) - May Terrace (Henley Beach Rd to Sir Donald Bradman Dr) - North Parade (Clifford St to Stephens Ave) - Aldridge Ter (Richmond Rd to St Anton St) - Mortimer St (Gray St to Grassmere St) - Beuchamp St (Barwell Ave to User Ch 130) - Birdwood Ter (Keith Ave to Murdoch Ave) - George St (South Rd to Dew Street)
West Thebarton Rd / Phillips St Thebarton	<p>SA Power Networks has put a temporary hold on civil works for undergrounding the power lines due to contractual issues with the civil contractor. Stobie pole and cabling works will commence in September in areas where civil works are completed.</p>
Kerb & Watertable 2016/17	<p>The procurement has been completed and preliminary site works have commenced on the staged program.</p> <p>The following is a list of the streets allocated for Kerb & Watertable works in 2016/17. The streets have been divided into six (6) stages of equal duration.</p> <p>Stage 1:</p> <ul style="list-style-type: none"> - Alexander Av - (Marleston Av to Day Av) - Clifton St - (Stonehouse Av to Carlton Rd) - Cromer St - (Bourlang Av to Patricia Av) - Patricia Av - (Clifton St to Cromer St) - Patricia Av - (Cromer St to Whelan Av) - Warwick Av - (Daphne St to Cross Ter) - Coulter St - (Allchurch Av to Galway Av) - Mackay Av - (Edward Davies St to Laverack Rd) - Mackay Av - (Mackay Av to Mackay Av) - Park Ter - (Allchurch Av to Talbot Av) - Talbot Av - (Marion Rd to Wyatt St) - Talbot Av - (Packard St to Park Ter) - Talbot Av - (Park Ter to Birdwood Ter) - Talbot Av - (Wyatt St to Packard St) <p>Stage 2:</p> <ul style="list-style-type: none"> - Somerset Av - (Davenport Ter to Sir Donald Bradman Dr) - Verran Av - (Sir Donald Bradman Dr to Davenport Ter) - Albert St - (Milner Rd to Martin Av) - Arthur St - (Arthur Street to Shaw Av) - Arthur St - (Brooker Ter to Arthur Street) - Davenport Ter - (Martin Av to Milner Rd) - Davenport Ter - (South Rd to Martin Av) - Lucas St - (Bartholomew St to Chambers Av) - Lucas St - (Marion Rd to Sanders St) - Lucas St - (Sanders St to Bartholomew St) <p>Stage 3:</p> <ul style="list-style-type: none"> - Mallen St - (Sir Donald Bradman Dr to Burt Av) - Darebin St - (Ebor Av to Falcon Av) - Ebor Av - (Tarragon St to Cowra St) - Lurline St - (Bagot Av to Ebor Av) - Norma St - (South Rd to Falcon Av) - Victoria St - (Henley Beach Rd to Hughes St)

Kerb & Watertable
2016/17

Stage 4:

- Dew St - (Kintore St to George St)
- Dew St - (Rose St to Kintore St)
- School L - (Taylors L to Rose St)
- Cawthorne St - (End to Smith St)
- James St - (Phillips St to Smith St)
- Smith St - (Dew St to Holland St)
- Walsh St - (Anderson St to Phillips St)
- Clifford St - (North Pde to Carlton Pde)
- East St - (Carlton Pde to Henley Beach Rd)
- Hayward Av - (End to North Pde)
- Jervois St - (Carlton Pde to North Pde)
- Jervois St - (Henley Beach Rd to Carlton Pde)
- Northcote St - (Henley Beach Rd to Carlton Pde)
- Sherriff Ct - (Sherriff St to End)

Stage 5:

- Bedford St - (Pine St to Wakefield Pl)
- Bedford St - (Wakefield Pl to End)
- Frank St - (Property #1 to Airport Rd)
- James Av - (Western Pd to Press Rd)
- Pine St - (Allen Av to Bedford St)
- Rushworth Av - (Lipsett Ter to Sir Donald Bradman Dr)
- Stott Cr - (Marshall Ter to End)
- Western Pd - (Carnarvon Ave to Everett St)
- Acacia Av - (End to Willingale Av)
- Acacia Av - (Willingale Av to End)
- Franciscan Av - (Property #5 to Arcoona Av)
- Fulham Park Dr - (Arcoona Av to Corona Av)
- Noble Av - (Torrens Av to Kenton St)
- Rostrata St - (End to Willingale Av)
- Torrens Av - (End to Dartmoor St)
- Rankine Rd - (Property #22 to Hounslow Av)
- Oakington St - (Elizabeth St to Henley Beach Rd)
- Torrens St - (Wilton Ter to Ferris St)
- Wilton Ter - (Elizabeth St to Hopson St)

Stage 6:

- Fitch Rd - 3900 (Halsey Rd to Good St)
- Good St - 4330 (Good St to Good St)
- Hadley St - 4540 (Ashburn Av to Henley Beach Rd)
- Halsey Rd - 4560 (Halsey Rd to City Boundary)
- Halsey Rd - 4560 (Halsey Rd to End)
- Huntington Av - 4990 (Ayton Av to La Jolla Ave)
- Huntington Av - (Henley Beach Rd to Ayton Av)
- Huntington Av - (La Jolla Ave to Riverside Dr)
- Layton St - (Henley Beach Rd to Ashburn Av)
- Raikoff Ct - (Kandy St to End)
- Samuel St - (Mackirdy St to Weetunga St)
- Sherwin Ct - (Henley Beach Rd to Henley Beach Rd)
- Susan St - (Ayton Av to Henley Beach Rd)
- Warramunga St - (Halsey Rd to End)
- Burbridge Rd (Service Road) - (Davis St to City Boundary)
- Charles Veale Dr - (Mountbatten Gv to Tapleys Hill Rd)
- Charles Veale Dr - (Windsor Ter to Mountbatten Gv)
- Toledo Av - (Property #27 to Swan Av)
- Toledo Av - (Swan Av to Property #36)

<p>Footpath Program 2016/17</p>	<p>The procurement processes for the annual contract works are currently underway.</p> <p>The following is a list of the streets allocated for Footpath works in 2016/17:</p> <p>Renewal Footpath Program:</p> <ul style="list-style-type: none"> - Ballantyne Street (Lowe Street to South Road); - Henley Beach Road (Lisa Court to Tapleys Hill Road); - Tapleys Hill Road (Henley Beach Road to City Boundary); - Darebin Street (Falcon Avenue to South Road); - King Street (Claremont Street to South Road); - King Street (Victoria Street to Claremont Street) <p>New Footpath Program:</p> <ul style="list-style-type: none"> - Horsley Street (Frontage Road to Durham Avenue); - Reese Avenue (Deacon Avenue to Kingston Avenue); - Eringa Avenue (Fulham Park Drive to End); - Hayward Avenue Extension (End to Ashwin Parade); - Neptune Crescent (Ingerson Street to End); - Orana Avenue (Iluka Street to City Boundary); - Rostrata Street (End to Willingale Avenue); - Wakefield Place (Bedford Street to End); - Willingale Avenue (Henley Beach Road to Rostrata Street); - Willingale Avenue (Rostrata Street to Acacia Avenue); - Walter Street (Ralph Street to Trennery Street)
<p>Bicycle Management Schemes</p>	<p>Construction has begun on shared use path bridge over the Brownhill/Keswick creek as a continuation of the Watson Avenue and Airport Shared Use Path project.</p> <p>Works currently being scoped for shared use path installation along Beare Avenue, north of Watson Avenue.</p>
<p>Playground Upgrade 2016/2017</p>	<p>The following is an update of the program of works:</p> <ul style="list-style-type: none"> - Kevin Ave Reserve, West Beach - completed - Memorial Gardens, Hilton - draft concept plans have been finalised. Detailed design has commenced. - Kesmond Reserve, Surrey Rd, Keswick - Works scheduled for November / December 2016. <p>Consultation signage for has been installed for the playground replacement at the following sites nominated for the 2016/17 upgrade program:</p> <ul style="list-style-type: none"> - Lyons Street Reserve, Brooklyn Park; - Joe Wells Reserve, Netley; and - Kings Reserve, Torrensville;

Reserve Irrigation Upgrades 2016/17	<p>The following is an update/status on the current program of works:</p> <ul style="list-style-type: none"> - Carolyn Reserve, Fulham - in progress(expected completion in September) - Kings Reserve, Torrensville, (staged project) - in progress. - Westside Bikeway, Marleston / Plympton, (staged project) - in progress. - Camden Oval, Novar Gardens, (staged project) - in progress. - Richmond Oval, Richmond - procurement process is currently underway, with works expected to commence end of September 2016. <p>The following reserves are nominated for irrigation upgrades:</p> <ul style="list-style-type: none"> - Frank Norton Reserve, Torrensville; - East Parkway Reserve, Fulham; - Golflands Reserve, (westerns section), Glenelg North; - Joe Wells Reserve, Netley; - Tyson Avenue (wide verge area), Ashford; - Camden Oval, Novar Gardens (staged projects); continued program from 2015/16; and - Westside Bikeway, Marleston / Plympton (staged project, selected areas within the linear park), continued program from 2015/16. <p>Design works have commenced for these irrigation project upgrades.</p>
Parking and Traffic Management	
Torrensville/Thebarton LATM	<p>Detailed development of the projects is continuing. Projects anticipated this financial year are:</p> <ul style="list-style-type: none"> • North Parade & Wainhouse Street kerb extension • North Parade & Shipster Street kerb extension • Ashwin Parade & Hardys Road intersection realignment • Hardys Road and Ashley Street roundabout (Black Spot funding received - \$79,950) • Ashley Street bus closure relocation • Maria Street slowpoints • George Street and Albert Street intersection • Ashley Street (between Holbrooks Rd & Hardys Road) scoping <p>Consultation with those properties directly affected will commence shortly.</p>
Novar Gardens/Camden Park LATM	<p>A community issues paper is being prepared to begin development of this area. Turning movement counts will be conducted shortly. Working Party meeting soon to be convened.</p>
Richmond/Mile End LATM	<p>Baseline traffic data is currently being collected.</p>
Bus Stop DDA compliance program	<p>Civil works on the 2015/16 Bus Stop DDA program are being completed. Works to begin on 16/17 program will commence shortly.</p>
Cowandilla Primary School & Jenkins Street precinct	<p>Conceptual design of children crossing changes are underway. A meeting has been arranged with school governing Council on 21 September 2016 to review the concept design.</p>

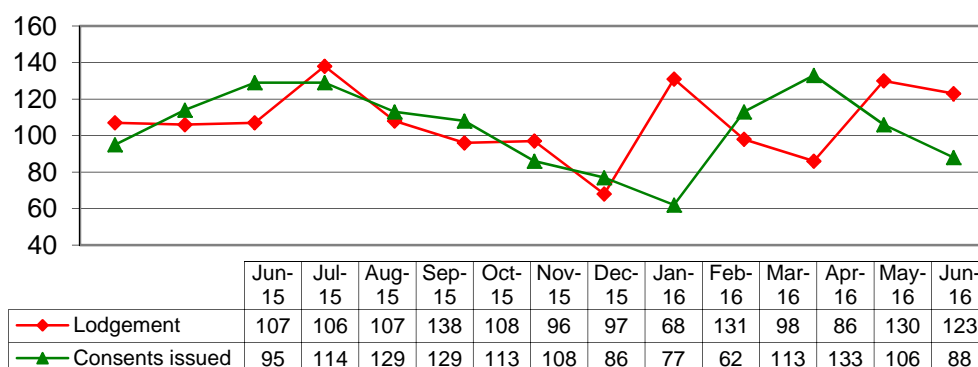
Road Safety Group Mock Crash	Organisation continuing for Mock Crash event to be held on 29 September. Event has received funding assistance from Motor Accident Commission for \$4,000.
Parking South Road Mile End South	ARR Compliance - install bus zone in new indented bay. Control (previous): Unrestricted Control (new) - Bus Zone (37m)
Parking Darebin Street Mile End	Business request - install work zone for parking access adjacent to residential work site. Control (previous): Unrestricted Control (new) - Work Zone (17m)
Parking Holland Street Thebarton	Business request - install controls to prevent driveway obstruction. Control (previous): Unrestricted Control (new) - No Stopping (4.5m)
Parking Main Terrace Richmond	Business request - Alter existing controls for customer access. Control (previous): 1/2P 9am - 5pm Mon - Fri (158m) Control (new) - 2P 8am - 5pm Mon - Fri (19m) & 1/2P 9am - 5pm Mon - Fri (139m)
Property and Facility Services	
Star Theatre Complex	The works program for the Stage 1 is currently being finalised in consultation with the tenant. Detailed design has commenced. The program of works will be delivered to ensure minimal impact on the theatre's schedule of events into 2017.
South Australian Amateur Football League (SAAFL) - Thebarton Oval	The Deed of Surrender and new lease has been executed by both parties and a copy of both documents has been returned to SAAFL for its records.
Weigall Oval Stage 1	A survey has been undertaken to identify buried infrastructure within the site and to identify trees on site that should be retained. This information has been provided to consultants who are undertaking the design works for Stage 1.
Road Closure Packard /Allchurch	No formal responses have been received from owners whose properties adjoin the identified road parcels (indicating their desire to purchase the land). Given this, consultants have been engaged to commence the formal road closure process.
Thebarton Theatre Complex - Fire Safety	The procurement process is also currently underway for the next two stages (Stage 3 & 4) of the fire building and compliance works. This will provide some efficiency in completing the two stages as one single contract. The updated procurement process is expected to be finalised by the early September 2016.

West Adelaide Football Club	Council has been advised that it was successful in its grant application for funding assistance to construct a shelter for persons with a disability on the western side of the ground (south of the grandstand). A development application has been lodged. The Administration is also aware that the WAFC has entered into discussions with Adelaide Cobras Soccer Club for use of the oval.
Lockleys Oval/Apex Park Masterplan & Multipurpose Community Facility	Consultants (Walter Brooke) are progressing on the development of detailed design plans for the built infrastructure to be used by the lessee/licensee groups at Apex Park. In parallel with this, plans continue to be developed (by Design Flow) for the wetland upgrade
Camden Oval Complex Masterplan	Consultation with lessee/licensee users in regard to the landscape masterplan has occurred. Any formal feedback which may be received will be presented to the Community Facilities General Committee at its meeting of 27 September. Council is awaiting provision of a formal document from FFSA/WT Birkalla in regard to the upgrade of the main pitch (to synthetic pitch)
Lockleys Oval WA Satterley Hall	The project has been awarded with building works underway on site. The scope of works includes new Disability Discrimination Act compliant toilet facilities, upgrade to existing toilet facilities and fire compliance works. Works are now expected to be completed in September 2016.

