

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

- **Finance and Regulatory Prescribed Standing Committee**
- **Strategy and Community 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, 21 FEBRUARY 2017

at 7.00pm

**Terry Buss
Chief Executive Officer**

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 Procedures

2 PRESENT

3 APOLOGIES

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 the Council held on 7 February 2017 be confirmed as a true and correct record.

6 MAYORS REPORT

(Preliminary report for the agenda to be distributed Friday 17 February 2017)

In the two weeks since the last Council Meeting of 7 February 2017, functions and meetings involving the Mayor have included:

Wednesday 8 February

- 2.30pm Visited the premises of ELWA Energy Savers at North Plympton at the invitation of CEO Jan Antonides and Business Development and Marketing Manager Margot Sage.
- 5.30pm Participated in an Australia Day Council of SA Board of Management meeting.

Thursday 9 February

- 6.00pm Participated in the West Torrens Road Safety Committee meeting.

Saturday 11 February

- 10.00am Attended the National Servicemen's Association 23rd anniversary memorial service in the Memorial Gardens and laid a wreath on behalf of Council.
- 11.00am Attended the official launch of Electronic Recycling Australia's 'Unplug N' Drop' initiative at their Underdale premises.
- 5.00pm Attended Council's Fork by Fork West Summer Festival event at Kings Reserve.

Tuesday 14 February

- 10.00am Attended the launch of the 2017 SANFL Statewide Super Women's League at Adelaide Oval.
- 11.30am-2.00pm Conducted two large citizenship ceremonies for a total of approximately 180 applicants at the Thebarton Community Centre.

Thursday 16 February

- 12noon Attended the Airport Over 50's Birthday luncheon at their clubrooms.

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

Friday 17 February

- 9.00am With CEO Terry Buss, attending the Adelaide Airport Consultative Committee meeting.
- 12noon-2.00pm Attending the 2017 Annual Investment and Trade Statement Launch at the Convention Centre with CEO Terry Buss and Program Leader Partnerships Adriana Christopoulos.

Monday 20 February

- 6.30pm Attending the Cobras 2017 Season Launch.

Tuesday 21 February

- 6.00pm Attending the Council pre-meeting dinner
- 7.00pm Meeting of Council and all Standing Committees.

RECOMMENDATION

That the Mayor's Report be noted.

7 ELECTED MEMBERS REPORTS**8 PETITIONS**

Nil

9 DEPUTATIONS**9.1 WestLINK Tram Alignment**

Mr Phil Baker, Chairmain, and Mr Evan Knapp, Executive Officer, of the South Australian Freight Council, wish to address Council in relation to the current debate on the alignment of the proposed WestLINK tram.

10 ADJOURN TO STANDING COMMITTEES**RECOMMENDATION**

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

11 ADOPTION OF STANDING COMMITTEE RECOMMENDATIONS**11.1 Finance and Regulatory Committee Meeting****RECOMMENDATION**

That the recommendations of the Finance and Regulatory Committee held on 21 February 2017 be adopted.

11.2 Strategy and Community Committee Meeting**RECOMMENDATION**

That the recommendations of the Strategy and Community Committee held on 21 February 2017 be adopted.

12 ADOPTION OF GENERAL COMMITTEE RECOMMENDATIONS**12.1 Audit and Risk Committee Meeting****RECOMMENDATION**

That the Minutes of the Audit and Risk Committee held on 14 February 2017 be noted and the recommendations adopted.

13 QUESTIONS WITH NOTICE

Nil

14 QUESTIONS WITHOUT NOTICE**15 MOTIONS WITH NOTICE****15.1 Frank Norton Reserve Fencing**

At the meeting of Council on 7 February 2017, Cr Vlahos moved the following motion which the Presiding Member ruled would be deferred to the meeting of Council on 21 February 2017.

MOTION

That the Administration come back to Council with the design and costing of a fence surrounding the play area at Frank Norton Reserve.

15.2 WestLINK Tram Network - Cr Mangos

Cr Mangos gave notice of his intention to move the following motion:

MOTION

That the City of West Torrens write to the Minister for Transport and Infrastructure, Hon Stephen Mullighan MP, to advise the State Government that it is supportive of an overall expansion of the Tram Network in Adelaide and it acknowledges the work done to date by DPTI on the AdeLINK Tram Network Study. Further, the Minister be advised that Council does have some issues of concern regarding Henley Beach Road being identified at the preferred option for the WestLINK route, specifically the section between South Road and Marion Road, and would like to work constructively with the State Government to address the concerns Council has regarding the possible loss of on-street parking, traffic congestion, tree loss and financial cost to Council ratepayers caused by the introduction of a tram along Henley Beach Road.

15.3 WestLINK Tram Network - Cr Nitschke

Cr Nitschke gave notice of his intention to move the following motion:

MOTION

That:

1. Council supports the concept of a tram travelling through our city as proposed by AdeLINK and is committed to its success.
2. In choosing a preferred route for a tram it has been decided that there is such a lack of information about the proposed tramway that council feels that it cannot make an informed decision.
3. As a result of this, council requests the State Government to provide more information regarding WestLINK, including any modelling and ramifications, especially in regard to all three suggested routes and any requirement to:
 - a. Remove on-street parking
 - b. Reduce traffic lanes
 - c. Remove median strip trees
4. When this information is provided from the State Government, the City of West Torrens will appoint a working party to examine all aspects of the WestLINK tram including community feedback.
5. The working party shall examine the three main suggested routes for the WestLINK tram travelling to Adelaide Airport from the city.

Those being:

- a. Henley Beach Road
- b. Sir Donald Bradman Drive
- c. Richmond Road

The findings and recommendations of the working party will be presented to council and the State Government on the Council's preferred route as well as any other conditions or concerns.

15.4 Walking Bridge at Kings Reserve

Cr Mangos gave notice of his to move the following motion:

MOTION

That a walking bridge be erected at Kings reserve from the centre to the Oval over the garden, and that the costs be placed in this years budget for deliberation.

16 MOTIONS WITHOUT NOTICE

17 REPORTS OF THE CHIEF EXECUTIVE OFFICER

17.1 Review of Council's By-Laws 2017

Brief

This report details proposed changes to the current Council By-laws numbered 1-5 which will expire on 1 January 2018 and details the process required to establish new By-laws prior to this date.

RECOMMENDATION(S)

It is recommended to Council that:

1. The proposed By-laws numbered 1-5 as marked in Attachment 1 of the report be endorsed for public consultation and referred to the relevant State Government bodies.
2. The following draft Council Policies, each of which have been incorporated into one of the proposed By-laws, be released for public consultation in conjunction with the proposed By-laws in accordance with section 249 of the *Local Government Act 1999*:
 - *Advertising on Council Land and Public Infrastructure*
 - *Use of Public Footpaths and Roads for Business Purposes*
 - *Memorials.*
3. The Chief Executive Officer be authorised to make amendments of a formatting and/or minor technical nature to ensure the currency of the above listed Council policies.

Introduction

Section 246 of the *Local Government Act 1999* (Act), provides for Councils to make By-laws for the good rule and government of an area, and for the convenience, comfort and safety of its community.

The City of West Torrens has five (5) By-laws, these being:

- By-law No.1 - Permits and Penalties
- By-law No.2 - Local Government Land
- By-law No.3 - Roads
- By-law No.4 - Moveable Signs
- By-law No.5 - Dogs.

The above By-laws expire on 1 January 2018 and are in the process of being reviewed in order to ensure that the new By-laws are in place prior to the expiry date.

Discussion

By-law Review Process

Review of Existing By- laws

The Administration has reviewed and updated the current By-laws with assistance from Kelledy Jones Lawyers to reflect legislative amendments including the revocation of the *Local Government Act 1934* and the introduction of the *Dog and Cat Management Act 1995* and *Local Nuisance and Litter Control Act 2016*.

The proposed By-laws were released for consultation to General Managers, Managers and relevant officers. Feedback from that process has been incorporated into the proposed By-laws which may be found at **Attachment 1**. An overview of the proposed major changes is provided below. Other amendments of a minor nature are shown as tracked changes in the attachment.

By-law No.1 - Permits and Penalties

- Clause 7.2 has been amended to allow the Council the ability to delegate the power to grant, revoke or vary permission to undertake the various activities regulated under its By-laws to the Administration or may otherwise authorise persons (by way of resolution) to exercise these powers. This is recommended to increase operational efficiency and avoids the need for By-law permit applications to be determined by the Council.
- An expiation fee clause has been inserted at clause 9.2. The expiation fee for breaches of any Council by-law is fixed as per the fee prescribed by the Act. However, this fee can be varied by resolution of the Council. Any expiation fee set by the Council cannot exceed \$187.50 (which is 25% of the maximum penalty for an offence under a by-law under the Act (currently \$750)).

By-law No.2 - Local Government Land

- Clauses 5.3 and 5.4 list the provisions of the By-law that only apply to areas that the Council has resolved they apply. This provides the Council the flexibility to determine the areas (if any) in respect of which these clauses will apply without the need to amend the By-law itself. Examples of where this may be applied include:
 - Clause 9.2 *Alcohol* - a provision to prevent liquor on a park or reserve that may be enforced in parks and reserves as an alternative to a prescribed dry zone established under the *Liquor Licensing Act 1997*.
 - Clause 9.4.1 *Animals* - a provision for preventing animals from entering, swimming and bathing (among other things) in local government land and waters.
 - Clause 9.23 *Games and Sport* - a provision to allow the Council flexibility to specifically include or preclude organised fitness (whether or not for a commercial purpose) from being conducted on local government land.
 - Clause 9.26 *Model Aircraft, Boats and Cars* - a provision to allow the Council flexibility to specifically include or preclude the flying or operating of model or drone aircraft, or model or remote control cars or boats on any Council land which Council has determined the restriction applies.
- Clauses 9.1.1 and 9.11.2 call up the *Council Policy - Advertising on Council Land and Public Infrastructure* and the *Council Policy - Memorials* respectively. This is on the basis that these policies envisage circumstances when advertising and the erection of memorials may be permitted on local government land. Incorporating the policies into the By-law in this manner means that both policies will need to be released for public consultation in conjunction with the proposed By-law.

By-law No.3 - Roads

- A definition of 'camp' has been inserted at clause 6.4. This is to ensure the By-law does not capture caravans and motorhomes (which are vehicles for the purposes of the Road Traffic Act 1961 (RT Act)) that are parked lawfully on a road (thereby avoiding any inconsistency with the RT Act, which would be grounds for the Legislative Review Committee to recommend a motion of disallowance of the By-law).

- An advertising clause has been inserted at clause 7.1 to provide for the permissions provided through the *Council Policy - Advertising on Council Land and Public Infrastructure* and through *By-law No. 4 - Moveable Signs*. Incorporating the policy into the By-law in this manner means that the policy will need to be released for public consultation in conjunction with the proposed By-law.
- Clause 10 Removal of Animals and Objects calls up the Council Policy - Use of Public Footpaths and Roads for Business Purposes; as such the policy will need to be made available for inspection as part of the public consultation process conducted for the By-laws.

By-law No.4 - Moveable Signs

- This By-law operates to give blanket permission for placement of moveable signs that comply with the requirements stipulated therein. The Council can still give permission for the placement of a sign contrary to a requirement of the By-law (e.g. allow a business to display more than one sign), where it is satisfied such permission is appropriate having regard to the location in which the sign is proposed to be placed. This is achieved through the Council Policy - Advertising on Council Land and Public Infrastructure. This policy will need to be released for public consultation in conjunction with the proposed By-law.
- To assist in enforcing clause 11.2 (relating to moveable signs on vehicles), clause 14 has been included to enable the Council to pursue either the owner or driver (if known) of a vehicle that is in contravention of this clause. The same clause has also been included in by-laws Nos. 2 and 3 since these By-laws also include provisions creating offences involving vehicles.

By-law No.5 - Dogs

- Clause 8 Dog Exercise Areas has been updated so that it serves to reinforce a person's obligation under the Dog and Cat Management Act 1995 (the DCM Act) to ensure that when exercising a dog in a park (as defined under the DCM Act), the dog is under effective control (i.e. which may or may not be by means of physical restraint). This clause does create an offence provision.

Legislative Review Process

By-laws are required to undergo a rigid legislative process before they can be adopted by Council. A copy of the complete process and associated timeline has been included at **Attachment 2**.

Key steps of this process include:

1. By-law No.5 - Dogs must be referred to the Dog and Cat Management Board for approval at least 21 days before the proposed By-laws are released for public consultation.
2. By-law No.2 - Local Government Land and By-law No.5 - Dogs must be referred to the Minister for Transport and Infrastructure for approval prior to public consultation.
3. All five (5) proposed By-laws must be released for public consultation for a period of at least 21 days. Associated policies must be released for consultation at the same time.
4. The lawyers will prepare Certificates of Validity, a National Competition Policy report and Legislative Review Committee report for each of the By-laws.

At the conclusion of the key steps Council may revoke the existing By-laws and formally make the new By-laws. The By-laws can only be made at a meeting of Council where at least two-thirds of the members of Council are present and then only by an absolute majority of the members of Council. It is anticipated that the new-By laws will be presented to Council at the meeting of 16 May 2017.

After Council adoption the By-laws will be referred to the Legislative Review Committee and presented to Parliament. At the conclusion of this process they will be published in the Government Gazette and commence operation four months from the date they are gazetted.

Public Consultation Process

Pursuant to s249 of the Act, the proposed By-laws and any related Council policies must be made available for public consultation prior to their adoption by Council.

The Administration has reviewed the three Council policies referenced in the proposed By-laws and recommended changes accordingly. The proposed changes are as follows:

Council Policy - Advertising on Council Land and Public Infrastructure (Attachment 3)

The *Council Policy - Advertising on Council Land and Public Infrastructure* was last reviewed in November 2016. Minor changes have been made to the order of the policy to avoid duplication of clauses.

Council Policy - Use of Public Footpaths and Roads for Business Purposes (Attachment 4)

The *Council Policy - Use of Public Footpaths and Roads for Business Purposes* was last reviewed in November 2012. Minor changes have been made to the order of the policy. The only proposed change to the policy statement is to remove the clause related to smoking in outdoor dining areas as outdoor dining areas were declared to be smoke free in 2016 as a result of legislative change.

Council Policy - Memorials (Attachment 5)

The *Council Policy - Memorials* was last reviewed in July 2015. Minor changes are proposed in order to reflect current practices. Proposed changes have been marked using tracked changes in the document.

It is proposed that public consultation on the proposed By-laws and Council policies be undertaken for a three week period, between 17 March 2017 and 10 April 2017, to provide a reasonable opportunity for interested persons to consider the content before providing a response.

This consultation will take the form of a public notice posted in both the Coast City Weekly and Westside Weekly Messenger Newspapers. Notices will also be placed in the Civic Centre and Hamra Centre Library in accordance with *Council Policy - Public Consultation*. Information will also be placed on Council's social media pages.

Conclusion

The Council's By-laws numbered 1-5 will expire on 1 January 2018. It is necessary to complete the legislated review process for By-laws prior to this date.

Attachments

1. **Proposed Council By-laws Nos 1-5 of 2017**
2. **Proposed By-Law Review Timetable February 2017**
3. **Draft Council Policy - Advertising on Council Land and Public Infrastructure**
4. **Draft Council Policy - Use of Public Footpaths and Roads for Business Purposes**
5. **Draft Council Policy - Memorials**



PERMITS AND PENALTIES BY-LAW 2017

By-law No. 1 of 2017

A By-law to create a permit system for Council By-laws, to fix maximum and continuing penalties for offences, and to clarify the construction of Council By-laws.

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PART 1 – PRELIMINARY**1. Title**

This By-law may be cited as the *Permits and Penalties By-law 2017* and is By-law No. 1 of the City of West Torrens.

2. Authorising law

This By-law is made under section 246 of the *Local Government Act 1999*.

3. Purpose

The objects of this By-law are to provide for the good rule and government of the Council area, and for the convenience, comfort and safety of its inhabitants by:

- 3.1. creating a permit system for Council By-laws;
- 3.2. providing for the enforcement of breaches of Council By-laws and fixing penalties; and
- 3.3. clarifying the construction of Council By-laws.

4. Commencement, revocation and expiry

- 4.1. The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:

4.1.1 *By-law No. 1 – Permits and Penalties 2010*.

- 4.2. This By-law will expire on 1 January 2025.²

Note-

1. Generally a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
2. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

5. Application

- 5.1. This By-law applies throughout the Council area.

6. Definitions

In this By-law, unless the contrary intention appears:

- 6.1. **Act** means the *Local Government Act 1999*;

6.1. **Authorised person** means a person appointed by the Council as an authorised person under section 260 of the Act;

Comment [A1]: Inclusion of definition

6.1.6.2. **Council** means the City of West Torrens;

6.2.6.3. **person** includes a natural person, a body corporate or an incorporated association.

Comment [A2]: Definition modified to include natural person and incorporated association

City of West Torrens

Permits and Penalties By-law 2017

Note-

Section 14 of the *Acts Interpretation Act 1915* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Act.

7. Construction of By-laws generally

7.1. Every By-law of the Council is subject to any Act of Parliament and Regulations made thereunder.

7.2. In any By-law of the Council, unless the contrary intention appears, permission means permission of the Council, (or such other person as the Council may authorise), granted in writing prior to the act (including by way of a Council policy), event or activity to which it relates.

Comment [A3]: The Council is able to delegate the power to grant, revoke or vary permission to undertake the various activities regulated under its by-laws to Council staff or may otherwise authorise persons (by way of resolution) to exercise these powers. This is recommended to increase operational efficiency and avoids the need for by-law permit applications to be determined by the Council.

PART 2 – PERMITS AND PENALTIES

8. Permits

8.1. Where a By-law requires that permission be obtained, any person seeking the grant of permission must submit a written application to the Council in the form (if any) and accompanied by the fee (if any) prescribed by the Council.

8.2. The Council (or such other person as the Council may authorise) may attach such conditions as it thinks fit to a grant of permission, and may vary or revoke such conditions or impose new conditions by notice in writing to the person granted permission.

Comment [A4]: Provision of authorisation

8.3. A person granted permission must comply with every such condition. Failure to do so is an offence (to the extent that it gives rise to a contravention of a By-law).

Comment [A5]: Confirmed for avoidance of doubt that it is an offence

8.4. The Council (or such other person authorised by the Council) may suspend or revoke a grant of permission at any time by notice in writing to the person granted permission.

9. Offences and penalties

9.1. A person who commits a breach of any By-law of the Council is guilty of an offence and may be liable to pay:

9.1.1 the maximum penalty, being the maximum penalty referred to in the Act that may be fixed for any breach of a By-law; or

9.1.1.2 subject to any resolution of the Council to the contrary, the expiation fee fixed by the Act for alleged offences against By-laws, being a fee equivalent to 25 per cent of the maximum penalty fixed for any breach of a By-law.

Comment [A6]: An expiation fee clause has been inserted (refer clause 9.2). The expiation fee for breaches of any Council by-law is fixed as per the fee prescribed by the Act. However, as reinforced in this clause, this fee can be varied by resolution of the Council. Any expiation fee set by the Council cannot exceed \$187.5 (which is 25% of the maximum penalty for an offence under a by-law under the Act (currently \$750)).

9.2. A person who commits a breach of a By-law of the Council of a continuing nature is guilty of an offence and, in addition to any other penalty that may be imposed, is liable to a further penalty for every day on which the offence continues, such penalty being the maximum amount referred to in the Act that may be fixed by a By-law for a breach of a By-law of a continuing nature.

Note-

The maximum penalty for a breach of a By-law is currently \$750.00, and the maximum penalty for every day in which a breach of a continuing nature continues is currently \$50.00 – see section 246(3)(g) of the Act.

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City of West Torrens

Permits and Penalties By-law 2017

Pursuant to section 246(5) of the Act expiation fees may be fixed for alleged offences against by-laws either by a by-law or by resolution of the Council. However, an expiation fee fixed by the Council cannot exceed 25 per cent of the maximum penalty prescribed by the Act for a breach of a By-law.

Comment [A7]: Note that the expiation fee can only be limited in accordance with the Act

This By-law was duly made and passed at a meeting of the City of West Torrens held on the [INSERT DATE] by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....
Terry Buss
Chief Executive Officer

City of West Torrens

Local Government Land By-law 2017

**LOCAL GOVERNMENT LAND BY-LAW 2017****By-law No. 2 of 2017**

A By-law to manage and regulate the access to and use of Local Government land (other than roads), and certain public places.

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PART 1 – PRELIMINARY**1. Title**

This By-law may be cited as the *Local Government Land By-law 2017* and is By-law No. 2 of the City of West Torrens..

2. Authorising law

This By-law is made under sections 238 and 246 of the *Local Government Act 1999* and section 18A of the *Harbours and Navigation Act 1993*.

Comment [A1]: Inclusion of reference to Harbours and Navigation Act 1993 for dealing with foreshore matters.

3. Purpose

The objects of this By-law are to regulate the access to and use of Local Government land (other than roads), and certain public places:

- 3.1. to prevent and mitigate nuisances;
- 3.2. to prevent damage to Local Government land;
- 3.3. to protect the convenience, comfort and safety of members of the public;
- 3.4. to enhance the amenity of the Council area; and
- 3.5. for the good rule and government of the area.

4. Commencement, revocation and expiry

- 4.1. The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:

4.1.1 *Local Government Land By-law No. 22010.*²

- 4.2. This By-law will expire on 1 January 2025.³

Note-

1. Generally a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

5. Application

- 5.1. This By-law operates subject to the Council's *Permits and Penalties By-law 2017*.
- 5.2. Subject to clauses 5.3 & 5.4, this By-law applies throughout the Council area.

5.3. Clauses 9.2, 9.8.1, 9.9.2, 9.23.1, 9.23.3-9.23.5, 9.26.2, 9.38, 10.4 and 10.9 of this By-law only apply in such parts of the Council area as the Council may by resolution direct in accordance with section 246(3)(e) of the Act.

5.4. Clauses 9.4.1(c), 9.8.3, 9.12.2(b) and 9.33.1 of this By-law apply throughout the Council area except in such parts of the Council area as the Council may by resolution direct in accordance with section 246(3)(e) of the Act.

6. Definitions

In this By-law, unless the contrary intention appears:

6.1. **Act** means the *Local Government Act 1999*;

6.2. **animal or animals** includes birds and insects but does not include a dog;

6.3. **authorised person** is a person appointed by the Council: as an authorised person under section 260 of the Act;

6.4. **boat** includes a raft, pontoon or personal watercraft or other similar device;

6.5. **camp** includes setting up a camp, or causing a tent, caravan or motor home to remain on the land for the purpose of staying overnight, whether or not any person is in attendance or sleeps on the land;

6.6. **children's playground** means an enclosed area in which there is equipment or other devices installed for the purpose of children's play (or within 3 metres of such devices if there is no enclosed area);

6.7-6.6. **Council** means the City of West Torrens;

6.8-6.7. **effective control** means a person exercising effective control of an animal either:

6.8-6.7.1 by means of a physical restraint; or

6.8-6.7.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;

6.9-6.8. **electoral matter** has the same meaning as in the *Electoral Act 1985* provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity;

6.9. **emergency vehicle** has the same meaning as in the *Australian Road Rules and the Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*;

6.10. **emergency worker** has the same meaning as in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 1999/2014*;

6.11. **foreshore** means land extending from the low water mark on the seashore in the Council's area to the nearest road or section boundary, or for a distance of 50 metres from the high water mark (whichever is the lesser);

6.11-6.12. **funeral ceremony** means a ceremony only (i.e. a memorial service) and does not include a burial;

Comment [A2]: - . Clauses 5.3 and 5.4 lists those provisions of the By-law that only apply to areas that the Council has either resolved they apply or don't apply (these clauses are also contained by-laws 2,3 and 5). These provisions are drafted this way to avoid a 'blanket' application (which may be unacceptable to Parliament) and to provide flexibility for the Council so that it has the freedom, at any time, to determine the areas (if any) in respect of which the provisions will (or won't) apply, without the need to amend the By-law itself.

Importantly, the Local Government Act 1999 requires that a determination of areas to which certain provisions of the Council's by-law apply must be made by way of formal resolution. This means that the power to determine the areas cannot be delegated. Further, pursuant to section 246(4a) of the Act, any such resolution of Council must be published in the Gazette and a local newspaper circulating within the area of Council.

Comment [A3]: Inclusion of definition

Comment [A4]: 1.1.No longer relevant as smoking in playgrounds is dealt with in the *Tobacco Products Regulation Act 1997*;

Comment [A5]: Inclusion of definition

Comment [A6]: Inclusion of definition

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6.12.6.13. liquor has the same meaning as in the *Liquor Licensing Act 1997*;

6.13.6.14. Local Government land means all land owned by the Council or under the Council's care, control and management (except roads);

6.15. low water mark means the lowest meteorological tide;

Comment [A7]: Inclusion of definition

6.14.6.16. offensive includes threatening, abusive, insulting or annoying behaviour and offend has a complementary meaning;

6.15.6.17. open container means a container which:

- (a) after the contents of the container have been sealed at the time of manufacture;
 - (i) being a bottle, it has had its cap, cork or top removed (whether or not it has since been replaced);
 - (ii) being a can, it has been opened or punctured;
 - (iii) being a cask, it has had its tap placed in a position to allow it to be used;
 - (iv) being any other form of container, it has been opened, broken, punctured or manipulated in such a way as to allow access to its contents; or
 - (v) is a flask, glass, mug or other container able to contain liquid.

6.18. personal watercraft means a device that –

Comment [A8]: Inclusion of definition

6.18.1 is propelled by a motor; and

6.18.2 has a fully enclosed hull; and

6.18.3 is designed not to retain water if capsized; and

6.18.4 is designed to be operated by a person who sits astride, stands, or kneels on the device;

and includes the device commonly referred to as a jet ski;

6.19. special event means an organised gathering of at least 15 persons or more that is for sporting, educational, recreational, political, artistic, cultural, religious or social purposes.

Comment [A9]: Inclusion of definition

6.16.6.20. tobacco product has the same meaning as in the *Tobacco Products Regulation Act 1997*;

6.17.6.21. vehicle has the same meaning as in the *Road Traffic Act 1961*;

6.18.6.22. waters includes a body of water, including a pond, lake, river, creek or wetlands under the care, control and management of the Council, but does not include ocean waters; and

Comment [A10]: This has been required by DPTI in obtaining approvals from the Minister

6.23. wheeled recreational device has the same meaning as in the *Road Traffic Act 1961*.

Comment [A11]: Inclusion of definition

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Note-

Section 14 of the *Acts Interpretation Act 1915* provides that an expression used in a By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law was made.

PART 2 – ACCESS TO LOCAL GOVERNMENT LAND**7. Access****Note-**

Pursuant to section 238(3) of the Act, if a Council makes a By-law about access to or use of a particular piece of Local Government land (under section 238), the Council should erect a sign in a prominent position on, or in the immediate vicinity of, the land to which the By-law applies.

The Council may:

- 7.1. close, or regulate or restrict access to, any part of Local Government land to the public for specified times and days; and
- 7.2. fix charges or fees payable for entry onto any part of Local Government land.

8. Closed lands

A person must not without permission, enter or remain on any Local Government land:

- 8.1. which has been closed, or in respect of which access by the public is regulated or restricted in accordance with clause 7.1;
- 8.2. where entry fees or charges are payable, without paying those fees or charges; or
- 8.3. where the land has been enclosed by fences and/or walls and gates that have been closed and locked.