Civil and General Maintenance			
Monthly Update	Concrete, Block Paver & Asphalt Footpath/Dr Crossover		1,230m ²
	Kerbing & water table / Invert		15m
	Road Repairs		27m ²
	Line marking		1,640m
	Graffiti Removal	Council property	8 locations (175m ²)
		Private property	75 locations (304m ²)
		Bus stops	2 locations (3m ²)
	Signage	Regulatory	77
		Street nameplates	6
Drainage and Cleansing Services			
Monthly Update	Pump Station inspections	Chippendale	Completed
		Shannon	Completed
		Riverway	Completed
		West Beach	Completed
		Duncan - Laneway (Lockleys)	Completed
	Illegal rubbish dumping		4.3t
	Road Sweepers		95t
Horticulture Services			
Monthly Update	Trees Pruned		533
	Removals		77
	Weed Control (Reserves, Verges, Traffic Islands)		26,050 litres

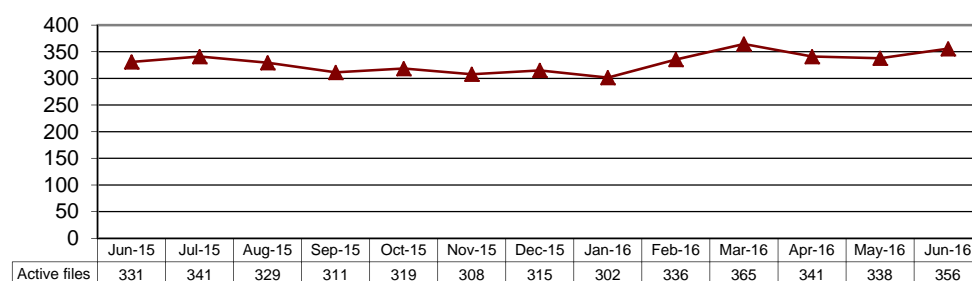
Development Assessment

Development Plan Consents



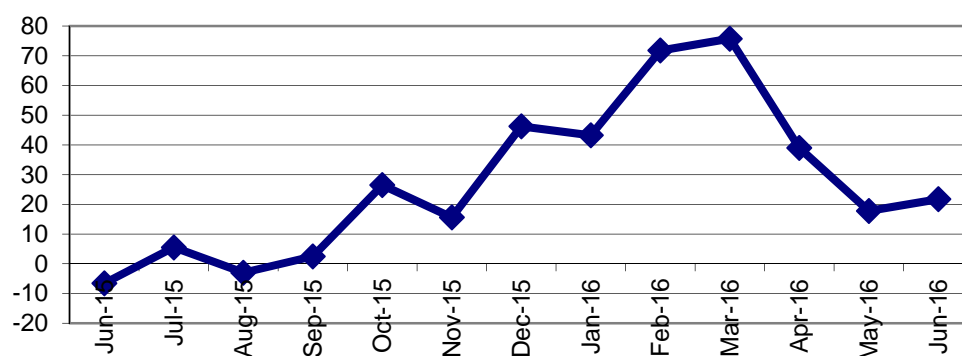
Development Plan Consent, is the process where applications are assessed against Council's Development Plan or the Development Act's residential code requirements, not all applications are assessed against the Development Plan (e.g. most demolitions, small verandahs, small sheds).

Active files - Development Approval

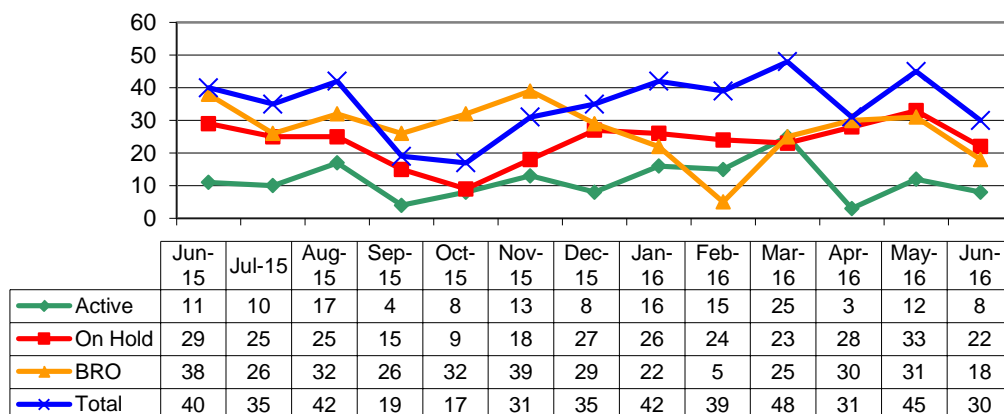


Active files shows all development applications that have been lodged with Council but are yet to receive a decision, it includes applications for Development Plan Consent, Building Rules Consent and Land Division Consent.

Difference in Active File Numbers Compared to 12 Months Earlier

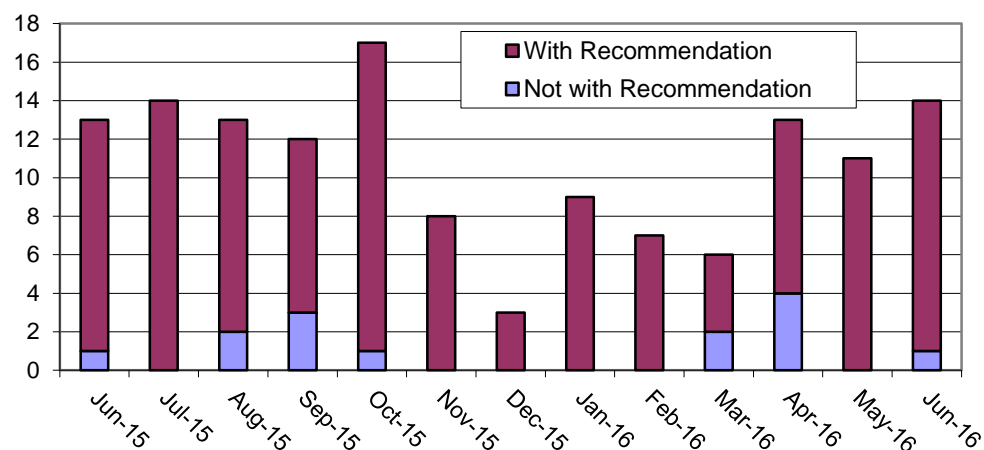


Active files -
Building Rules
Consent

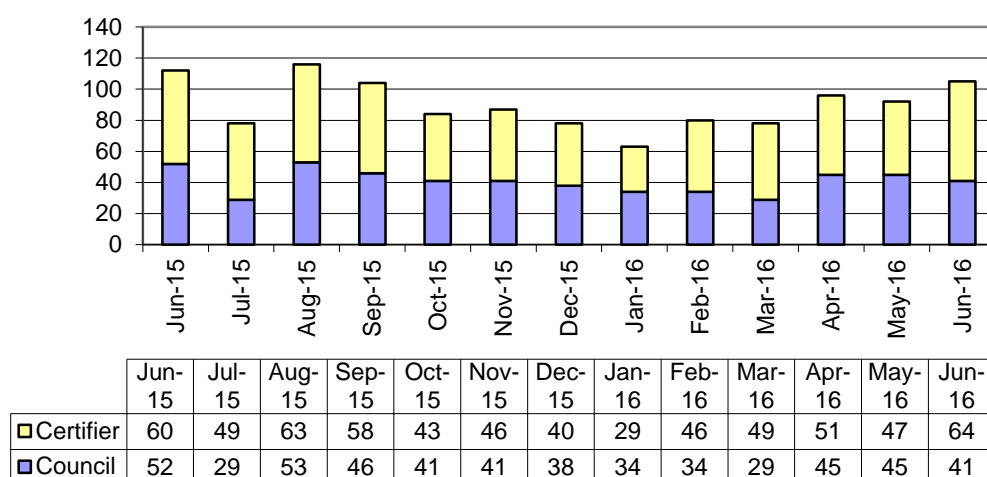


Building Rules Consent, is the process where applications are assessed against the Building Code of Australia (BCA), not all applications are assessed against the BCA (e.g. land divisions, tree removals) and some are only assessed against the BCA. The number of Building Rules Consent only application lodged for the month are shown on the BRO line.

Development
Assessment
Panel Decision

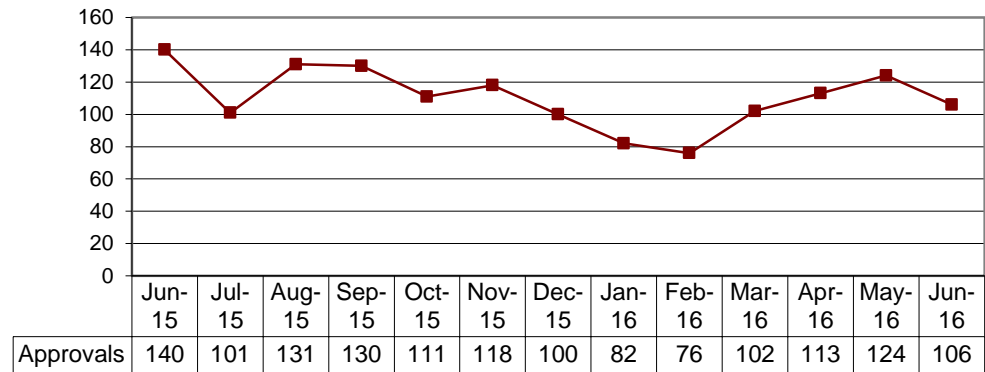


Building Rules
Consent issued



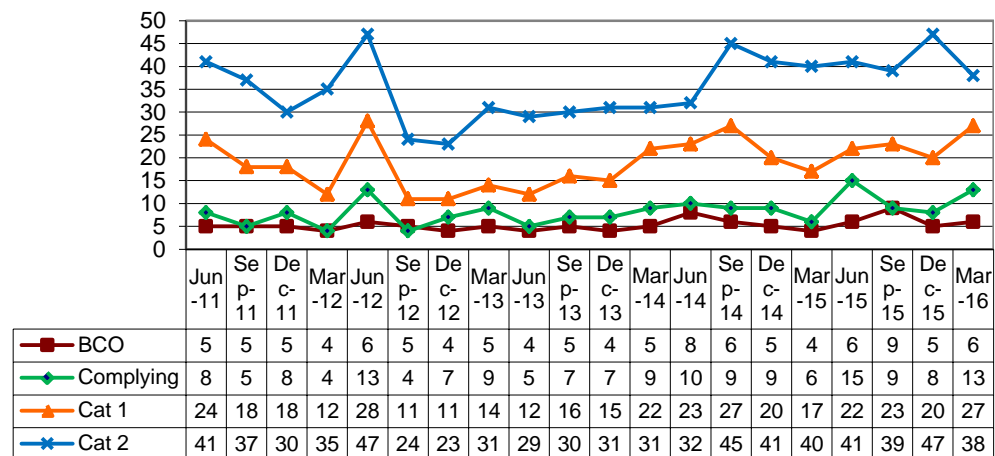
Not all Building Rules Consents are assessed by Council, about half are assessed by private assessors known as Private Certifiers, these privately certified assessments still need to be reissued and recorded with Council.

Full Development
Approval issued



Development Approval means that all required assessments have been undertaken and all required consents granted, the approvals number most accurately shows the proposals that will actually be undertaken.

Median
Assessment
Timeframes



Maximum Statutory Timeframes are as follows:

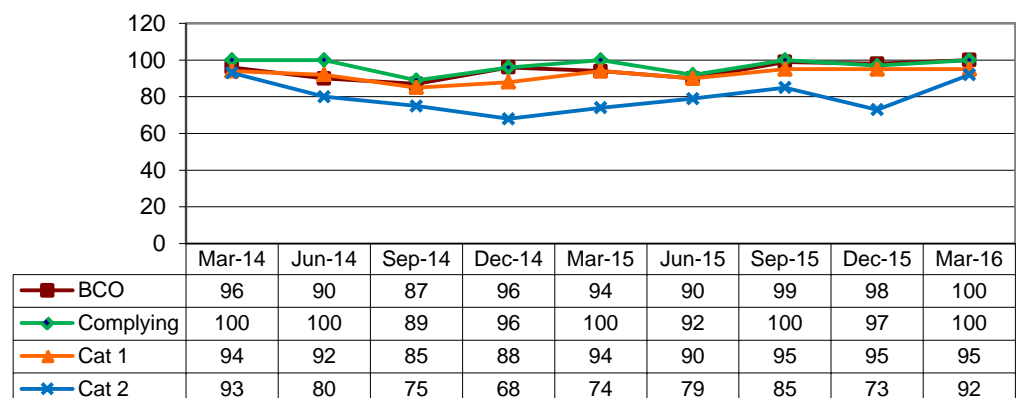
Building Code Only (BCO) - 20 days

Complying - 30 days

Category 1 - 60 days

Category 2 - 60 days

Percentage of
DAs that met
Statutory
Timeframes



Maximum Statutory Timeframes are as follows:

Building Code Only (BCO) - 20 days

Complying - 30 days

Category 1 - 60 days

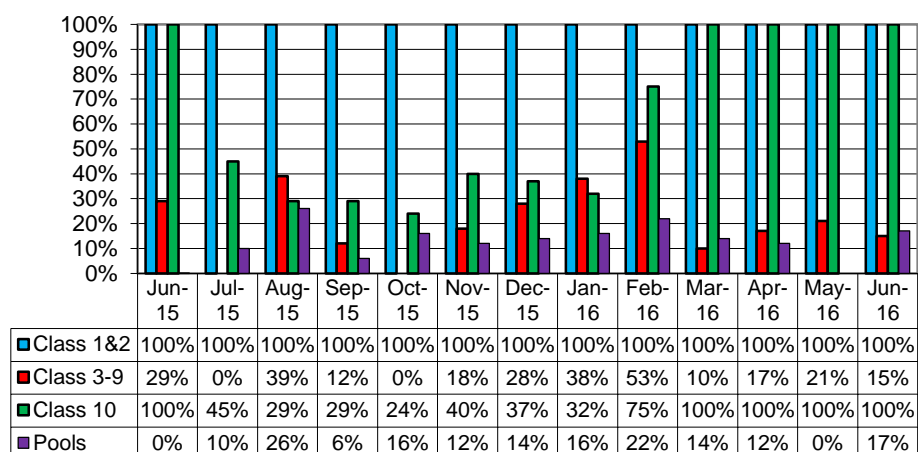
Category 2 - 60 days

Compliance

Month/ Year	No of Actions Received	Actions Resolved within the month	Actions Resolved from previous months	Total Ongoing Actions	Section 84 Issued	Section 69 Issued	New Actions with ERD Court	Resolved Actions with ERD Court	Total ongoing Actions with ERD Court	Section 51 Clearances
Jun 15	17	5	11	118	1	-	-	-	2	8
Jul 15	23	12	12	117	2	1	-	1	1	9
Aug 15	18	11	7	117	1	-	-	1	-	13
Sep 15	9	1	12	113	1	-	-	-	-	9
Oct 15	20	7	9	117	3	1	-	-	-	15
Nov 15	15	8	5	119	4	-	-	-	-	8
Dec 15	12	7	7	117	1	-	-	-	-	7
Jan 16	17	6	-	128	1	-	-	-	-	2
Feb 16	16	9	21	104	4	1	1	-	1	18
Mar 16	15	7	17	95	-	-	1	-	2	14
Apr 16	20	9	21	85	5	-	-	-	2	8
May 16	17	7	21	74	2	-	1	-	3	8
Jun 16	16	9	3	78	3	-	-	-	3	9

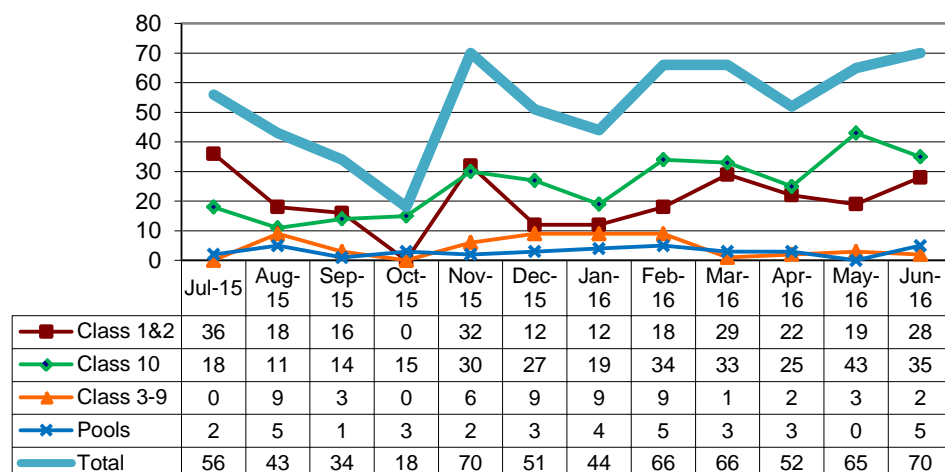
Compliance actions include investigating potential use of properties for activities that haven't been approved, buildings being constructed without the required approvals, checking of older buildings that may be becoming structurally unsound.
Sec 84 notices are the first stage of prosecution for unapproved development.
Sec 69 notices are the first stage of prosecution for unsafe buildings.
Sec 51 clearances, refers to the final check of properties with approval to subdivide, this is where we give the all clear for new Certificates of Title to be issued.