PART 3 – USE OF LOCAL GOVERNMENT LAND**9. Activities requiring permission****Note-**

Pursuant to section 238(3) of the Act, if a Council makes a By-law about access to or use of a particular piece of Local Government land (under section 238), the Council should erect a sign in a prominent position on, or in the immediate vicinity of, the land to which the By-law applies.

A person must not without the permission of the Council, do any of the following on Local Government land.

9.1. Advertising

Subject to clause 14.2, display, paint or erect or cause to be displayed, painted or erected, on Local Government land or a structure, building or fixture on Local Government land any sign or hoarding for the purpose of commercial advertising or any other purpose unless:

Comment [A12]: Addition of 'cause to' as an offence to aid with enforcement to include people who 'allow things

9.1.1 the sign or hoarding is permitted to be displayed or erected in accordance with the Council Policy Advertising on Council Land and Related Public Infrastructure (as may be amended from time to time); or

Comment [A13]: Includes references Policy to ensure consistency with both documents

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<p>9.1.19.1.2 <u>the sign is a moveable sign that is displayed on a road in accordance with Council's <i>Moveable Signs By-Law 2017</i>.</u></p>	<p>Comment [A14]: Name is consistent with name in title clause</p>
<p>9.2. <u>Aircraft</u></p>	
<p><u>Subject to the Civil Aviation Act 1988, land any aircraft on, or take off any aircraft from the land.</u></p>	<p>Comment [A15]: Removed as redundant clause. Penalties would apply under the Civil Aviation Act 1988</p>
<p>9.3.9.2. <u>Alcohol</u></p>	<p>Comment [A16]: Clause 9.2 regarding alcohol is a provision that may be enforced as an alternative to a prescribed dry zone established under the Liquor Licensing Act 1997. However, the areas in respect of which this clause can apply are limited to parks or reserves (i.e. as defined under the LG Act) by virtue of section 238(2)(b) of the LG Act 1999. The prohibition or regulation of alcohol in respect of other public places (including on the foreshore) can only occur in accordance with the Liquor Licensing Act 1997.</p>
<p>Consume, carry or be in possession or in charge of any liquor on Local Government land comprising parks or reserves to which the Council has determined this paragraph applies.</p>	
<p>9.4.9.3. <u>Amplification</u></p>	
<p>Use an amplifier or other mechanical or electrical device for the purpose of <u>amplifying or</u> broadcasting sound, or magnifying sound, <u>to an audience.</u></p>	
<p>9.5.9.4. <u>Animals</u></p>	
<p>9.5.19.4.1 <u>On Local Government land other than the foreshore:</u></p>	
<p>(a) cause or allow an animal to stray onto, move over, graze or be left unattended <u>on Local Government land;</u> or</p>	<p>Comment [A17]: Removal of duplication</p>
<p>(b) cause or allow an animal to enter, swim, bathe or remain in any waters located on Local Government land; or</p>	
<p>(c) lead, herd, <u>drive</u> or exercise an animal, except where the Council has set aside a track or other area for use by or in connection with an animal of that kind, and provided that the animal or animals are under effective control.</p>	<p>Comment [A18]: Another adjective to describe movement of animals</p>
<p>9.5.29.4.2 <u>On Local Government land comprising the foreshore lead, herd or exercise a sheep, cow, goat or horse.</u></p>	
<p>9.6.9.5. <u>Annoyance</u></p>	
<p>Do anything likely to offend or unreasonably interfere with any other person:</p>	
<p>9.6.49.5.1 <u>using that land; or</u></p>	
<p>9.6.29.5.2 <u>occupying nearby premises;</u></p>	
<p>by making a noise or creating a disturbance.</p>	
<p>9.7.9.6. <u>Attachments</u></p>	
<p><u>Subject to clause 9.1, attach or cause to be attached, hang or fix</u> anything to a tree, plant, equipment, fence, post, structure or fixture on Local Government land.</p>	<p>Comment [A19]: Updating clause to reflect numbering change and adding 'cause to' as an offence</p>
<p>9.8.9.7. <u>Bees</u></p>	
<p>Place a hive of bees on such land, or allow it to remain thereon.</p>	
<p>9.9.9.8. <u>Boats</u></p>	

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Subject to the provisions of the *Harbours and Navigation Act 1993* and the *Marine Safety (Domestic Commercial Vessel) National Law*:

9.9.49.8.1 launch or retrieve a boat from or to any Local Government land to which the Council has determined this subclause applies;

9.9.29.8.2 launch or retrieve a boat from or to any Local Government land or from any waters other than from a boat ramp constructed for that purpose;

9.9.39.8.3 propel, float or otherwise use a boat on or in any waters; except:

(a) in an area to which the Council has resolved (if any); and

(b) in accordance with any conditions that the Council may have determined by resolution apply to that use;

9.9.49.8.4 hire out a boat or otherwise use a boat for commercial purposes;

9.9.59.8.5 moor a boat on any waters or to a pontoon attached to Local Government land.

Comment [A20]: New clause to give Council some discretionary power if we want people to use boats on the Torrens e.g. rowing

9.9. Boat Ramps

9.9.1 Allow any vehicle or boat to remain stationary on any boat ramp longer than is necessary to launch or retrieve a boat.

9.9.2 Launch or retrieve a boat from or on to any boat ramp on Local Government land to which the Council has determined this clause applies other than in accordance with the conditions determined by the Council, including any condition specified on a sign displayed on or in the vicinity of the boat ramp.

Comment [A21]: Included to address boat ramps, which is based on similar clauses included in other metropolitan council by-laws. It may be removed if the Council does not consider it to be relevant/necessary having regard to its current needs and requirements. The clause is drafted so that any launch permit or short term ticket issued in relation to a boat ramp may be subject to any conditions the Council sees fit (i.e. including, in the case of a launch permit, a condition that requires payment of a permit fee and/or requiring the placement of the permit/ticket on the dash of the towing vehicle).

9.10. Buildings

Use a building, or structure on Local Government land for a purpose other than its intended purpose.

9.11. Burials and Memorials

9.11.1 Bury, inter or spread the ashes of any human or animal remains.

9.11.2 Erect any memorial except for a temporary memorial erected in accordance with the Council Policy Memorials (as may be amended from time to time).

Comment [A22]: Reference included to ensure consistency with by-law and policy as some permissions are granted through the policy

9.12. Camping and Tents

9.12.1 Erect a tent or other structure of calico, canvas, plastic or similar material as a place of habitation.

9.12.2 Camp or stay overnight except;

(a) -where a person is in a caravan park on Local Government land, the proprietor of which has been given permission by Council to operate the caravan park on that land; or

(a)(b) in an area to which the Council has resolved this subclause applies (if any) and in accordance with such time limits and other conditions determined by resolution of the Council (if any).

Comment [A23]: Enables ability to designate permission by resolution

9.13. *Canvassing*

Convey any advertising, religious or other message to any bystander, passer-by or other.

9.14. *Defacing Property*

Deface, paint, spray, write, cut names, letters or make marks on any tree, rock, gate, fence, building, sign, bridge or property of the Council.

9.15. *Distribution*

Subject to clause 14.2 and the *Local Nuisance and Litter Control Act 2016*, place on a vehicle (without the consent of the owner of the vehicle), or give out or distribute any book, leaflet, or other printed matter to any bystander, passer-by or other person.

9.16. *Donations*

Ask for or receive or indicate that he or she desires a donation of money or any other thing.

9.17. *Entertainment and Busking*

9.17.1 Sing, busk or play a recording or use a musical instrument for the apparent purpose of either entertaining others or receiving money.

9.17.2 Conduct or hold a concert, festival, show, public gathering, circus, meeting, performance or any other similar activity.

9.18. *Equipment*

Use an item of equipment, facilities or property belonging to the Council if that person is of or over the age indicated by a sign or notice as the age limit for using such equipment, facility or property.

9.19. *Fires*

Subject to the *Fire and Emergency Services Act 2005*, light any fire except:

9.19.1 in a place provided by the Council for that purpose; or

9.19.2 in a portable barbeque, as long as the barbeque is used in an area that is clear of flammable material for a distance of at least four (4) metres.

9.20. *Fireworks*

Ignite or discharge any fireworks.

9.21. *Flora and Fauna*

Subject to the *Native Vegetation Act 1991* and the *National Parks and Wildlife Act 1972*:

- 9.21.1 damage, pick, disturb, interfere with or remove any plant or flower thereon;
- 9.21.2 cause or allow an animal to stand or walk on any flower bed or garden plot;
- 9.21.3 deposit, dig, damage, disturb, interfere with or remove any soil, stone, wood, clay, gravel, pebbles, timber, bark or any part of the land;
- 9.21.4 take, interfere with, tease, harm or disturb any animal, bird or marine creature or the eggs or young of any animal, bird or marine creature;
- 9.21.5 pick, collect, take, interfere with or disturb any fruit, nuts, berries or native seeds;
- 9.21.6 disturb, interfere with or damage any burrow, nest or habitat of any animal or bird;
- 9.21.7 use, possess or have control of any device for the purpose of killing or capturing any animal, bird or marine creature; or
- 9.21.8 burn any timber or dead wood.

9.22. Foreshore

On Local Government land comprising the foreshore:

- 9.22.1 drive or propel a vehicle onto or from the foreshore other than by a ramp or thoroughfare constructed or set aside by the Council for that purpose;
- 9.22.2 allow a vehicle to remain stationary on the foreshore;
- 9.22.3 drive or propel a vehicle on the foreshore except on an area that is constructed or set aside by the Council for that purpose;
- 9.22.4 launch or retrieve a boat from or to the foreshore without using a boat ramp or thoroughfare constructed or set aside by the Council for that purpose;
- 9.22.5 allow a vehicle to remain stationary on a boat ramp longer than is necessary to launch or retrieve a boat; or

9.23. Games & Sport

- 9.23.1 Participate in, promote or organise any organised competition or sport—as distinct from organised social play except on Local Government land to which the Council has resolved this subclause applies.
- 9.23.2 Play or practise any game which involves kicking, hitting or throwing a ball or other object on Local Government land which may cause or be likely to cause injury or discomfort to a person being on

or in the vicinity of that land or detract from or be likely to detract from another person's lawful use and enjoyment of that land.

9.23.3 Play or practise the game of golf on Local Government land to which the Council has resolved this subclause applies.

9.23.4 ~~Engage or participate in or conduct any organised group fitness activity or training on Local Government land to which the Council has resolved this subclause applies.~~

9.23.5 ~~Play or practise any game or sport on Local Government land to which the Council has resolved this subclause applies except at the times determined by the Council and indicated on any sign on or in the vicinity of the land.~~

Comment [A24]: additional provision included for the Council's consideration. It has been inserted to allow the Council flexibility to specifically preclude organised fitness (whether or not for a commercial purpose) from being conducted on any local government land determined by the Council

Comment [A25]: Ability to give permission by resolution

9.24. Interference with Local Government land

Interfere with, alter or damage the land (including a building, structure or fixture located on the land) including:

9.24.1 altering the construction or arrangement of the land to permit or facilitate access from an adjacent property;

9.24.2 erecting or installing a structure in, on, across, under or over the land;

9.24.3 changing or interfering with the construction, arrangement or materials of the land;

9.24.4 planting a tree or other vegetation on the land, interfering with the vegetation on the land or removing vegetation from the land; or

9.24.5 otherwise use the land in a manner contrary to the purpose for which the land was designed to be used.

9.25. ~~Litter~~

~~9.25.1 Throw, cast, place, deposit or leave any rubbish, dirt or refuse of any kind whatsoever except in a garbage container provided for that purpose.~~

~~9.25.2 Deposit any soil, clay, stone, gravel, green waste or other putrescible waste or any other matter.~~

Comment [A26]: Consequent upon Parliament having made the *Local Nuisance and Litter Control Act 2015* (the LNLC Act), the 'litter', 'waste' and bill posting provisions from the LG Land By-law have been removed or refined and the bill posting provision from the Roads By-law has been removed. These changes were necessary to avoid duplication with the LNLC Act.

~~9.26.~~ 9.25. Marine Life

Introduce any aquatic flora and fauna to any waters located on Local Government land.

9.27. 9.26. Model Aircraft, Boats and Cars

~~Fly~~ Subject to the Civil Aviation Safety Regulations 1998:

9.27.19.26.1 ~~fly~~ or operate a model or drone aircraft, boat or model or remote control ~~vehicle~~ car in a manner which may cause or be likely to cause injury or discomfort to a person being on or in the vicinity of

Comment [A27]: Inclusion to limit the use of drones

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the land, or detract from or be likely to detract from another person's lawful use of and enjoyment of the land; or

9.26.2 ~~fit or operate a model or drone aircraft, boat or model or remote control car on any Local Government land to which the Council has resolved this subclause applies.~~

Comment [A28]: Ability to give permission by resolution

9.28-9.27. *Overhanging Articles or Displaying Personal Items*

Suspend or hang an article or object from a building, verandah, pergola, post or other structure on Local Government land where it might present a nuisance or danger to a person using the land or be of an unsightly nature.

9.29-9.28. *Playing Area*

Use or occupy a playing area:

9.29-9.28.1 in such a manner as to damage or be likely to damage the surface of the playing area or infrastructure (above and under ground level);

9.29-9.28.2 in a manner contrary to the purpose for which the playing area was intended to be used or occupied; or

9.29-9.28.3 contrary to directions of the Council made by resolution and indicated on a sign displayed adjacent to the playing area.

9.30-9.29. *Pontoons*

Install or maintain a pontoon or jetty in any waters.

9.31. *Posting of Bills*

~~Subject to clause 14.2, post or allow or cause to be posted any bills, advertisements or other papers or items on a building or structure on Local Government land or in a public place.~~

Comment [A29]: Removed due to introduction of LNL Act

9.32-9.30. *Preaching*

Preach, harangue or solicit for religious purposes.

9.33-9.31. *Ropes*

Place a buoy, cable, chain, hawser, rope or net in or across any waters.

9.32. *Rubbish and Rubbish Dumps*

9.32.1 ~~Interfere with, remove or take away any rubbish that has been discarded at any rubbish dump on Local Government land.~~

9.32.2 ~~Remove, disperse or interfere with any rubbish (including bottles, newspapers, cans, containers or packaging) that has been discarded in a bin on any Local Government land, or placed on Local Government land for collection by the Council (or its agent).~~

Comment [A30]: New clause to prohibit interference with waste.

9.34-9.33. *Swimming*

Comment [A31]: Broaden list of prohibited activities

Subject to the provisions of the *Harbours and Navigation Act 1993*, enter, swim in, bathe or engage in any aquatic activity in any waters except:

9.34-49.33.1 in an area which the Council has determined may be used for such purposes; and

9.34-29.33.2 in accordance with any conditions that the Council may have determined by resolution apply to such use.

9.35-9.34. Trading

Comment [A32]: Captures all predictable enforcement circumstances

9.35-49.34.1 Sell, buy, offer or display anything for sale or hire or lease any goods, merchandise, commodity, article or thing.

9.34.2 Set up a van or other vehicle, stall, stand, table or other structure, tray, carpet or device for the apparent purpose of buying, selling, offering, displaying or exposing for sale or the hiring or leasing of any goods, merchandise, commodity, article, service or thing.

9.36-9.35. Vehicles

9.36-49.35.1 Drive or propel a vehicle except on any Local Government land constructed and set aside by the Council for that purpose.

9.36-29.35.2 Promote, organise or take part in a race, test or trial of any kind in which vehicles take part, except on an area properly constructed for that purpose.

9.36-39.35.3 Repair, wash, paint, panel beat or carry out other work to a vehicle, except for running repairs in the case of a breakdown.

9.37-9.36. Weddings, Functions and Special events

9.37-49.36.1 Hold, conduct or participate in a marriage ceremony, funeral or special event.

9.37-29.36.2 Erect a marquee, stage or structure for the purpose of holding or conducting a wedding, funeral or special event.

9.37-39.36.3 Hold or conduct any filming where the filming is for a commercial purpose.

9.37. Vehicles

Comment [A33]: Removal of clauses dealt with under other legislation

Repair, wash, paint, panel beat or perform other work of a similar nature to a vehicle, except for running repairs in the case of a vehicle breakdown.

9.38. Wheeled Recreational Devices

Comment [A34]: Inclusion of provision to deal with offences subject to Road Traffic Act

Subject to the Road Traffic Act 1961, ride a wheeled recreational device on Local Government land to which the Council has determined this clause applies.

10. Prohibited activities

A person must not do any of the following on Local Government land.

10.1. *Animals*

- 10.1.1 Cause or allow any animal to enter, swim, bathe or remain in any waters to the inconvenience, annoyance or danger of any other person bathing or swimming.
- 10.1.2 Cause or allow an animal to damage a flowerbed, garden plot, tree, lawn or like thing or place.
- 10.1.3 Lead, herd or exercise a horse in such manner as to cause a nuisance or endanger the safety of a person.

10.2. Climbing

Climb on or over any fixture, fitting, plant, object or building other than a playground or similar area that the Council has set aside for the purpose.

Comment [A35]: New clause to consider in order to limit climbing over facilities such as the war memorial

40.2.10.3. Equipment

Use any item of equipment, facilities or property belonging to the Council other than in the manner and for the purpose for which it was designed, constructed or intended to be used or in such manner as is likely to damage or destroy it.

40.3.10.4. Fishing

Fish in any waters to which the Council has determined this subclause applies.

40.4.10.5. Glass

Willfully break any glass, china or other brittle material.

40.5.10.6. Interference with Permitted Use

Interrupt, ~~disrupt~~ or unreasonably interfere with any other person's use of Local Government land where the person is using the land in a manner permitted by the Council or in accordance with any which is permitted or for which permission that have been has been granted by the Council.

Comment [A36]: Meaning of clause clarified

40.6.10.7. Nuisance

Behave in such an unreasonable manner as to cause discomfort, inconvenience, annoyance or offence to any other person.

40.7.10.8. Playing games

Play or practise a game:

40.7.10.8.1 which is likely to cause damage to the land or anything on it; or

40.7.210.8.2 in any area where a sign indicates that the game is prohibited.

40.8.10.9. Smoking

Subject to the *Tobacco Products Regulation Act 1997*, smoke, hold or otherwise have control over an ignited tobacco product on any land to which the Council has determined this subclause applies.

Comment [A37]: Reflects legislative change within the last seven years

40.9.10.10. Solicitation

Tout or solicit customers for the parking of vehicles or for any other purpose whatsoever.

~~40.40.10.11.~~ *Throwing objects*

Throw, roll, project or discharge a stone, substance or other missile, excluding sport and recreational equipment designed to be used in that way.

~~40.44.10.12.~~ *Toilets*

In any public convenience on Local Government land:

~~40.44.110.12.1~~ urinate other than in a urinal or pan or defecate other than in a pan set apart for that purpose;

~~40.44.210.12.2~~ deposit anything in a pan, urinal or drain which is likely to cause a blockage;

~~40.44.310.12.3~~ use it for a purpose for which it was not designed or constructed;

~~40.44.410.12.4~~ enter a toilet that is set aside for use of the opposite gender except:

- (a) where a parent or adult guardian accompanies a child under the age of ten years; or
- (b) to provide assistance to a person with a disability; or
- (c) in the case of a genuine emergency.

Comment [A38]: Age limit increased for discretion of guardian

~~40.42.10.13.~~ *Waste*

~~40.42.110.13.1~~ Deposit or leave thereon:

- (a) anything obnoxious or offensive;

~~40.42.210.13.2~~ Deposit in a receptacle any rubbish emanating from domestic or trade purposes, unless designated by a sign or signs.

Comment [A39]: Clause updated to reflect the LNL Act

PART 4 – ENFORCEMENT

11. Directions

11.1. A person on Local Government land must comply with a reasonable direction from an authorised person relating to:

- 11.1.1 that person's use of the land;
- 11.1.2 that person's conduct and behaviour on the land;
- 11.1.3 that person's safety on the land; or
- 11.1.4 the safety and enjoyment of other persons on the land.

11.2. A person who, in the opinion of an authorised person, is likely to commit or has committed, a breach of this By-law must immediately comply with a direction of an authorised person to leave that part of Local Government land.

12. Orders

If a person fails to comply with an order of an authorised person made pursuant to section 262 of the Act in respect of a breach of this By-law, the Council may seek to recover its costs of any action taken under section 262(3) of the Act from the person to whom the order was directed.

Note-

Section 262(1) of the Act states:

(1) If a person (*the offender*) engages in conduct that is a contravention of this Act or a By-law under this Act, an authorised person may order the offender-

- (a) if the conduct is still continuing – to stop the conduct; and
- (b) whether or not the conduct is still continuing – to take specified action to remedy the contravention.

Subsections (2) and (3) of section 262 also provide that it is an offence to fail to comply with an order and that if a person does not comply, the authorised person may take action reasonably required to have the order carried out. For example, an authorised person may order a person to:

- cease smoking on Local Government land;
- remove an object or structure encroaching on Local Government land;
- dismantle and remove a structure erected on Local Government land without permission.

13. Removal of animals and objects

An authorised person may remove an animal or object that is on Local Government and in breach of a By-law if no person is in charge of, or apparently in charge of, the animal or object.

PART 5 – MISCELLANEOUS

14. Exemptions

14.1. The restrictions in this By-law do not apply to a police officer, emergency worker, Council officer or employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision of a Council officer.

14.2. The restrictions in clauses 9.1, 9.15 and 9.16 of this By-law do not apply to electoral matter authorised by a candidate and which is:

- 14.2.1 related to a Commonwealth or State election and occurs during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day; or
- 14.2.2 related to an election under the Act or the *Local Government (Elections) Act 1999* and occurs during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
- 14.2.3 related to, and occurs during the course of and for the purpose of a referendum.

15. Liability of vehicle owners

Comment [A40]: New clause to deal with offences involving motor vehicles

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- 15.1. For the purposes of this clause 15, *owner* in relation to a vehicle has the same meaning as contained in section 4 of the Act.
- 15.2. The owner and the driver of a vehicle driven, parked or standing in contravention of this by-law are each guilty of an offence and liable to the penalty as prescribed for that offence.

This By-law was duly made and passed at a meeting of the City of West Torrens held on the [INSERT DATE] by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....
Terry Buss
Chief Executive Officer

PROPOSED BY-LAW

City of West Torrens

Roads By-law 2017

City of **West Torrens**

Between the City and the Sea

ROADS BY-LAW 2017**By-law No. 3 of 2017**

A By-law to manage, control and regulate certain activities on roads in the Council's area.

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City of West Torrens

Roads By-law 2017

PART 1 – PRELIMINARY**1. Title**

This By-law may be cited as the *Roads By-law 2017* and is By-law No. 3 of the City of West Torrens..

2. Authorising law

This By-law is made under sections 239 and 246 of the *Local Government Act 1999* and regulation 28 of the *Local Government (General) Regulations 2013*.

3. Purpose

The objects of this By-law are to manage, control and regulate the prescribed uses of roads in the Council's area:

- 3.1. to protect the convenience, comfort and safety of road users and members of the public;
- 3.2. to prevent damage to buildings and structures on roads;
- 3.3. to prevent certain nuisances occurring on roads; and
- 3.4. for the good rule and government of the Council area.

4. Commencement, revocation and expiry

4.1. The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:

4.1.1 *Roads By-law No. 3 2010*.²

4.2. This By-law will expire on 1 January 2025.³

Note-

1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

5. Application

- 5.1. This By-law operates subject to the Council's *Permits and Penalties By-law 2017*.
- 5.2. Subject to clause 5.3, this By-law applies throughout the Council's area.
- 5.3. Clause 7.4.2 of this By-law apply throughout the Council area-- except in such parts of the Council area as the Council may by resolution direct in accordance with section 246(3)(e) of the Act.

Comment [A1]: Ability to give permission by resolution

6. Definitions

In this By-law, unless the contrary intention appears:

City of West Torrens

Roads By-law 2017

- 6.1. **Act** means the *Local Government Act 1999*;
- 6.2. **animal** includes birds, insects and poultry but does not include a dog;
- 6.3. **authorised person** is a person appointed by the Council as an authorised person under section 260 of the Act;

6.4. **camp** includes setting up a camp, or causing;

6.4.1. a tent, or other structure of calico, canvas, plastic or other similar material; or

6.4.2. subject to the *Road Traffic Act 1961*, a caravan or motor home;

to remain on a road for the purpose of staying overnight, whether or not any person is in attendance or sleeps on the road;

6.5. **Council** means the City of West Torrens;

6.4.6.6. **display** means to put something in a prominent place so in order that it may be readily seen;

6.5.6.7. **effective control** means a person exercising effective control of an animal either:

6.5.6.7.1. by means of a physical restraint; or

6.5.6.7.2. by command, the animal being in close proximity to the person, and the person being able to see the animal at all times;

6.6.6.8. **electoral matter** has the same meaning as in the *Electoral Act 1995* provided that such electoral matter is not capable of causing physical damage or injury to a person within its immediate vicinity;

6.7.6.9. **emergency worker** has the same meaning as in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 1999/2014*;

6.10. **moveable sign** has the same meaning as in the Act;

6.11. **public exhibition** means a display of works of art, or items of interest, including a demonstration of a skill held in area which is open to the public;

6.12. **road** has the same meaning as in the Act; and

6.8.6.13. **vehicle** has the same meaning as in the *Road Traffic Act 1961*.

Comment [A2]: «Clause 6.4.2 of the definition of 'camp' is subject to the *Road Traffic Act 1961*. This is to ensure the By-law does not capture caravans and motorhomes (which are vehicles for the purposes of the RT Act) that are parked lawfully on a road (thereby avoiding any inconsistency with the RT Act, which would be grounds for the Legislative Review Committee to recommend a motion of disallowance of the By-law).

Comment [A3]: Inclusion of definition

Comment [A4]: Inclusion of definitions

Note-

Section 14 of the *Acts Interpretation Act 1915* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law was made.

PART 2 – USE OF ROADS

7. Activities requiring permission

City of West Torrens

Roads By-law 2017

A person must not do any of the following activities on a road without the permission of the Council:

7.1. Advertising

Display or cause to be displayed on a road or on a structure on a road, any poster or sign for the purpose of advertising goods or services - except for:

7.1.1. a sign or poster that is permitted to be displayed or erected in accordance with the Council's Advertising on Council Land and Related Public Infrastructure Policy (as may be amended from time to time); or

Comment [A5]: Inclusion to allow for permissions provided through the policy

7.1.2. a moveable sign that is displayed on a road in accordance with the City of West Torrens By-law No. 4 Moveable Signs

Comment [A6]: Inclusion to allow for permissions granted through By-law No 4

7.1.7.2. Amplification

Use an amplifier or other device whether mechanical or electrical for the purpose of amplifying sound or magnifying sound including for the broadcasting of announcements or advertisements.

7.2.7.3. Animals

7.2.7.3.1. Cause or allow an animal to stray onto, move over, or graze on a road, except where the Council has set aside a track or other area for use by or in connection with an animal of that kind, and provided the animal or animals are under effective control.

7.2.7.3.2. Lead, herd or exercise an animal in such a manner as to cause a nuisance or endanger the safety of a person.

7.3.7.4. Camping and Tents

7.3.7.4.1. Erect a tent or other structure of calico, canvas, plastic or other similar material as a place of habitation.

7.4.2. Camp or remain overnight except for:

7.4.2.1. on a road to which the Council has resolved this subclause applies (if any); and

7.4.2.2. in accordance with any conditions determined by the Council and displayed on any signage on or near that road.

7.4.7.5. Obstructions

Subject to clause 11.2, erect, install or place or cause to be erected, installed or placed, any structure, object or material of any kind so as to obstruct a road, footway, water-channel, or watercourse in a road.

7.5. Posting of Bills

Subject to clause 11.2, post or allow or cause to be posted any bills, advertisements, or other papers or items on a building or structure on a road.

Comment [A7]: Removed due to introduction of LNLC Act

7.6.7.6. Preaching

City of West Torrens

Roads By-law 2017

Preach, harangue, solicit or canvass for religious or charitable purposes.

7.7 Public Exhibitions and Displays

- 7.7.1 Sing, busk, play a recording or use a music instrument, or perform similar activities.
- 7.7.2 Conduct or hold a concert, festival, show, circus, performance or a similar activity.
- 7.7.3 Erect a stage or structure for the purpose of conducting or holding a concert, festival, show, circus, performance or a similar activity.
- 7.7.4 Cause any public exhibitions or displays.

7.8 Soliciting

Ask for or receive or do anything to indicate a desire for a donation of money or any other thing.

~~7.6, 7.7.~~ Vehicles

Repair, wash, paint, panel beat or perform other work of a similar nature to a vehicle, except for running repairs in the case of a vehicle breakdown.

Note-

Moveable signs on roads are regulated by sections 226 and 227 of the Act and the Council's Moveable Signs By-law.

PART 3 – ENFORCEMENT

8. Directions

A person who, in the opinion of an authorised person is committing or has committed a breach of this By-law, must immediately comply with a direction of an authorised person to leave that part of the road.

9. Orders

If a person does not comply with an order of an authorised person made pursuant to section 262 of the Act in respect of a breach of this By-law, the Council may seek to recover its costs of any action taken under section 262(3) of the Act from the person to whom the order was directed.

Comment [A8]: Provides ability to recover costs through Civil remedies

Note-

Section 262(1) of the Act states:

(1) *If a person (the offender) engages in conduct that is a contravention of this Act or a By-law under this Act, an authorised person may order the offender-*

- (a) *if the conduct is still continuing – to stop the conduct; and*
- (b) *whether or not the conduct is still continuing – to take specified action to remedy the contravention.*

Subsections (2) and (3) of section 262 also provide that it is an offence to fail to comply with an order and that if a person does not comply, the authorised person may take action reasonably required to have the order carried out. For example, an authorised person may order a person to:

- cease busking on a road;
- remove an object or structure blocking a footpath;

City of West Torrens

Roads By-law 2017

- ~~remove bills posted on a structure on a road;~~
- dismantle and remove a tent from a road.

Comment [A9]: Removed due to the introduction of LNLG Act

10. **Removal of animals and objects**

Comment [A10]: Clarification to ensure consistency with legislative powers

10.1. The Council (or its delegate) may, pursuant to section 234 of the Act, remove an animal or object that is on a road in breach of a By-law if no person is in charge, or apparently in charge, of the animal or object.

10.2. The Council may recover from the owner or apparent owner of an object removed under clause 10.1. the costs it incurs in removing that object.

PART 4 – MISCELLANEOUS

11. **Exemptions**

11.1. The restrictions in this By-law do not apply to a police officer, emergency worker, Council officer or employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision of a Council officer.

11.2. Clause 7.5 does not apply to any object or structure erected, installed or placed on a road in accordance with the Council's Use of Public Footpaths and Roads for Business Purposes Policy (as may be amended from time to time).

Comment [A11]: Included to ensure consistency with Policy

11.3. The restrictions in clause 7.5 of this By-law do not apply to electoral matter authorised by a candidate and which is:

Comment [A12]: Will be dealt with in the LNLG Act

11.3.1 related to a Commonwealth or State election and occurs during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day; or

11.3.2 related to an election under the Act or the Local Government (Elections) Act 1999 and occurs during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or

11.3.3 related to, and occurs during the course of and for the purpose of a referendum.

12. **Liability of vehicle owners**

Comment [A13]: New clause to deal with offences involving motor vehicles

12.1. For the purposes of this clause 12, owner in relation to a vehicle has the same meaning as contained in section 4 of the Act.

12.2. The owner and the driver of a vehicle driven, parked or standing in contravention of this By-law are each guilty of an offence and liable to the penalty as prescribed for that offence.

City of West Torrens

Roads By-law 2017

This By-law was duly made and passed at a meeting of the City of West Torrens held on the [INSERT DATE] by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....
Terry Buss
Chief Executive Officer

PROPOSED BY-LAW



MOVEABLE SIGNS BY-LAW 2017

By-law No. 4 of 2017

A By-law to set standards for moveable signs on roads and to provide conditions for the placement of such signs for the purpose of protecting visual amenity and public safety.

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Moveable Signs By-law 2017

PART 1 – PRELIMINARY**1. Title**

This By-law may be cited as the *Moveable Signs By-law 2017* and is By-law No. 4 of the City of West Torrens.

2. Authorising law

This By-law is made under sections 226, 238, 239 and 246 of the *Local Government Act 1999*.

3. Purpose

The object of this By-law is to set standards for moveable signs on roads:

- 3.1. to protect the comfort and safety of road users and members of the public;
- 3.2. to enhance the amenity of roads and surrounding parts of the Council area;
- 3.3. to prevent nuisances occurring on roads;
- 3.4. to prevent unreasonable interference with the use of a road; and
- 3.5. for the good rule and government of the Council area.

4. Commencement, revocation and expiry

4.1. The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:

4.1.1 *Moveable Signs By-law No.4 2010*.²

4.2. This By-law will expire on 1 January 2025.³

Note-

1. Generally a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

5. Application

- 5.1. This By-law operates subject to the Council's *Permits and Penalties By-law 2017*.
- 5.2. This By-law applies throughout the Council area.

6. Definitions

In this By-law, unless the contrary intention appears:

- 6.1. **Act** means the *Local Government Act 1999*;

City of West Torrens

Moveable Signs By-law 2017

6.2. **authorised person** means a person appointed as an authorised person pursuant to section 260 of the Act;

6.3. **banner** means a strip of cloth, plastic or other material that is designed to be slung between two brackets, tied up at either end or hung from a pole, fence or other structure;

Comment [A1]: Inclusion of a definition for banner

6.3-6.4. **business premises** means premises from which a business is being conducted;

6.4-6.5. **Council** means the City of West Torrens;

6.5-6.6. **footpath area** means:

6.5-16.6.1 that part of a road between the property boundary of the road and the edge of the carriageway on the same side as that boundary;

6.5-26.6.2 a footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles;

6.7. **Local Government land** has the same meaning as in the Act;

Comment [A2]: Inclusion of definition

6.8. **moveable sign** has the same meaning as in the Act;

Comment [A3]: Inclusion of definition

6.6-6.9. **road** has the same meaning as in the Act; and

6.10. **vehicle** has the same meaning as in the Road Traffic Act 1961.

6.7-6.11. **for the purposes of this By-law, reference to a 'sealed part of a footpath' means that part of the footpath that is bituminized, paved or otherwise sealed by cement and/or pavers.**

Comment [A4]: Insertion of definition in order to clarify clause

Note-

Section 14 of the Acts Interpretation Act 1915 provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law was made.

PART 2 – MOVEABLE SIGNS

7. Construction and design

A moveable sign must:

7.1. be of kind known as an 'A' frame or sandwich board sign, an 'inverted 'T' sign, or a flat sign or, with the permission of the Council **(including by way of a policy adopted by the Council)**, a sign of some other kind;

Comment [A5]: Allows for provision for Council to adopt a policy related to signage

7.2. **be designed, constructed and maintained in good quality and condition so as not to, in the opinion of an authorised person, to present a hazard to any member of the public;**

Comment [A6]: Reference to public safety which is the purpose of the By-law

7.3. be of strong construction and sufficiently stable or securely fixed so as to keep its position in any weather conditions;

7.4. have no sharp or jagged edges or corners;

7.5. not have balloons, flags, streamers or other things attached to it;

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City of West Torrens

Moveable Signs By-law 2017

- 7.6. not rotate or contain flashing parts.
- 7.7. not be unsightly or offensive in appearance or content;
- 7.8. be constructed of timber, cloth, metal, plastic or plastic coated cardboard, or a mixture of such materials;
- 7.9. not exceed 1 metre in height, 600mm in width and 600mm in depth;
- 7.10. in the case of an 'A' frame or sandwich board sign:
 - 7.10.1 be hinged or joined at the top;
 - 7.10.2 be of such construction that its sides are securely fixed or locked in position when erected; and
- 7.11. not have a base area in excess of 0.6 square metres in the case of an inverted 'T' sign, not contain struts or members that run between the display area and the base of the sign.

8. Placement

A moveable sign must not be:

- 8.1. placed on any part of a road other than the footpath area;
- 8.2. placed on a footpath that is less than 2.5 metres wide;
- 8.3. tied, fixed or attached to or placed closer than 2 metres from another structure, fixed object, tree, bush or plant (including another moveable sign);
- 8.4. placed within 1 metre of an entrance to any business premises;
- 8.5. placed on the sealed part of a footpath if there is an unsealed part on which the sign can be placed in accordance with this By-law;
- 8.6. placed so as to interfere with the reasonable movement of persons or vehicles using the footpath or road in the vicinity of where the moveable sign is placed;
- 8.7. placed closer than 0.5 metres to the kerb (or, if there is no kerb, to the edge of the carriageway of a road or the shoulder of the road, whichever is the greater);
- 8.8. placed on a landscaped area, other than landscaping that comprises only lawn;
- 8.9. placed within 10 metres of an intersection;
- 8.10. placed on a footpath area with a minimum height clearance from a structure above it of less than 2 metres;
- 8.11. placed on a designated parking area, a median strip, traffic island, roundabout or, within 1 metre of an entrance to premises
- 8.11-8.12. displayed during the hours of darkness unless it is clearly lit; or

Comment [A7]: Providing ability to ensure greater safety

8.12.8.13. be placed in such a position or in such circumstances so that, in the opinion of an authorised person, the safety of a user of the footpath area or road is at risk.

9. Appearance

A moveable sign placed on the footpath area must, in the opinion of an authorised person:

- 9.1. be painted or otherwise detailed at a competent and professional manner;
- 9.2. be attractive, legible and simply worded to convey a precise message;
- 9.3. be of such design and contain such colours which are compatible with the architectural design of the premises adjacent to the sign, and which relate well to the town scope and overall amenity of the locality in which it is situated; and
- 9.4. contain combinations of colour and typographical styles which blend in with and reinforce the heritage qualities of the locality and the buildings where it is situated.

10. Banners

A person must not erect or display a banner on a building or structure on a road without the Council's permission.

Note-

A person must not erect or display a banner on a public road for a business purpose without a permit from the Council issued under section 222 of the *Local Government Act 1999*.

11. Restrictions

- 11.1. The owner or operator of a business must not cause or allow more than one moveable sign for each business premises to be displayed on the footpath area at any time.
- 11.2. A person must not, without the Council's permission, display a moveable sign on or attached to or adjacent to a vehicle that is parked on Local Government land or a road primarily for the purpose of advertising or offering for sale a product (including the vehicle) or business to which the sign relates.
- 11.3. A person must not cause or allow a moveable sign to be placed on a footpath area unless:
 - 11.3.1 it only displays material which advertises a business being conducted on premises adjacent to the moveable sign or the goods and services available from that business; and
 - 11.3.2 the business premises to which it relates is open to the public;
- 11.4. If in the opinion of the Council a footpath area is unsafe for a moveable sign to be displayed, the Council (or its delegate) may prohibit or restrict the display of a moveable sign on such conditions as the Council thinks fit.

12. Exemptions

- 12.1. Subclauses 11.1 and 11.3 of this By-law do not apply to a moveable sign which:

City of West Torrens

Moveable Signs By-law 2017

- 12.1.1 advertises a garage sale taking place from residential premises;
- 12.1.2 is a directional sign to an event run by a community organisation or charitable body;
- 12.2. Subclauses 11.1 and 11.3 of this By-law do not apply to a flat sign which only contains a newspaper headline and the name of a newspaper or magazine.
- 12.3. A requirement of this By-law will not apply where the Council has granted permission for the moveable sign to be displayed contrary to that requirement.

Note-

This By-law does not apply to moveable signs placed and maintained on a road in accordance with section 226(3) of the Act, which includes any sign:

- placed there pursuant to an authorisation under another Act;
- designed to direct people to the open inspection of any land or building that is available for purchase or lease;
- related to a State or Commonwealth election and is displayed during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day;
- related to an election held under this Act or the *Local Government (Elections) Act 1999* and is displayed during the period commencing four (4) weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
- the sign is of a prescribed class.

PART 3 – ENFORCEMENT**13. Removal of moveable signs**

- 13.1. A person must immediately comply with the order of an authorised person to remove a moveable sign made pursuant to section 227(1) of the Act.

Note-

pursuant to section 227(1) of the Act, an authorised person may order the owner of a moveable sign to remove the sign from the road if:

- the design, construction or positioning of a Moveable Sign does not comply with a requirement of this By-law; or
- any other requirement of this By-law is not complied with; or
- the Moveable Sign unreasonably restricts the use of the Road, or endangers the safety of other persons.

Comment [A8]: To Assist the public and officers for greater understanding of the extent of the power to remove the sign

- 13.2. The owner of, or other person entitled to recover, a moveable sign removed by an authorised person pursuant to section 227(2) of the Act, may be required to pay to the Council any reasonable costs incurred by the Council in removing, storing, and/or disposing of the moveable sign before being entitled to recover the moveable sign.

- 13.3. The owner of, or other person responsible for, a moveable sign must remove or relocate the moveable sign at the request of an authorised person:

- 13.3.1 if, in the opinion of an authorised person, and not withstanding compliance with this By-law, there is any hazard or obstruction or there is likely to be a hazard or obstruction arising out of the location of the moveable sign; or

- 13.3.2 for the purpose of special events, parades, roadworks or in any other circumstances which, in the opinion of the authorised person, require relocation or removal of the moveable sign to protect public safety or to protect or enhance the amenity of a particular locality.

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City of West Torrens

Moveable Signs By-law 2017

14. Liability of vehicle owners**Comment [A9]:** New clause to deal with offences involving motor vehicles

14.1. For the purposes of this clause 14, **owner** in relation to a vehicle has the same meaning as contained in section 4 of the Act.

14.2. The owner and the driver of a vehicle driven, parked or standing in contravention of this By-law are each guilty of an offence and liable to the penalty as prescribed for that offence.

This By-law was duly made and passed at a meeting of the City of West Torrens held on the [INSERT DATE] by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....
Terry Buss
Chief Executive Officer

City of West Torrens

Dogs By-law 2017

City of **West Torrens**

Between the City and the Sea

DOGS BY-LAW 2017**By-law No. 5 OF 2017**

A By-law to limit the number of dogs kept on premises and for the management and control of dogs in the Council area.

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Dogs By-law 2017

PART 1 – PRELIMINARY**1. Title**

This By-law may be cited as the *Dogs By-law 2017* and is By-law No. 5 of the City of West Torrens..

2. Authorising law

This By-law is made under section 90(5) of the *Dog and Cat Management Act 1995*, sections 238 and 246 of the Act and section 18A of the *Harbors and Navigation Act 1993*.

3. Purpose

The objects of this By-law are to control and manage dogs in the Council area:

- 3.1. to reduce the incidence of environmental nuisance caused by dogs; and
- 3.2. to promote responsible dog ownership; and
- 3.3. to protect the convenience, comfort and safety of members of the public; and
- 3.4. for the good rule and government of the Council area.

4. Commencement, revocation and expiry

4.1. The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:

4.1.1 Dogs By-law No. 5 2010.²

4.2. This By-law will expire on 1 January 2025.³

Note-

1. Generally a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

5. Application

- 5.1. This By-law operates subject to the Council's *Permits and Penalties By-law 2017*.
- 5.2. Subject to clause 5.3, this By-law applies throughout the Council area.
- 5.3. Clauses 9.1 and 10, of this By-law only apply in such part or parts of the Council area as the Council may by resolution direct in accordance with section 246(3)(e) of the Act.

6. Definitions

In this By-law, unless the contrary intention appears:

City of West Torrens

Dogs By-law 2017

- 6.1. **Act** means the *Local Government Act 1999*;
- 6.2. **approved kennel establishment** means a building, structure or area approved by a relevant authority, pursuant to the *Development Act 1993* for the keeping of dogs on a temporary or permanent basis;

6.3. **assistance dog** means a dog trained and used for the purpose of assisting a person who is wholly or partially disabled;

Comment [A1]: Inclusion of definition

6.3.6.4. **children's playground** means an enclosed area in which there is equipment or other installed devices for the purpose of children's play (or within 3 metres of such devices if there is no enclosed area);

6.4.6.5. **Council** means the City of West Torrens;

6.5.6.6. **dog** (except for in clause 7.1) has the same meaning as in the *Dog and Cat Management Act 1995*;

6.6.6.7. **effective control** means a person exercising effective control of a dog either:

6.6.16.7.1 by means of a physical restraint; (as defined under the *Dog and Cat Management Act 1995*); or

6.6.26.7.2 by command, the dog being in close proximity to the person and the person being able to see the dog at all times;

6.7.6.8. **keep** includes the provision of food or shelter;

6.9. **park** has the same meaning as in the *Dog and Cat Management Act 1995*;

Comment [A2]: Inclusion of definition

6.8.6.10. **premises** includes land, whether used or occupied for domestic or non-domestic purposes;

6.9.6.11. **small dwelling** means a self-contained dwelling that is:

6.9.16.11.1 a residential flat building; or

6.9.26.11.2 contained in a separate strata unit; or community title; or

6.9.36.11.3 on an allotment less than 400 square metres in area; or

6.9.46.11.4 without a secure yard of at least 100 square metres in area;

6.12. **for the purposes of clauses 9 and 10 of the By-law, a dog is under effective control by means of a leash if the dog is secured to a leash that does not exceed 2 metres in length and:**

Comment [A3]: Inclusion of definition

6.12.1 the leash is either tethered securely to a fixed object; or

6.9.56.12.2 held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.

Note-

Section 14 of the *Acts Interpretation Act 1915* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-laws was made.

PART 2 – LIMITS ON DOG NUMBERS**7. Limits on dog numbers in private premises**

Comment [A4]: Part altered to reflect changes to the Dog and Cat Management Act

7.1. Subject to clauses 7.3 and 7.5, a person must not, without the Council's permission, keep, or cause, suffer or permit to be kept:

7.1.1 more than one dog in a small dwelling; or

7.1.2 more than two dogs in premises other than a small dwelling; or

7.2. For the purposes of clause 7.1, 'dog' means a dog that is three (3) months of age or older, or, a dog that has lost its juvenile teeth.

7.3. Clause 7.1 does not apply to:

7.3.1 approved kennel establishments operating in accordance with all required approvals and consents; or

7.3.2 any business involving the keeping of dogs provided that the business is registered in accordance with the *Dog and Cat Management Act 1995* and operating in accordance with all required approvals and consents.

7.4. The Council may require that premises which are the subject of an application for permission to keep additional dogs, must be inspected by an authorised person for the purpose of assessing the suitability of the premises for housing dogs.

7.5. No dog is to be kept on any premises where, in the opinion of an authorised person, there is no secure or appropriate area where a dog may be effectively confined.

PART 3 – DOG CONTROLS**8. Dog exercise areas**

Subject to clauses 9 and 10 of this By-law, a person may enter a park in the Council area for the purpose of exercising a dog under his or her effective control.

~~8.1. exercise area designated by the Council must ensure that any dog under that person's control, charge or authority is under effective control at all times.~~

Note – If a person is exercising a dog in a park as permitted under this clause and the dog is not under effective control as that term is defined in the *Dog and Cat Management Act 1995*, this gives rise to a dog wandering at large offence under section 43(1) of the *Dog and Cat Management Act 1995*, for which the owner of or person responsible for the dog may be liable.

Comment [A5]: Explains Clause 8 is not an offence provision. The note references that failure to exercise a dog under effective control is an offence under the Act

9. Dog on leash areas

A person must not, without the Council's permission, allow a dog under that person's control, charge or authority (except an assistance dog that is required to remain off-lead in order to fulfil its functions) to be or remain:

Comment [A6]: Part altered to reflect changes to the Dog and Cat Management Act

City of West Torrens

Dogs By-law 2017

9.1. on Local Government land or public place to which the Council has resolved that this subclause applies; and

9.2. on any park or reserve during times when organised sport is being played unless the dog is under effective control by means of a leash.

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10. Dog prohibited areas

A person must not allow a dog under that person's control, charge or authority (except an assistance dog) to enter or remain on Local Government land or public place to which the Council has determined that this subclause applies.

11. Dog faeces

No person is to allow a dog under that person's control, charge or authority to be in a public place or on Local Government land unless that person has in their possession a bag or other suitable container for the collection and lawful disposal of any faeces that the dog may deposit (for the purpose of complying with their obligation under section 45A(6) of the *Dog and Cat Management Act 1995*).

PART 4 – ENFORCEMENT

12. Orders

12.1. If a person engages in conduct that is in contravention of this By-law, an authorised person may order that person:

12.1.1 if the conduct is still continuing – to stop the conduct; and

12.1.2 whether or not the conduct is still continuing – to take specified action to remedy the contravention.

12.2. A person must comply with an order under this clause.

12.3. If a person does not comply with an order, the authorised person may take action reasonably required to have the order carried out, and the Council may seek to recover its costs of any action so taken from the person to whom the order was directed.

Comment [A7]: To avoid confusion regarding cost recover powers. Cost recovery would be by civil proceedings.

12.4. However, an authorised person may not use force against a person under this section.

Note:

For example, an authorised person may order a person to:

- cease keeping more than the permitted number of dogs on that person's premises; or
- remove a dog from a dog prohibited area.

This By-law was duly made and passed at a meeting of the City of West Torrens held on the [INSERT DATE] by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....
Terry Buss
Chief Executive Officer

CITY OF WEST TORRENS

By- Law Review 2017

Proposed Timetable (as at 3/2/17)

	Task	Responsibility	Proposed Timeframe
1	<p>Undertake review of existing by-laws:</p> <ul style="list-style-type: none"> • Council to identify requires changes and/or new matters to be regulated; • KJL's to make any amendments necessary to existing by-laws to ensure their validity and for the purposes of drafting any new provisions and otherwise, as recommended to ensure the practical efficacy of the by-laws. 	Administration/KJL	<p>Drafts by 23 December 2016</p> <p>Final drafts by 7 February 2017</p>
2	Proposed by-laws to be presented to the Council seeking endorsement to commence public consultation.	Council	Council meeting 21 February 2017
3	The proposed Dogs By-law to be referred to the Dog and Cat Management Board, as required by legislation, for comment in conjunction with the report required by section 90(5) of the <i>Dog and Cat Management Act 1995</i> .	KJL	22 February 2017, (immediately after KJL's receipt of notification from the Administration regarding Council's decision to subject the draft by-laws to public consultation)
4	Any by-law that operates in respect of in-land waters on Local Government Land (i.e. the Local Government Land and Dogs by-law) must be referred to the Minister for Transport and Infrastructure for approval pursuant to section 18A of the <i>Harbors and Navigation Act 1993</i> .	KJL	Immediately after KJL's receipt of notification from the Council regarding its decision to endorse the proposed by-laws.

5	<p>Public consultation (at least 21 days):</p> <ul style="list-style-type: none"> • Copy of proposed by-laws to be made available for inspection at the Council's offices and on the Council's website; • Notice to be given in the local newspaper informing the public of the availability of the proposed by-laws and a general description of the nature and effect. <p>NB: Public consultation period to commence at least 21 days after referral to DCM Board.</p>	Administration	From 17 March 2017 to 10 April 2017
6	Provision of feedback from public consultation to be presented to Council for its consideration and determination	Administration/Council	18 April 2017 meeting of the Governance Committee
7	<p>Provision of any changes required in light of public submissions received during public consultation and/or the outcomes of the referral processes to be provided to KJL to draft any necessary changes.</p> <p>NB: If substantial changes proposed it will be necessary to re-consult and (where relevant) undertake a second referral in respect of them.</p>	Administration.	19 April 2017
8	<p>KJL to draft any necessary changes.</p> <p>NB: If substantial changes proposed it will be necessary to re-consult and (where relevant) undertake a second referral in respect of them.</p>	KJL	Between 19 April and 24 April 2017

9	<p>Preparation of:</p> <ul style="list-style-type: none"> • Certificates of Validity • National Competition Policy report • Legislative Review Committee reports prepared for each of the by-laws • Recommendations to adopt the by-laws 	KJL	By 1 May 2017
10	<p>Provision of documents listed in 9 above provided to Council for approval.</p> <p>NB. two thirds of the members of the Council must be present and an <u>absolute majority</u> decision made at that meeting is required to make a by-law.</p>	Administration/Council	Council meeting 16 May 2017
11	<p>KJL to submit by-laws and Legislative Review Committee Reports (as signed by the CEO) to Parliament for parliamentary scrutiny</p> <p>N. B: Must be within 6 Parliamentary sitting days after the by-laws are made by Council.</p>	KJL	Immediately after the Council has adopted the by-laws and no later than 26 May 2016.
12	<p>By-laws to be published <u>as soon as practical</u> in the <i>Government Gazette</i>.</p> <p>NB: By-laws will commence operation four months from the date they are Gazetted</p>	Administration	<p>As soon as practical after the Council has made the by-laws and no later than 31 August 2017.</p> <p>NB: To ensure that the new by-laws commence operation before the existing by-laws expire, they must be published in the Gazette <u>before 1 September 2017.</u> <u>(to be published on 24 August 2017)</u></p>

City of West Torrens Council Policy – Advertising on Council Land and Related Public Infrastructure

CITY OF WEST TORRENS



Council Policy: Advertising on Council Land and Related Public Infrastructure

Classification:	Council Policy
First Issued:	6 November 2012
Dates of Review:	February 2017
Version Number:	2
DW Doc set ID:	1860641
Applicable Legislation:	<i>Local Government Act 1999 (SA)</i>
Related Policies or Corporate Documents:	Council Policy - Use of Public Footpaths and Roads for a Business Purpose Council Policy - Graffiti Management Policy West Torrens Council Development Plan By-law 1 : Permits and Penalties By-law 2 : Local Government Land By-law 3 : Roads By-law 4 : Moveable Signs
Associated Forms:	Application for a Real Estate Sign
Note:	
Responsible Manager:	Manager Regulatory Services
Approval by Executive:	Date
Adoption by Council:	Date

Doc Set ID - 1860641

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City of West Torrens Policy – Advertising on Council Land and Related Public Infrastructure

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City of West Torrens Policy – Advertising on Council Land and Related Public Infrastructure

COUNCIL POLICY – Advertising on Council Land and Related Public Infrastructure

1. Preamble

- 1.1 Council manages public land, roads and footpaths in the City of West Torrens (CWT) to facilitate the free flow of traffic and the circulation of people, and for community leisure and recreational activities.
- 1.2 Increasingly, these assets are being recognised for their opportunities to generate other community benefits including opportunities to:
 - Promote community activities, events and other entertainment;
 - Display community artwork and school projects;
 - Place commercial advertisements to attract passing trade; and
 - Place directional signs to guide traffic to community and commercial facilities.