Building
Inspections

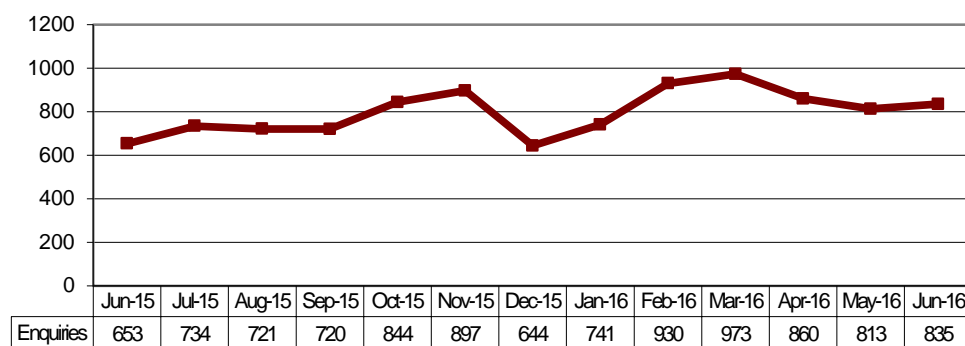


The Development Act and Council's Building Inspection Policy requires that a minimum number of approved buildings are inspected for compliance with their associated Development Approval documentation. In addition there is a requirement to undertake a pool safety inspection upon all swimming pools approved for construction. Class 1 & 2 refers to houses and units, Class 3-9 refers to commercial, industrial and community buildings, Class 10 refers to verandahs, sheds, fences etc. Where 100% of inspections have not been met in a month the requirement is rolled over to the next month until all required inspections have been undertaken.
NOTE: Only successful inspections are recorded, failed inspections are listed for re-inspection

Actual
Satisfactory
Building
Inspections
Undertaken



ePathway
Development
Application
Enquiries

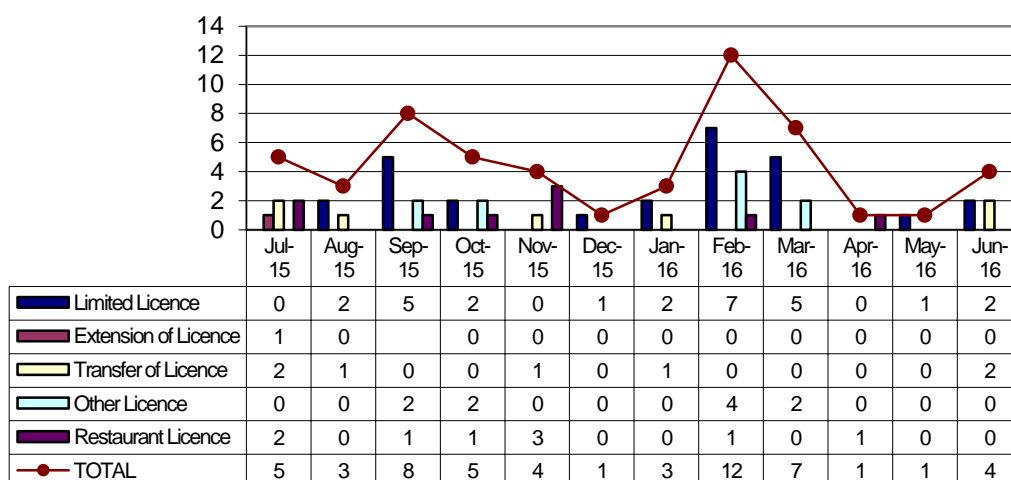


Since 2011, people have been able to check the progress of their own development applications or check the history of development applications on an allotment via the internet on Council's website.

Since 2013, the department has been adding historic applications to this system with the aim of creating a database where all of the area's application history can be accessed electronically; we expect this project to be completed by mid-2016.

Liquor Licence

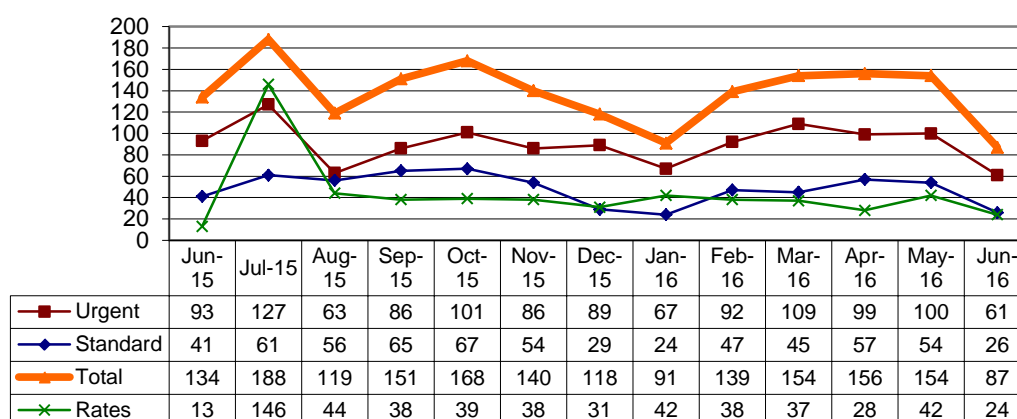
Licence Applications



When an application is lodged with the State Government's Office of Liquor & Gambling (OLG), it is also required to be referred to Council for our comment. The proposals are handled in accordance with our Liquor Licensing Policy, and Limited Licence applications are referred to the relevant Ward Councillors for their comment prior to feedback being sent to the OLG. ¶

Section 12 Searches

Section 12 Searches



When a property is purchased, the purchasers are provided with a Form 1 (commonly known as cooling-off paperwork). Council contributes to this Form 1 with a Section 12 Certificate; the certificate provides the potential purchaser with all relevant known history for the property. Prior to settlement on the property the relevant Conveyancer will also request a Rates statement from Council to ensure the appropriate rates payments are made by the purchaser and the vendor (seller). ¶

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1. MEETING OPENED

2. PRESENT

3. APOLOGIES

Leave of Absence

Mayor Trainer
Cr Dua

4. DISCLOSURE STATEMENTS

Elected 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*.

5. CONFIRMATION OF PREVIOUS MINUTES

RECOMMENDATION

That the Minutes of the meeting of the Governance Prescribed Standing Committee held on 2 August 2016 be confirmed as a true and correct record.

6. COMMUNICATIONS BY THE CHAIRPERSON

7. QUESTIONS WITH NOTICE

Nil

8. QUESTIONS WITHOUT NOTICE

9. MOTIONS WITH NOTICE

Nil

10. MOTIONS WITHOUT NOTICE

11. GOVERNANCE REPORTS

11.1 Local Government Association Conference and Annual General Meeting Notices of Motion - October 2016

Brief

This report details the notices of motion received from Elected Members for the 2016 Local Government Association (LGA) Annual General Meeting to be held on Friday 21 October 2016 at the Adelaide Entertainment Centre for consideration by Council.

RECOMMENDATION(S)

The Committee recommends to Council that:

1. The following notice of motions be approved and subsequently provided to the Local Government Association for inclusion in its 21 October 2016 Annual General Meeting agenda:
 - a. That the Local Government Association approaches the South Australian Government to ensure that bicycle lanes on roadways have more effective signage stating that it is an offence to park a vehicle in a bike lane during particular time periods.
 - b. That the Local Government Association actively pursues an increase in the allocation of stormwater funding in South Australia (excluding the Brownhill Keswick Creek).
 - c. That the Local Government Association seeks the increase in funding for South Australian road maintenance on the basis that major roads have deteriorated and the current budget allocation of \$6 million is not sufficient.
 - d. That the Local Government Association lobbies the South Australian Government to operate bus lanes in the City as clearway lanes, for buses and trucks, only in the morning and evenings peak periods and enabling any vehicle to use those bus lanes between 10am and 3pm.
 - e. That the Local Government Association approaches the South Australian Government to reintroduce bus conductors, to issue and collect tickets on buses, between the hours of 7am - 10am and 3pm - 6pm to improve the efficiency of the public transport system and traffic flow and therefore reduce carbon emissions in line with the Premiers Climate Adaption policy.
 - f. That the Local Government Association seeks an end to the tripartite agreement between SA Power Networks (formerly ETSA) and Department of Planning, Transport and Infrastructure (formerly the Department of Highways) which currently enables election signs to be placed on power poles, light poles and similar disallowed infrastructure.
2. Council delegates the authority to the Chief Executive Officer to finalise the wording of any notices of motions and submit them to the LGA by the due date.

Introduction

At its 2 August 2016 meeting, Council was advised that the Local Government Association (LGA) was seeking notices of motion (motions) from councils for its 21 October 2016 Annual General Meeting (AGM).

Discussion

At its 2 August 2016 meeting, Council resolved to adopt the recommended process for the lodgement of motions, i.e. draft motions to be provided to the Chief Executive Officer by 24 August 2016 and presented to the 6 September 2016 meeting of Council for consideration and approval. This process enables the motions to then be submitted to the LGA by 9 September 2016.

Five motions were received from Cr Mangos:

1. That the Local Government Association approaches the South Australian Government to ensure that bicycle lanes on roadways have more effective signage stating that it is an offence to park a vehicle in a bike lane during particular time periods.
2. That the Local Government Association actively pursues an increase in the allocation of stormwater funding in South Australia (excluding the Brownhill Keswick Creek).
3. That the Local Government Association seeks the increase in funding for South Australian road maintenance on the basis that major roads have deteriorated and the current budget allocation of \$6 million is not sufficient.
4. That the Local Government Association lobbies the South Australian Government to operate bus lanes in the City as clearway lanes, for buses and trucks, only in the morning and evenings peak periods and enabling any vehicle to use those bus lanes between 10am and 3pm.
5. That the Local Government Association approaches the South Australian Government to reintroduce bus conductors, to issue and collect tickets on buses, between the hours of 7am - 10am and 3pm - 6pm to improve the efficiency of the public transport system and traffic flow and therefore reduce carbon emissions in line with the Premiers Climate Adaption policy.

One motion was also received from Mayor Trainer:

1. That the Local Government Association seeks an end to the tripartite agreement between SA Power Networks (formerly ETSA) and Department of Planning, Transport and Infrastructure (formerly the Department of Highways) which enables election signs to be placed on power poles, light poles and similar disallowed infrastructure.

Further, at its 16 February 2016 meeting, Council approved two motions which it received for the LDA's April 2016 Ordinary General Meeting and resolved to submit them to the October 2016 AGM. These two approved motions are:

1. That the Local Government Association actively seeks the repeal of sections 14 and 17 of the *Local Government (Accountability and Governance) Amendment Act 2015* amending sections 73, 74, 75 and 90 the *Local Government Act 1999*, related to the new conflict of interest provisions and informal gatherings on the basis that they are impracticable and unworkable.
2. That if sections 14 and 17 of the *Local Government (Accountability and Governance) Amendment Act 2015* are not repealed then the Local Government Association seeks the application of the same provisions to parliamentarians

These two motions will automatically be provided to the LGA for inclusion in the upcoming AGM agenda by 9 September 2016.

Conclusion

The LGA is seeking notices of motions from councils for its upcoming Annual General Meeting. The proposed notices of motions are presented to Council for its consideration and approval. All approved notices of motions will be provided to the LGA by COB on Friday 9 September 2016.

11.2 Boundary Adjustment Reform Bill

Brief

The Local Government Association is seeking feedback from councils on the draft Local Government (Boundary Adjustment) Amendment Bill 2016 by 30 September 2016.

RECOMMENDATION(S)

The Committee recommends to Council that the feedback contained within this report be provided to the Local Government Association and the Office of the Local Government as Council's response to the Local Government (Boundary Adjustment) Amendment Bill 2016.

Introduction

The Local Government Association Board (LGA Board) resolved in November 2014 to '*investigate and development a change management process for boundary reform and amalgamation*'.

As a result, the Local Government Association (LGA) engaged Jeff Tate Consulting to undertake a project to consider the reformation of South Australia's boundary adjustment processes. The Paper, which was endorsed by the LGA Board, outlined a potential model that comprises three main components, namely the:

- initiation process;
- development and assessment process; and
- implementation process.

In July 2016, Council provided feedback on the Boundary Adjustment Process Proposals (Proposals) contained in a *Legislative Framework for Boundary Adjustment Process* paper which was developed by the LGA following consultation with councils on a *Boundary Adjustment Reform Discussion Paper* (Paper) in August 2015. This Council provided feedback in response to this Paper at that time.

The *Local Government (Boundary Adjustment) Amendment Bill 2016* (Bill), to amend the boundary adjustments provisions contained in the *Local Government Act 1999* (Act), has been released and the Minister for Local Government, Hon. Geoff Brock MP is seeking feedback on the Bill (**Attachment 1**).

An 'Explanatory Paper' from the Office of the Local Government (OLG) has also been released which provides greater context and a full explanation of the draft clauses (**Attachment 2**).

The closing date for submission on the draft Bill is Friday 30 September 2016. The proposed feedback on each proposed section of the draft Bill contained in this report, if approved by Council, will be collated and forwarded to the LGA by 30 September 2016.

Discussion

Current Process

Currently councils and members of the public can submit proposals for boundary adjustment under s27 and s28 of the *Local Government Act 1999* (Act). The Act also provides for boundary adjustment through a representation review process pursuant to s12 of the Act.

The current process under the Act for council and public initiated boundary adjustment submissions is lengthy, confusing and cumbersome. The current complex process can be off putting to those members of the public and councils who wish to submit boundary adjustment proposals.

The administrative requirements of a boundary adjustment review necessitate an extensive consultative and analytical approach to every proposal for boundary change. It also requires considerable resources and time, regardless of how minor and administrative in nature the adjustment is.

In 2013, the CWT was involved in one boundary adjustment request which lapsed due to the formal rejection of the proposal by the City of Charles Sturt and subsequent reluctance by the proponents to undertake the onerous process themselves.

The Proposed Process

The released draft Bill is substantially based on the LGA's proposal although a few issues are to be further considered as part of its final consultation.

There are a number of key changes that significantly impact on councils which are explained in greater detail throughout the report but of key note are:

- The ability of the Commissioner to approve minor boundary reviews under a section entitled Administrative Proposals without the need to consult with affected councils or the public.
- The ability of a single council to submit a request to the Commissioner for a boundary review without the need for concurrence by the other affected council.
- The ability for members of the public to submit a proposal that relates to the composition of the council or wards in the council directly to the Commissioner.
- The ability of the Commissioner to recover costs for an inquiry into a general proposal from a council(s) or the responsible officer.
- The powers of the Commissioner or an investigator include:
 - the ability to require a person's attendance;
 - the ability to require a person to answer questions to their best of their knowledge, information and belief;
 - the ability to require a person or a council to produce or retain documents/records
 - call for or receive submissions

Non-compliance attributes a maximum penalty of \$10,000.

In most instances throughout this report, the term boundary adjustment proposals include proposals relating to the composition of a council or its representative structure.

Administrative

The Bill categorises boundary reform into two categories, namely Administrative Proposals and General Proposals.

A review of these two categories by the Administration has revealed that the addition of the section relating to 'Administrative Proposals' enables the Boundary Adjustment Commissioner (Commissioner) to:

- amend a boundary between two councils to facilitate a development that has been granted authorisation under the *Planning, Development and Infrastructure Act 2016*; or
- to correct an anomaly that is, in the opinion of the Commission, generally recognised or in the case of a boundary shared by 2 or more councils that falls along a road, relating to the alteration of the boundary following the realignment of the road; or

- relating to the alteration of a boundary to incorporate within the area of a council vacant land in a part of the State that is not within the area of the council; or
- of a kind prescribed by regulations

without the need to consult with the affected councils or undertake community consultation if it sees fit but once approved it needs to notify the affected council(s).

It is clear that according this ability to the Commission effectively hinders a council's ability to advocate and represent its community's interests, in accordance with the roles and responsibilities of Elected Members as detailed in the Act, effectively.

It is also of note that the Bill provides that if the Commission appoints an investigator to inquire into such an administrative proposal the affected council(s) will be required to fund the cost of the proposal, even if it wasn't instigated by them. This is also the case with council initiated proposals.

Overview of Bill

Each element of the draft Bill is provided below with recommended feedback highlighted throughout the report.

- Column 1 - Represents the current clause / section number of the provision within the Local Government Act 1999
- Column 2 - Outlines the current state as per the Act.
- Column 3 - Represents the proposed clause / section number of the proposed provision within the draft Bill.
- Column 3 - Provides an outline of the draft Bill as detailed in Attachment 1.

Establishment of an Independent Commission

Current Clause	Current Model/Act	Draft Bill Clause	Draft Bill
-	As of 1 July 2015, the Minister for Local Government has the responsibility to inquire, consider and propose amendments to boundary adjustment submissions.	Clause 4 - Section 4(1)	To appoint a Commissioner to replace the functions of the boundary adjustment panel to consider boundary adjustment submissions and to ensure independent decision making.
-	The Act does not contain provisions outlining the independence of the establishment of an Independent Commission.	Clause 7 s32C	The draft Bill provides that the Commission or an investigator (conducted to appoint an inquiry by the Commission) is not subject to Ministerial direction in relation to the inquiry or a recommendation or report.

The current process does have issues surrounding real and perceived independence of the Minister in the boundary adjustment process. However, currently the functions and powers of the Minister are somewhat limited and constrained, as they should be.

The draft Bill outlines the role of the Commissioner which is to oversee the investigation of proposed boundary changes including:

- Assess proposals to determine their validity and significance;
- Oversee a simple, essentially administrative process for the assessment of minor administrative matters;
- Appoint one or more investigators to undertake detailed work on major proposals; and
- Provide recommendations to the Minister for Local Government at the completion of these processes.

There is still no mention of the body who will undertake the role of the Boundary Adjustment Commissioner. Considerations have been made to appoint an existing Commissioner to the role such as the following:

- Electoral Commission of South Australia (ECSA);
- South Australian Civil and Administrative Tribunal (SACAT); and
- Surveyor-General.

To appoint ECSA into this role would be ideal due to his knowledge of representation reviews and legislative knowledge of the *Local Government Act 1999*. However, this could lead to potential conflicts of interest in terms of their involvement with local government elections.

The second option to appoint SACAT would enable an independent view as they deal with state issues along with conducting reviews of governance decisions. However, concerns would be raised that their organisational objective is significantly set at a state level which could deter investigations, recommendations and decision making at a local government level. The fact that they are currently under resourced is also a concern as to whether they would be able to sufficiently undertake and manage the role as the Commissioner.

The third option to appoint the Surveyor-General would enable an independent view with knowledge of land services but concerns of their level of knowledge of local government and the views of individual councils and as a collective would be vastly similar to the concerns of the appointment of the SACAT as the Commissioner.

It has been identified that the above considered bodies have very specific roles in relation to local government, thus considerations should also be given to the following bodies given their broader involvement within the local government sector, as alternatives:

- State Planning Commission (SPC) - to be established under the *Planning, Development and Infrastructure Act 2016* with membership to include both local government expertise and expertise in areas that could be intrinsic to structural reform proposals, such as economics, planning and development, infrastructure management and public administration; or
- Local Government Grants Commission (LGGC) - due to its knowledge, experience and role across all local government finances and services.

The LGGC would be more suited to undertake the Commissioner role in comparison to the SPC due to the fact that their establishment is yet to be finalised, without a set date for commencement. This raises concerns about the actual role the SPC and the expected timeframe for their establishment in relation to the commencement of the draft Bill if appointed.

It is also unclear whether another body / board would be appointed for the time period between the commencement of the draft Bill and the establishment of the SPC (if they are appointed) and whether councils would be consulted on if this occurred.

The Administration supports that suggestion that the LGGC could assume the role of the Commission as this body already collects large amounts of data on councils and would be well-placed to take on this role. However, there are concerns about their knowledge of ward structures and limited involvement of representation reviews and the effects boundary adjustments would have on councils.

The appointment of the Commission is anticipated to be included in the amended Bill, subject to considerations of the consultation comments received on the draft Bill. However, regardless of which person is appointed, it is unclear whether a Commissioner would indeed remain independent, leading to the possibility that the Commissioner might make decisions based on State Government priorities and directions which may be contrary to the priorities and wishes of the community and councils.

Clause 7 provides that the Commission or an investigator (conducted to appoint an inquiry by the Commission) is not subject to Ministerial direction in relation to the inquiry or a recommendation or report (except as provided by Division 4 of the Bill). The inclusion provides somewhat of independence of the Commission but does not provide full independent views for the community and councils.

Due to the draft Bill not providing further clarification of issues raised from previous feedback provided in July 2016, the Administration stands by its initial recommendation that Council should not support the appointment of a Commissioner to determine boundary adjustment issues.

Proposed feedback to the LGA

Council does not support the proposal to appoint a Commissioner to determine boundary adjustment or council composition/representative structure proposals due to concerns with the independence of the role of Commissioner as the role would be incorporated into an existing role which may complicate matters where actual or perceived conflict of interest may arise.

Structural Reform Proposals - Principles

Current Clause	Current Model	Draft Bill Clause	Draft Bill
Section 26(1)(c)(x)	Contains principles to be observed by a council when decisions about structural reform are made.	Clause 6(2)	Removes the provision that it is advantageous (but not essential) to amalgamate whole areas of councils (with associated boundary changes, if necessary), and to avoid significant dislocations within the community.
Section 26(1)(c)(xii) and (xiii)	Contains principles to be observed by a council when decisions about structural reform are made.	Clause 6(3)	Includes a new principle for boundary change, where consideration will be given to regional activities that may offer a viable and appropriate alternative to structural change.

The criteria detailed in section 26 of the Act sets out the principles the Minister should consider for arriving at recommendations for proposals.

The draft Bill removes the responsibility from the Minister to the Commissioner for an independent consideration of the principles in determining the recommendations of proposals.

The draft Bill removes the provision currently directed to the Minister to consider boundary reforms with regard that it is advantageous (but not essential) to amalgamate whole areas of councils (with associated boundary changes, if necessary) and to avoid significant dislocations within the community. This potentially provides a pathway for future decisions about council boundary changes and consolidation to be made by an independent body with appropriate skills, experience and knowledge, essentially removing the decision to amalgamate councils from the political realm.

The Administration has outlined its views on the establishment of an independent Commissioner within the above section. Thus, no further comment on this matter is required in relation to this.

Proposed feedback to the LGA

Council supports, in principle, the removal of the principle relating to amalgamations of full councils dependent upon the concerns raised within the appointment of a Commissioner to determine boundary adjustment.

Council supports, in principle, to the inclusion of the principle relating to regional activities even though the effects of these changes would not provide a change to boundary reforms for the City of West Torrens. However, the City of West Torrens is conscious of the benefits boundary adjustments may have on South Australian metropolitan councils whose boundaries would relate to regional council boundaries and is therefore supportive of these proposed sections of the draft Bill.

Support for Regional Governance Models

Current Clause	Current Model	Draft Bill Clause	Draft Bill
S8	The current provisions governing boundary adjustments in the Local Government Act 1999 do not contain objects and principles of regional collaboration and partnerships to be observed by a council.	Clause 5, Section 8	The draft Bill outlines the objects and principles of regional collaboration and partnerships to be observed by a council.
Clause 9 S122(1)	The current provisions governing boundary adjustments in the Local Government Act 1999 do not contain a requirement for council or other regional bodies to demonstrate that the potential benefits of regionalisation as part of strategic management plans.	S122(1)(a)(iii))	The draft Bill provides a requirement for councils or other regional bodies to demonstrate that the potential benefits of regionalisation have been assessed as part of long-term planning.

Additional amendments to the Act have been requested by the LGA to support the development of effective regional governance models in local government.

The draft Bill amends section 8 of the Act to outline the objects and principles of regional collaboration and partnerships which brings inline the consideration of regional activities within the principles for boundary change in section 26.

Further, as requested by the LGA, the draft Bill also amends section 122(1) of the Act to include a requirement for councils or other regional bodies to demonstrate that the potential benefits of regionalisation have been assessed as part of long-term planning.

The provisions to support regional governance models is beneficial to metropolitan councils whose boundaries directly or closely relate to regional boundaries to collaborate relationships between the councils essentially providing greater understanding of locality views, functions and services, and long term planning strategies and associated project and so on. It is envisaged that this would also deliver a more integrated and collaborative arrangement for regional funding and support.

However, this would not affect boundary reforms within the City of West Torrens as a metropolitan council whose boundaries are not directly or closely relate to regional boundaries. The Administration understand that potential benefits that these changes to the Act would have on councils whose metropolitan boundaries connect with regional council(s) as well as regional councils that may be excluded due their locality.

Proposed feedback to the LGA

Council supports, in principle, the regionalisation of functions and services where appropriate as an alternative to boundary adjustments even though the effects of these changes would not provide a change to boundary reforms for the City of West Torrens. However, Council is conscious on the benefits boundary adjustments may have on South Australian metropolitan councils whose boundaries would relate to regional council boundaries and is therefore supportive of these proposed sections of the draft Bill.

Initiation of Proposals

The draft Bill provides clarification on the change to the initiation process to enable a simpler and broader initiation process for a single council, member of the public and the Minister for Local Government.

The initiation process outlined in the draft Bill enables an independent Commissioner to undertaken the initial assessment of proposals received by:

- resolution of either House of Parliament; or
- the Minister; or
- a council; or
- the prescribed percentage or number of eligible electors.

and then make recommendations to the Minister for Local Government.

The proposal of providing for one or both Houses of Parliament to submit a proposal to the Commission (formerly the Governor) is a current process with the Act.

The Minister for Local Government

Current Clause	Current Model	Draft Bill Clause	Draft Bill
-	The Act does not allow the Minister for Local Government to make a proposal for boundary change.	Clause 7 s28(1)	The draft Bill provides the power for the Minister for Local Government to make an application for boundary change to align the initiation process in South Australia with other jurisdictions.

The Act does not allow the Minister to make a proposal for boundary change but the Minister is entitled to amend a proposal or substitute an alternative proposal with the consent of the affected council/s. However, the Governor may make a proclamation for a boundary change in pursuance of an address from both Houses of Parliament pursuant to section 29 of the Act. This is unique in comparison to all other jurisdictions in Australia and in New Zealand who have provisions in legislation to allow Ministerial boundary adjustment submissions.

The draft Bill provides the power for the Minister for Local Government to make an application for boundary change to align the initiation process in South Australia with other jurisdictions which has potentially allowed consideration of a wider range of potential options and ideas. This proposal significantly broadens the powers currently granted in the Act. It also allows the Minister to make a proposal for boundary changes without the consent of the council/s affected or its residents and ratepayers. It also provides an avenue for forced amalgamations of councils without due regard for services, assets, liabilities, risks, councils, ratepayers and residents. Although this would align the submission process with other jurisdictions, there are no limitations or criteria that provide any guidance or restriction on this power.

Due to the draft Bill providing no further amendments to previous proposed options in July 2016, the Administration continues to not support the option to allow Ministerial boundary adjustment submissions on the basis that Ministerial initiated submissions may look to serve a political agenda and not reflect the sentiment of the community.

Proposed feedback to the LGA

Council does not support the proposal to allow Ministerial boundary adjustment or council composition/representative structure submissions on the basis that Ministerial initiated submissions may to serve a political agenda and not reflect the sentiment of the community. The power for the Minister to amend or substitute boundary adjustment submissions is already contained within the *Local Government Act 1999* and includes limitations which are deemed sufficient.

Councils (including single councils)

Current Clause	Current Model	Draft Bill Clause	Draft Bill
S27	Council-led proposals must be jointly submitted by two or more councils in agreement with each other.	Clause 7 s28(1)	Allows single councils to initiate proposals.

Currently, councils can make boundary adjustment submissions to the Minister if all affected councils are in agreement pursuant to section 27(2) of the Act. This can cause significant issues if councils do not agree on proposed changes to their boundaries. This was experienced in 2008 by the CWT when the City of Charles Sturt did not agree with the proposed amendments for a boundary adjustment in West Beach. The result of such non-concurrence by adjoining councils, where councils do not agree, is that the submission lapses and does not proceed. This can be frustrating for both councils and residents who are proposing minor boundary adjustments.

South Australia is the only jurisdiction where there are limitations on a council's ability to initiate a boundary adjustment submission. All other jurisdictions allow councils to make proposals for boundary adjustment singularly, in pairs or in a group.

The draft Bill proposes a broader range of initiation powers by allowing proposals to be submitted to the Commissioner by a single council which has the potential for the Minister, or the Commissioner, to consider all options and ideas. This inclusion would increase the accessibility of boundary reform process to members of the public as each affected council would not be required to agree to a public initiated submission for it to be submitted to the Commissioner.

Council(s) or members of the public may also ask the Minister to initiate a proposal on their behalf. This option would ensure that council(s) or members of the public do not incur recovery costs essentially making the process more cost efficient and ideally streamlining the management of process to the Minister for Local Government. However, it would depend on whether the Minister wishes to remain independent from this process and whether they would consider processing inquiries directed to them by council(s) or members of the public.

The current consultation process for council(s) to undertake is yet to be outlined within the draft Bill which is to be defined within guidelines yet to be prepared and published by the Commissioner.

As detailed earlier in the report, the draft Bill provides the Commissioner with the ability to approve an administrative proposal without consultation or to determine whether a reasonable amount of consultation has occurred.

Guidelines for general proposals are also yet to be prepared and published for the procedures for inquiries, the nature and extent of community consultation that must be conducted for inquiries and any other matter the Commission thinks fit.

Due to guidelines yet to be prepared and published by the Commission, the Administration is unable to comment on the removal of the consultation process from the draft Bill.

Proposed feedback to the LGA

Council **does not** support the proposal to give the Commissioner the ability to undertake and approve administrative proposals without the need to consult with the affected council(s). Council insists on councils being consulted on such proposals, no matter how minor the proposal, and for their feedback to be considered as part of the approval process

Council does, however, support the proposal to allow the single council boundary adjustment submissions, in principle, on the basis that the proposal will allow for the consideration of all options and it will increase the transparency, accountability and independence of the decision making process. However, due to guidelines yet to be prepared and published by the Commission, consideration must be given to how council consultation is to occur for feedback to be incorporated into the decision making process.

Members of the Public

Current Clause	Current Model	Draft Bill Clause	Draft Bill
S28	<p>The Act requires public proposals to amend a boundary, which are submissions by members of the public, to first be lodged with the affected council and the proposal must include a minimum of 20 eligible electors.</p> <p>From this group of 20 eligible electors, 5 persons must be selected to represent the group regarding the submission.</p>	Clause 7 s28(1)	The Bill proposes that a public initiated submission may be referred to the Commission by a prescribed or number of eligible electors.

Eligible electors are defined, by section 28(1) of the Act, as residents or ratepayers who lives or own property in the affected area of a council that is to be incorporated into another council. This definition remains in the draft Bill and would ensure all members of the public who submit boundary adjustment proposals have a vested, personal interest in doing so.

Currently, section 28(2) of the Act requires a boundary adjustment submission from members of the public to be submitted to the affected council in the first instance for their consideration. Pursuant to section 28(8), members of the public do have the option to submit their proposal to the Minister if the council does not support the proposal or the affected councils cannot agree. This process can be lengthy, cumbersome and resource intensive for members of the public and council.

The draft Bill proposes a broader range of initiation powers by allowing proposals to be submitted directly to the Commissioner by 'the prescribed percentage or number of eligible electors' which bypasses the council(s). This will simplify the process for members of the public and would remove barriers, encourage ideas and options to be discussed as well as minimise unnecessary expenditure. However, the draft Bill results in significant issues for councils as it does not detail whether affected councils will have any power to reject the request at any point.

The draft Bill also removes the 20 eligible elector limitation taking away the restriction that members of the public may face when creating a proposal to amend a boundary. The boundary adjustment may only affect a small number of properties and 20 eligible electors may not be possible. However, this may result in a number of frivolous proposals or submissions which lack any community support.