2. Purpose

This policy aims to:

- 2.1 Maximise the benefits and return to the community from the use of Council land and public infrastructure for advertising, including opportunities to enhance the vibrancy and 'community feel' of public areas and to promote local economic viability; and
- 2.2 Specify the conditions under which Council land and public infrastructure may be used for commercial and community advertising, so that space is shared equitably and public safety and amenity is not compromised.

3. Scope

- 3.1 This policy deals with the commercial and community use of roads, footpaths, public land and associated infrastructure for advertising and promotional purposes. It does not cover the placement of under-awning or above-awning business signs or advertising on private property and buildings. These are dealt with under the West Torrens Council Development Plan.
- 3.2 This policy does not apply to electoral advertising referred to in clause 14.2 of Council By-law No. 2 *Local Government Land*.
- 3.3 The management of graffiti and unauthorised posters are dealt with under the *Council Policy - Graffiti Management*.
- 3.4 Commercial and community use of Council land and public infrastructure for street trading, including the display of goods, is dealt with under *Council Policy - Use of Public Footpaths and Roads for Business Purposes*.
- 3.5 This policy should be read in conjunction with Council By-laws and provisions of the *Local Government Act 1999* (SA) (the Act).

4. Definitions

- 4.1 **Advertising** means a display for the purposes of promoting a business, event or activity and includes:
 - Banners;
 - Decorations such as flags, bunting and streamers;

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City of West Torrens Policy – Advertising on Council Land and Related Public Infrastructure

- Posters;
 - Moveable signage (A frames, T frames and flat signs);
 - Directional signage;
 - Real estate advertising boards.
- 4.2 **Artwork** refers to posters, sculptures, murals, paintings, craft work or other art forms to be displayed in a public space.
- 4.3 **Banner** means a large notice made from cloth, vinyl, corflute or other material bearing information about an event or activity and which is designed to be slung between two brackets or tied or hung from a fence or other structure.
- 4.4 **Community organisation** means registered public charities, schools, not-for-profit sporting clubs, youth and seniors groups, service organisations and special interest recreational or leisure groups.
- 4.5 **Commercial advertising** means advertising for the purposes of promoting a profit generating business (not a community or charitable business).
- 4.6 **Community advertising** means advertising for the purposes of generating broad community benefits (public good) and includes advertising of events to raise money for registered public charities, local schools, local churches and local community groups.
- 4.7 **Community land** has the same meaning as in the Act and excludes roads.
- 4.8 **Council oval** excludes Richmond Oval but includes:
- Camden Oval;
 - Lockleys Oval;
 - Thebarton Oval; and
 - Weigall Oval.
- 4.10 **Directional signage** refers to street signs that indicate the direction and distance to a service, facility or business.
- 4.11 **Footpath** means:
- That part of the road not used as carriageway; or
 - A footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles.
- 4.12 **Council land and public infrastructure** means footpaths, roads, Council buildings, community land and associated Council infrastructure, and public services infrastructure such as post and telephone boxes.
- 4.13 **Real estate advertising board** means a notice board offering a property for sale or lease.
- 4.14 **Road** has the same meaning as in the Act but excludes any roads in private ownership.
- 4.15 **Temporary event** means an event that is not annual and not a regular weekly, fortnightly or monthly activity

5. Policy Statement

5.1 General

5.1.1 Council recognises that the major part of footpaths, roads and community land must be preserved for public use rather than for commercial or community advertising. However, some advertising on Council land and public infrastructure will be allowed, subject to ensuring that it:

- Is in accordance with any management plans for community land;
- Is sympathetic with the character and amenity of the locality;
- Avoids unnecessary clutter and visual pollution;
- Protects public safety and enables the free flow of people and traffic;
- Provides uncluttered pedestrian access for those with impaired vision or mobility;
- Prevents proliferation so as not to obscure Council and traffic signage.
- Approved by relevant infrastructure service providers permissions before seeking Council approval.

5.1.2 Council's approach is to:

- Specify the types of commercial advertising that is allowed on Council land and public infrastructure (moveable signs, real estate advertising boards and local sports sponsorship), and the conditions / approvals to be obtained; and
- Facilitate advertising of community events, activities and projects, provided it is temporary advertising and in the interests of the community.

5.1.3 Council will not allow:

- Signs to be attached or fixed to street trees, street signs, Council poles, street furniture, fixtures such as benches and litter bins and public services infrastructure such as post and telephone boxes;
- The use of community land for a business purpose if it is contrary to the provisions of a management plan (section 200 of the Act);
- Advertising to be erected, displayed or painted on Council buildings or in Council parks without permission;
- Advertising to be affixed to bus shelters (unless authorised advertising for that shelter);
- Advertising to be placed on roundabouts, traffic islands, or median strips or fixed on buildings or structures on a road;
- Advertising or advertising hoardings to be displayed along arterial roads that have a speed limit of 80 km/h or more;
- Advertising or advertising hoardings to be placed within 10 metres of an intersection;
- Banners, decorations or suspended objects to be displayed in residential areas;
- Flashing, illuminated, animated or moving advertising signs on footpaths;
- Balloons, blimps and other floating or inflatable advertising devices.

5.1.4 Placement of all advertising will be in accordance with Council By-laws to protect public safety and amenity and will not impede access to street furniture or to public services.

5.1.5 Council will require individuals or organisations responsible for affixing advertising in unauthorised locations or contrary to Council By-laws or the

City of West Torrens Policy – Advertising on Council Land and Related Public Infrastructure

West Torrens Council Development Plan to remove the advertising material immediately.

- 5.1.6 Failure to do so will result in the organisation or individual being charged for the cost of Council removing the material and also being penalised as applicable under any relevant By-law or provision of the Act.
- 5.1.7 The responsible person accepts total responsibility to make good any damage that occurs to CWT roads or to public infrastructure as a result of the erection or installation of signage.

5.2 Moveable signs on footpaths

- 5.2.1 Council By-Law No 4 requires all moveable advertising signs to meet certain standards in terms of:
- Construction and design;
 - Placement;
 - Appearance;
 - Restrictions;
 - Exemptions.
- 5.2.2 The CWT will take action to have a moveable sign removed or relocated when:
- There is any hazard or obstruction or there is likely to be a hazard or obstruction arising out of the location of a moveable sign;
 - There is a need to relocate or remove a moveable sign to protect public safety or enhance the amenity of a particular location for the purposes of any event, parade, roadwork or other circumstance;
 - The sign is not placed adjacent to the property to which the sign relates; or
 - The sign does not comply with the provisions of Council By-laws.

5.3 Real Estate Advertising Boards on Footpaths

- 5.3.1 Council acknowledges that real estate agents sometimes wish to place advertising boards on public footpaths when it is impractical to locate them on the property to which they relate.
- 5.3.2 Permit applications must be submitted using the approved CWT application form. Applications will be considered on their merits and be assessed against the requirements of this policy.
- 5.3.3 All real estate advertising boards must meet certain standards to be erected on public footpaths, including construction and placement standards, and these are listed in Attachment 1.
- 5.3.4 Before a permit may be issued proof of insurance indemnifying the Council, its employees, servants and agents from and against all actions, costs, claims, damages, charges and expenses whatsoever which may be brought or made or claimed against them arising out of or in relation to the issuing and granting of the permit is required
- 5.3.5 A current public risk insurance policy in the name of the permit holder insuring the permit holder for the minimum sum of twenty million dollars (\$20,000,000) must be maintained at all times.

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5.4 Permit Conditions

- 5.4.1 Permits may not be assigned or otherwise transferred without first obtaining the consent of the CWT in writing;
- 5.4.2 The permit holder must:
- notify the CWT and obtain prior approval for any changes to the approved activity contained in the permit (changes to the activity may cause conditions to the permit to be altered, in which case a new permit will be issued);
 -
 - notify the CWT within 14 days of any changes to circumstances that would affect the validity of the permit (e.g. change of ownership of a company).
 - make the permit available for inspection upon request by an authorised officer or police officer.
- 5.4.3.5 Authorised officers will monitor the placement of advertising boards and will take action against breaches of permit requirements. Repeated breaches will result in the cancellation of a permit without refund.
- 5.4.5 Those responsible for the placement of advertising boards will be held accountable for any infrastructure damage that occurs and the cost of reinstatement.
- 5.4.6 At the expiration or earlier termination of a permit removing, if so directed by the CWT, any structure or object erected or installed on the road and reinstating the condition of the road to the satisfaction of the CWT.

5.4 Use of Council Banner Sites

- 5.4.1 Council will maintain purpose built structures around the city for the purpose of safely displaying promotional banners.
- 5.4.2 Council will make these sites available for temporary use by community organisations such as public charities, schools and not-for-profit sporting clubs to advertise community events and activities. Preference is given to organisations and events that are located within the West Torrens area.
- 5.4.3 Community organisations must apply to the CWT for use of the sites. Council promotions will take precedence over community promotions.
- 5.4.4 Community banners may only be installed for a maximum period of four weeks before the start of an event.

5.5 Temporary Advertising by Community Organisations

- 5.5.1 Council will allow temporary advertising on Council land by local community organisations for events and activities that are designed to support a charitable cause, enhance community welfare or promote community pride.
- 5.5.2 Council encourages organisations to develop advertising that is:
- Of a size that doesn't dominate surrounding buildings and does not unreasonably obstruct views;
 - Of a colour, material and design that harmonises with the surrounding environment including built and natural features;

City of West Torrens Policy – Advertising on Council Land and Related Public Infrastructure

- Uncluttered and inoffensive in terms of content and message.

5.5.4 The organisation must obtain prior approval from the CTW for the erection of temporary banners or decorations on Council land. Organisations must provide details of dimensions, content, and design and the location(s) in which it is to be exhibited.

5.5.5 The advertising must meet the following conditions:

- Be structurally sound;
- Be self supporting or be securely fixed at all times;
- Not interfere with vehicle or pedestrian safety;
- Be displayed for a maximum period up to four weeks prior to an event;
- Be removed within two to three days following an event;
- Not be displayed in a location specified at 5.1.3;
- Only contain information about the event or activity (no third party advertising);
- Not exceed six signs/banners per event (at different locations including the event venue).

5.5.6 An event may be advertised only once per calendar year and the organisation must obtain approval each year the event is to be advertised.

5.5.7 Authorised officers will remove advertising that is unauthorised or fails to meet the conditions of approval.

5.6 Temporary Posters or Artwork of Schools and Community Organisations

5.6.1 The CWT will allow the temporary display of community artwork on Council land by local schools and community organisations if the artwork is designed to promote community spirit, well-being or sustainability.

5.6.2 The school or organisation must apply in writing for the erection or display of artwork on Council land. Organisations must provide details of the artwork and the location(s) in which it is to be exhibited.

5.6.3 The artwork must meet the following conditions:

- Be structurally sound;
- Be self supporting or be securely fixed at all times;
- Not interfere with vehicle or pedestrian safety;
- Be displayed for a maximum period of three months;
- Be displayed only once in a calendar year.

5.6.4 When relevant, applicants will obtain prior permission from infrastructure service providers (e.g. for display of posters on this infrastructure) before seeking Council approval. Items overhanging a footpath must be at least 2.1 metres above ground in order not to impact pedestrian traffic.

5.6.5 Installation, maintenance, and removal of the items at the expiration of the display period will be the responsibility of the applicant.

5.6.6 The school or organisation will apply in writing to the CWT for approval and the CWT will reserve the right to refuse any application.

5.6.7 Any liability for loss or damage caused by the items will be the responsibility of the applicant.

5.7 Directional Signs on Public Roads

- 5.7.1 The CWT permits directional signs that assist the community in finding commercial and community facilities that are located away from main roads or centres.
- 5.7.2 Organisations seeking to have directional signs must apply in writing and meet the following conditions:

For signs related to community facilities:

- The CWT will purchase the appropriate directional sign(s) and then erect the sign(s) in the agreed location(s);
- The sign will be a “finger” sign with white lettering on a green reflective background (or lettering on a brown background for heritage or historic sites) in accordance with Australian Standards;
- A maximum number of three signs will be allowed, at locations approved by the CWT;
- The signs will be erected at no cost to the applicant.

For signs related to commercial facilities:

- The use of directional signs will be restricted to identifying commercial, shopping, business or industry areas that do not have a main road exposure;
- The CWT will purchase the appropriate directional sign(s) and then erect the sign(s) in the agreed location(s);
- The applicant will be charged a set fee for the purchase and erection of each sign as stated in the Council's Annual Fees and Charges. The directional sign will refer to a shopping centre, commercial area, business centre, industrial park etc. and will not depict a business name
- A maximum number of three signs will be allowed per facility, at locations approved by Council;
- Any damage done to a sign by virtue of a traffic accident or act of vandalism will be rectified at the applicant's cost.
- Any deterioration of a sign due to natural or other causes will be rectified by Council at Council's cost.

5.8 Club and Sponsorship Advertising on Ovals

- 5.8.1 Council permits the erection of signs displaying the name of sporting clubs using the facilities of a Council oval, at the entrance to that oval, provided the sign does not exceed two square metres.
- 5.8.2 Council permits the display of advertisements by commercial sponsors on the perimeter fence of a Council oval provided that all signs are:
- Professionally sign written, non-illuminated, non-flashing and non-animated;
 - Fixed to the inside perimeter fence of the oval, facing inwards and not to project above fence level;
 - Maintained in good order and condition at all times to the satisfaction of the CWT.

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City of West Torrens Policy – Advertising on Council Land and Related Public Infrastructure

5.8.3 Council will not allow sponsorship signs to be erected:

- On ovals other than on the inner perimeter fence; or
- At other recreation or sporting grounds.

DRAFT

ATTACHMENT 1**STANDARDS FOR REAL ESTATE ADVERTISING BOARDS**

Council will require all real estate advertising boards to comply with a number of standard conditions, including the following:

- All applicable industry standards, health or safety standards, current standards of Standards Australia or any applicable Codes of Practice;
- Relevant Council By-laws, policy and permit requirements;
- State and federal legislation, with the issue of a permit not absolving the permit holder or their agents from any overriding legislation;
- Maintaining in good condition, and to recognised standards, all structures erected or installed on or over the land;

Construction

All real estate advertising boards must be:

- no larger than 1050mm and 2300mm in height or width
- made of solid construction from either metal, wood or plastic
- constructed in such a manner that there are no sharp edges, protuberances or other design feature that would endanger public safety
- designed to be securely attached to the property wall and into the ground at four separate points
- designed so as to be stable during adverse weather conditions
- not designed to rotate, have flashing lights or be illuminated either internally or externally by any means
- not erected with balloons, flags (except for open inspections), streamers or other like items attached.

Location and Erection of Boards

All advertising boards must be:

- securely fixed into the ground at two points so as to prevent the signs from moving
- securely attached to the property fence or wall at two points so as to prevent the sign from moving
- placed flat against the property fence or wall with the advertising area facing outwards
- placed within 500mm of the property boundaries
- not placed within 10 metres of an intersection or in any other manner so as to restrict the vision of motorists
- placed in such a manner so they do not damage, destroy or interfere with any infrastructure including pipes, wires, cables, fixtures, fittings, posts and other objects which are the property of the SA Power Networks, Telstra, SA Water, United Water, Boral Ltd or other federal, state, or local government department or authority or other infrastructure owner. (It is the responsibility of a permit holder to check for the location of underground infrastructure with relevant public utilities before erecting an advertising board.)
- placed in a manner that does not restrict pedestrian access in any way and that maintains a minimum 1.8 metre wide, straight, continuous path of travel for pedestrians.

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Other

All advertising boards must otherwise meet the following requirements:

- be placed in the approved manner
- only one board is to be used for advertising a property
- only be placed on footpaths when there is no option to place them on the property itself and must be placed immediately in front of the property being advertised
- the content of the advertising is restricted to information about the sale / lease of the property and no other advertising messages is to be placed on the board
- be kept in good condition and repair
- display the owners details including their contact address and telephone number,
- must have the approval of property owners for placement and be removed immediately if this approval is withdrawn
- be removed within fourteen days of the sale completion (or finalisation of the lease) or immediately on expiration of the permit
- be removed from the footpath when the permit expires or 14 days after a sale or the signing of a lease.

The costs of any reinstatement work (as a result of the removal of the boards and other accessories) will be met by the applicant.

City of West Torrens Council Policy – Use of Public Footpaths and Roads for Business Purposes

CITY OF WEST TORRENS



Council Policy: Use of Public Footpaths and Roads for Business Purposes

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Related Policies or Corporate Documents:	Advertising on Council Land and Public Infrastructure Policy Public Consultation Policy By-law 3 : Roads By-law 4 : Moveable Signs
Associated Forms:	Business Use of Roads and Footpaths Application Form
Note:	
Responsible Manager:	Manager Regulatory Services
Approved by Executive:	
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City of West Torrens Policy – Use of Public Footpaths and Roads for Business Purposes

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City of West Torrens Policy – Use of Public Footpaths and Roads for Business Purposes

COUNCIL POLICY - Use of Public Footpaths and Roads for Business Purposes

1. Preamble

1.1 Council manages the use of public footpaths and roads for a mix of purposes:

- Functional - to facilitate the movement of people and traffic around the city;
- Aesthetic - to enhance the 'look' of the city and its precincts; and
- Social - to encourage a community 'feel' and vibrant street life.

1.2 Council believes that businesses play a strong role in each of these areas and that business use of public footpaths and roads could contribute positively and substantially to the look and feel of the city. Rising community expectations for outdoor dining experiences are one example of how street trading might enhance the social and cultural life of the city.

1.3 Street trading could also contribute to social capital by attracting community members to mix in a safe and vibrant setting and increase local economic development by revitalising strip shopping centres, encouraging a diversity of businesses to locate within the City of West Torrens (CWT) and attracting a wide variety of shoppers and visitors to the area.

2. Purpose

This policy aims to:

- Maximise the benefits and return to the community from appropriate and approved business use of public footpaths and roads; and
- Specify the conditions under which public footpaths and roads could be used for commercial trading, so that space is shared equitably, the enjoyment of the community is enhanced, economic benefits are generated and public safety, convenience and amenity is not compromised.

3. Scope

3.1 This policy deals with the business use of footpaths and roads for selling or offering products or services for commercial gain. Such business use requires Council approval under section 222 of the *Local Government Act 1999* (the Act).

3.2 It also deals with the placement of waste storage containers or the erection of hoarding, fencing or scaffolding on public footpaths and roads, which also require Council approval under section 221 of the Act.

3.3 This policy does not deal with advertising on Council land and public infrastructure which is dealt with in the *Council Policy - Advertising on Council Land and Public Infrastructure*.

City of West Torrens Policy – Use of Public Footpaths and Roads for Business Purposes

4. Definitions

- 4.1 **Business purpose** means the conduct of trading for commercial gain. This can include trading by not-for-profit education, welfare, cultural and other community organisations.
- 4.2 **Commercial vending** means the placement of goods for sale or display over or on the footpath.
- 4.3 **Community organisation** means registered public charities and local educational, sporting, cultural, welfare, special interest recreational and leisure organisations.
- 4.4 **Container** refers to a mini skip, shipping container or other similar device used for rubbish disposal or the transport of goods, furniture and equipment.
- 4.5 **Footpath** means:
- That part of the road not used as carriageway; or
 - A footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles.
- 4.6 **Hoarding, scaffolding or fencing** refers to structures used to screen off a building or other site that may pose a safety risk to the public. It may include:
- A fence used to separate the public from a construction site, evacuation, or vacant land to prevent unauthorised entry;
 - Overhead protection for the public adjacent to a demolition or construction site (with or without sheds on top);
 - Two metre high open wire or mesh fixed to metal rails and posts;
 - One metre high plastic barrier mesh fixed to star droppers or similar;
 - Concrete barriers generally known as "new jersey kerbing";
 - Modular plastic barriers that provide a flexible interlocking system which, when filled with sand or water, offer a level of impact resistance;
 - Bunting / flags supported on star droppers or similar, or mobile barriers;
 - Plastic cones.
- 4.7 **Mobile vending** means the sale of goods from a vehicle.
- 4.8 **Outdoor dining** means the use of public footpaths by food and drink businesses (such as cafes and restaurants) to extend their services outdoors;
- 4.9 **Council land and public infrastructure** means footpaths, roads, Council buildings, community land and associated Council infrastructure.
- 4.10 **Public road** has the same meaning as in the Act.
- 4.11 **Road** has the same meaning as in the Act but excludes any roads in private ownership
- 4.12 **Street furniture** means chairs, tables, litter bins, water fountains, telephone boxes, street trees, planter boxes, bus shelters, street signs and other structures placed on a public road by Council or any other authority.
- 4.13 **Street stall** means any market stall, stand, table, trestle, BBQ or other structure used in temporary vending.

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- 4.14 **Street trading** means use of footpaths and roads for outdoor dining, commercial vending mobile vending and temporary vending from street stalls.
- 4.15 **Temporary vending from street stalls** means business use of footpaths, such as use by local community organisations for fund raising and membership drives.

5. Policy Statement

5.1 General

- 5.1.1 While Council supports the conduct of footpath activity by established businesses, it recognises that controls are necessary, irrespective of the activity conducted on them, to ensure:
- Equity in the treatment of business proprietors;
 - Public safety and disability access;
 - Free passage of pedestrians;
 - Clear sight lines for road users;
 - Maintenance of streetscapes and their unique characters.
- 5.1.2 Council's approach is to facilitate:
- Outdoor dining and commercial trading in strip (main road) shopping centres, particularly when it will enhance the cosmopolitan nature of a precinct;
 - Outdoor dining and commercial trading in residential streets when it extends services to residents without impacting on nearby properties or the character of the neighbourhood;
 - Vending from mobile vehicles when they extend services beyond established shops and shopping areas and add to overall community enjoyment;
 - Temporary vending from stalls on footpaths, particularly vending by community organisations to support charitable causes which enhance community welfare or well-being, promote community pride or encourage a sense of belonging.
- 5.1.3 Council's approach is to facilitate these activities while ensuring that they do not detract from the overall streetscape and image of the area by:
- Avoiding excessive advertising, unnecessary clutter, oversized or bulky items;
 - Setting broad urban design standards;
 - Ensuring cleanliness and community amenity is maintained;
 - Requiring all structures and equipment to be in good working order;
 - Requiring environmental, safety and noise standards to be met.
- 5.1.4 Development approval under the *Development Act 1993* will be necessary in certain cases involving the use of public roads for a business purpose, depending on the nature and / or size of an intended development and the extent to which a "change of use" is proposed. Staff responsible for the administration of this policy will confer with planning staff whenever the possibility arises of development approval being necessary.

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5.2 Permit System

5.2.1 The CWT manages business use of public roads through a system of permits issued under section 222 of the Act.

5.2.2 Permit applications must be submitted using the approved CWT application form. Applications will be considered on their merits and be assessed against the requirements of this policy, including local conditions that may pose a safety or physical constraint, such as:

- width of footpath
- speed of vehicular traffic adjacent to the area
- proximity to traffic
- proximity to intersections
- proximity to various types of parking
- proximity to bus zones, taxi ranks, loading zones, traffic lights
- proximity to pedestrian crossings and pram crossings
- positioning of bicycle paths
- accident history of an area
- presence of street furniture, safety barriers or bollards
- clearance requirements
- access requirements of pedestrians
- volume of pedestrians using footpaths within particular times.

5.2.3 Permits will grant limited rights to trade on roads and footpaths. In some locations the width of the footpath and the right for the public to access public use facilities including public seats, pedestrian footpath access points, bus zones, loading zones, disabled parking and passenger loading/unloading zones and the like, may restrict the area that is available. This can mean that sometimes none of the footpath is available for the placement of goods.

Similarly, locations that have been associated with 'loss of control' vehicle crashes are unsuitable for the display of goods and the CWT will not issue permits in these circumstances.

5.2.4 A permit is not, however, a tenancy arrangement and the permit may specify conditions such as hours of use, areas of operation, duration of permit and types of items permitted.

5.2.5 The CWT will require any person or organisation wishing to use a public road for a business purpose to obtain a permit from Council which will not be issued before:

- A certificate of currency showing the required level of public liability insurance is provided to the CWT with the insurer's endorsement;
- Public consultation has occurred when required under section 223 of the Act and the *Council Policy - Public Consultation*;
- Development approval is issued, when required; and
- Required permit fees are paid.

5.2.6 The CWT will not grant a permit for an activity that would compromise pedestrian, diner, patron or traffic safety or inhibit access to parking, other

businesses, street furniture or to public services. In some circumstances, such as narrow footpaths or busy roads, the CWT may not issue a permit.

- 5.2.7 The CWT is under no obligation to remove any Council owned property (eg litter bins, public seating) to allow commercial use of a footpath. If the CWT agrees to relocate or remove Council property, the business that makes the request will cover all costs.
- 5.2.8 The CWT may decide to grant or refuse a permit, or grant a permit on condition that specified safety measures are installed.
- 5.2.9 The CWT reserves the right to revoke a permit should public space be required for another purpose or if the conditions of use of the permit are not complied with.
- 5.2.10 Authorised officers will monitor the permitted use of public roads for business purposes and take action against breaches of permit requirements. Repeated breaches will result in the cancellation of a permit without refund.
- 5.2.11 Those responsible for the business use of public roads will be held accountable for any infrastructure damage that occurs and the cost of reinstatement.
- 5.2.12 Except for temporary trading, a permit will normally be valid for twelve months. The prior issue of a permit will not guarantee renewal on expiry.
- 5.2.13 Permit conditions may be amended at any time by the CWT. Permit holders will be notified in writing of the changes.
- 5.2.14 The CWT may add or remove directions in addition to conditions at any time. Failure to comply with directions will be taken as failing to comply with a condition of the permit.

5.3 General Conditions of Permits

- 5.3.1 All structures or items to be erected or installed on a public road must meet certain standards, including construction and placement standards, and these are described in the policy.
- 5.3.2 The CWT will also require all businesses making use of public roads to comply with a range of general conditions, including the following to:
- Comply with all applicable industry standards, health or safety standards, current Australian standard or any applicable Codes of Practice;
 - Comply with relevant Council By-laws, policy and permit requirements;
 - Comply with state and federal legislation, with the issue of a permit not absolving the permit holder or their agents from any overriding legislation;
 - Maintain in good condition and to recognised standards all structures and object, erected, installed or placed on or over the land;
 - Indemnify and to keep indemnified the Council, its employees, servants and agents from and against all actions, costs, claims, damages, charges and expenses whatsoever which may be brought or made or claimed against them arising out of or in relation to the issuing and granting of the permit;

- Maintain a current public risk insurance policy in the name of the permit holder insuring the permit holder for the minimum sum of twenty million dollars (\$20,000,000);
- Provide proof, upon the request of CWT, of current public liability insurance at any time
- Accept total responsibility to make good any damage that occurs to the CWT roads or to public infrastructure as a result of the erection or installation of structures by the permit holder;
- Not assign or otherwise transfer a permit without first obtaining the consent of the CWT in writing;
- Notify the CWT and obtain prior approval for any changes to the approved activity contained in the permit (changes to the activity may cause conditions to the permit to be altered, in which case a new permit will be issued);
- Notify the CWT within 14 days of any changes to circumstances that would affect the validity of the permit (eg change of ownership of a company);
- Make the permit available for inspection upon request by an authorised officer or police officer;
- Minimise any disturbances or nuisances to road users and owners of land adjacent to the road being used;
- Remove, if so directed by the CWT, any structure or object erected or installed on the road and to reinstate the condition of the road to the satisfaction of the CWT, at the expiration or earlier termination of a permit.

5.3.3 Goods on or above the footpath must not pose a hazard or obstruction to users of the footpath. Goods that will generally not be permitted on the footpath include:

- Sharp / protruding items;
- Items with oscillating and moving parts. Items that have illuminated or flashing lights;
- Reflective items that pose a risk to vehicular traffic;
- Any other items that CWT may declare inappropriate.

5.3.4 Umbrellas are permitted provided that they:

- Have a clearance of a minimum of 2.1 metres above the footpath level;
- Are secured against the effects of adverse weather, and are closed or removed during extremely windy conditions;
- Are maintained in good condition at all times;
- Are removed from the footpath area when not in use; and
- Do not include side curtains.

Advertising on umbrellas is to be a minor element and restricted to one company, product or dining name.

5.3.5 The permit holder must:

- Ensure that all goods are securely contained and do not spill, stain or litter the footpath.
- Maintain the cleanliness of the footpath area during business hours and clean the area at the close of business each day.
- Ensure that all goods and associated structures are removed from the footpath at the end of the business day.

5.4 Enforcement

- 5.4.1 Authorised officers will monitor compliance with permit conditions and take action against breaches of authorisation. Repeated breaches will result in cancellation of permits without refund.
- 5.4.2 Authorised officers will require any proprietors operating business activities on public roads without a permit to remove any structures and to cease business activities in the public space immediately. Failure to do so will result in a fine and costs will be recovered for the removal of any goods or structures.
- 5.4.3 On termination or expiration of a permit, the former permit holder must remove all structures and objects from the footpath within fourteen days. If all structures and objects are not removed within the specified time frame, the Council will remove the items and recover removal costs from the former permit holder.

5.5 Outdoor Dining on Footpaths

5.5.1 Legal Framework

- *Local Government Act 1999*

Under section 222 of the Act, any person wanting to place tables and chairs or any other furniture on the footpath area of any road, street or public place under the care and control of Council, for the purpose of providing to the public food or drink for consumption, is required to obtain a permit from Council.

Under section 224 of the Act, Council may attach conditions to the granting of such a permit and under section 225 Council may, by notice in writing, cancel a permit for breach of a condition.

Under section 242, an application for the Council's authorisation to use a road for a business purpose must be decided within two months of the relevant date and, if not decided in this time, will be taken to have been refused. The relevant date is the date of the application or, in the case of an application on which the CWT proposes to conduct public consultation, a later date the CWT fixes in a written notice as the date on which it expects to complete the process of public consultation.

- *Development Act 1993*

In some instances outdoor dining may represent 'development' under the *Development Act 1993* and require development approval. Items that require development approval are those defined as 'building work' in the *Development Act 1993*, including:

- Fixed screens;
- Full height enclosures (e.g. plastic screens);
- Permanent structures (e.g. shade structures); and
- Signage.

Outdoor dining areas of a significantly large (not typical) scale may be considered 'change of use' of the footpath and under such circumstances are also subject to development approval.

- *Liquor Licensing Act 1997*

When a licensee wants to serve alcoholic beverages in an outdoor dining area, a separate application must be made to the Licensing Court for a licence.

- *Disability Discrimination Act 1992*

The *Disability Discrimination Act 1992* (DDA) makes it an offence for providers of goods, services and facilities to discriminate against persons because of their disability. The Act also makes it an offence for public places to be inaccessible to people with a disability.

- *Environment Protection Act 1993*

Section 25 of the *Environment Protection Act 1993* imposes the general environmental duty on all persons undertaking an activity that might cause pollution, to take all reasonable and practical measures to prevent or minimise the resultant environmental harm.

5.5.2 Entitlement

A permit for outdoor dining entitles the permit holder to place approved furniture and accessories on the footpath in front of their food premises, but the permit does not grant exclusive rights over the relevant public space. Permit holders cannot exclude the general public from using tables and chairs if they opt not to avail themselves of outdoor dining services being provided.

5.5.3 Location

In determining whether a location is appropriate for outdoor dining, access to the area for pedestrians and vehicles, safety and the relationship between the associated food preparation and outdoor dining area will be considered. A decision on the appropriateness of a location will be at the total discretion of the CWT.

Generally, outdoor dining areas can only be established outside the premises to which they relate (i.e. not encroach across neighbouring property lines) and on footpaths with a width of at least 3.4 metres.

To maintain public access and circulation, a defined outdoor dining area must:

- Be located within the public road area that is aligned with the primary food business;
- Be at least one metre wide;
- Allow a minimum of 1.8 metres of footpath to be kept clear for pedestrians; and
- Allow a minimum space of 60 cm between the defined area and the kerb face.

Proposed layouts must be submitted to the CWT for approval and:

- Meet DDA requirements and relevant Australian safety standards;
- Incorporate appropriately positioned planter boxes if applicable;
- Provide diner safety features, including safety barriers and bollards when necessary;
- Provide traffic safety features as necessary; and
- Ensure that public access and egress is not obstructed.

Applicants must provide the CWT with an independent risk assessment of the proposed outdoor dining area undertaken by an accredited Road Safety Auditor. The requirement for independent assessment applies to new applications for outdoor dining areas and to the first renewal of an existing outdoor dining permit following the commencement date of this policy.

5.5.4 Design

The CWT will approve furniture style and materials. Street furniture should be selected for its durability and style to ensure that it complements the streetscape area and can be easily maintained in good condition.

Planter box designs are to be approved by the CWT. They must be constructed of durable materials and their physical appearance, including colours, must complement the local streetscape character.

Discharge from the planter boxes must not enter the stormwater system, and water and discharge is not to stain the pavement area or create a hazard for pedestrians.

Heating and cooling units may be installed with the permission of the CWT, but should be specifically designed for outdoor operation and be equipped with emergency shut off valves.

If gas heaters are used, permit holders must comply with safety requirements recommended by the South Australian Metropolitan Fire Service for gas bottles, gas lines and fire fighting equipment.

Signage to advertise the business (business name or logo) or goods sold on the premises is only permitted on umbrellas and glass or canvas screens. No third party advertising is allowed on any outdoor dining item.

Details of any proposed signage on furniture must be submitted with applications for permits.

Only one moveable sign may be used in conjunction with an outdoor dining area and must be placed within the defined area. The *Council Policy - Advertising of Council Land and Public Infrastructure* applies in this regard.

When outdoor dining has been approved outside of daylight hours, adequate lighting must be provided by the permit holder to ensure safety of pedestrians and maintain the amenity of the area. Lighting should not create unreasonable spill into neighbouring properties or the roadway.

When an applicant needs to provide safety barriers (energy absorbing bollards) to protect patrons from the risk of impacting vehicles, the applicant must organise and bear all costs associated with the purchase and installation of the barriers.

Bollard casing designs and colours must complement the streetscape, with painting to be in a contrasting colour to buildings and the footpath to maximise visibility for sight-impaired persons.

Blinds must be:

- Constructed of a transparent and durable material;
- Affixed to the underside of the canopy;
- Rolled up when not in use;
- Installed only in conjunction with canopies or verandahs that are less than four metres in height.

Screens must:

- Be maximum of 1.5 metres in height;
- Not fully enclose the vertical space between the footpath and a building canopy;
- Not obscure visibility.

Screens greater than 90 cm in height should be made of safety glass or some similar durable and transparent material.

Portable screens must be appropriately secured at all times to maintain safety in adverse weather conditions.

Litter containers must be installed and be of a design and number approved by the CWT.

5.5.5 Area Management

The permit holder must ensure that all furniture, fixtures and other accessories are retained at all times in the area approved by the CWT as the defined area for outdoor dining and that they do not encroach onto other areas of the footpath.

The permit holder must ensure that any other objects associated with the outdoor dining area do not encroach beyond the defined area so that a footpath width of not less than 1.8 metres is maintained at all times for direct and free travel without obstruction.

The hours of operation of the outdoor dining area must be limited to the hours of operation of the adjacent business and when licensed to serve alcoholic beverages, limited to the hours during which the licensed premises are permitted.

The permit holder must ensure furniture and fixtures are maintained in a good state of repair at all times, that any heaters and cooling units are serviced and maintained regularly and that any lighting is maintained in good working order.

The permit holder must maintain the outdoor dining area, including the footpath, in a clean, hygienic and tidy state at all times. If the CWT has to

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undertake cleaning and/or tidying of the area, the permit holder will be liable to reimburse the CWT for all costs incurred by the CWT in relation to the cleaning and/or tidying of the area.

The permit holder must maintain appropriate food safety standards.

Permit holders considering a 'dog friendly' outdoor dining area must:

- Refer to clause 24(1)(a) of the Food Safety Standard 3.2.2 (which prohibits live animals in areas in which food is handled) and to the exemption granted under the *Food Regulations 2002* (which permits the presence of dogs in an outdoor dining area that is not enclosed);
- Be aware that dogs will need to be kept under effective control by means of a physical restraint by the owner or person responsible for the animal;
- Ensure that patrons understand that dogs are not allowed to be a nuisance or be fed within the outdoor dining area.

~~When smoking is permitted, permit holders will provide ashtrays which are to be wind proof to prevent cigarette butts from falling or being deposited onto the footpath or entering the gutter and stormwater system. Ashtrays will be emptied and replaced on a regular basis and ash and cigarette butts are not allowed to litter the area, including the footpath.~~

Comment [VD1]: Outdoor dining areas were required to be smoke free under legislation from 1 July 2016.

A copy of any liquor licence granted by the Licensing Court for an outdoor dining area will be supplied to the CWT upon request.

All outdoor dining furniture must be removed from the footpath at the close of business each day unless specific approval to fix the furniture to the footpath has been given in writing by the CWT. If the furniture forming part of the outdoor dining area is intended to remain on the footpath during hours of darkness, illumination of the obstructions must be provided by the permit holder and approved by the CWT.

The permit holder must ensure the orderly conduct of members of the public within the area and must not cause or permit any disturbance or nuisance to users of land adjacent to the area or to vehicles or pedestrians travelling along the area.

Amplification and/or live entertainment is not permitted in outdoor dining areas without prior approval.

5.6 Commercial Vending of Goods Placed on Footpaths

5.6.1 Entitlement

A permit for commercial vending on footpaths entitles the permit holder to place goods that they want to display, offer or expose for sale, on or over the footpath area outside their business premises. The permit does not, however, grant exclusive rights over the relevant public space. The ability to trade on the footpath is a concession granted to traders when the CWT is satisfied that there is no danger to community safety or adverse effect on the street amenity.

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5.6.2 Location

To maintain public access and circulation, goods must:

- Be located entirely within the public road area that is aligned with the permit holder's premises and not encroach across the frontage of adjacent properties;
- Not exceed a width of 80cm;
- Allow a minimum of at least 1.8 metres of footpath to be kept clear for pedestrians at all times; and
- Allow a minimum space of at least 60 cm from the kerb face to be kept clear of goods at all times.

In some locations the width of the footpath and the right for the public to access public use facilities including litter bins, public seats, pedestrian footpath access points, bus zones, loading zones, disabled parking and passenger loading/unloading zones and the like, may restrict the area that is available. This can mean that sometimes none of the footpath is available for the display of goods.

Similarly, locations that have been associated with 'loss of control' vehicle crashes are unsuitable for the display of goods and the CWT will not issue permits in these circumstances.

The CWT is under no obligation to remove any street furniture (e.g. litter bin) to allow business use of the footpath. However, this may occur on occasions and in such circumstances will be at the expense of the business that makes the request.

5.6.3 Layout and Setback

The following minimum layout and setbacks must be satisfied prior to a permit being issued:

- Goods on display must not exceed a height of 1.2 metres with a minimum height of 600 mm measured from the footpath;
- Overhanging objects must have a minimum clearance of 2.1 metres measured from the footpath;
- Goods are prohibited within:
 - Two metres of an intersection;
 - 1.2 metres of a pedestrian ramp;
 - 1.2 metres of a rubbish bin or street furniture;
 - A bus zone or bus stop;
- Goods must be placed at least two metres from a crossover or property entrance;
- If a loading zone, disabled parking zone or a passenger loading zone is in front a premises, a minimum space of 1.2 metres must be provided for footpath access at all times;

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- An unbroken continuous display of goods cannot exceed 1.5 metres in a direction parallel to the footpath (e.g. trestle, display table).

At any time during the permit period, the CTW may assess the pedestrian density in the vicinity of the display of goods. If in the opinion of the CWT the pedestrian density is such that the free flow of pedestrians would be restricted or obstructed by the display of goods, the CWT reserves the right to refuse an application, cancel any current permit or amend permit conditions.

5.6.4 Design and Construction

The permit holder must not permit any third party advertising on or about the displayed goods, other than price tags and small labels associated with the displayed goods.

Permit holders may display a mobile advertising sign directly adjacent to the area that goods are for sale, provided that the sign complies with all provisions of Council By-Law 4 Moveable Signs and *Council Policy-Advertising on Council Land and Public Infrastructure*.

5.7 Placement of Mother's Day Flowers

5.7.1 Entitlement

A permit for the sale of Mother's Day flowers entitles the permit holder to display and sell flowers on the public road areas outside of their residences. The permit does not however, grant exclusive rights over the relevant public space. The ability to trade on the footpath is a concession granted when the CWT is satisfied that there is no danger to community safety or adverse effect on the street amenity.

5.7.2 Location

To maintain public access and circulation, goods must:

- Be located entirely within the public road area that is aligned with the permit holder's residence and not encroach across the frontage of adjacent properties;
- Allow a minimum of at least 1.8 metres of footpath to be kept clear for pedestrians at all times; and
- Allow a minimum space of at least 60 cm from the kerb face to be kept clear of goods at all times.

The sale of flowers is prohibited in public parks, parklands and adjacent car parking areas.

5.7.3 Layout and Setback

The following minimum layout and setbacks that must be satisfied prior to a permit being issued:

- Goods are not within:
 - Two metres of an intersection;

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- 1.2 metres of a pedestrian ramp;
 - 1.2 metres of a rubbish bin or street furniture;
 - A bus zone or bus stop;
- Goods must be placed at least two metres from a cross over or property entrance;
- If a loading zone, disabled parking zone or a passenger loading zone is in front a premises, a minimum space of 1.2 metres must be provided for footpath access at all times;
- An unbroken continuous display of goods cannot exceed 1.5 metres in a direction parallel to the footpath.

5.7.4 Structures Associated with the Display of Flowers

Any structures associated with the display of flowers on the footpath must not pose a hazard or obstruction to users of the footpath.

5.8 Mobile Vending on Public Roads

5.8.1 Entitlement

A permit for mobile vending entitles the permit holder to trade on council roads from a mobile vending vehicle. No person is allowed to trade from a mobile vending vehicle without such a permit.

5.8.2 Policy Requirements

The permit holder must only trade in those goods indicated on the permit.

The name and address of the permit holder must be displayed on the vehicle and be clearly visible to onlookers. A copy of the permit must be displayed in the vehicle.

The issue of a permit does not exempt the mobile vendor/driver from any provisions of the *Road Traffic Act 1961* or Australian Road Rules regarding the stopping or parking of the vehicle.

Mobile vending vehicle must not be parked in such a way, or the business of street trading conducted in such a way, that the free flow of traffic is hindered or that a dangerous or hazardous situation is created. Operators must apply due diligence towards the safety of approaching patrons, and must give special consideration to assessing safe stopping locations.

Operators of mobile food vending vehicles must observe the following restrictions:

- Not use any bell, music or sound device while the vehicle is stationary;
- Not sell ice cream, coffee or other food within 200 metres of any retail shop, canteen or other facility that sells similar food products;
- Not restrict pedestrian access or obstruct vision to other vehicular traffic;

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- Not operate on any main roads when the speed limit is 80 km/h or more;
- Not operate on a reserve, parkland or adjacent car park or land;
- Not stop to trade within 10 metres of an intersection or on a crest or bend of a road;
- Not conduct sales or enquiries from the driver's side of the vehicle.

When ice cream and confection vans (and other vans that sell products likely to attract children onto the road) stop to sell a product, the driver should use the vehicle hazard lights to warn approaching drivers of their presence.

The permit holder must ensure the orderly conduct of patrons purchasing goods from the mobile vending vehicle and that no nuisance is caused at the site to pedestrians or residents where the vehicle is temporarily parked.

The permit holder must provide a receptacle for ensuring that food or other packaging can be disposed of responsibly and does not litter the streets. The permit holder must also ensure that stopping areas are left clean and tidy before the vehicle moves on.

Music or other audible device or decorations such as banners or flags will only be permitted if approved as a condition of the permit.

5.9 Temporary Vending from Street Stalls

5.9.1 Entitlement

A permit for temporary vending entitles the permit holder to place approved street stalls and carry out business activities on the footpath in front of their premises or, with approval, in front of Council facilities.

5.9.2 Policy Requirements

Council restricts the use of temporary street stalls to locally based, not-for-profit community organisations operating adjacent to local community facilities, Council facilities or the premises of charitable organisations.

The conditions for placement of street stalls on footpaths are:

- The width of the footpath is at least than 3.4 metres;
- A width of at least 1.8 metres is kept clear for pedestrians;
- A minimum of 60 cm is kept clear between the stall and the kerb;
- The speed limit of the road is 60 km/h or lower;
- The stalls are not placed within 10 metres of intersecting roads; and
- The site has not been associated with 'loss of control' vehicle crashes.

The sale of goods from the street stall must not, in the opinion of the CWT, have a detrimental effect on nearby commercial premises by presenting unreasonable competition to their trading.

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The erection of street stalls will be limited to two occasions per year for charitable organisations and once per year for other community organisations.

5.9.3 Policy Conditions

Policy conditions for temporary vending from street stalls are as follows:

- The organisation must ensure that litter or waste is prevented from falling, spilling or blowing onto the footpaths or gutters;
- Within two hours of the close of the stall, the organisation will ensure the area is cleared of all rubbish and left in a neat and tidy condition;
- The street stall must remain in its designated location and no movement of the street stall to any other location will be permitted without separate approval;
- Street stall operators must comply with the CWT's health and hygiene requirements;
- Vehicles associated with the approval must not park on footpaths or plaza areas;
- Street stall operators must not play amplified music or other amplified content without prior written permission.

5.10 Temporary Hoarding, Scaffolding or Fencing on Footpaths

5.10.1 Entitlement

This permit entitles the authorisation holder to erect hoarding, scaffolding or fencing over the footpath area outside their premises for a limited period of time while work is being undertaken.

5.10.2 Location

To maintain public access and circulation, structures must be:

- Located entirely within the alignments of the authorisation holder's premises and not encroach across the frontage of adjacent properties; and
- Allow a minimum of at least 1.8 metres of footpath to be kept clear for pedestrians at all times.

The holder of a permit must:

- Comply with all relevant requirements of government departments and statutory authorities;
- Comply with any direction of the CWT to remove, raise, lower or otherwise alter the position of a hoarding, scaffolding or fencing;
- Prior to the installation of any structure on a public footpath or road, check the location of underground cables, wires, pipes and other infrastructure;
- Ensure that hoardings do not interfere with or cause damage to or affect in any way any wire, post, cable, pipe or other item which is the property of a public infrastructure organisation; and
- Accept total responsibility to make good any damage that occurs to public infrastructure.

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5.10.3 Design and Construction

Structures on the footpath must not pose a hazard or obstruction to users of the footpath. On all sides exposed to the public, hoardings must be free of projections of any kind including shakes and slivers of timber, nails, sharp edges and corners of metal sheets.

Lights must be fixed at each corner of the hoarding and on any hoarding at intervals not exceeding six metres at a height of 1.5 metres above ground level. Lights must be kept clean and illuminated from sunset to sunrise during the whole of the period for which the footpath is occupied

No placards, signs or advertisements of any description may be posted on or attached to any hoardings, scaffolding or fencing or exhibited within such space without approval.

The road or footpath adjacent to the hoarded area must be kept clear of plant, equipment, materials, debris and rubbish at all times.

Hoardings must meet the relevant Australian standard.

5.10.4 Maintenance and repair

The holder of a permit must, during the period of the authorisation, maintain the structures erected over the footpath and keep them in good safe and proper repair and condition.

The holder of a permit must erect warning signs and install appropriate warning devices as warranted by the structures.

The CWT may at any time inspect the structures and the holder of the permit must comply with all reasonable requirements of the CWT in relation to maintenance and repair.

If the holder of a permit does not adequately repair and maintain the structures, the CWT may carry out any such repair and maintenance and recover its costs from the permit holder for doing so.

5.10.5 Damage to the Footpath

The holder of a permit must take all reasonable precautions to avoid damage to the road or to any Council owned property located within or adjacent to the road.

The permit holder must immediately notify the Council of damage that occurs to the road or any Council owned property located within or adjacent to the road and will be held accountable for the cost of reinstatement;

When damage is caused to the footpath and reinstatement work is necessary, Council will carry out the reinstatement work at the permit holder's expense.

5.11 Temporary Placement of a Container on a Public Road

5.11.1 Entitlement

This permit entitles the permit holder to temporarily place a container on a public road or footpath.

5.11.2 Container Location

The holder of a permit must ensure that the container is placed:

- As close as practicable and parallel to the kerb;
- At least ten metres from any road intersection or junction;
- At least two metres from a crossover or property entrance;
- So that the footpath is not obstructed and a minimum of at least 1.8 metres of footpath is kept clear for pedestrians at all times;
- Outside of any prohibited or restricted parking zones or area;
- Only on a road where the speed limit is less than 80 km/hr;
- In a position so as not to block access to utility service manholes or devices that require servicing such as traffic signal boxes, telephone boxes, post boxes, fire hydrants and plugs.

Approval for the temporary placement of containers will not be granted on a street if there is less than three metres clearance between the object and the centre line of the road or to the opposite kerb line of the road.

Additional conditions, specific to the placement site, may also be imposed for safety or access requirements.

5.11.3 Visibility of container

A flashing light must be placed each end of the container on the road side and be operated between sunset and sunrise, or yellow retro-reflective tape must be placed on the corners of containers as a safety measure for motorists, pedestrians and cyclists. Damaged tape must be replaced to ensure that adequate visibility is maintained.

Orange flag bunting, plastic traffic safety cones or barrier mesh must be placed around containers during daylight hours.

5.11.4 Cleanliness and Maintenance

The holder of a permit must ensure the road is left in a clean and tidy condition at the end of each day and at the end of the period of the authorisation.

When the CWT has to undertake cleaning or tidying of the road, the authorisation holder will be liable to reimburse the CWT for all costs incurred by the CWT in the cleaning or tidying of the road.

The containers must be kept in a safe condition, during the period of the authorisation.

5.11.5 Compliance with Directions

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The holder of a permit must:

- Comply with all relevant requirements of government departments and statutory authorities along with any direction of the CWT.
- Ensure that containers do not interfere with or cause damage to or affect in any way any wire, post, cable, pipe or other item which is the property of the SA Power Networks, Telstra, SA Water and/or United Water, Boral Ltd, or other federal, state or local government authority or other infrastructure owner.
- Accept total responsibility to make good any damage that occurs to public infrastructure.

5.11.6 Damage to the Road

The holder of a permit will take all reasonable precautions to avoid damage to the road or to any Council owned property located within or adjacent to the road.

The permit holder must immediately notify the CWT of damage that does occur to the road or to any Council owned property located within or adjacent to the road;

Any damage, whether unintentionally or negligently resulting from the holding of a permit will be recovered by the CWT under the provisions of section 233 of the Act.

If damage is caused to the road or footpath and reinstatement work is necessary, the CWT will carry out the reinstatement work at the permit holder's expense.

The permit holder will be responsible for reimbursing the CWT for all reasonable costs incurred to repair or rectify any damage caused to the road.

CITY OF WEST TORRENS



Council Policy: Memorials

Classification:	Council Policy
First Issued:	19 April 2005
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Related Policies or Corporate Documents:	Council Policy - Public Consultation Council Administration Policy - Public Consultation Policy Council Policy - Advertising on Public Land and Infrastructure By Law No 1 - Permits and Penalties By Law No 2 - Local Government Land By Law No 3 - Roads By Law No 4 - Moveable Signs By Law No 5 - Dogs
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Responsible Manager:	Manager City Assets
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Approved by Executive:	_____ Date
Endorsed by Council	_____ Date

City of West Torrens Council Policy – Memorials Policy

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City of West Torrens Council Policy – Memorials Policy

COUNCIL POLICY - Memorials

1. Preamble

- 1.1 The Council of the City of West Torrens (CWT) understands the need to commemorate the memory of a person, group, physical object or event through a memorial or monument adds significant value to the culture of the community, as well as preserving the history of the council area.

2. Purpose

- 2.1 This policy provides guidelines for the approval, installation and management of memorials and monuments in the CWT area.

3. Scope

- 3.1 This policy covers all proposed memorials and monuments on local government land and roads in the CWT.
- 3.2 This policy covers all temporary memorials or roadside vigils on local government land and roads in the CWT.
- 3.3 The policy does not cover signage, display boards, banners, memorial seats or benches or public art works.

4. Definitions

4.1 Local Government Land

Land owned by a Council or under Council's care, control and management. (section 4 of the *Local Government Act 1999*)

4.2 Plaque

A flat tablet of metal or other durable material and which includes text and/or images that commemorate a person, group, association, event or occasion. Such plaque is to be affixed to a building, object, or pavement.

4.3 Memorial or Monument

An object such as a statue, sculpture or plaque (but not including a plaque that is affixed to a memorial seat or bench, no larger than 150cm x 75cm), that is designed to preserve the memory of a person, group, association, physical object (such as a bridge), event or occasion.

City of West Torrens Council Policy – Memorials Policy

4.4 Road

For the purposes of this policy, the definition of "road" is as per section 4 of the *Local Government Act 1999*, being;

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

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

4.5 Temporary Memorial/ Roadside Vigil

A memorial which is installed on an ad hoc basis by private individuals in response to a tragic event, and which is not intended to be a long term or permanent fixture.

4.6 Applicant

A person or group which proposes the creation or installation of a memorial. They will be responsible for the financial support of the memorial.

5. **Policy Statement - Permanent Memorials and Monuments**

5.1 Approval from Council

5.1.1 Council recognises the sensitivity of an application for a permanent memorial or monument and understands that often the intention is to honour a person or event that was special to them. An application for installation of a memorial or monument will be considered by Council to commemorate;

5.1.1.1 An individual who was, or is, a member of the West Torrens community and made a significant contribution to the cultural, political, or social life of the community, or

5.1.1.2 An incorporated body or group which has made a significant contribution to the cultural, political, sporting, or social life of the West Torrens community, or

5.1.1.3 A place or an historical event or anniversary of local, state, or national significance.

5.1.2 Memorials and monuments should be consistent with the Community Land Management Plan for the location.

5.1.3 Memorials and monuments should be in keeping with the aesthetic appeal and functionality of the location.

5.1.4 Alterations to, or replacement of, an existing memorial or monument must comply with the policy.

5.1.5 Council must formally endorse the installation and/or naming of a memorial or monument prior to its placement by way of a resolution of Council.

5.1.5.1 In all instances, the applicant will be contacted by a CWT officer to confirm the details of the application before a memorial or monument will

Comment [SW1]: Insertion here allow former cl 5.1.4 to be deleted

City of West Torrens Council Policy – Memorials Policy

be presented to the Council for consideration and also advised of the meeting date.