The draft Bill has removed the 5 person committee to represent the group of eligible electors which is likely to provide benefits in situations where the boundary adjustment affects a small number of properties. However, the draft Bill does not provide information on what process is to be followed if there are not 5 members of the public who have lodged the submission.

The Bill does not advise the expected percentage of eligible electors but the LGA expects this percentage to be 10 percent to cover proposals affecting fewer than 20 eligible electors which is currently the minimum number.

According to the draft Bill, members of the public will only be able to initiate a submission for:

- the alteration of council boundaries to incorporate land within the area of a council into the area of another council; or
- the composition of a council and its representative structure; or
- the incorporation within the area of a council a part of the State that is not within the area of a council.

The set criteria of public initiated proposal manages the potential of proposal to include full amalgamations of councils which would be detrimental to the key stakeholders including the council/s, residents, ratepayers and businesses in the affected area.

The draft Bill raises concerns on how consultation will be conducted for boundary adjustments with the key stakeholders including the council/s, residents, ratepayers and businesses in the affected area. Details are also yet to be provided on whether affected residents in the area need to agree on the proposed boundary adjustment or whether only a certain percentage needs to agree.

Proposed feedback to the LGA

Council does **not** support the proposal to allow neither public initiated council and ward composition/ representative structures nor boundary adjustment submissions to be made directly to the Commissioner in principle on the basis that the proposal will allow for submissions to have no consideration by council prior to being formerly consulted.

Further clarification is required on the consultation of affected stakeholders, whether all residents and ratepayers in the affected area need to agree to the adjustment with details of how this is achieved as well as a description of a stringent assessment process for boundary adjustment proposals to prevent frivolous and unsupported proposals.

Dealing with Proposals by the Commission

Current Clause	Current Model	Draft Bill Clause	Draft Bill
S27 & 28	The Minister has the power to assess and investigate proposals from council initiated proposals with the power to reject the terms of the proposal.	Clause 7 s29	The Bill enables the Commission to assess and investigate proposals with the power to refuse to investigate a proposal on specified grounds.

Section 28(10) of the Act allows the Minister to decide to proceed with boundary adjustments or council composition/representative structures but this only applies where the submission is from members of the public. This can lead to a substantial waste of resources. Where a council has submitted the proposal, the Minister only has the power to amend or substitute the submission with the consent of the affected councils.

The Proposal suggests that the Commissioner would be the most appropriate person to conduct the pre-assessment process. However, this can lead to questions of independence if the Commissioner is also responsible for the development and assessment of the submission. The Discussion Paper has suggested that the pre-assessment criteria will be rigorous and incorporated into the Act in order to mitigate this risk.

The draft Bill provides the Commission the power to assess, determine and investigate proposals.

The initial assessment stage of a proposal would allow for the Commission to determine whether to inquire into a proposal or to refuse to inquire into a proposal.

There are two options for proposal inquiries which involve whether a proposal is an administrative proposal (s30) or a general proposal (s31). At this stage, the Commission would determine whether sufficient community consultation had been undertaken.

For the Commission to refuse to investigate a proposal, the Commission must determine at the initial processing stage, whether the proposal is:

- trivial, frivolous or vexatious; or
- not to be in the public interest; or
- the same or substantially similar to a proposal already inquired into; or
- to be refused by some other good reason.

This raises concerns of conflict, independent and transparency for situations where a proposal is rejected prior to determining the community consultation undertaken.

Due to the draft Bill not providing any details on the actual refusal process that will be undertaken by the Commission in relation specified refusal ground, the Administration is unable to provide comment on this matter.

Proposed feedback to the LGA

Council supports the proposal to formalise the pre-assessment filtering process for boundary adjustment or council composition and representative structure submissions in principle on the basis that the proposal will allow for a simpler proposal process whilst maintaining transparency and encouraging the investigation of all options, subject to an appropriate process and criteria incorporated into the *Local Government Act 1999*.

Inquiries - Administrative Proposals (Minor Proposals)

Current Clause	Current Model	Draft Bill Clause	Draft Bill
-	The Act makes no differentiation between the assessment of minor and major boundary reform proposals	Clause 7 s30	The Bill introduces a simplified assessment pathway for minor administrative matters.

The current process to assess boundary adjustment submissions is the same no matter if the submission is small and administrative which only affects a small number of properties or whether it affects whole suburbs. All proposals must go through the same significant consultation requirements and rigorous process.

The draft Bill removes some of the lengthy and costly consultation, which is required in the current model, which is often deemed as unnecessary in minor boundary adjustment processes where all affected councils are in agreement. Essentially it streamlines the process for simple amendments to boundaries and minimises unnecessary resource expenditure.

The draft Bill outlines a differentiation between the assessment of minor and major boundary reform proposals in which introduces a simplified assessment pathway for minor administrative matters which has been detailed at the beginning of this report.

An independent analysis of major proposals (such as boundary changes, amalgamations or significant structural reform) has also been introduced which would involve one or more investigators with expertise as determined necessary for each proposal.

The process to be undertaken by the Commission for any administrative proposals would involve:

- conduction of an inquiry provided that a reasonable amount of consultation is conducted in accordance with any guidelines published by the Commission
- Preparation and publication of a report on the inquiry detailing the Commission's recommendations
- Provide a final report to the Minister.

The draft Bill provides the power to the Minister to determine whether to proceed or not with a proposal on the recommendation from the Commission.

It is evident that all affected council would agree with these changes along with strong elector support. In these cases, the Commissioner would have the power to recommend the adjustment directly to the Minister. It would also mean the Commissioner could facilitate the process and reduce reporting requirements.

However, this raises questions about the criteria on which investigators make decisions upon as well as the influence of the Minister or Commissioner to amend or substitute submissions, which the Minister is currently able to do pursuant to section 27(7) of the Act. The draft Bill also does not detail the process which would occur if the Minister or Commissioner amended or substituted a submission which changed the nature of the proposal from a minor to a major boundary adjustment.

Proposed feedback to the LGA

Council, in principle, supports the proposal that the Commissioner, should a Commissioner be appointed, develop guidelines for the assessment of proposals (major/minor) and for boundary adjustment submissions on the basis that the proposal will allow for increased transparency and encourage the investigation of all options, subject to the criteria being incorporated into the *Local Government Act 1999* and councils being consulted during the development of the guidelines.

Inquiries - General Proposals (Major Proposals)

Current Clause	Current Model	Draft Bill Clause	Draft Bill
-	The Act makes no differentiation between the assessment of minor and major boundary reform proposals	Clause 7 s31	The Bill provides for an independent analysis of major proposals (significant boundary changes, amalgamations or significant structural reform) by one or more investigators consisting of expertise that is determined to be necessary for each proposal.

The LGA proposal in July 2016, sought to appoint an advisory body or board for major boundary adjustment submissions. The draft Bill refers to the independent analysis of mayor proposals (significant boundary changes, amalgamations or significant structural reform) by one or more investigators who have the expertise that is determined to be necessary for each proposal. It is acknowledged that there is a significant benefit to having an independent analysis, particularly considering the Minister is allowed to make boundary adjustment submissions as it would maintain independence in the process.

Major submissions are defined as amalgamations, major boundary changes, situations where councils do not agree or where there is a lack of community support.

The intent of appointing investigators for general proposals (major proposals) is to ensure that close analysis of significant proposals for boundary change is undertaken by people with expertise and knowledge that is specific to each proposal. For proposals that require significant assessment, more than one investigator(s) will be appointed.

The Commissioner must ensure that investigators have the relevant qualifications, knowledge expertise and experience relevant to each inquiry. Affected councils must also be consulted in terms of the appointment of an investigator(s) which ensures this process is open and transparent as possible.

Upon conclusion of an inquiry, an investigator must provide a report to the Commissioner. A report will be prepared and published by the Commissioner including the Commissioner's recommendations for consideration by the Minister which ensures that the decision making process remains fully transparent. The Minister has the power to determine whether a general proposal recommended by the Commissioner should proceed or whether the Commissioner's report requires amendment in which the report is sent back to the Commissioner's for alteration and resubmission.

The draft Bill also sets out principles that must be considered for all inquiries:

- The financial implications and impact on resources that the proposal is likely to have on any council to which the proposal relates;
- Appropriate community engagement;
- The level of community support for boundary reform in the area;
- The nature and extent of any plans for implementing the proposal;
- Any guidelines published by the Commission; and
- Any other matters prescribed by regulations.

Guidelines are to be prepared and published by the Commissioner to provide more detail on the matters that should inform investigators, such as the division of council assets, management of council staff, potential impact on local government elections, subsidiary bodies and so on.

Further information on the how the principles are to be considered i.e. what would be considered to be appropriate community consultation, is yet to be provided. Whether or not the guidelines to be published by the Commission will outline this information or whether the principles are to be determined at the discretion of the Commission is yet to be known.

Proposed feedback to the LGA

Council supports the ability for the Commissioner to establish a register of appropriately skilled people to be appointed as investigators for the consideration of general proposals in principle on the basis that it will increase the transparency, accountability and independence of the decision making process.

Powers Relating to Inquiries

Current Clause	Current Model	Draft Bill Clause	Draft Bill
S27 & 28	<p>The Act allows the Minister, for public initiated submissions, to hold and conduct a hearing in relation to a proposal unless satisfied that there has already been adequate consultation on the matter.</p> <p>The Act allows, for council initiated proposals, to inquire into a proposal as the Minister thinks fit.</p>	Clause 7 s32A	The draft Bill provides the power to the Commissioner or an investigator to obtain information determined to be relevant to an inquiry.

The Act allows the Minister, for public initiated submissions, to hold and conduct a hearing in relation to a proposal unless satisfied that there has already been adequate consultation on the matter. The Minister also has the power to consult with any council affected by a proposal.

The Act allows, for council initiated proposals, for the Minister to conduct other inquiries and consultation as the Minister thinks fit prior to the conclusion of his or her inquiries and consultation, to determine whether a proposal should proceed, be amended or should lapse. The Minister also must be satisfied that there has been a reasonable amount of community consultation on the proposal.

The draft Bill does not oppose the collection of further information from any person or body listed within the draft Bill and whether the inquiry is defined as an administrative or general proposal.

The Administration supports the provision of significant and broad powers to the Commissioner, in order to provide a streamlined pre-assessment process to reduce the number of frivolous or unnecessary boundary adjustment submissions, it is arguably a necessary step.

Proposed feedback to the LGA

Council supports the proposal to enable Commissioner to seek information for the purposes of pre-assessment as the Commissioner sees fit in principle as they are likely to streamline the process for boundary adjustments and council composition/representative structures changes and reduce unnecessary expenditure. However, it doesn't see the need to provide the Commissioner the same powers as that of the Ombudsman, ICAC etc.

Cost Recovery Proposal

Current Clause	Current Model	Draft Bill Clause	Draft Bill
-	The current provisions governing boundary adjustments in the Local Government Act 1999 do not contain cost recovery provisions.	Clause 7 s32B	The draft Bill provides for the Commission to recover reasonable costs incurred in respect of an inquiry.

The Act does not contain provisions to recovery costs associated with boundary adjustments not did the LGA's proposal in July 2016.

The draft Bill provides that the Commission may recover 'reasonable' costs incurred in respect of an inquiry.

The term 'reasonable costs' is not defined in the draft Bill / explanatory paper nor is there information on the actual or estimated cost amounts that would be associated with proposals. This raises concerns of the extent of the recovery costs to be determined for proposal submitted by council(s) or members of the public, along with whether these costs will be advised upon submitting of an inquiry, whether the recovery costs are determined by the type of inquiry – administrative or general, or the time period allocated or undertaken for the inquiry, whether the person or body who submitted the inquiry is notified at a stage of the expected recovery costs and how the recovery costs will be allocated and when they will be required to be paid in full.

Allowing the Commission to have this power could also significantly deter councils and members of the public from initiating certain proposals and would potentially cause the person or body to seek support from the Minister to make a proposal on their behalf which may cause even greater issues if the Minister declined their support and submission of such proposals.

Proposed feedback to the LGA

The Administration does **not** support the recovery of costs for boundary adjustment or council composition/representative structures inquiries as it would significantly deter take up of the process by councils and is a considerable disincentive to reform. It is proposed that all references to cost recovery be removed from the draft Bill.

Conclusion

The Local Government Association is seeking feedback from councils on the draft *Local Government (Boundary Adjustment) Amendment Bill 2016* by 30 September 2016. This feedback from the Council will be provided to the LGA and the OLG by the due date

ATTACHMENT 1

Draft for comment

South Australia

**Local Government (Boundary Adjustment)
Amendment Bill 2016**

A BILL FOR

An Act to amend the *Local Government Act 1999*.

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Schedule 1—Transitional provision

- 1 Transitional provision
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Local Government (Boundary Adjustment) Amendment Bill 2016
Part 1—Preliminary

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Local Government (Boundary Adjustment) Amendment Act 2016*.

5 **2—Commencement**

This Act will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

10 **Part 2—Amendment of *Local Government Act 1999***

4—Amendment of section 4—Interpretation

Section 4(1)—after the definition of *commercial project* insert:

Commission means the body declared by the regulations to be the Commission for the purposes of this definition;

15 **5—Amendment of section 8—Principles to be observed by a council**

Section 8—after paragraph (e) insert:

- 20 (ea) seek to collaborate and form partnerships with other councils and regional bodies for the purposes of delivering cost-effective services (while avoiding cost-shifting among councils), integrated planning, maintaining local representation of communities and facilitating community benefit;

6—Amendment of section 26—Principles

- (1) Section 26(1) and (2)—delete "Minister" wherever occurring and substitute in each case:

25 Commission

- (2) Section 26(1)(c)(x)—delete subparagraph (x)

- (3) Section 26(1)(c)(xii) and (xiii)—delete subparagraphs (xii) and (xiii) and substitute:

- 30 (xii) a scheme that provides for the performance of functions and delivery of services in relation to 2 or more councils (for example, a scheme for regional governance) may improve councils' capacity to deliver services on a regional basis and therefore offer a viable and appropriate alternative to structural change; and

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Local Government (Boundary Adjustment) Amendment Bill 2016 Amendment of *Local Government Act 1999*—Part 2

7—Substitution of Chapter 3 Part 2 Divisions 4 to 7

Chapter 3 Part 2 Divisions 4 to 7—delete Divisions 4 to 7 (inclusive) and substitute:

Division 4—Procedures for proposals

27—Preliminary

5 In this Division—

administrative proposal—see section 30(7);

eligible elector, in relation to a proposal, is—

- 10 (a) in the case of a proposal to alter council boundaries to incorporate land within the area of a council (the *first council*) into the area of another council—an elector in respect of a place of residence or rateable property within the area of the first council; or
- 15 (b) in the case of a proposal that relates to the composition of a council or the issue of wards within the area of a council—an elector in respect of a place of residence or rateable property within the area of the council; or
- 20 (c) in the case of a proposal to incorporate within the area of a council a part of the State that is not within the area of a council (the *outside area*)—a person, body corporate or group within the outside area who or which would, if the proposal were to proceed, be an elector in respect of a place of residence or rateable property within the area that would be so incorporated;

25 *general proposal* means a proposal for the making of a proclamation under this Chapter, other than an administrative proposal;

proposal includes an administrative proposal or a general proposal.

28—Commission to receive, prepare proposals

- 30 (1) Subject to this section, a proposal for the making of a proclamation under this Chapter may be referred to the Commission—
- (a) by resolution of either House of Parliament; or
- (b) by the Minister; or
- (c) by a council; or
- (d) by the prescribed percentage or number of eligible electors.
- 35 (2) A proposal referred under subsection (1)(d) by the prescribed percentage or number of eligible electors may only relate to—
- (a) the alteration of council boundaries to incorporate land within the area of a council into the area of another council; or
- 40 (b) the composition of a council or its representative structure; or

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Local Government (Boundary Adjustment) Amendment Bill 2016
Part 2—Amendment of *Local Government Act 1999*

- (c) the incorporation within the area of a council a part of the State that is not within the area of a council.
- (3) A proposal under this section must—
- (a) set out in general terms the nature of the proposal; and
- 5 (b) comply with any requirements published by the Commission; and
- (c) in the case of a proposal referred by a council—may nominate a responsible person for the purposes of the recovery of costs under section 32B; and
- 10 (d) in the case of a proposal referred under subsection (1)(d)—must nominate a responsible person for the purposes of the recovery of costs under section 32B.