5.1.5.2 Memorials and Monuments which have been installed without Council approval may be removed by the CWT.

5.1.6 Any existing memorial or monument cannot be taken as a precedent for future approvals.

~~5.1.74 All requests from the community to name a memorial or monument feature will be referred to the Council.~~

5.1.75 The Council has the right to refuse any application for a memorial or monument on local government land or roads.

5.1.86 Only in exceptional circumstances will a new memorial or monument be approved to commemorate the same person, event, or organisation for which there already exists a memorial in the council area.

5.1.97 Prior ownership of the land on which the memorial or monument is to be installed is not by itself sufficient reason to apply the owner's name to the site.

5.1.108 A memorial or monument must be developed in line with this policy and any of the conditions specified by Council at the point of approval.

5.111-9 The placement of the Memorial or Monument is at the discretion of Council and regard will be given to public safety, the object and any maintenance considerations.

5.2 Public Safety

5.2.1 The design and/or placement of a memorial or monument should not present a safety risk to pedestrians, cyclists or vehicles.

5.2.2 Council may conduct a risk assessment where public safety issues are identified. This will be completed in accordance with legislative requirements and any applicable Australian Standards.

5.3 Register of Memorials and Monuments

5.3.1 CWT will maintain a Register of Memorials and Monuments that have been approved by Council, which fall within the scope of this policy.

5.4 Maintenance of a Memorial or Monument

5.4.1 Council cannot guarantee that a memorial or monument will be preserved or remain at a site indefinitely. However, in the event of an alteration or relocation of a memorial or monument, every effort will be made to contact the original applicant or organisation recorded in the Register.

5.4.1.1 The new location of an existing memorial or monument will be as aesthetically appealing and appropriate for the type of memorial or monument as the original location in accordance with legislation.

5.4.1.2 CWT will attempt to consult other stakeholders when altering, removing or relocating a memorial or monument where appropriate with consideration to the principles of the Public Consultation Policy

Comment [SW2]: Standard practice/protocol

Comment [SW3]: See amendment to cl 5.1.5.1

Comment [SW4]: "Shifted" from 5.4. to here as old clause 5.3 refers to Register

City of West Torrens Council Policy – Memorials Policy

- 5.4.1.3 In the event that a memorial or monument has not been maintained by the applicant as specified within the conditions of approval or when changing circumstances may mean that its existing location compromises public safety, Council reserves the right to remove a memorial or monument if it falls into disrepair.
- 5.4.2 While reasonable effort will be made to maintain memorials and monuments where Council has agreed to be responsible, the estimated lifespan of objects is ten (10) years unless otherwise specified.
- 5.4.2.1 If a memorial or monument needs replacing within that time, costs will be borne by the applicant or organisation recorded in the Register.
- 5.4.2.2 Council reserves the right to decide to remove a memorial or monument after the expiry of ten (10) years, subject to the condition of the original memorial or monument approval and after consultation with the applicant or organisation recorded in the Register.
- 5.4.2.3 Council will endeavour to contact the applicant at its most recently notified postal address and will allow up to 28 days for a response unless there is an actual risk to public safety.
- 5.4.3 Unless otherwise agreed, the applicant will be required to pay for the design, manufacture, and installation of the memorial or monument to Council's specifications.
- 5.3.3.1 Repair or replacement of the memorial or monument as a result of vandalism or theft is at the applicant's cost.
- 5.4.4 Council may consider contributing funds to the establishment of a memorial or monument when there is a clear demonstration of the community significance and civic involvement of the proposal. In this instance, Council will specify its proposed financial contribution in the original approval.

5.4 Register of Memorials and Monuments

- 5.4.1 CWT will keep a Register of memorials and monuments that have been approved by Council, which fall within the scope of this policy.

6. Policy Statement - Temporary Memorials or Roadside Vigils

- 6.1 Council understands that families who have lost a loved one due to a tragic event often feel that a temporary memorial or a roadside vigil assists in their mourning and grievance grieving process.
- 6.2 An individual or group wishing to install a temporary memorial or roadside vigil on local government land and roads must acknowledge that the roadside memorial or vigil:
- is temporary in nature
 - must not present a public risk or impediment to other road users or authorities
 - must be maintained by that individual or group
 - will be permitted to remain on the site at the sole discretion of Councils discretion

Comment [SW5]: Clarify who may be impacted by impediment or risk

City of West Torrens Council Policy – Memorials Policy

- 6.3 Council may decide in certain circumstances to exercise its powers under the *Road Traffic Act 1961* and remove the objects.
- 6.3.1 The removal of temporary memorials is an indication that no further placement of memorial items will be allowed at that location.
- 6.3.2 If the owner of the items is able to be identified, Council will attempt to contact and return these objects where possible.
- 6.3.3 Removal of temporary memorials is at the discretion of Council in order to maintain public safety.

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17.2 Motions for the LGA Ordinary Meeting 2017

Brief

This report advises that the Local Government Association has called Notices of Motions for the 21 April 2017 Local Government Association Ordinary General Meeting to be held at the Adelaide Convention Centre, North Terrace, Adelaide.

RECOMMENDATION(S)

It is recommended to Council that the report be received.

Introduction

At its 17 January 2017 meeting, Council was advised that the Local Government Association (LGA) was calling for Notices of Motion (Motions) from councils for the LGA 2017 Ordinary General Meeting (OGM).

Discussion

At the meeting of 17 January 2017, Council resolved to adopt the recommended process for the lodgement of Motions. Draft Motions were to be provided to the Chief Executive Officer by 10 February 2017 and presented to Council at the meeting of 21 February 2017 for consideration and approval.

Council further resolved that the number of Motions to be submitted to LGA by the City of West Torrens be limited to a maximum of three (3) at each meeting.

As the Chief Executive Officer had not received notification of any Motions by the close of business on 10 February 2017 further action is not required.

Conclusion

As notification of proposed Notices of Motion for the LGA 2017 Ordinary General Meeting was not received by 10 February 2017 no further action is required.

Attachments

Nil

17.3 Friendly City Agreement

Brief

This report provides an update to Council following its decision on 15 November 2016 relating to detailing the necessary steps, guidelines and resources required in defining and establishing an ongoing Friendly City Agreement between an appropriate City Government within the Chinese Province of Shandong.

RECOMMENDATION(S)

It is recommended that Council:

1. Authorises the Chief Executive Officer to investigate further the options available of entering into a Friendly City Agreement or Friendly Cooperative Relationship with an appropriate and suitable City Government of the Peoples Republic of China with the aim of preparing a Letter of Intent to establish such an agreement.
2. Seeks the support of the Shandong Chamber of Commerce in South Australia to assist Council explore options of appropriate and suitable City Governments of the Peoples Republic of China with which to establish such an agreement.
3. Notes that costs to manage an agreement are likely to be in the vicinity of \$20,000 per annum and that funding to support this will be considered as part of the annual budget setting process.
4. Supports the preparation of a China Strategy to guide the development of Council's partnerships in China to promote the City of West Torrens as a globally connected city and leverage these partnerships to enhance the urban, economic and social development of our City.
5. Receives a further report from the Chief Executive Officer in regard to the outcomes obtained from above recommendations 1, 2, and 4.

Introduction

Following the 15 November 2016 resolution of Council, the Administration explored what objectives and outcomes Council should seek from fostering and developing a relationship with an appropriate City Government within the Chinese Province of Shandong and which location or City Government would be best to achieve the desired objectives and outcomes.

The first step in exploring a relationship with China is for Council to initiate discussions with the Shandong Chamber of Commerce in South Australia (SCCSA) who would act as an intermediary between the Shandong Foreign Affairs department to assist the Council in exploring a Friendly City Agreement with a suitable City Government in Shandong. In some circles, Friendly City Agreements are also referred to as Friendly Cooperative Relationships so these two terms are interchangeable within this report.

Broad and preliminary discussions have taken place with the Executive Director of SCCSA which has identified a number of potential suitable City Governments in Shandong which could provide a successful fit for the businesses operating within our City that could potentially benefit from a Friendly City Agreement.

The work in this report has been informed by desk top research and interviews with other South Australian Councils; discussions with the Department of Premier and Cabinet; engagement with the Chair of the Premier's China Advisory Council; the South Australian Local Government Association; the Shandong Chamber of Commerce; the Australia China Business Council; as well as interviews with a range of local business stakeholders who are knowledgeable, involved and have previously shown an interest in doing business in China.

Discussion

China is an important destination for Australia in terms of trade, tourism and investment. Culturally, it is understood that China relates to and respects the role of Local Government and particularly, the position of Mayor. As a result, councils are considered to be uniquely positioned to build strong inter-governmental relationships and connections with China.

The Administration has been advised by local key business stakeholders interested and heavily involved with China that as a result of formal Agreements being reached with local government, for example, a Friendly City Agreement, social, cultural and sporting ties, business, investment and tourism opportunities are likely to follow.

As part of developing this report the Administration explored where in China it would be most beneficial and appropriate for Council to strengthen its relationships. This was done in the context of taking account of what existing Friendly City and/or Sister City relationships already exist between SA local governments and Chinese city governments in Shandong. Accordingly, it was suggested that Council could consider exploring a Friendly City or Friendly Cooperative relationship with the Weifang City Government. The SCCSA has also suggested that the Weifang City Government may be in a position to consider a Friendly City or Friendly Cooperative relationship with the City of West Torrens as we share many similar community and business values. It is proposed to explore this opportunity further if supported by Council.

It is understood the symbolism of agreeing to enter into such a relationship may lead to stronger cultural, economic and social ties between the two cities.

It is suggested that a Friendly City Agreement could focus on facilitating civic connections, strengthening economic and trade links in the fields of environmental improvements, waste water, tourism, food and wine, health care, and others fields based on demand and trade requirements. In addition, it is also about encouraging and supporting individuals, groups and organisations to exchange and/or participate in cultural, art and sport based endeavours.

As part of any discussions, the scope of what can reasonably be delivered by Council will need to be clearly put, negotiated and costed. It is envisaged that around \$20,000 per annum is likely to be required to support the administration of such an agreement. It is proposed that this be costed once an Agreement and its obligations are fully understood and that it form part of future Council budget considerations.

It is also proposed that letters of support are sought from other key stakeholders, for examples, universities, government agencies, peak bodies, etc. around the level of in-kind resources that these organisations are able to contribute to support a Friendly City Agreement given the broader economic benefits to the City of West Torrens and South Australia of such an arrangement.

It would be the role of Council to initiate discussions and potentially prepare a letter of intent with an appropriate Chinese City Government with a view to prepare a Friendly City Agreement with the explicit purpose of generating new business opportunities for a range of local business that have expressed an interest in, or currently undertake, business in China.

The wording of a Friendly City Agreement could take the following form:

West Torrens City of Australia and XXX City of the People's Republic of China, in accordance with the principles of the Joint Communiqué on the Establishment of Diplomatic Relations between Australia and the People's Republic of China, for the purpose of promoting mutual understanding and friendship between the Australian and Chinese peoples, and consolidate and develop friendly cooperation between the two cities, and through friendly consultations, have reached agreement on the establishment of a Friendly City Agreement.

The two Cities agree to make concerted effort, on the basis of equality and mutual benefit to promote people-to-people friendly contacts and economic and trade interflow between the two Cities, and actively carry out exchanges and cooperation in the fields of economy, trade, culture, sport, education, etc. (list as appropriate).

This agreement is done in duplicate in the English and Chinese languages, both texts of being equally authentic and shall come into force after it is signed by both Cities.

This agreement shall be valid for five years and upon expiration, it may remain in force if neither side terminates it.

A Shandong Province map follows indicating Jinan as the Provincial capital. Other major cities within the Province are also shown with Weifang shown as being east of the capital.



Weifang is a prefecture-level city in central Shandong Province, People's Republic of China. The city borders Dongying to the northwest, Zibo to the west, Linyi to the southwest, Rizhao to the south, Qingdao to the east, and looks out to the Laizhou Bay to the north.

It covers a total area of 15,770 km² and has a population of 9.22 million and is largely urbanized. Weifang is 183 km from Jinan, the provincial capital, and 410 km from Beijing.

With regard to developing a 'China Strategy' to guide the development of Council's partnerships in China (see recommendation 4), the 'strategy' would leverage off the South Australia - China Engagement Strategy (May 2016) found at www.statedevelopment.sa.gov.au/china.

The State Government China Engagement Strategy points to the need to deepen and strengthen Government to Government ties to secure ongoing trade and investment opportunities with China. The State Strategy highlights in particular the significant and strategic importance of Local Government in establishing meaningful links to the growing China market for the future of State, regional and local economies.

A City of West Torrens China Strategy would aim to develop some key actions and recommendations to facilitate Council to further work with key agencies, stakeholders and local businesses to assist them to expand and achieve long-term trade relationships with businesses in the growing China market.

Conclusion

An outline of the necessary steps, guidelines and resources required to establish an ongoing Friendly City Agreement with an appropriate City Government in Shandong Province of the People's Republic of China is outlined in this report. Further, the SCCSA has identified a potential City Government in China with whom West Torrens could explore establishing a relationship with.

If supported by Council, the Chief Executive Officer will write to other key stakeholders seeking their in-kind support in exploring any commercial benefits to progress a Friendly City Agreement given the potential broader economic benefits of business in the Council area.

The Chief Executive Officer will also seek the support of the SCCSA to explore Weifang City Government as a potential partner to enter into a Friendly City Agreement and look to prepare a Letter of Intent in preparation of establishing this cooperative relationship. Work would also take place to form the basis of a China Strategy guide to assist Council to development and promote the City of West Torrens as a globally connected city and leverage relationships in China to enhance and deepen our long-term engagement in areas of investment, trade and business, education, sport, culture and the exchange of people, skills and ideas.

Further, it is estimated that \$20,000 per annum will be required to manage this Agreement and that funding to support this will be addressed as part of the annual budget setting process.

Attachments

Nil

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 5 and 6.

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.

Attachments

1. Local Government Circulars Weeks 5 & 6



Local Government Association of South Australia

5.3 Save the date - Gaming improves community wellbeing...or are they space invaders?

Want to learn more about Augmented Geospatial Gaming (AGG)? Then this event is for you! Further information can be found in this Circular.

5.1 Business engagement paper and case management paper now available on LGA website

The papers can be found on the Metropolitan Local Government Group Resources page on the LGA website.

5.5 Borrow Pit Guidelines for Consultation

The Department of State Development has prepared a guide for the development and rehabilitation of small quarries and borrow pits in South Australia. A consultation draft is now available for download.

5.2 Leading Practice Mining Acts Review 'drop-in' sessions held around state

A number of sessions will be held around the state over the next three weeks.

6.1 Animals in Emergencies Framework Released

The Framework is now available for download. This circular provides details.

5.4 Animated video for vegetation management

SA Power Networks has now developed a short animated video to communicate the important messages to the public about vegetation management around powerlines.

5.6 Updated DPTI website for heavy vehicle information.

The Department of Planning, Transport and Infrastructure (DPTI) has updated the currency and accuracy of heavy vehicle information published on the www.sa.gov.au website. This circular has information related to the revised website.

5.7 State Local Government Infrastructure Partnership (SLGIP) - Business Case Template

A Business Case Template has now been finalised by the LGA to assist Councils further in relation to this program. The document also includes an appendix which can be used as a checklist of specific SLGIP requirements for a business case - whether or not the LGA template is used.

6.2 Reminder – Review of Food Regulations 2002

Reminder that SA Health is now seeking feedback on the draft SA Food Regulations 2017 by 24 February 2017.



Local Government Association of South Australia

6.9 Special Local Roads Program (SLRP) Funding 2017/18

The 2017/18 funding round for the Special Local Roads Program (SLRP) is now open. Applications from metropolitan and regional councils are required by 30 April 2017, a new application template is included in this circular.

6.3 RE-ADVERTISING: More nominations sought for the Power Line Environment Committee

The LGA called for nominations for the Power Line Environment Committee in December last year. The low response resulted in the LGA board requesting a further call for nominations. Women in the local government sector are particularly encouraged to apply. Nominations must be forwarded to the LGA by COB Friday 3 March 2017.

6.8 Who Should Audit Local Government - Survey Reminder

Council members and staff are reminded that survey responses on 'Who Should Audit Local Government?' should be provided by 2 March 2017.

6.6 2017 Churchill Fellowship Information

The LGA has received information on 2017 Churchill Fellowships and has agreed to forward this to Councils. Councils may wish to promote the fellowships to relevant Council staff as well as to groups in their communities. It has been noted that in recent years there has been under-representation of applicants from rural and remote areas; small business; and culturally and linguistically diverse communities.

6.7 Commencement of Local Nuisance and Litter Control Act 2016 - ID Cards

Provisions relating to litter management under the Local Nuisance and Litter Control Act came into effect on 1 February. This circular contains further information.

6.10 Delegations Update - Local Nuisance and Litter Control Regulations

New delegations are available under the Local Nuisance and Litter Control Regulations.

6.11 UDIA Overseas Study Tour 2017

The UDIA has announced details of their 2017 Urban Regeneration and Development Study Tour of North America to be held between 22 April to 6 May 2017. Further information is available via this Circular.

6.12 South Australian Mineral & Energy Services Future Forum to be held 28 February

This event will bring together providers and other stakeholders.

6.13 Australian Institute for Disaster Resilience event 22 February

This event will discuss increasing the community capacity following disasters.

6.5 Local Government in Live Music – 24 March 2017, 9:30am-12:15pm: Free event.

The LGA is hosting a free half day workshop to provide an opportunity for councils to come together to consider how local government can support for live music in all its forms. This Circular provides further details and registration details.

6.4 Setting a sector policy on "Value Capture"

The LGA is seeking comment from its members to inform development of a sector policy, to address recent interest by other spheres of Government in "value capture". There are concerns that the Commonwealth, the State, or both, may jeopardise local government's main source of revenue by imposing or requiring additional taxes on land owners.

6.14 Local Government Electricity Forum - 6 March 2016

South Australia has faced ever increasing costs of electricity generation and decreasing security of supply. LGA Procurement is holding an Electricity Forum on 6 March 2017 to provide a range of relevant information and an opportunity to discuss concerns and consider potential solutions.

7.1 Feedback Sought – Local Government (Financial Management) Variation Regulations 2017

The LGA is seeking feedback on the draft Local Government (Financial Management) Variation Regulations 2017.

6.15 2017 LG Professionals Australia, SA State Conference

Limited tickets remaining! Last chance! Registrations close in 1 week!

19 MEMBER'S BOOKSHELF

Nil

20 CORRESPONDENCE

20.1 AdaptWest Climate Change Adaption Plan and Sector Agreement

Correspondence has been received from the Minister for Climate Change, Hon Ian Hunter MLC, acknowledging Council's letter dated 12 January 2017 in relation to the AdaptWest Climate Change Adaption Plan and its accompanying Sector Agreement (**Attachment 1**).

20.2 South Australian Public Health Council

Correspondence has been received from the Director Policy of the Local Government Association of South Australia, Ms Lea Bacon, advising that Cr Sue Whittington of City of Norwood, Payneham & St Peters, has been appointed to the South Australian Public Health Council as a member, and Deputy Mayor Arthur Mangos of City of West Torrens as her Deputy for the period 27 January 2017 to 24 January 2020 (**Attachment 2**).

20.3 South Australian Local Government Grants Commission

Correspondence has been received from the Manager Executive Services of the Local Government Association of South Australia, Ms Jacqui Kelleher, advising that Mayor Gillian Aldridge of City of Salisbury and Mayor Dave Burgess of Mid Murray Council are the nominees for appointment to the South Australian Local Government Grants Commission (**Attachment 3**).

20.4 SA Freight Council Request for Deputation - WestLINK Tram Alignment

Correspondence has been received from the Executive Officer of the South Australian Freight Council, Mr Evan Knapp, requesting a deputation to speak to Council regarding the current debate on the alignment of the proposed WestLINK tram (**Attachment 4**).

RECOMMENDATION

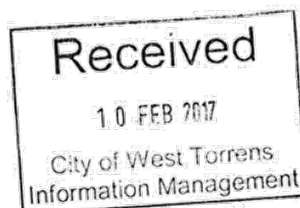
That the correspondence be received.

Attachments

- 1. Letter from Minister for Climate Change regarding AdaptWest Climate Change Adaption Plan and Sector Agreement**
- 2. South Australian Public Health Council**
- 3. South Australian Local Government Grants Commission**
- 4. SA Freight Council Request for Deputation - WestLINK Tram Alignment**

17MCC807483

Deputy Mayor Arthur Mangos
City of West Torrens
165 Sir Donald Bradman Drive
HILTON SA 5033



Government
of South Australia

The Hon Ian Hunter MLC

Dear Deputy Mayor

Thank you for your letter dated 12 January 2017, regarding the AdaptWest Climate Change Adaptation Plan (AdaptWest Plan) and its accompanying Sector Agreement.

The AdaptWest Plan is an impressive document that will help the three councils involved incorporate climate change adaptation into their planning processes. It is a testament to the AdaptWest Steering Committee's efforts in collaborating across the three councils and the state government.

I am advised that the Department of Environment, Water and Natural Resources (DEWNR) will coordinate and prepare a State-wide, whole of Government response to the key priorities and actions identified in the regional adaptation plans by the end of 2017.

I encourage you to not wait for this work to be finalised, but rather continue to work with the relevant State agencies, groups, or businesses that you have identified as partners during this time to help implement the AdaptWest Plan.

I agree that a new Sector Agreement should be developed to support the implementation of the AdaptWest Plan. A new Sector Agreement will further solidify our relationship and allow us to work together on the delivery of the actions in the AdaptWest Plan.

To discuss this matter further, I encourage you to contact Ms Michelle Benison, Senior Policy Officer, DEWNR, on telephone 8463 3822 or via email at michelle.benison@sa.gov.au.

Thank you for taking the time to write to me and I trust that the above information is of assistance.

Yours sincerely

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

IAN HUNTER MLC
Minister for Climate Change

7 / 02 / 2017

Minister for Sustainability, Environment and Conservation
Minister for Water and the River Murray
Minister for Climate Change

Level 9, Chesser House, 91-97 Grenfell Street Adelaide SA 5000 | GPO Box 1047 Adelaide SA 5001 DX 138
Tel 08 8463 5680 | Fax 08 8463 5681 | Email minister.hunter@sa.gov.au | www.premier.sa.gov.au





Local Government Association
of South Australia

The **Voice**
of Local
Government

Our Reference: 647028 / CB : AC

7 February 2017

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



Dear Terry

South Australian Public Health Council

Further to our letter of 3 November 2016 I can now advise that Cr Sue Whittington (City of Norwood Payneham & St Peters) has been appointed to the South Australian Public Health Council as a member, and Deputy Mayor Arthur Mangos (City of West Torrens) as her deputy, for the period 27 January 2017 to 24 January 2020. The appointments were proclaimed by His Excellency, the Governor, in the SA Government Gazette on 27 January 2017.

Would you please formally notify Deputy Mayor Mangos of the outcome and forward the enclosed copy of the LGA Nominated Representatives on Outside Bodies Briefing Paper to him. Please also advise him that the LGA Policy Manual is available on the LGA website at www.lga.sa.gov.au/goto/corpdocs.

If you have any queries in relation to this matter please contact Courtney Bartosak on 8224 2067 or email courtney.bartosak@lga.sa.gov.au.

Yours sincerely

Lea Bacon
Director Policy

Telephone: 8224 2025
Email: lea.bacon@lga.sa.gov.au

Attach: Briefing Paper



148 Frome Street Adelaide SA 5000 | GPO Box 2693 Adelaide SA 5001 DX 546 | Tel 08 8224 2000 | Fax 08 8232 6336 | Web www.lga.sa.gov.au



NOMINATED REPRESENTATIVES ON OUTSIDE BODIES

BRIEFING PAPER

Introduction

The Local Government Association (LGA) is the only body authorised by Councils to represent them collectively at the State level. This ensures that Local Government is coherently and consistently represented.

Role & Function

The function of the LGA nominated representatives is to ensure that a whole of Local Government perspective is considered when issues arise which may affect Councils. As a representative of Local Government, your role is important for the future of Local Government and places you at the forefront of change as we enter the new millennium.

Your role as the LGA nominated representative of Local Government is to:

- provide a whole of Local Government perspective to the committee/working party;
- act as an access point for information from Local Government to the committee/working party; and
- provide relevant information from the committee/working party to the LGA to enable this to be made available to all Councils.

Consultation

Please note that liaison or consultation by an outside body with an LGA nominated representative is not "consultation" within the terms of the 'Interim Protocols' agreed between the State Government and the LGA. Formal consultation with Local Government can only occur through the Local Government Association.

If your committee/working party is at a stage where it would like to formally consult with Local Government on a particular matter (e.g. consultation on a Discussion Paper), the committee/working party should be directed to the LGA. The LGA will then liaise with Councils and arrange a process to provide feedback.

An LGA nominated representative's participation on a committee/working party cannot be regarded as LGA or Local Government endorsement. A representative may feel that they are in a position to give an indication of the likely view of Local Government but no commitment can be made on behalf of all Councils.

Liability and Indemnity Cover

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

State Government Agency

A Member appointed on a State Government Board, will be entitled to the benefits of the South Australian Government Insurance and Risk Management arrangements administered by the South Australian Captive Insurance Corporation ("SAICORP") in respect of the operations of that Board.

Policy

The Local Government Association does not regulate Councils or its representatives, but you are expected to work within LGA policy as outlined in the Policy Manual and use this as your reference point.

Policy is set by all Councils at Ordinary General Meetings of the LGA and the LGA Board is the only body able to create interim policy which is subject to ratification at General Meetings.

If a policy issue arises on the committee/working party which is not covered by LGA policy, please seek advice from the nominated LGA contact officer.

If any issue arises on the committee/working party which may have a significant or direct impact on Local Government, please notify the nominated LGA contact officer.

Support

Support can be provided to you by the LGA although this is limited by our resources but may include:

- verbal advice;
- writing a formal letter from the LGA;
- referring a matter to a Local Government reference group;
- presenting a report to the LGA Board for decision or information;
- sending a Circular to Councils;
- surveying the views of Councils;
- organising a workshop or forum;
- publishing an article in LGA News;
- referring the issue to the Australian Local Government Association;
- seeking views from other State Associations;
- writing a letter to the relevant Minister;
- seeking a meeting with the relevant Minister; and
- research

When an issue arises which you believe requires support, please advise your contact officer at the LGA.

Please do not offer the use of LGA resources until you have confirmed their availability.

Your LGA Contact Officer is:	Courtney Bartosak
Telephone:	8224 2067
Facsimile:	8232 6336
E-mail:	courtney.bartosak@lga.sa.gov.au



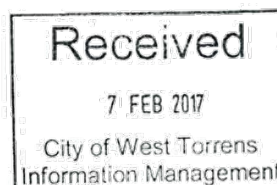
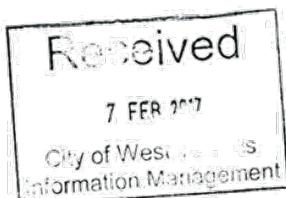
Local Government Association
of South Australia

The **Voice**
of Local
Government

Our Reference: 646969 / JK : AC

3 February 2017

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



Dear Mr Buss

South Australian Local Government Grants Commission

At its meeting on 25 January 2017 the LGA Board resolved to submit a panel of two nominees listed below (in alphabetical order) from which one member may be appointed by the Minister to the South Australian Local Government Grants Commission.

- Mayor Gillian Aldridge City of Salisbury
- Mayor Dave Burgess Mid Murray Council

Thank you for your Council's nomination. Would you please formally notify Deputy Mayor Mangos of the Board's decision.