29—Commission to deal with proposals

- (1) The Commission must assess a proposal and determine whether—
- 15 (a) to inquire into the proposal in accordance with subsection (2); or
- (b) to refuse to inquire into the proposal in accordance with subsection (3).
- (2) If the Commission determines to inquire into a proposal, the
- 20 following provisions apply:
- (a) if the proposal is an administrative proposal, the Commission must inquire into the administrative proposal in accordance with section 30;
- (b) if the proposal is a general proposal, the Commission must
- 25 inquire into the general proposal in accordance with section 31.
- (3) The Commission may refuse to inquire into a proposal if the Commission considers that—
- (a) the proposal is vexatious, frivolous or trivial; or
- 30 (b) it is not in the public interest to inquire into the proposal; or
- (c) the proposal is the same as or substantially similar to a proposal that has already been inquired into; or
- (d) that there is some other good reason to refuse to inquire into the proposal.
- (4) For the purposes of this Division—
- 35 (a) an inquiry may relate to 1 or more proposals before the Commission; and
- (b) a proposal received by the Commission after the commencement of an inquiry may be dealt with at the
- 40 inquiry, if the Commission determines it appropriate to do so.

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Local Government (Boundary Adjustment) Amendment Bill 2016 Amendment of *Local Government Act 1999*—Part 2

30—Inquiries—administrative proposals

- 5 (1) An inquiry under this section into an administrative proposal will be conducted by the Commission according to such procedures as the Commission thinks fit, provided that a reasonable amount of community consultation is conducted in accordance with any guidelines prepared and published by the Commission for the purposes of this section.
- 10 (2) Despite subsection (1), the Commission may determine not to conduct community consultation in relation to a particular administrative proposal if the Commission considers it unnecessary to do so.
- 15 (3) After conducting an inquiry into an administrative proposal, the Commission must consult with the Minister on the matter (including on any recommendations that the Commission proposes to make in relation to the administrative proposal).
- 20 (4) After consulting with the Minister under subsection (3), the Commission must—
- (a) prepare and publish a report on the administrative proposal that includes the Commission's recommendations as to the administrative proposal (subject to any redactions or limitations that the Commission considers necessary to prevent the disclosure of confidential or commercially sensitive information); and
- 25 (b) provide a copy of the report to the Minister.
- (5) To avoid doubt, if the Commission determines to recommend an administrative proposal in a report under subsection (4), the administrative proposal recommended may involve such variations as the Commission thinks fit to the administrative proposal referred to the Commission under this Division.
- 30 (6) The Minister may, in relation to an administrative proposal set out in a report under subsection (4), determine that—
- (a) the administrative proposal proceed and forward it to the Governor with a recommendation that a proclamation be made under this Chapter in relation to the administrative proposal; or
- 35 (b) the administrative proposal not proceed.
- (7) In this section—
- administrative proposal* means a proposal—
- 40 (a) relating to the alteration of a boundary that is shared by 2 or more councils—
- (i) to facilitate a development that has been granted an authorisation under the *Planning, Development and Infrastructure Act 2016*; or

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Part 2—Amendment of *Local Government Act 1999*

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- (ii) to correct an anomaly that is, in the opinion of the Commission, generally recognised; or
- (b) in the case of a boundary shared by 2 or more councils that falls along a road—relating to the alteration of the boundary following the realignment of the road; or
- (c) relating to the alteration of a boundary to incorporate within the area of a council vacant land in a part of the State that is not within the area of a council; or
- (d) of a kind prescribed by the regulations.
- 10 **31—Inquiries—general proposals**
- (1) The Commission—
- (a) in the case of an inquiry under this section into a general proposal—
- 15 (i) referred by the Minister; or
- (ii) of a prescribed kind,
- must appoint 1 or more investigators to conduct the inquiry; or
- (b) in any other case—may appoint 1 or more investigators to conduct the inquiry.
- 20 (2) In appointing investigators to conduct inquiries under this section, the Commission must seek to ensure, as far as is reasonably practicable, that—
- (a) the qualifications, knowledge, expertise and experience of a particular investigator are relevant to the inquiry for which the investigator is being appointed; and
- 25 (b) councils affected by a proposal the subject of an inquiry are consulted on proposed appointments.
- (3) An inquiry into a general proposal under this section must—
- (a) be conducted in accordance with any guidelines prepared and published by the Commission; and
- 30 (b) consider, in addition to the principles set out in section 26—
- (i) the financial implications and impact on resources that the general proposal is likely to have on any council to which the general proposal relates; and
- 35 (ii) the level of community support for boundary reform in the area (in a general sense, rather than for the particular general proposal referred to the Commission); and
- (iii) the nature and extent of any plans for implementing the general proposal if it were to proceed under this Chapter; and
- 40

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- (iv) any other matters prescribed by the regulations.
- (4) Guidelines under subsection (3) may relate to—
- 5 (a) the procedures for inquiries; and
- (b) the nature and extent of community consultation that must
 be conducted in inquiries; and
- (c) any other matter the Commission thinks fit.
- (5) Without limiting subsection (3), an investigator appointed to conduct
an inquiry under this section must—
- 10 (a) comply with any directions or requirements of the
 Commission relating to the inquiry; and
- (b) at the conclusion of the inquiry, provide a report on the
 inquiry to the Commission.
- (6) The Commission must—
- 15 (a) after conducting an inquiry to which this section applies; or
- (b) receiving a report under subsection (5),
prepare and publish a report on the matter that includes the
Commission's recommendations as to the general proposal (subject
to any redactions or limitations that the Commission considers
20 necessary to prevent the disclosure of confidential or commercially
sensitive information) and provide a copy of the report to the
Minister.
- (7) To avoid doubt, if the Commission determines to recommend a
general proposal in a report under this section, the general proposal
recommended may involve such variations as the Commission thinks
25 fit to the general proposal referred to the Commission under this
Division.
- (8) The Minister may send a report back to the Commission for
reconsideration in accordance with any directions of the Minister.
- (9) The Commission may, after complying with any directions of the
30 Minister, publish an amended report (which may include amended
recommendations) and provide a copy of the amended report to the
Minister.
- (10) The Minister may, in relation to a general proposal set out in a report
of the Commission under subsection (6) or subsection (9)—
- 35 (a) determine that the general proposal proceed and forward it
 to the Governor with a recommendation that a proclamation
 be made under this Chapter in relation to the general
 proposal; or
- (b) determine that the general proposal not proceed; or

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Part 2—Amendment of *Local Government Act 1999*

- (c) in the case of a general proposal referred to the Commission by a council that the Commission has recommended in the report not proceed—at the request of 1 or more councils, consult with the relevant councils about the matter.

- 5 (11) After consultation in accordance with subsection (10)(c), the Minister may—
- 10 (a) if the Minister determines that it is appropriate to make a recommendation to the Governor in the circumstances of the particular case, forward the general proposal to the Governor with a recommendation that a proclamation be made under this Chapter in relation to the general proposal; or
 - (b) in any other case—determine that the general proposal not proceed.

15 **32—Notification of outcome of inquiries**

- (1) After completion of all relevant procedures in relation to an inquiry under section 30 or 31, the Commission must—
 - 20 (a) inform the person or body who referred the proposal to the Commission and any council to which the proposal relates of the Minister's determination in relation to the proposal; and
 - (b) give public notice of the determination.
- 25 (2) In addition, if a general proposal recommended by the Commission under section 31 does not proceed to a proclamation after completion of all relevant procedures under that section, the Minister must prepare a report on the matter and cause copies of that report to be laid before both Houses of Parliament.

32A—Powers relating to inquiries

- 30 (1) The Commission or an investigator conducting an inquiry under this Division may, in connection with the inquiry—
 - (a) by summons signed by the Commission or investigator (as the case requires), require a person's attendance; and
 - (b) require a person to answer, orally or in writing, questions to the best of his or her knowledge, information and belief; and
 - 35 (c) require a person to verify an answer under paragraph (b) by declaration; and
 - (d) require a council or person to produce any relevant documents or other records; and
 - 40 (e) retain documents or other records produced under paragraph (d) for reasonable periods and make copies of them or their contents; and
 - (f) call for or receive submissions or representations.

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- (2) Subject to subsection (3), a person or council must not refuse or fail to comply with a requirement under subsection (1).

Maximum penalty: \$10 000.

- 5 (3) A person is not obliged to comply with a requirement under subsection (1) if to do so might incriminate the person of an offence, and a person or a council is not required to provide information under subsection (1) that is privileged on the ground of legal professional privilege.

32B—Costs

10 The Commission may recover reasonable costs incurred in respect of an inquiry in relation to a proposal under this Division as a debt due from—

- (a) in the case of a proposal referred by a council—
- 15 (i) if a responsible person was nominated by the council under that subparagraph—the responsible person; or
- (ii) in any other case—the council; or
- (b) in the case of a proposal referred under
- 20 section 28(1)(d)—the responsible person nominated under that subparagraph.

32C—Independence of inquiries etc

25 Except as provided by this Division, the Commission or an investigator appointed to conduct an inquiry by the Commission under this Division is not subject to Ministerial direction in relation to the inquiry or a recommendation or report.

8—Amendment of section 34—Error or deficiency in address, recommendation, notice or proclamation

Section 34(1)—delete "or in a recommendation or report of the Minister" and substitute:

30 , in a recommendation of the Minister, or in a report of the Commission

9—Amendment of section 122—Strategic management plans

Section 122(1)(a)(iii)—after "governments" insert:

and councils or other regional bodies

10—Amendment of Schedule 5—Documents to be made available by councils

35 Schedule 5, item commencing **Reviews of council constitution, wards and boundaries**, second and third dot points—delete the second and third dot points

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Schedule 1—Transitional provision

Schedule 1—Transitional provision

1—Transitional provision

- 5 Any process or proceeding commenced before the commencement of this clause under Chapter 3 Part 2 of the *Local Government Act 1999* (as in existence before the amendment of that Part by this Act) may be continued and completed in accordance with the process set out in Chapter 3 Part 2 of the *Local Government Act 1999* (and be the subject of any appropriate proclamation) as if that Part had not been amended by this Act.

ATTACHMENT 2

Explanatory Paper

*Local Government (Boundary Adjustment) Amendment
Bill 2016*

August 2016



Government of South Australia
Department of Planning,
Transport and Infrastructure

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Explanatory Paper—Local Government (Boundary Adjustment) Amendment Bill 2016

INTRODUCTION

The Government is seeking comment on the draft Local Government (Boundary Adjustment) Amendment Bill 2016 (the Bill). The Bill will reform the legislative provisions that govern how council boundaries can be changed under the [Local Government Act 1999](#) (the Act).

Boundary Adjustment Facilitation Panel

The legislative provisions governing council boundary changes have not changed since the Act came into force in 1999. At the commencement of the Act, the Boundary Adjustment Facilitation Panel (BAFP) was established as an interim body to refine council boundaries following the council amalgamations and boundary alterations that had occurred in South Australia in the late 1990s. Since that time, there have been almost no significant boundary changes.

The BAFP was abolished in 2015—following the State Government’s reform of Boards and Committees—and the Panel’s functions were transferred to the Minister for Local Government. At this time, the Minister directed the Office of Local Government (OLG) to work with the Local Government Association (LGA) on a full review of the Act’s boundary reform process.

Legislative framework

The legislative framework underpinning this Bill is based on the review work undertaken by OLG and LGA, as overseen by the Premier’s State/Local Government Forum. The framework sets out principles for local government boundary reform and a process for boundary adjustments that have been endorsed by the LGA Board and the Premier’s State/Local Government Forum.

To give effect to the framework, this Bill proposes to amend Chapter Three, Part Two of the Act to allow for a more efficient process to progress minor boundary changes, and to enable freer debate and discussion on more significant structural reform proposals.

Key elements of the Bill

The Bill provides an opportunity to remove the limitations and inefficiencies in the current boundary change processes contained within the Act. Some of these include current restrictions on who can initiate reform proposals, burdensome procedural requirements and the necessity for two or more councils to agree with reform proposals from members of the public.

The key elements of the Bill are—

- a simpler and broader initiation process, allowing proposals to be initiated by a single council or the Minister for Local Government;
- the introduction of a simplified pathway for administrative (minor) proposals;

Explanatory Paper—Local Government (Boundary Adjustment) Amendment Bill 2016

- an independent Commission to undertake the initial assessment of proposals, and to make recommendations to the Minister; and
- independent analysis of general proposals—significant boundary changes, amalgamations or significant structural reform—by one or more investigators with the relevant expertise for each proposal.

A simplified flowchart outlining the Bill's procedures for boundary adjustment proposals is included in Attachment 1.

BACKGROUND MATERIAL

The Bill, this explanatory paper and other background material can be found on the OLG website at—

www.dpti.sa.gov.au/local_govt

SEEKING COMMENTS

The Bill proposes to establish the legislative provisions that will independently investigate structural reform proposals.

The OLG is therefore seeking comments on the provisions of the draft Bill rather than comments or proposals for specific council boundary changes.

HOW TO MAKE A COMMENT

Comments on the draft Bill can be sent to the Office of Local Government—

Email: DPTI.PDLocalGovernment@sa.gov.au

Postal address: GPO Box 1815, Adelaide SA 5001

The consultation will remain open until **5 pm on Friday 30 September 2016**.

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THE PROVISIONS OF THE AMENDMENT BILL

Part 1 – Preliminary

Part 1 of the Bill contains preliminary information about the short title of the Bill, commencement (the Act will come into operation on a day to be fixed by proclamation) and amendment provisions.

Part 2 – Amendment of Local Government Act 1999

Part 2 of the Bill contains provisions to amend the *Local Government Act 1999* (the Act).

Establishment of an independent Commission

The Bill provides for the establishment of an independent Commission to oversee the investigation of proposed boundary changes. The Commission's chief role would be to—

- assess proposals to determine their validity and significance;
- oversee a simple, essentially administrative process for the assessment of minor administrative matters;
- appoint one or more investigators to undertake detailed work on major proposals; and
- provide recommendations to the Minister for Local Government at the completion of these processes.

Given that the role of the Commission is one of oversight, it is proposed that an existing body undertake the Bill's boundary reform work. A range of bodies such as the Electoral Commission of South Australia, the South Australian Civil and Administrative Tribunal and the Surveyor-General have been considered. However, as these bodies already have very specific roles in relation to local government, another body may be more appropriate to oversee boundary reforms.

Given their broad involvement with the local government sector, consideration has been given to utilising a body such as the—

- State Planning Commission, which will be established under the *Planning, Development and Infrastructure Act 2016*, as its membership is expected to include both local government expertise, and expertise in areas that could be intrinsic to structural reform proposals, such as economics, planning and development, infrastructure management and public administration; or
- Local Government Grants Commission due to its knowledge, experience and role across all local government finances and services.

While clause 4 of the Bill provides for the Commission to be prescribed in regulation, it is anticipated that, following consideration of consultation comments, the specific Commission body will be included in an amended Bill.

A key question for consultation is therefore which existing statutory authority is best placed to oversee boundary change processes, and feedback is welcome on this matter.

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Structural reform proposals—principles

Section 26 of the Act contains principles that must be considered when decisions about structural reform are made. Clause 6(2) of the draft Bill removes the provision that it is advantageous (but not essential) to amalgamate whole areas of councils (with associated boundary changes, if necessary), and to avoid significant dislocations within the community.

Clause 6(3) includes a new principle for boundary change, where consideration will be given to regional activities that may offer a viable and appropriate alternative to structural change. As Clause 7(31)(3)(b) of the Bill requires inquiries into proposals to consider the principles contained in section 26, this will enable the Commission to make specific comment in its recommendations and final report to the Minister on potential regional service delivery models that could support, or possibly substitute for, structural reform.

Division 4—Procedures for proposals

Initiation of proposals

The initiation of council boundary change proposals is currently restricted to two or more councils in agreement with each other or members of the public. South Australia is the only State which does not allow the Minister to initiate proposals. It is also the only jurisdiction where council-led proposals must be agreed to by all councils involved before there can be any debate or discussion on these proposals.

Clause 7(28)(1) of the Bill therefore provides for a broader range of initiation powers by allowing proposals to be submitted to the Commission by—

Resolution of either House of Parliament

The Bill provides for one or both Houses of Parliament to submit a proposal to the Commission (as is currently the case).

The Minister for Local Government

Allowing the Minister to make an application for boundary change would align the initiation process in South Australia with other jurisdictions. It also has the potential to allow consideration of a wider range of potential options and ideas.

Council(s) or members of the public may also ask the Minister to initiate a proposal on their behalf.

Councils (including single councils)

If a single council can make a strong case for structural reform there should be a process by which this proposal is examined. Enabling single council initiated proposals could also increase the accessibility of boundary reform processes to members of the public as each affected council would not be required to agree to a public initiated submission for it to be submitted to the Commission.

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Members of the Public

Public initiated submissions currently require a minimum of 20 eligible electors. In the case of a proposal to alter the boundaries of two or more councils, eligible electors are those whose place of residence or rateable property is either within the area of the receiving council or the affected area. Under the Act's current provisions, a public initiated submission must also nominate five people who are willing to represent the interests of those who would be directly affected by any proposal contained in the submission.

The Bill proposes that a public initiated submission may be referred to the Commission by a prescribed percentage or number of eligible electors. While not stated in the Bill, it is expected that this prescribed percentage could be 10 percent. This will ensure that proposals affecting fewer than 20 people can be considered, while also ensuring that proposals that could affect significantly more people are put forward by an appropriately larger group of electors.

The Bill also proposes the definition of 'eligible electors' to only include people within the area that would be incorporated into another council area (in light of the fact that past proposals have only been made by people in these areas).

The Bill also replaces the currently separated public and council initiated processes with a single application process, irrespective of the initiator of the proposal. Currently, public initiated proposals are complex and time consuming as they must first be lodged with the relevant councils, which may choose to take it up themselves and submit a council initiated proposal. If the councils do not support the proposal, the group of electors may lodge the submission with the Minister. A single application process will streamline this process.

Proposals must set out in general terms the nature of the proposal and comply with any requirements published by the Commission.

Dealing with proposals

Clause 7(29) of the Bill enables the Commission to assess and investigate proposals. The Commission will have the power to refuse to investigate a proposal if it is considered to be trivial, frivolous or vexatious; if it is not considered to be in the public interest; or if it is the same or substantially similar to a proposal already inquired into.

The ability to refuse a proposal that is substantially similar to a previous proposal clause 7(29)(3)(c)— combined with the Commission's ability to combine proposals into one inquiry (clause 7(29)(4)(a)), and to vary proposals under clause 7(30)(5) and clause 7(31)(6) is intended to allow the Commission sufficient flexibility to avoid undertaking separate investigations on separate proposals that are substantially the same.

Inquiries—administrative proposals

Whereas the Act currently makes no differentiation between the assessment of minor and major boundary reform proposals, clause 7(30) of the Bill introduces a simplified assessment pathway for minor administrative matters, including—

- to facilitate a development that has been granted an authorisation under the *Planning, Development and Infrastructure Act 2016*;

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- to correct an anomaly that is, in the opinion of the Commission, generally recognised e.g. where the boundary intercepts one or more privately owned properties;
- where the common boundary of two or more councils requires adjustment following the physical realignment of a common road;
- a proposal to incorporate vacant unincorporated land into a council area;
- any other matter declared in regulation.

For proposals of this nature, the Commission would conduct an inquiry, provided that a reasonable amount of consultation is conducted in accordance with any guidelines published by the Commission. The Commission would then prepare and publish a report on the inquiry that includes the Commission's recommendations and provide a report to the Minister. The Minister may then determine whether the proposal should proceed or not.

Inquiries—general proposals

The Bill provides for an independent analysis of major proposals (significant boundary changes, amalgamations or significant structural reform) by one or more investigators consisting of expertise that is determined to be necessary for each proposal.

It is essential that the process for examining significant proposals and making recommendations is as open and transparent as possible. Clause 7(31) of the Bill provides for the Commission to appoint one or more investigators to inquire into a proposal which is not an administrative matter.

The Commission must seek to ensure, as far as is reasonably practicable that the qualifications, knowledge expertise and experience of a particular investigator are relevant to each inquiry. The Commission must also consult with affected councils when appointing the investigator(s).

The intent of the requirement to appoint investigators is to ensure that the close analysis of significant proposals for boundary change is undertaken by people with expertise and knowledge that is specific to each proposal. The Bill also provides appropriate flexibility in appointing investigator(s)—more significant proposals will require a number of investigators, whereas relatively straightforward proposals may only require a single investigator.

In addition to the principles set out in section 26 of the Act, an inquiry must consider—

- the financial implications and impact on resources that the proposal is likely to have on any council to which the proposal relates;
- appropriate community engagement;
- the level of community support for boundary reform in the area;
- the nature and extent of any plans for implementing the proposal;
- any guidelines published by the Commission; and
- any other matters prescribed by regulations.

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As further detailed in clause 7(31)(4)(a), the ability of the Commission to publish guidelines will enable it to provide more detail on the matters that should inform investigations, such as the division of council assets, management of council staff, potential impact on local government elections, impact on subsidiary bodies and so on.

It is also expected that the Commission would release guidelines on community engagement to ensure that consultation and engagement is properly undertaken while a proposal is being investigated. This is specifically recognised in clause 7(31)(4)(b).

At the conclusion of an inquiry, an investigator must provide a report to the Commission. The Commission would then prepare and publish a report that includes the Commission's recommendations and provide a report to the Minister. The requirement for the Commission to publish the report ensures that the Commission's advice to the Minister, and that the decision making that then follows, is fully transparent.

The Bill provides for the Minister to send the report back to the Commission for reconsideration in accordance with any directions by the Minister. However, if this does occur, the Commission must then publish an amended report and provide a copy of the amended report to the Minister.

The Minister may then determine whether a proposal recommended by the Commission should proceed.

Powers Relating to Inquiries

Clause 7(32A) sets out the powers of the Commission or an investigator when conducting an inquiry. These powers enable the Commission or an investigator to obtain information determined to be relevant to an inquiry.

Costs

Clause 7(32B) provides for the Commission to recover reasonable costs incurred in respect of an inquiry.

It is intended that the Commission would recover costs incurred in the investigation of a proposal from the person or body that initiated it. For council initiated submissions, the Commission would therefore recover costs from a responsible person nominated by the council, or the council. In the case of a public initiated submission, the Commission may recover costs from the responsible person nominated by the group of eligible electors.

This ensures that councils or electors initiating proposals can be assured that the investigations of these proposals are not delayed through limited resource allocations. If a council (or councils) or the public wishes to initiate a proposal without incurring these costs, they may approach the Minister who has the discretion to initiate a proposal on their behalf.

Independence of Inquiries

Clause 7(32C) provides that the Commission or an investigator conducted to appoint an inquiry by the Commission is not subject to Ministerial direction in relation to the inquiry or a recommendation or report (except as provided by Division 4 of the Bill).

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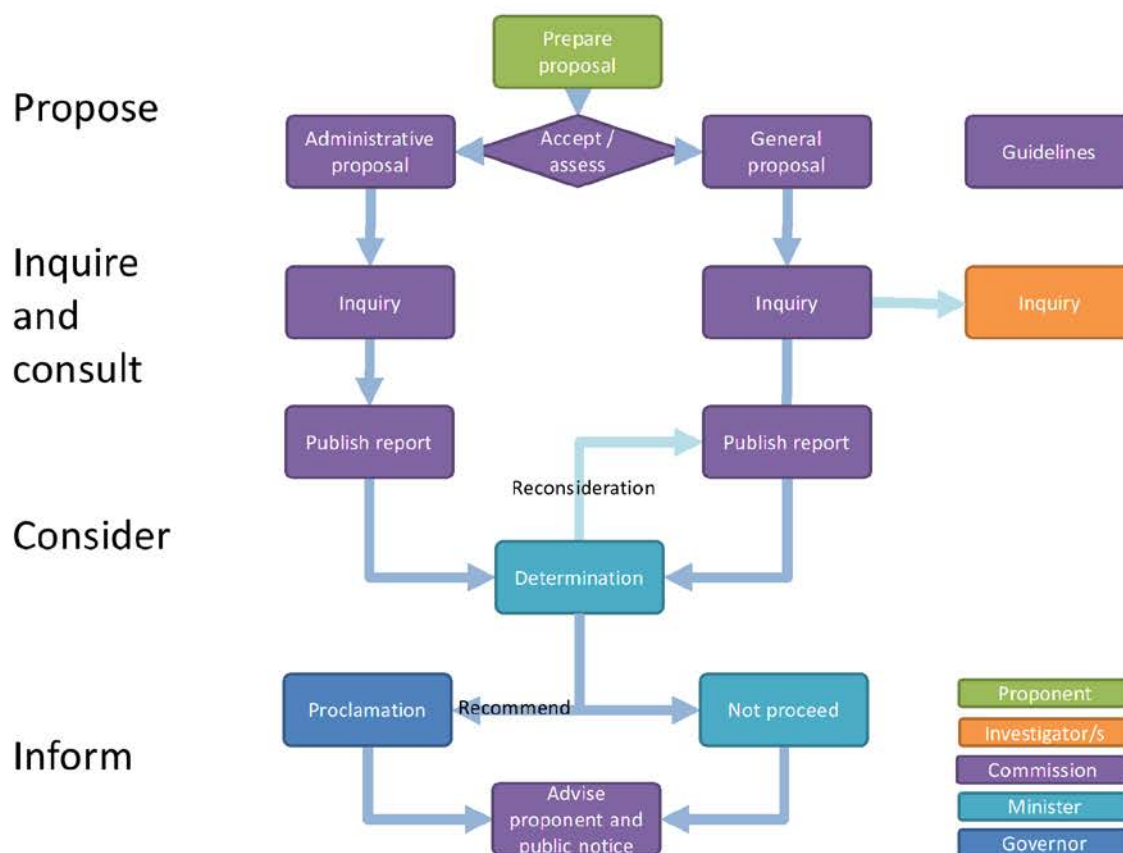
Support for regional governance models

The LGA has requested additional amendments to the Act to support the development of effective regional governance models in local government. The Bill therefore amends section 8 of the Act to outline the objects and principles of regional collaboration and partnerships. Further, as part of the council boundary reform framework, the principles for boundary change will also include consideration of regional activities.

Further, as requested by the LGA, the Bill also amends section 122(1) of the Act to include a requirement for councils or other regional bodies to demonstrate that the potential benefits of regionalisation have been assessed as part of long-term planning.

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SIMPLIFIED FLOWCHART—BOUNDARY REFORM PROPOSALS



11.3 Public Interest Disclosure Bill - Requirements of Elected Members

Brief

This report advises Council on the potential impacts of the *Public Interest Disclosure Bill 2016*.

RECOMMENDATION(S)

The Committee recommends to Council that the report be received.

Introduction

The *Public Interest Disclosure Bill 2016* (Bill) was introduced into Parliament on 6 July 2016. Once enacted into law, the Bill will repeal the *Whistleblowers Protection Act 1993* (WP Act) and s302B of the *Local Government Act 1999* (LG Act).

This Administration has reviewed the Bill and has prepared this report to ensure Council understands the implications, particularly in relation to the requirements the Bill will place on them as individual Elected Members.

No feedback on the Bill has been requested at this point.

Discussion

While the WP Act will be revoked on adoption of the Bill and subsequent commencement of the Public Interest Disclosure Act (PIDB), the intent of the WP Act as a vehicle to enable whistleblowing and protecting whistleblowers is evidenced within the Bill however, there are substantial variations between the WP and the Bill as follows:

Appropriate disclosures are those public interest disclosures of information to a relevant authority as follows:

- **Environmental and health**
the raising of a potential issue of a substantial risk to the environment or to the health and safety of the public generally or a significant section of the public regardless of whether it occurred before or after the commencement of the PIDB Act.
- **Public administration**
a disclosure made by a public officer of a reasonable suspicion of corruption, misconduct or maladministration in public administration.
- **Disclosure to a member of Parliament**
a disclosure of information to a member of Parliament other than a Minister of the Crown and the person has already made either a public administration or environmental and health disclosure using the processes contained within the PIDB and made their identity known to the person to whom they made the disclosure and they have not received notification from the person required by the Act to give such notification within the timeframes provided within the PIDB.

Public officers, such as Elected Members, are not subject to any liability from making a disclosure(s) of public administration information or environmental and health information.

Appropriate Disclosures made to Elected Members

The Bill proposes that Elected Members, officers and employees can receive appropriate public interest disclosures (disclosures) rather than just the Responsible Officer, which is not the case with the WP Act.

When a disclosure relates to a **location within the area of council**, the Bill allows for a disclosure to be made to any Elected Member thus according them significant responsibilities. The Bill also provides that Elected Members will have a duty to act in relation to a disclosure made to them which will mean they must:

1. Assess the information provided to them as soon as practical after it is made to them;
2. Take action in relation to the information in accordance with any applicable guidelines (yet to be developed) or if no guidelines exist to take such action as is appropriate in the circumstances (such action could be to refer the information to a responsible officer);
3. Take reasonable steps to notify the informant, if their identity is known, that an assessment of their information has been made and advise them:
 - a. Of the action being taken in relation to their information;
 - b. If no action is being taken, why this is the case;
4. Provide OPI with information relating to the disclosure in accordance with any applicable guidelines (yet to be prepared).

If the Elected Member is the person who takes action in relation to a matter, then they must take reasonable steps to notify the informant, if their identity is known, of the outcome of the action and provide OPI with information relating to the outcome of that action in accordance with any guidelines (yet to be developed).

However, an Elected Member does not need to take action in relation to a disclosure if the information disclosed does not justify taking further action or it relates to a matter that has already been investigated or acted upon by a relevant authority and there is no reason to re-examine the matter or there is good reason why no action should be taken in respect of the matter.

If a disclosure is made to an Elected Member then they must not, without the consent of the informant, knowingly divulge the identity of the informant except:

- So far as may be necessary to ensure that the matters to which the information relates are properly investigated; or
- In accordance with any applicable guidelines (yet to be prepared).

The obligation to maintain confidentiality imposed by the PIDB cannot be overruled by any other statutory provision or a common law rule.

Confidentiality

If the person to whom a disclosure was made, i.e. an Elected Member, knowingly divulges the identity of an informant without their consent except as far as may be necessary to ensure the matters to which the information relates are properly investigated is guilty of an offence which attracts a maximum penalty of \$10,000 or 1 year imprisonment.

Victimisation

The Bill provides that a person who causes detriment ('injury, loss, damage, or intimidation or harassment or discrimination, disadvantage or adverse treatment in relation to the a person's employment of threats of reprisals') to another on the grounds that the other person, or a third person, has made or intends to make a disclosure will be deemed to have committed an act of victimisation which attracts a maximum penalty of \$10,000

False or misleading disclosures

The maximum penalty for providing a false or misleading statement under the Bill is \$10,000 or two years imprisonment.

Preventing or hindering disclosures

The maximum penalty for preventing, hindering or obstructing another person from making a disclosure is \$10,000 or two years imprisonment.

What this all means for Elected Members

This will mean that all Elected Members will need to:

- be prepared to receive disclosures;
- have detailed knowledge of the provisions of the legislation;
- understand what constitutes an appropriate disclosure;
- know how to assess a disclosure and determine what action to take, including reporting responsibilities under the *ICAC Act 2013* and reporting to the Office of Public Integrity (OPI);
- notify the informant of action being taken and OPI reporting requirements;
- ensure the confidentiality requirements, related to a disclosure, are protected as are the individuals making a disclosure protected from recriminations and/or victimisation;
- be aware of the provisions regarding persons preventing or hindering disclosures and additional penalties for non-compliance.