If you have any queries in relation to this matter please contact me.

Yours sincerely

Jacqui Kelleher
Manager Executive Services

Telephone: 8224 2022
Email: jacqui.kelleher@lga.sa.gov.au



148 Frome Street Adelaide SA 5000 | GPO Box 2693 Adelaide SA 5001 DX 546 | Tel 08 8224 2000 | Fax 08 8232 6336 | Web www.lga.sa.gov.au

2 February 2016

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

Dear Mr *Terry* Buss,



RE: Request for Deputation – WESTLink Tram Alignment

On behalf of the South Australian Freight Council's (SAFC) Executive Committee and Membership, I write to request a deputation to speak to Council regarding the current debate on the alignment of the proposed Westlink tram; from the CBD to Adelaide Airport and Henley Square.

SAFC is the State's peak, multi-modal freight and logistics industry group that advises all levels of government on industry related issues. SAFC represents road, rail, sea and air freight modes and operations, freight services users and assists the industry on issues relating to freight logistics across all modes.

As Council may be aware, both of the alternative routes under discussion – Richmond Road and Sir Donald Bradman Drive – are heavy freight routes, facilitating the transit of trucks up to B-double standard (26m in length). There is also considerable potential for future freight growth on these routes given their important function delivering exports to Adelaide Airport, and goods to the various Adelaide Airport precincts (including Export Park, Ikea, Burbridge Business Park and Harbor Town).

I seek leave to present to Council via deputation at either the 7 February 2017 meeting (should council intend to discuss the matter then) or at the following 21 February meeting. I understand that the deadline for deputations has passed for 7 February, but ask that Council consider this request, given the importance of the issue to both the freight and logistics industry and local residents (of which I am one).

Our deputation will consist of our Chairman, Mr Phil Baker and myself.

Should you or your office wish to discuss this matter further, please contact me by telephone on (08) 8447 0664 or via email: Knapp.evan@safreightcouncil.com.au.

Yours faithfully,

Evan Knapp
Executive Officer,
SA Freight Council.

COMMUNICATIONS
CITY OF WEST TORRENS



SOUTH AUSTRALIAN FREIGHT COUNCIL INC ABN 31 580 715 581

21 CONFIDENTIAL

Nil

22 MEETING CLOSE

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1 MEETING OPENED**2 PRESENT****3 APOLOGIES****4 DISCLOSURE STATEMENTS**

Committee 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 the Finance and Regulatory Committee Meeting held on 17 January 2017 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 FINANCE AND REGULATORY REPORTS

11.1 Creditor Payments

Brief

This report tables a schedule of creditor payments for January 2017.

RECOMMENDATION

The Committee recommends to Council that the schedule of creditor payments for January 2017 be received.

Discussion

A schedule of creditor payments totalling \$2,698,414.00 (\$4,201,310.46 in December 2016) is attached for the information of Elected Members. Notable items include:

- A payment to Solo Resource Recovery for both waste collection and disposal for December 2016 of \$419,496.91 (refer ref. no. 353);
- A payment to the Department of Environment, Water and Natural Resources of \$315,034.00 for the quarterly NRM levy (refer ref. no. 129);
- A payment to Unique Urban Built Pty Ltd of \$159,867.46 for office refurbishment (refer ref. no 421);
- A payment to SA Water for quarterly water rates of \$147,689.07 (refer ref. no 338);
- A payment to Rocla Pipeline Products for the supply of drainage pipes of \$106,426.71 (refer ref. no 330);
- A payment to Blubuilt Constructions Pty Ltd of \$101,402.76 for the Holland Street Plaza streetscape (refer ref. no.68).

Conclusion

A schedule of creditor payments for January 2017 is provided for Elected Members' information and review.

Attachments

- 1. Creditor payments for the month of January 2017**

ACCOUNTS DUE AND SUBMITTED TO THE CORPORATE STANDING COMMITTEE MEETING
21 FEBRUARY 2016

Ref No.	Cheque/ EFT No.	Payee	Invoice Description	Cheque Total
1	059276	1836 Conveyancing	Refund Overpayment	65.75
2	EFT43146	AAPT Limited	Internet Connection	1,730.30
3	EFT43325	AAPT Limited	Internet Connection	1,730.30
4	EFT43328	Academy Services Pty Ltd	Cleaning	2,346.63
5	059237	Ace Rent a Car	Vehicle Hire	275.00
6	EFT43205	Adami's Sand & Metal	Depot Supplies	2,497.47
7	EFT43327	Adams Cleaning & Maintenance Services	Cleaning	7,149.17
8	EFT43150	Adcorp Australia Ltd	Advertising	4,416.08
9	EFT43207	Adelaide Chainwire & Domestic Fencing Pty Ltd	Fencing	2,035.00
10	EFT43324	Adelaide Chainwire & Domestic Fencing Pty Ltd	Fencing	2,145.00
11	EFT43149	Adelaide Chinese Dance Academy	Summer Festival Performance	175.00
12	EFT43212	Adelaide Commercial Building & Property Services	Building Maintenance	5,280.00
13	059251	Adelaide Football Club	Cummins Bond Return	400.00
14	EFT43151	Adelaide Green Clean	Summer Festival	2,546.72
15	EFT43071	Adelaide Isuzu	Vehicle Maintenance	75.58
16	EFT43315	Adelaide Magic	Thebarton Community Centre Bond Return	500.00
17	EFT43329	Adelaide Pipeline Maintenance Services	Drainage	3,776.85
18	EFT43202	Adelaide Shwetambar Jain Sangh	Thebarton Community Centre Bond Return	500.00
19	EFT43330	Adelaide Signs Group Pty Ltd	Depot Supplies	2,414.12
20	EFT43066	Adelaide Unique Surrounds & Distinguished Gardens	Landscaping	2,285.36
21	EFT43144	Adelaide Unique Surrounds & Distinguished Gardens	Landscaping	2,677.29
22	EFT43209	Adelaide Unique Surrounds & Distinguished Gardens	Landscaping	917.07
23	EFT43064	Adelaide Waste & Recycling Centre	Rubbish Disposal	539.00
24	EFT43322	Adelaide Waste & Recycling Centre	Rubbish Disposal	14,026.05
25	EFT43069	Adelta Legal	Mendelson Allowance	1,321.10
26	EFT43065	Advam Pty Ltd	Transaction Fees	1,131.88
27	059254	Advertiser Newspapers Ltd	Advertising	1,008.00
28	EFT43210	Aged & Community Services SA & NT Inc	Staff Training	210.00
29	059236	AGL South Australia Pty Ltd	Power	5,091.11
30	059264	AGL South Australia Pty Ltd	Power	1,757.86
31	EFT43102	AJ & CA Mackintosh	Weed Spraying	6,162.20
32	EFT43180	AJ & CA Mackintosh	Weed Spraying	10,961.50
33	EFT43268	AJ & CA Mackintosh	Weed Spraying	4,071.10
34	EFT43321	All Laundry & Linen Pty Ltd	Contract Linen	449.81
35	EFT43332	All Occasions Entertainment	Entertainment	1,300.00
36	EFT43206	Allen Press Pty Ltd	Business Cards	126.50
37	EFT43323	Allsurv Engineering Surveys Pty Ltd	Field Survey	1,760.00
38	EFT43145	Alsco Pty Ltd	Dry Cleaning	15.28
39	EFT43331	Amgrow Australia Pty Ltd	Depot Supplies	270.00
40	EFT43117	Andrew Romaniuk	Reimburse Expenses	171.00
41	EFT43211	Animal Management Services Pty Ltd	Doggy Bags	1,435.50
42	EFT43320	Animal Welfare League SA	Impound Dogs	588.00
43	EFT43147	Answering Adelaide Pty Ltd	After Hours Answering Service	1,139.61
44	EFT43070	Arboreen Landscape Products	Depot Supplies	1,993.90
45	EFT43213	Archery Attack Ops Pty Ltd	Library Program	610.00
46	EFT43148	Attorney-General's Department	Expiation Lodgement Fees	1,795.20
47	EFT43073	Australasian College of Road Safety	Membership	155.00
48	EFT43208	Australasian Performing Right Assoc Ltd	Licence Renewal	772.66
49	EFT43319	Australia Post	Postage	9,692.70
50	EFT43215	Australia Post	Agency Collection Fees	3,333.48
51	EFT43326	Australian Motors	Vehicle Maintenance	620.05
52	EFT43219	Badge A Minit	Name Badges	214.95
53	EFT43225	Balance Human Resources Consulting Pty Ltd	Staff Training	572.00
54	EFT43447	Banjo Jackson Weatherald	Summer Festival	1,000.00
55	EFT43224	Battery World Hilton	Batteries	537.00

ACCOUNTS DUE AND SUBMITTED TO THE CORPORATE STANDING COMMITTEE MEETING
21 FEBRUARY 2016

Ref No.	Cheque/ EFT No.	Payee	Invoice Description	Cheque Total
56	EFT43227	Bb's Custom Vintage Caravans	Purchase Caravan	13,770.00
57	EFT43338	BCE & CJ Electrical	Electrical	5,674.13
58	EFT43335	Belair Turf Management Pty Ltd	Depot Supplies	9,028.64
59	EFT43340	Bells Pure Ice	Depot Supplies	61.60
60	059250	Ben Robertson	Cummins Bond Return	400.00
61	EFT43152	Best Signs	Signage	308.00
62	EFT43218	Best Signs	Signage	825.00
63	EFT43220	BGC Industrial Cleaning	Cleaning Chemicals	545.38
64	EFT43217	Bianco Construction Supplies	Depot Supplies	1,827.76
65	EFT43229	Bianco Walling Pty Ltd	Depot Supplies	1,144.00
66	EFT43153	Binforce	Cleaning	120.00
67	EFT43123	BL Shipway & Co Pty Ltd	Depot Supplies	375.89
68	EFT43339	Blubuilt Constructions Pty Ltd	Holland Street Plaza Streetscape	101,402.76
69	EFT43181	Bob May Workplace Emergency Training	Staff Training	550.00
70	EFT43216	BOC Limited	Depot Supplies	454.65
71	EFT43075	Body Corporate Physiotherapy Pty Ltd	Consultants	1,408.00
72	EFT43341	Bolzen Vehicle Equipment	Vehicle Maintenance	518.10
73	059238	Bolzon Holdings Pty Ltd	Paint	836.00
74	EFT43334	BPF Equipment	Depot Supplies	88.70
75	059230	Brenton Gill	Reimburse Volunteer Expenses	33.72
76	EFT43336	Bright Spark Entertainment	Library Entertainment	385.00
77	EFT43385	Bucher Municipal Pty Ltd	Vehicle Maintenance	2,828.61
78	059225	Building Conservation Technology	Building Maintenance	825.00
79	EFT43222	Bundaleer Apiaries	Wasp Removal	990.00
80	EFT43337	Bundaleer Apiaries	Wasp Removal	480.00
81	EFT43333	Bunnings Building Supplies Pty Ltd	Maintenance Supplies	243.52
82	EFT43223	Butlers Irrigation	Irrigation	589.21
83	EFT43155	CA Technology Pty Ltd	Licence Agreement	3,249.40
84	EFT43154	Cabcharge Australia Pty Ltd	Cab Fares	230.56
85	EFT43081	Calypso Tree Co Pty Ltd	Tree Maintenance	12,208.35
86	EFT43237	Calypso Tree Co Pty Ltd	Tree Maintenance/Planning Advice	2,288.00
87	EFT43343	Camco SA Pty Ltd	Roadworks	13,151.35
88	EFT43082	Cameron Irrigation Consulting Pty Ltd	Irrigation	3,625.60
89	059247	Cancelled		
90	EFT43230	Canon Australia Pty Ltd	Copier Charges	24.24
91	059241	CareWorks SA	Staff Casual Day Donations	346.20
92	EFT43158	Cash Security Services Pty Ltd	Banking	605.00
93	EFT43348	Castle Capers	Library Program	465.00
94	EFT43234	Cavill Power Products Pty Ltd	Vehicle Maintenance	2,298.91
95	059226	Central Adelaide Local Health Network	Food and Enviro Testing	82.50
96	059240	Central Adelaide Local Health Network	Food and Enviro Testing	247.50
97	EFT43077	Chris Bengier	Reimburse Expenses	43.70
98	EFT43083	Chubb Fire & Security Ltd	Security	4,633.87
99	EFT43161	Chubb Fire & Security Ltd	Security	1,160.56
100	EFT43349	Chubb Fire & Security Ltd	Security	3,158.22
101	EFT43080	City Circle Newsagents	Library Magazines	84.02
102	EFT43345	City Circle Newsagents	Library Magazines	46.93
103	059271	City of Port Adelaide Enfield	Transfer Long Service Leave	669.17
104	059255	City of West Torrens Petty Cash	Petty Cash	2,381.10
105	EFT43160	CLCA Pty Ltd	Staff Training	660.00
106	EFT43240	Cleanaway Pty Ltd	Rubbish Disposal	320.50
107	EFT43241	Cleanaway Pty Ltd	Rubbish Disposal	355.08
108	EFT43238	Cleanaway Pty Ltd	Rubbish Disposal	333.90
109	EFT43239	Cleanaway Pty Ltd	Rubbish Disposal	710.49
110	EFT43233	Combined Fire Systems Pty Ltd	Fire Safety	171.60

**ACCOUNTS DUE AND SUBMITTED TO THE CORPORATE STANDING COMMITTEE MEETING
21 FEBRUARY 2016**

Ref No.	Cheque/ EFT No.	Payee	Invoice Description	Cheque Total
111	EFT43347	Community and Yoga	Yoga Classes	176.00
112	EFT43236	ComWide Radio Services Pty Ltd	Hire Radios	1,108.80
113	EFT43157	Conquest Solutions Pty Ltd	Software Support	4,727.59
114	EFT43242	Conservation Volunteers Australia	Contribution	1,100.00
115	EFT43079	Cornes Toyota	Vehicle Maintenance	200.00
116	EFT43159	Cornes Toyota	Purchase Vehicle	47,107.60
117	EFT43344	Cornes Toyota	Vehicle Maintenance	322.60
118	EFT43243	Corporate Health Group Pty Ltd	Medical	488.67
119	EFT43107	Cr Graham Nitschke	Reimburse Expenses	119.40
120	EFT43244	Daimler Trucks Adelaide	Vehicle Maintenance	570.75
121	EFT43166	Dallas Equipment	Clean Drains	2,585.00
122	EFT43248	Dallas Equipment	Depot Maintenance	4,125.00
123	EFT43354	Dallas Equipment	Clean Drains	1,991.00
124	EFT43299	Daniels Health Services Pty Ltd	Immunisation	33.00
125	EFT43350	Davalan Industries Pty Ltd	Roadworks	52,219.01
126	EFT43164	David Hawke Counselling and Facilitation	Staff Training	1,000.00
127	EFT43275	Dean Nicolle	Consultants	490.00
128	059227	Department for Education and Child Development	Library Books	120.00
129	EFT43165	Department of Environ, Water & Natural Resources	NRM Levy	315,034.00
130	EFT43431	Department of Planning, Transport and Infrastructure	Vehicle Searches / Street Lighting	20,640.54
131	EFT43352	Department of the Premier and Cabinet	Act Amendments	29.90
132	EFT43245	Design Flow Consulting Pty Ltd	Consultants	14,084.40
133	EFT43085	Dillons Norwood Bookshop	Library Books	229.46
134	EFT43247	Direct Comms Pty Limited	TXT2U Messages	306.90
135	EFT43353	Direct Mix Concrete Sales	Concrete	16,842.86
136	EFT43200	Disability Living Inc	Thebarton Community Centre Bond Return	120.00
137	EFT43246	Donnarumma	Summer Festival	300.00
138	EFT43351	Dorma Automatics Pty Ltd	Building Maintenance	1,837.00
139	EFT43199	Downer EDI Works Pty Ltd	Asphalt	281.05
140	EFT43425	DWS Advanced Business Solutions	DBA Support	1,650.00
141	EFT43068	E & S Athanasiadis	Depot Supplies	1,090.98
142	EFT43113	Emma Pursche	Reimbursement	664.90
143	059265	Environment Protection Authority	Licence Renewal	2,900.00
144	EFT43087	Esar Home Care	Home Support Services	914.26
145	EFT43356	ETI_Education Through Inspiration	Staff Training	3,432.00
146	EFT43316	Eva Aretas	Thebarton Community Centre Bond Return	1,000.00
147	059228	Evelyn Roth Festival Arts	Summer Festival	2,500.00
148	EFT43355	Evrigh.Com Pty Ltd	Medals	132.80
149	EFT43086	Excelerate Learning & Development Australia Pty Ltd	Consultants	2,585.00
150	EFT43167	Expressions SA Pty Ltd	Newspapers	154.00
151	059229	Feriwalla	Library Books	44.00
152	059266	Feriwalla	Library Books	44.00
153	EFT43170	Festival Hire	Summer Festival	3,824.00
154	EFT43357	Festival Hire	Summer Festival	1,543.00
155	EFT43090	Fine Choice Distribution Pty Ltd	Repairs	440.00
156	EFT43249	Finsbury Green	Printing	2,343.77
157	EFT43088	Flightpath Architects Pty Ltd	Consultants	240.63
158	EFT43169	Flightpath Architects Pty Ltd	Consultants	3,300.00
159	059242	Foxtel Cable Television Pty Ltd	Library Connection	210.00
160	EFT43168	Frank Siow Management Pty Ltd	Traffic Management Consultants	9,828.50
161	EFT43251	Fresh & Clean	Hygiene Service	1,941.94
162	EFT43250	Freshford Nurseries Pty Ltd	Plants	2,354.00
163	EFT43091	Frontier Software Pty Ltd	Software Maintenance	20,641.50
164	EFT43253	Frontier Software Pty Ltd	Consultants	2,389.20
165	EFT43171	Gallery 247	Advertising	3,938.00

ACCOUNTS DUE AND SUBMITTED TO THE CORPORATE STANDING COMMITTEE MEETING
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Ref No.	Cheque/ EFT No.	Payee	Invoice Description	Cheque Total
166	EFT43094	Galpins	Auditors	11,220.00
167	EFT43450	Genesis Pregnancy Support Inc	Thebarton Community Centre Bond Return	500.00
168	EFT43137	Geoff Weeks	Reimburse Volunteer Expenses	146.00
169	EFT43362	G-Force Building & Consulting	Building Maintenance	33,674.03
170	EFT43359	GGC Earthmovers Pty Ltd	Concrete Recycling	22,829.95
171	EFT43095	Gilbert Motors Pty Ltd	Vehicle Maintenance	1,135.70
172	EFT43259	Gleam Team Domestic Services	Home Support Services	385.72
173	EFT43366	Gleam Team Domestic Services	Home Support Services	137.23
174	EFT43257	GLG GreenLife Group Pty Ltd	Verge Mowing / Landscaping	16,237.91
175	EFT43363	GLG GreenLife Group Pty Ltd	Verge Mowing / Landscaping	751.48
176	EFT43256	Global Dance & Stage	Mellor Park / Summer Festival Stage Hire	2,678.50
177	EFT43258	Grace Records Management (Aust) Pty Ltd	Records Storage	3,007.99
178	EFT43437	Graham Tapscott	Reimburse Volunteer Expenses	195.43
179	EFT43092	Green Team Paper	Paper Recycling	286.00
180	EFT43360	Greene Eden Watering Systems Pty Ltd	Irrigation	822.80
181	EFT43254	Greenhill Engineers Pty Ltd	Consultants	5,599.00
182	EFT43358	Greening Australia (SA) Ltd	Plants	17,732.57
183	EFT43364	GRH Supplies	Depot Supplies	3,704.55
184	EFT43173	Health & Immunisation Management Services	Temp Immunisation Staff	789.25
185	EFT43449	Heather Gibbons	Thebarton Community Centre Bond Return	500.00
186	EFT43096	Hi-Line Hardware Distributors Pty Ltd	Home Support Services	120.00
187	EFT43367	Hi-Line Hardware Distributors Pty Ltd	Home Support Services	462.00
188	EFT43097	Hoban Recruitment	Temp Staff	123.75
189	EFT43370	Hypernet Computer Distribution	Computer Equipment	890.00
190	EFT43174	Independent Fuels Australia Pty Ltd	Fuel	15,621.55
191	EFT43372	Independent Fuels Australia Pty Ltd	Fuel	15,411.43
192	059231	Internode Pty Ltd	Internet Connection	259.70
193	059243	Internode Pty Ltd	Internet Connection	49.95
194	059257	Internode Pty Ltd	Internet Connection	49.95
195	059267	Internode Pty Ltd	Internet Connection	239.80
196	EFT43371	Interpreting & Translating Centre	Translation Service	2,563.44
197	EFT43374	iPaint Painting Services	Home Support Services	550.00
198	EFT43373	iSentia Pty Ltd	Media Monitoring	753.50
199	EFT43430	ISS Facility Services Aust Limited	Cleaning	3,588.92
200	EFT43098	J & J Signs Pty Ltd	Signage	62.70
201	EFT43368	James Hay	Reimburse Expenses	60.00
202	059282	James Pouloupoulos	Rainwater Tank Rebate	300.00
203	EFT43128	Jane Strange	DAP Member Allowance	480.33
204	EFT43419	Jane Strange	DAP Member Allowance	960.67
205	EFT43261	Jasol Australia	Cleaning Chemicals	1,456.68
206	059235	Jayne Rooney	Refund Parking Permit Fee	15.00
207	EFT43365	Jerry Durnin	Reimburse Volunteer Expenses	81.00
208	EFT43100	JF Mobile Catering	Catering	1,752.00
209	EFT43317	Jonathan Heng	Thebarton Community Centre Bond Return	500.00
210	EFT43099	JPE Design Studio Pty Ltd	Consultants	3,986.40
211	EFT43176	JPE Design Studio Pty Ltd	Consultants	12,801.25
212	EFT43084	JR Devereaux	Reimburse Volunteer Expenses	48.60
213	EFT43318	Judo SA	Thebarton Community Centre Bond Return	500.00
214	EFT43264	Kathryn Low	Reimburse Volunteer Expenses	25.90
215	EFT43452	Keep The Change	Summer Festival	935.00
216	EFT43378	Kelley Jones Lawyers	Legal Fees	5,107.85
217	EFT43263	Kellogg Brown & Root Pty Ltd	Professional Fees	30,260.00
218	EFT43379	Kellogg Brown & Root Pty Ltd	Professional Fees	5,794.25
219	059280	Kelvin Ung	Rainwater Tank Rebate	300.00
220	EFT43377	Kennards Hire Traffic	Plant Hire	2,533.45

ACCOUNTS DUE AND SUBMITTED TO THE CORPORATE STANDING COMMITTEE MEETING
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Ref No.	Cheque/ EFT No.	Payee	Invoice Description	Cheque Total
221	EFT43384	Kim Lennard	Reimburse Expenses	217.70
222	EFT43076	Kym Strelan	Home Advantage Program	1,134.25
223	EFT43226	Kym Strelan	Home Advantage Program	2,009.50
224	059277	Lan Tran	Worm Farm Rebate	42.45
225	EFT43383	Land Services Group	Searches	662.35
226	EFT43178	Lane Print & Post	Printing	960.49
227	EFT43265	Lazy Eye	Summer Festival	800.00
228	059269	Lions Club of Richmond	Sale of Christmas Cakes	320.00
229	EFT43266	Little Lattes	Summer Festival	400.00
230	EFT43177	Local Community Insurance Services	Insurance Premium	378.62
231	EFT43381	Local Government Professionals SA Inc	Staff Training	8,810.00
232	EFT43101	Lone Workers Australia Pty Ltd	Personal Safety Devices Monitoring	2,200.00
233	EFT43382	Lone Workers Australia Pty Ltd	Personal Safety Devices Monitoring	220.00
234	EFT43380	LOTE Libraries Direct Pty Ltd	Library Books	795.35
235	EFT43179	Lotux IT	Computer Equipment	250.00
236	059278	Louise Tunney	Compost Bin Rebate	50.00
237	059281	Louise Tunney	Rainwater Tank Rebate	300.00
238	EFT43267	Lucid Consulting Engineers Pty Ltd	Consultants	2,772.00
239	EFT43093	Lyn Gregory	Reimburse Volunteer Expenses	93.52
240	EFT43387	Macspred Pty Ltd	Depot Supplies	330.12
241	EFT43183	Mad Promo	Distribution	330.00
242	EFT43142	Manojkumar Dattwadkar	Thebarton Community Centre Bond Return	500.00
243	EFT43182	Maps Consulting Services Pty Ltd	Transportation Consulting	3,256.00
244	EFT43235	Mary Caputo	Reimburse Volunteer Expenses	23.68
245	EFT43272	Materne Pennino Hoare Architects	Professional Fees	7,744.00
246	EFT43103	Maxima Group Training	Temp Depot Staff	4,613.05
247	EFT43270	Maxima Group Training	Temp Depot Staff	3,060.28
248	EFT43131	Maxima Tempskill	Temp Depot Staff	948.93
249	EFT43301	Maxima Tempskill	Temp Depot Staff	8,644.76
250	EFT43428	Maxima Tempskill	Temp Depot Staff	24,539.88
251	EFT43304	Mayor John Trainer	Mayoral Allowance	6,453.00
252	EFT43271	Mechanical Vegetation Solutions Pty Ltd	Tree Maintenance	41,651.42
253	EFT43346	Michael Craig Consulting	Consultants	198.00
254	EFT43105	Midfield Food Services Pty Ltd	Catering	17.85
255	EFT43274	MJS Tree & Stump Contractors	Tree Maintenance	6,050.00
256	EFT43104	mlcoa South Australia	Consultants	1,919.50
257	EFT43269	Momara Australia Pty Ltd	Depot Supplies	2,422.76
258	059232	Mr Wayne Stokes	DAP Member Allowance	2,882.00
259	EFT43386	MSS Security Pty Ltd	Security	716.44
260	EFT43273	Mt Compass Sand & Loam	Depot Supplies	1,184.57
261	EFT43185	National Credit Management Ltd	Debt Collection	2,200.10
262	EFT43184	National Trust of South Australia	Consultants	5,500.00
263	EFT43389	Neat N Trim Uniforms Pty Ltd	Corporate Wardrobe	35,655.66
264	EFT43109	Neverfail Springwater Ltd	Spring Water	105.00
265	EFT43278	Neverfail Springwater Ltd	Spring Water	308.00
266	EFT43255	Nicholas Grgurinovich	Reimburse Volunteers Expenses	93.52
267	EFT43436	Nick Tsolakakis	Reimburse Expenses	500.00
268	EFT43277	NN Occupational Health Pty Ltd	Recruitment	490.05
269	EFT43388	NN Occupational Health Pty Ltd	Recruitment	223.85
270	EFT43108	Norman Waterhouse	Legal Fees	3,888.81
271	EFT43106	North East Isuzu	Vehicle Maintenance	227.15
272	EFT43276	Northpoint Toyota	Purchase Vehicle	31,021.00
273	EFT43110	Oaklands Road Mower Centre	Mower Repairs / Purchases	135.10
274	EFT43390	Oaklands Road Mower Centre	Mower Repairs / Purchases	480.00
275	EFT43279	Objective Corporation Limited	Objective Implementation	4,719.00