All of the above provisions also apply to an officer or employee of the Council.

Other Provisions

The objects of the Bill include substantial risks to public health or safety or to the environment which are not contained within the WP Act.

In relation to the operations of Local Government, the Bill states that a disclosure of public interest information is made to a relevant authority if it is made to:

- where the information relates to a public officer
 - a. a person who is, in accordance with any guidelines prepared under section 14, designated as a person who is taken to be responsible for the management or supervision of the public officer or to the relevant responsible officer; or
 - b. a person who is, in fact, responsible for the management or supervision of the public officer or to the relevant responsible officer;
- where the information relates to a location within the area of a particular council established under the Local Government Act 1999, a member, officer or employee of that council;
- where the information relates to a risk to the environment, the Environment Protection Authority;
- where the information relates to an irregular and unauthorised use of public money or substantial mismanagement of public resources, the Auditor-General;

- where the information relates to the commission, or suspected commission, of any offence, a member of the police force;
- a Minister of the Crown;
- OPI.

The Bill outlines the duties of the principal officer of Council, being the Chief Executive Officer, and the duties of responsible officers, neither of which are currently included in the WP Act. The Bill requires the principal officer of council to ensure that one or more officers of Council are designated as responsible officers and that their contact details are made available to officers and employees of council. The WP Act provides for only one Responsible Officer (currently the General Manager Business and Community Services). The Bill also states that the regulations may prescribe qualifications for persons designated as responsible officers for the purpose of the PIDB. There is no such provision under the WP Act.

It appears from the Bill that responsible officers will be tasked investigating those disclosures made to any public officer within the Council and referred to them i.e. disclosures made to Elected Members. This will be clearer when the relevant regulations are made.

Conclusion

The Bill in its current form provides for greater consistency with the ICAC Act as is the case currently with the WP Act and ICAC Act. However significant changes to the way in which disclosures of information can be made and to whom they can be made will mean that the CWT will need to prepare by ensuring that training is provided to all CWT Elected Members, officers and employees.

11.4 Complaints lodged with Ombudsman's Office - January 2016 to June 2016

Brief

The South Australian Ombudsman has provided a report of all complaints received and any investigations conducted by his office, relating to the City of West Torrens during the period 1 January 2016 to 30 June 2016.

RECOMMENDATION(S)

The Committee recommends to Council that this report be received.

Introduction

Every six months, the South Australian Ombudsman (the Ombudsman) provides Council with a report that summarises those complaints received, as well as any investigations initiated, by him involving the City of West Torrens. The Ombudsman has provided his 1 January 2016 to 30 June 2016 report to Council (**Attachment 1**). This report does not contain full descriptions of the matters due to the confidential nature of that information.

Discussion

The report indicates that forty (40) complaints were received by the Ombudsman's office during the reporting period. In each case, the complainant may or may not have contacted the Administration prior to referring the matter to the Ombudsman.

The Ombudsman declined to investigate nineteen (19) complaints as he deemed investigation unnecessary or unjustifiable. Three (3) complaints were resolved with the co-operation of the Administration and two (2) complaints were resolved by alternative remedy which was available by another body.

Sixteen (16) complainants were referred back to the Administration by the Ombudsman. Those complaints subsequently received from complainants were dealt with according to the relevant policies (not all complainants submit their complaint to Council following contact with the Ombudsman). Of the 16 complainants referred back to the Administration, Seven (7) contacted the Administration. Details of these complaints are below:

Complainant	Date Referred by Ombudsman	Date Contacted Council	Matter	Outcome
Stephen French	07/01/2016	1/03/2016	Unreasonable refusal to waive expiation notices.	Expiation was waived.
Bill Pourniotis	29/01/2016	03/05/2016	Wrong determination of development category.	Matter settled at conciliation conference.
Robyn Allen	01/02/2016	03/02/2016	Failure to provide response.	Expiation paid.
Mark Wilkins	11/04/2016	18/04/2016	Failure to act on barking dog complaints.	Section 270 internal review lodged. Decision upheld.

Sandra Demasi	27/04/2016	02/05/2016	Unreasonable expiation notice and nuisance dog order.	Section 270 internal review lodged. Decision upheld. Expiations paid.
Vera Chehade	27/04/2016	28/04/2016	Failure to check amended development plan lodged by private certifier	Matter resolved via Council's lawyers.
Lilliana Mitrovic	04/05/2016	16/05/2016	Unreasonable demands for rate arrears	Expiation paid.

The Ombudsman's office advises that the half yearly report is not required to be kept in confidence as it does not contain any confidential details of the complaints.

Information about other Ombudsman investigations and outcomes are included in the Ombudsman's Annual Report which is available at www.ombudsman.sa.gov.au.

Conclusion

This report contains details of all complaints and investigations conducted by the Ombudsman that relate to the City of West Torrens for the period 1 January 2016 to 30 June 2016.

ATTACHMENT 1

CITY OF WEST TORRENS

1 January 2016 - 30 June 2016

Agency	Number	Complainant	Received Date	Title	Outcome
City of West Torrens	2016/03360	Willcock, Lynton	15/04/2016	Unreasonable process regarding planning application	Declined Investigation Unnecessary or Unjustifiable
City of West Torrens	2016/00109	Howie, Nick	04/01/2016	Unreasonable expiation notice	Alternate Remedy Available with Another Body
City of West Torrens	2016/00296	Pandos, Peter	12/01/2016	Unreasonable expiation notice	Alternate Remedy Available with Another Body
City of West Torrens	2016/00565	Scotcher, Helen	20/01/2016	Unreasonable menacing dog order	Declined Investigation Unnecessary or Unjustifiable
City of West Torrens	2016/00890	Fallon, Chris	01/02/2016	Failure to investigate complaint	Declined Investigation Unnecessary or Unjustifiable
City of West Torrens	2016/01443	Prater, Norman	17/02/2016	Failure to act on complaint about neighbour	Declined Investigation Unnecessary or Unjustifiable
City of West Torrens	2016/01969	Chicco, Nadia	02/03/2016	Unreasonably high rates for vacant land	Declined Investigation Unnecessary or Unjustifiable
City of West Torrens	2016/02254	Pourniotis, Bill	07/03/2016	Unreasonable delay investigating unlawful development	Declined Investigation Unnecessary or Unjustifiable
City of West Torrens	2016/02303	Allen, Robyn	15/03/2016	Unreasonable process regarding request to waive expiation notices	Declined Investigation Unnecessary or Unjustifiable
City of West Torrens	2016/02717	Luscombe, Nathan	30/03/2016	Unreasonable expiation notice	Declined Investigation Unnecessary or Unjustifiable
City of West Torrens	2016/03380	Mead, Julie	21/04/2016	Unreasonable threat of legal action for non-payment of rates	Declined Investigation Unnecessary or Unjustifiable
City of West Torrens	2016/03484	Evans, Will	26/04/2016	Unreasonable expiation notice	Declined Investigation Unnecessary or Unjustifiable
City of West Torrens	2016/03928	Lores, Taryn	09/05/2016	Unreasonable expiation notice	Declined Investigation Unnecessary or Unjustifiable

Agency	Number	Complainant	Received Date	Title	Outcome
City of West Torrens	2016/04025	Mullens, James	13/05/2016	Unreasonable expiation notice	Declined\Investigation Unnecessary or Unjustifiable
City of West Torrens	2016/04033	Ricardi, Bill	13/05/2016	Unreasonable decision to pay claim	Declined\Investigation Unnecessary or Unjustifiable
City of West Torrens	2016/04102	Hood, Steven	11/05/2016	Unreasonable refusal to withdraw expiation notice	Declined\Investigation Unnecessary or Unjustifiable
City of West Torrens	2016/04260	Edwards, Daryl	23/05/2016	Unreasonable refusal to grant appropriate extension of time to conduct pruning	Declined\Investigation Unnecessary or Unjustifiable
City of West Torrens	2016/04776	Panagakos, Diana	10/06/2016	Unreasonable expiation notice	Declined\Investigation Unnecessary or Unjustifiable
City of West Torrens	2016/04820	English, Alex	08/06/2016	Unreasonable expiation notice	Declined\Investigation Unnecessary or Unjustifiable
City of West Torrens	2016/05108	Giles, Tony	23/06/2016	Unreasonable expiation notice	Declined\Investigation Unnecessary or Unjustifiable
City of West Torrens	2016/05160	Barbaro, Marina	21/06/2016	Unreasonable expiation notice	Declined\Investigation Unnecessary or Unjustifiable
City of West Torrens	2016/00216	French, Stephen	07/01/2016	Unreasonable refusal to waive expiation notices	Referred Back to Agency
City of West Torrens	2016/00602	Lane, Kim	20/01/2016	Unreasonable expiation notice	Referred Back to Agency
City of West Torrens	2016/00814	Pourniotis, Bill	29/01/2016	Wrong determination of development category	Referred Back to Agency
City of West Torrens	2016/00869	Allen, Robyn	01/02/2016	Failure to provide response	Referred Back to Agency
City of West Torrens	2016/01084	Fiori	08/02/2016	Unreasonable development application process	Referred Back to Agency
City of West Torrens	2016/01498	Springbett, Cathryn	16/02/2016	Unreasonable refusal of claim for injuries from fall	Referred Back to Agency
City of West Torrens	2016/01775	Tran, Lan	23/02/2016	Failure to provide notification	Referred Back to Agency
City of West Torrens	2016/02234	Anchor, Michael	26/02/2016	Failure to act on a development contrary to its approved plans	Referred Back to Agency
City of West Torrens	2016/03153	Wilkins, Mark	11/04/2016	Failure to act on barking dog complaints	Referred Back to Agency

Agency	Number	Complainant	Received Date	Title	Outcome
City of West Torrens	2016/03519	Demasi, Sandra	27/04/2016	Unreasonable expiation notice and nuisance dog order	Referred Back to Agency
City of West Torrens	2016/03564	Chehade, Vera	27/04/2016	Failure to check amended development plan lodged by private certifier	Referred Back to Agency
City of West Torrens	2016/03790	Gupta, Ankit	02/05/2016	Unreasonable expiation notice	Referred Back to Agency
City of West Torrens	2016/03814	Sykes, Krystyna	05/05/2016	Unreasonable development approval	Referred Back to Agency
City of West Torrens	2016/03815	Mitrovic, Lilliana	04/05/2016	Unreasonable demands for rate arrears	Referred Back to Agency
City of West Torrens	2016/04041	Pamment, Joanne	13/05/2016	Unreasonable expiation notice	Referred Back to Agency
City of West Torrens	2016/04387	Stefanopoulos, Kaliopi	26/05/2016	Unreasonable expiation notice	Referred Back to Agency
City of West Torrens	2016/01749	Prater, Norman	22/02/2016	Failure to act on debris on nature strip	Resolved with Agency Co-operation
City of West Torrens	2016/03941	Buckland, Gaylene	09/05/2016	Unreasonable expiation notice	Resolved with Agency Co-operation
City of West Torrens	2016/04539	Stepcich, Daniela	01/06/2016	Unreasonable investigation of water pooling	Resolved with Agency Co-operation

11.5 Legislative Progress Report - August 2016

Brief

This report provides an update on the status of proposed legislative changes affecting local government, dealt with in Parliament, by the Local Government Association or contained in the Government Gazette during the preceding month.

RECOMMENDATION

The Committee recommends to Council that this report be received.

Introduction

This report provides a monthly update on the progress of Bills through Parliament, using Parliament's defined stages, as well as items contained within the Government Gazette that relate to the City of West Torrens. It also contains information provided by the Local Government Association (LGA) relating to proposed amendments to legislation or other relevant matters.

Discussion

Summary of Proposed Amendments to Legislation

Liquor Licensing (Small Venue Licence) Amendment Bill 2016

Hon. Tammy Franks MLC has introduced the *Liquor Licensing (Small Venue Licence) Amendment Bill 2016* (Bill) to the Legislative Council on 27 July 2016. The Bill seeks to amend the *Liquor Licensing Act 1997* to extend the liquor licensing scheme to enable small bars to be licensed outside the Adelaide CBD and North Adelaide. The Bill was adjourned in the Legislative Council at its second reading on 27 July 2016.

The LGA is currently seeking feedback on this proposal.

Feedback to the LGA is due by 30 Sep 2016. The City of West Torrens has previously provided feedback on this matter and the position remains unchanged. so no additional feedback is intended to be submitted.

Further information can be found in the Local Government Circular 32.6 - 11 Aug 2016.

Local Government (Mobile Food Vendors) Amendment Bill 2016

The *Local Government (Mobile Food Vendors) Amendment Bill 2016* (Bill) was introduced to the House of Assembly on 4 August 2016 by Hon. Chris Picton. The Bill seeks to amend the *Local Government Act 1999* with regard to mobile food vendors and have local councils approve more permits for mobile food vendors in their local area.

The Bill was adjourned at its second reading on 4 August 2016.

Further information available on the South Australian Parliamentary Website.

The Local Government (Boundary Adjustment) Amendment Bill 2016

The Minister for Local Government has drafted the *Local Government (Boundary Adjustment) Amendment Bill 2016* (Bill). The Bill has not yet been presented into Parliament but it is expected to be introduced to the House of Assembly by the end of 2016. The Bill aims to amend the provisions for boundary adjustments and amalgamations in the *Local Government Act 1999*.

The key issues from the LGA's perspective are set out below;

1. Boundary Adjustment Commission (clause 4)
2. Principles to Support Regionalisation Focus (clause 6)
3. Public Initiated Proposals (clause 28)
4. Cost Recovery Proposal (clause 32B)

Feedback to the LGA is due by 16 Sep 2016. A report regarding this Bill and proposed feedback is contained within this agenda.

Further information can be found in the Local Government Circular 32.1 - 4 Aug 2016.

Government Gazette Notices

Environment Protection (Air Quality) Policy 2016

The *Environment Protection (Air Quality) Policy 2016* (Air Quality Policy) commenced on 23 July 2016 as published in the Government Gazette (Number 42) on 21 July 2016.

The Air Quality Policy consolidates a range of air quality related legislation and policies including the *Environment Protection (Burning) Policy 1994* (Burning Policy) which regulates open burning in prescribed areas and circumstances.

The scope of the Air Quality Policy is being extended to ensure equivalent air quality standards for built up areas in South Australia to limit the impacts of smoke on human health. Provisions will also provide the ability for councils to better manage burning by tailoring it to the needs of the community and circumstances and by providing flexibility in administration and management.

Further information can be found in the Local Government Circular 31.1 - 28 July 2016 or in Government Gazette No 42, 21 July 2016.

Bills previously reported on where status remains unchanged

- *Road Traffic (Bicycles on Footpaths) Amendment Bill 2016* (adjourned in the House of Assembly at its 2nd reading on 26 May 2016).
- *Independent Commissioner Against Corruption (Misconduct and Maladministration) Amendment Bill 2015* (adjourned in the House of Assembly at its 2nd reading on 19 November 2015).
- *Independent Commissioner Against Corruption (Miscellaneous) Amendment Bill 2016* (adjourned in the Legislative Council at its 2nd reading on 7 July 2016).
- *Public Interest Disclosure Bill* (adjourned in the House of Assembly at its 2nd reading on 6 July 2016). A report on the contents of this Bill has been included in this agenda.

Acts Assented to but Not Yet Commenced

- *Planning, Development and Infrastructure Act 2016* - Received assent on 21 April 2016 - Expected commencement in 2018.
- *Dog and Cat Management (Miscellaneous) Amendment Bill 2015* - Received assent on 6 July 2016
- *Local Nuisance and Litter Control Act 2016* - Proclaimed on Thursday 21 July 2016 for staged commencement; 1 Feb 2017 for litter provisions and 1 July 2017 for local nuisance provisions

Conclusion

This report on legislative amendments is current at 26 August 2016.

12. MEETING CLOSE