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Ref No.	Cheque/ EFT No.	Payee	Invoice Description	Cheque Total
276	EFT43392	Objective Corporation Limited	Objective Implementation	11,040.70
277	059244	Optus Billing Services Pty Ltd	Telephone	23.16
278	EFT43391	Opus International Consultants Ltd	Consultants	7,977.75
279	EFT43111	Orana	Home Advantage Program	1,195.20
280	EFT43280	Origin Energy Electricity Limited	Power	31,925.93
281	EFT43393	Origin Energy Electricity Limited	Power	4,555.05
282	059270	Origin Energy Services Ltd	Gas Supply	748.07
283	EFT43112	Our Earth Pest Control	Pest Control	192.50
284	059252	Owen Gladly	Junior Development Grant	200.00
285	EFT43089	P & A Fragomeli Excavations	Roadworks	9,659.10
286	EFT43396	Pacific Hydro Retail Pty Ltd	Green Power Sales	116.59
287	EFT43281	Packwise	Depot Supplies	412.50
288	EFT43141	Pardeep Kumar Singh	Thebarton Community Centre Bond Return	500.00
289	EFT43228	Peggy Jr Pty Ltd	Summer Festival	1,000.00
290	EFT43136	Pegi Williams Book Shop	Library Books	1,213.58
291	EFT43399	Pitney Bowes Australia Pty Ltd	Stationery	569.80
292	EFT43286	Planning Institute of Australia	Membership	282.26
293	EFT43114	Platters Plus Catering Pty Ltd	Catering	234.10
294	EFT43186	Platters Plus Catering Pty Ltd	Catering	632.10
295	EFT43397	Platters Plus Catering Pty Ltd	Catering	286.30
296	EFT43288	Play & Go Adelaide	Summer Festival	550.00
297	EFT43283	Plumbing & Pipeline Solutions SA Pty Ltd	Plumbing	1,122.00
298	EFT43402	PMP Distribution	Distribution	1,299.97
299	059258	Powerdirect Pty Ltd	Power	141.37
300	EFT43401	Pro Bitumen Pty Ltd	Roadworks	8,360.00
301	EFT43067	ProAV Solutions	Computer Equipment	3,544.75
302	EFT43394	Programmed Facility Management Pty Ltd	Building Maintenance	1,225.40
303	EFT43285	Proludic Pty Ltd	Playground Equipment	10,759.10
304	EFT43287	Promise Adelaide	Summer Festival	1,600.00
305	EFT43395	Property & Advisory Pty Ltd	Consultants	748.00
306	EFT43116	Public Libraries SA Inc	Membership	962.35
307	EFT43115	Pump Technology Services (SA) Pty Ltd	Pump Maintenance	346.50
308	EFT43398	Pump Technology Services (SA) Pty Ltd	Pump Maintenance	2,323.20
309	EFT43203	Quarralia Chav	Thebarton Community Centre Bond Return	500.00
310	EFT43410	Ralston Sport and Leisure Pty Ltd	Library Program	575.00
311	059263	Ramtin Rohani	Thebarton Community Centre Bond Return	1,000.00
312	EFT43121	Randstad Pty Ltd	Temp Staff	2,389.93
313	EFT43188	Randstad Pty Ltd	Temp Staff	2,398.74
314	EFT43295	Randstad Pty Ltd	Temp Staff	1,538.02
315	EFT43290	Rawsons Electrical Pty Ltd	Electrical Supplies	140.32
316	EFT43120	Realport Traders Pty Ltd	Depot Supplies	1,665.05
317	EFT43409	Realport Traders Pty Ltd	Depot Supplies	231.00
318	EFT43289	Reece Pty Ltd	Irrigation	745.05
319	EFT43406	Rent A Fence Pty Ltd	Summer Festival	385.00
320	EFT43407	Rentokil Initial Pty Ltd	Pest Control	382.62
321	EFT43403	Rentokil Tropical Plants	Indoor Plant Hire	589.11
322	EFT43294	Ricoh Australia Ltd	Purchase Copiers / Copy Charges	45,998.32
323	EFT43122	Rio Coffee Pty Ltd	Tea & Coffee Supplies	152.50
324	EFT43411	Rio Coffee Pty Ltd	Tea & Coffee Supplies	152.50
325	EFT43118	Road Movie Mobile Cinema	Film Screening	4,285.00
326	EFT43187	Roadrunner Couriers	Couriers	406.19
327	EFT43291	Roadrunner Couriers	Couriers	485.31
328	059272	Roads Corporation	Vehicle Searches	102.30
329	EFT43405	Roadside Services & Solution	Depot Supplies	859.41
330	EFT43404	Rocla Pipeline Products	Drainage Pipes	106,426.71

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Ref No.	Cheque/ EFT No.	Payee	Invoice Description	Cheque Total
331	EFT43292	Roofing Constructions	Building Maintenance	30,800.00
332	EFT43119	Rundle Mall Plaza Newsagency	Library Magazines	748.33
333	EFT43293	Rundle Mall Plaza Newsagency	Library Magazines	511.74
334	EFT43408	Rundle Mall Plaza Newsagency	Library Magazines	217.23
335	059245	SA Power Networks	Power	2,141.15
336	059259	SA Power Networks	Power	335.50
337	059273	SA Water	Water	13,624.58
338	EFT43427	SA Water	Water	147,689.07
339	EFT43424	SA Window Cleaning Pty Ltd	Window Cleaning	9,548.00
340	EFT43418	Saggese Transport & Crane Services Pty Ltd	Plant Maintenance	209.00
341	EFT43413	SAI Global Limited	Standards	2,325.64
342	EFT43125	Sassafras Agencies Pty Ltd	Depot Supplies	458.70
343	EFT43369	Scott Hartmann	Reimburse Expenses	150.00
344	EFT43143	Secondary School Sport SA	Thebarton Community Centre Bond Return	500.00
345	EFT43421	Securatrak Holdings Pty Ltd	Support	551.49
346	EFT43129	Seed Consulting Services	Consultants	12,041.70
347	EFT43130	Seek Limited	Advertising	377.26
348	EFT43423	Seek Limited	Advertising	726.00
349	059246	Sensis Pty Ltd	Yellow Pages Listing	27.83
350	059233	Shared Services SA	Schedule 7 Fees	6,447.58
351	059249	Shelley Johnson	Cummins Bond Return	400.00
352	EFT43296	Solo Resource Recovery	Rubbish Removal	142.56
353	EFT43414	Solo Resource Recovery	Garbage Collection & Waste Disposal	419,496.91
354	059253	South Australia Benkoma Assoc Inc	Thebarton Community Centre Bond Return	500.00
355	059274	South Australian Bangladeshi Community Assoc	Equipment Grant	1,000.00
356	EFT43189	South Central Trucks	Vehicle Maintenance	202.87
357	EFT43078	Southern Cross Protection	Patrol Service	108.71
358	EFT43156	Southern Cross Protection	Patrol Service	4,370.80
359	EFT43232	Southern Cross Protection	Patrol Service	3,650.79
360	EFT43126	Spatial Scientific Pty Ltd	Vintage Aerial Photography	3,366.00
361	EFT43124	Splash Theatre Company	Library Performance	550.00
362	EFT43426	Spray Shop	Depot Supplies	1,933.20
363	EFT43297	St John Ambulance Australia SA Inc	First Aid Services	210.00
364	EFT43412	St John Ambulance Australia SA Inc	First Aid Services	588.00
365	EFT43342	Staples Australia Pty Ltd	Stationery	452.68
366	EFT43415	Star Safety	Depot Supplies	2,253.43
367	EFT43417	State Library of Queensland	Library Books	476.04
368	EFT43420	Streamline Plumbing SA Pty Ltd	Plumbing	899.80
369	EFT43127	Street Furniture Australia Pty Ltd	Park Benches	11,748.00
370	EFT43298	Studio Nine	Consultants	4,534.75
371	EFT43422	Stumpy Stumps	Grind Stumps	800.00
372	059260	Suez Environnement Recycling & Waste Recovery	Rubbish Removal	649.46
373	EFT43416	Sunny Industrial Brushware	Sweeper Brooms	3,729.00
374	EFT43300	Super Hands Cleaning Solutions	Home Support Services	402.50
375	EFT43252	Susan Ainslee Frazer	Reimburse Volunteer Expenses	268.64
376	059239	Susan Cummins	Reimburse Expenses	750.00
377	059256	Susan Cummins	Reimburse Expenses	192.50
378	EFT43193	Tailored Packaging (SA) Pty Ltd	Disposal Products	92.40
379	EFT43451	Tam Costello	Thebarton Community Centre Bond Return	500.00
380	EFT43201	Tamu Dhee	Thebarton Community Centre Bond Return	500.00
381	EFT43305	Taylor Cullity Lethlean	Consultants	1,100.00
382	059234	TCB Wholesaling Pty Ltd	Depot Supplies	1,210.00
383	EFT43440	Technology One Ltd	Software Support	31,852.34
384	059248	Telstra	Telephone	52.45
385	059261	Telstra	Telephone	147.92

**ACCOUNTS DUE AND SUBMITTED TO THE CORPORATE STANDING COMMITTEE MEETING
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Ref No.	Cheque/ EFT No.	Payee	Invoice Description	Cheque Total
386	059275	Telstra	Telephone	7,427.07
387	EFT43438	Telstra Store	Purchase Phone	1,501.00
388	EFT43074	Terry Buss	Reimburse Expenses	149.70
389	EFT43072	The Adelaide Tree Surgery	Tree Maintenance	1,507.00
390	EFT43214	The Adelaide Tree Surgery	Tree Maintenance	2,794.00
391	EFT43221	The Backflow Shop	Plumbing	9,949.50
392	EFT43231	The Charlotte Trust	Contractor	396.00
393	EFT43163	The Department for Correctional Services	Litter Collection	1,320.01
394	EFT43400	The Paper Bahn	Stationery	5,908.33
395	EFT43282	The Personnel Risk Management Group	Security Checks	127.60
396	EFT43204	Thom Lion	Summer Festival Performance	1,000.00
397	EFT43306	Thomson Geer	Legal Fees	3,832.40
398	EFT43439	Tie Networks Pty Ltd	Repair Phones	385.00
399	EFT43132	TNPK Staff Pty Ltd	Temp Compliance Staff	13,312.75
400	EFT43190	TNPK Staff Pty Ltd	Temp Compliance Staff	16,165.60
401	EFT43432	TNPK Staff Pty Ltd	Temp Compliance Staff	1,485.00
402	EFT43172	Tom Howard's Crash Repair Service	Vehicle Maintenance	539.00
403	EFT43262	Tom Klocke	Flip Screening Service	1,056.00
404	EFT43175	Tomas Jelinek Jim's Mowing (Cowandilla)	Mowing	45.00
405	EFT43375	Tomas Jelinek Jim's Mowing (Cowandilla)	Mowing	45.00
406	EFT43434	Tom's Car Wash	Vehicle Maintenance	500.00
407	EFT43429	Toro Australia Pty Ltd	Mower Repairs	232.06
408	EFT43433	Torrens Safety	Depot Supplies	2,406.47
409	EFT43302	Total Construction Surveys Pty Ltd	Survey and Setout	13,227.52
410	EFT43133	Total Tools Thebarton	Depot Supplies	279.00
411	EFT43435	Total Tools Thebarton	Depot Supplies	92.50
412	EFT43361	Totally Workwear Richmond	Safety Clothing	110.42
413	EFT43376	Tracey Beaumont	Catering	855.40
414	EFT43134	Tree Care Machinery	Depot Supplies	309.90
415	EFT43308	Tree Care Machinery	Depot Supplies	133.60
416	EFT43192	Trees for Life	Native Plant Giveaway	1,831.95
417	EFT43303	Trenchless Pipelaying Contractors	Locate Services	1,133.00
418	EFT43260	Trevor Hayley	Reimburse Volunteer Expenses	14.60
419	EFT43191	Triple Cherry Coffee	Coffee Supplies	250.00
420	EFT43307	Trojan Fire Protection Pty Ltd	Fire Testing	1,056.00
421	EFT43442	Unique Urban Built Pty Ltd	Office Refurbishment	159,867.46
422	EFT43135	United Landscaping	Depot Supplies	2,758.00
423	EFT43309	United Landscaping	Depot Supplies	335.00
424	EFT43194	UrbanVirons Group Pty Ltd	Tree Maintenance	22,379.50
425	EFT43441	UrbanVirons Group Pty Ltd	Tree Maintenance	1,452.00
426	EFT43310	Valspar Paint (Australia) Pty Ltd	Paint	798.78
427	EFT43162	Vanessa Davidson	Reimburse Expenses	150.00
428	EFT43195	Veolia Environmental Services	Rubbish Removal	425.17
429	EFT43443	Veolia Environmental Services	Rubbish Removal	261.71
430	EFT43444	VIP Commercial Cleaning Melrose Park	Window Cleaning	100.00
431	059279	Vivienne Battersby	Rainwater Tank Rebate	300.00
432	EFT43312	Warner & Webster Pty Ltd	Immunisation	527.73
433	EFT43313	Waste Management Association of Australia	Membership	710.00
434	EFT43314	WC Convenience Management Pty Ltd	Cleaning	11,338.73
435	EFT43445	Web Safety Pty Ltd	Clothing	4,217.36
436	EFT43198	WeekendNotes.com	Advertising	280.00
437	EFT43197	West Torrens Baseball Club Inc	Equipment Grant	3,300.00
438	EFT43311	Western Youth Centre	Partnership Agreement	11,630.85
439	EFT43446	Westside Services (SA) Pty Ltd	Airconditioner Maintenance	33,185.10
440	059262	Wholesale Plants and Products Pty Ltd	Plants	1,400.93

**ACCOUNTS DUE AND SUBMITTED TO THE CORPORATE STANDING COMMITTEE MEETING
21 FEBRUARY 2016**

Ref No.	Cheque/ EFT No.	Payee	Invoice Description	Cheque Total
441	EFT43196	Word Cafe	Printing	1,188.00
442	EFT43140	Workzone Traffic Control Pty Ltd	Traffic Control	876.15
443	EFT43448	Worlds Best Specialised Cleaning	Graffiti Removal	6,941.00
444	EFT43139	Worm Affair Pty Ltd	Worm Farms	65.60
445	EFT43138	WSP Structures Pty Ltd	Consultants	1,980.00
446	EFT43284	Zagarine Paxinos	Reimburse Volunteer Expenses	86.14
				<u>\$ 2,698,414.00</u>

11.2 Taxi Voucher Usage

Brief

This report provides information on Elected Members' taxi voucher usage for the 3 month period to 31 December 2016.

RECOMMENDATION

The Committee recommends to Council that the report be received.

Discussion

As required by Council resolution, a report on taxi voucher usage is tabled as **Attachment 1** for Elected Member information and review.

Conclusion

For information and review.

Attachments

1. Elected Members Taxi Voucher Usage Report

ELECTED MEMBER TAXI VOUCHER USAGE
3 Months to 31 December 2016

Elected Member	Journey Date	From	To	Cost
Mayor	14.10.16	Unley	ANR PSG TRM	12.00
	14.10.16	ANR PSG TRM	Goodwood	11.00
	27.10.16	Goodwood	Adelaide	11.30
	28.10.16	Goodwood	Adelaide	9.10
	28.10.16	Civic Centre	Unley	18.60
	08.11.16	Goodwood	Adelaide	15.00
	08.11.16	Suburbs	Goodwood	16.20
	14.11.16	Goodwood	Adelaide	12.60
	17.11.16	Millswood	Adelaide	14.30
	17.11.16	City	Goodwood	17.10
	23.11.16	Goodwood	Adelaide	15.80
	14.12.16	Goodwood	Adelaide	15.10
	14.12.16	Adelaide	Goodwood	15.90
		Sub Total		184.00
Cr Haese	06.10.16	Lockleys	City	18.60
	17.12.16	Lockleys	City	24.60
	17.12.16	City	Lockleys	30.60
		Sub Total		73.80
Cr Mangos	20.11.16	Netley	Airport	15.00
	24.11.16	Airport	Plympton	18.40
		Sub Total		33.40
Cr McKay	17.12.16	Torrensville	City	35.00
		Sub Total		35.00
Grand Total				\$326.20

11.3 Elected Members' Telephones

Brief

This report provides information on Elected Members' telephone costs, reimbursements and returns for the period to 31 December 2016, pursuant to the requirements of the *Elected Members Allowances, Facilities, Support and Benefits Policy*.

RECOMMENDATION

The Committee recommends to Council that the report be received

Discussion

Council policy requires in part that:

- Elected Members complete and sign a pro-forma to show the value of any personal telephone usage that occurred with the form to be returned to finance staff within 21 days; and
- A report on telephone usage be referred quarterly to the Finance and Regulatory Prescribed Standing Committee showing costs, reimbursements and returns completed for each Member.

The required report is included as **Attachment 1**.

Conclusion

Information on Elected Members' telephone costs, reimbursements and returns for the period to 31 December 2016 is presented for review pursuant to the requirements of *Elected Members Allowances, Facilities, Support and Benefits Policy*.

Attachments

1. Elected Members Telephone Report

City of West Torrens
Report of Telephone/Fax Call Costs, Reimbursements and Returns

Elected Member	3 Months Period Ended 31 December 2016				6 Months YTD to 31 December 2016			
	Cost of Calls and Charges	Amount Reimbursed *	Number of Returns Required	Number of Returns Completed	Number of Returns Required	Number of Returns Completed	Number of Returns Outstanding	Number of Returns Outstanding
Mayor	387.01	110.00	3	3	931.72	300.00	6	6
Cr Haese	70.88	25.00	3	3	173.50	60.00	6	6
Cr Palmer	23.18	0.26	3	3	27.78	0.26	6	6
Cr C O'Rielly	35.27	67.30	3	3	80.82	107.30	6	6
Cr G Vlahos	0.00	0.00	0	0	0.00	0.00	0	0
Cr Woodward	31.91	0.00	3	3	46.47	0.00	6	6
Cr Dua	1.28	0.00	0	0	10.26	0.00	3	3
Cr McKay	173.59	85.00	3	3	325.28	186.00	6	6
Cr Demetriou	2.71	0.00	3	3	7.92	0.00	6	6
Cr Tsiaparis	11.96	0.00	3	3	15.42	0.00	6	6
Cr Mangos	0.07	0.00	0	0	1.54	0.00	3	3
Cr Polito	1.90	0.00	1	1	2.03	0.00	2	1
Cr Rypp **	0.00	0.00	0	0	0.00	0.00	0	0
Cr Hill **	0.00	0.00	0	0	0.00	0.00	0	0
Cr Nitschke **	0.00	0.00	0	0	0.00	0.00	0	0

* Amounts involve committed reimbursements for the July 16 to June 17 accounts

** Crs Rypp, Hill and Nitschke do not have a Council supplied phone service

Council policy from 15 March 2015 only requires a return to be lodged if costs have been incurred.

11.4 Register of Allowances and Benefits - 6 Months to 31 December 2016

Brief

This report tables the register of allowances and benefits for Elected Members for the six months to 31 December 2016, prepared pursuant to the requirements of Section 79 of the *Local Government Act 1999*.

RECOMMENDATION

The Committee recommends to Council that the register of allowances and benefits for Elected Members for the six months to 31 December 2016, prepared pursuant to the requirements of Section 79 of the *Local Government Act 1999*, be received.

Discussion

The register of allowances and benefits for Elected Members for the six month period to 31 December 2016 is included with this agenda for information (**Attachment 1**). All amounts are gross, with reimbursements shown in the second last column.

Conclusion

The register of allowances and benefits for Elected Members for the six months to 31 December 2016 is tabled for information

Attachments

- 1. Register of Allowances and Benefits to 31 December 2016**

Register of Allowances and Benefits for the period from 1 July 2016 to 31 December 2016

Elected Member	Allowance YTD	Phone/Fax & Internet	Vehicle Running Costs	Taxi Fares	Air Fares & Mileage	Training & Conferences	Accomm	Reimburse Expenses	Sundry	Meals & Functions	Reimburse to Council	Total
Mayor	38,614.00	1,609.36	1,556.33	354.80	0.00	1,468.50	0.00	253.30	0.00	0.00	-300.00	43,556.29
Cr Haese	12,019.00	982.60	0.00	18.60	0.00	0.00	0.00	0.00	0.00	0.00	-60.00	12,960.20
Cr Palmer	12,019.00	537.18	0.00	0.00	2,889.76	2,583.50	854.08	171.53	0.00	0.00	-492.27	18,562.78
Cr C O'Rielly	12,019.00	804.48	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	-117.30	12,706.18
Cr Vlahos	12,019.00	449.40	0.00	0.00	0.00	747.50	240.00	0.00	0.00	0.00	0.00	13,455.90
Cr Woodward	12,019.00	433.24	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	12,452.24
Cr Dua	8,094.00	339.76	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	8,433.76
Cr McKay	12,499.00	1,254.38	0.00	85.00	0.00	0.00	0.00	140.00	0.00	0.00	-356.00	13,622.38
Cr Rypp	10,021.00	0.00	0.00	68.40	0.00	396.60	0.00	420.00	0.00	0.00	0.00	10,906.00
Cr Demetriou	12,019.00	217.62	0.00	133.10	976.33	2,258.50	813.75	21.42	0.00	32.00	0.00	16,471.72
Cr Hill	12,019.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	12,019.00
Cr Mangos	12,019.00	450.94	0.00	30.80	1,248.06	3,606.30	1,794.89	1,074.30	0.00	0.00	-786.63	19,437.66
Cr Tsiaparis	9,615.00	419.70	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	10,034.70
Cr Nitschke	12,499.00	0.00	0.00	0.00	0.00	0.00	0.00	119.40	0.00	0.00	0.00	12,618.40
Cr Polito	12,499.00	509.72	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	13,008.72
Total	199,993.00	8,008.38	1,556.33	690.70	5,114.15	11,060.90	3,702.72	2,199.95	0.00	32.00	-2,112.20	230,245.93

Note: (1) Allowances to Crs. Haese and Hill include payments to each as members of the Mendelson Trust Management Committee. This payment is as a consequence of the Council's role as Trustee and not pursuant to any entitlement under the Local Government Act, 1999 or the Local Government (Members Allowances and Benefits) Regulations 2010.
 (2) Complimentary tickets to SANFL matches at Richmond Oval are made available to Elected Members upon request.

11.5 Council Budget Report - SEVEN Months to 31 January 2017

Brief

This report provides information to Council on budget results for the seven months ended 31st January 2017.

RECOMMENDATION(S)

The Committee recommends to Council that the report be received.

Introduction

The report provides year to date (YTD) budget results for January 2017.

Discussion

Budget variances are summarised in the financial report which is included as **Attachment 1**, with key variances explained below in terms of:

- Operational Income
- Operational Expenditure
- Capital Expenditure
- Capital Income
- Capital Works Expenditure

Operational Income

Key variances include:

- Rates are above budget YTD by \$155,769, largely because of unexpected growth income. Adjustments are recommended in the December budget review.
- Statutory charges are above budget YTD by \$46,772, with parking income (\$20,671, and development fees (\$25,323) greater than expected. Budget adjustments have been recommended in the December budget review.
- User charges are below budget YTD by \$50,239, largely for timing reasons which include an unfavourable home assistance variance of \$21,514 and various other sundry variances. December budget review adjustments have been recommended where required.
- Grants and subsidies income is above budget YTD by \$1,384,539, largely due to the timing of special road grants (\$1,257,311) and home and community care income (\$122,482).
- Reimbursements and other income is \$51,868 above budget YTD, which includes favourable variances associated with the timing of special insurance distributions (\$26,187) and better than expected investment returns for the Mendelson Foundation (\$69,405). These variances are partly offset by less than expected LGFA investment income (\$84,177), but this is timing related. Adjustments are recommended in the December budget review.

The end of year (EOY) forecast for operational income is expected to increase by \$317,203 largely based on variances, key information to date and adjustments recommended in the December budget review.

Operational Expenditure

Key variances include:

- Staff and related costs are \$111,031 below budget YTD for vacancy and timing reasons. December budget review adjustments have been recommended.
- Buildings, furniture, plant and equipment costs are \$182,958 below budget YTD due to the timing of depreciation (\$268,468), and maintenance (\$28,999). Partially offsetting this is an unfavourable timing variance for computer associated expenditure (\$113,836). Adjustments are recommended in the December budget review.
- General expenses are below YTD budgets by \$501,229, largely due to the timing of expenditure on professional fees (\$409,945) and publications and stationery (\$35,293). Variations have been reviewed as part of the December budget review process and adjustments have been recommended.
- Council related expenditure is \$448,740 below budget YTD, predominantly due to the timing of expenditure associated with community grant funding (\$298,746), and a street lighting variance which is part timing and partly due to a reduction in public lighting tariffs (\$131,197). December budget review adjustments have been recommended.
- Contract and material expenditure is \$543,289 below budget YTD, largely for timing reasons associated with a recent increase in funding for senior programs (\$245,717 favourable), waste contract payments (\$217,890) and depot material expenditure (\$79,682). Budget adjustments have been recommended in the December budget review.
- Occupancy and property costs are above budget YTD by \$93,202, driven by an unfavourable timing variances for water rates of \$161,413, partially offset by a timing related emergency services levy variance of \$68,000. December budget review adjustments have been recommended.

The end of year (EOY) forecast for operational expenditure is expected to increase by \$497,142 largely on based on variances, key information to date and adjustments recommended in the December budget review.

Capital Expenditure

Key variances include:

- Motor vehicle expenditure is below budget YTD by \$21,155, which is timing related.
- Computer equipment expenditure is below budget YTD by \$331,851, again timing related.
- Other plant and equipment expenditure is below YTD budget by \$322,295 for timing reasons. This is almost entirely depot and library related.
- Land and building costs are \$10,786,452 below budget YTD, for timing reasons, most of which relates to Council's community facilities program and the kiln upgrade.

The EOY forecast for capital expenditure is expected to increase by \$18,730 largely on based on variances, key information to date and adjustments recommended in the December budget review.

Capital Income

Key variances include:

- A favourable capital income variance of \$41,009. Unexpected income relating to Brownhill Keswick Creek (\$39,509), and the raingarden program (\$16,500) have offset budgeted income for the state black spot funding, which is yet to be received, after being carried forward from 2015/16 (\$15,000).

The EOY capital income budget is expected to increase by \$56,009 (partially offsetting expenditure), largely based on variances, key information to date and adjustments recommended in the December budget review.

Capital Works Expenditure

Expenditure on capital works YTD is \$9,087,135.

A capital works expenditure summary for YTD January 2017 is attached with appropriate comments provided on the status of individual budget lines. 50.0 percent of the capital works budget has been spent or committed by way of purchase orders as at 31st January 2017. It is estimated that 100 per cent of the forecast budget of \$30,654,315 is required to complete the program of works and that 85 per cent will be completed by 30 June 2017.

The EOY forecast for capital works expenditure is expected to increase by \$8,223 (excluding overheads), largely on based on variances, key information to date and adjustments recommended in the December budget review.

Conclusion

Information is provided in this report on budget results for the seven months ended 31st January 2017.

Attachments

1. **January Budget v's Actual**
2. **Budget - Capital Works Expenditure**

City of West Torrens Finance Budget Report for the 7 Months Ended 31 January 2017 Operational Income and Expenditure (\$'000's)									
Adopted Budget Original	Adopted Budget Revised	Income & Expenditure	YTD Budgets	YTD Actuals	YTD Variance	YTD Variance %	Budget Remaining	EOY Forecast	
Income									
54,059	54,121	Rates	53,924	54,080	156	0%	41	54,356	
2,200	2,235	Statutory Charges	1,405	1,451	47	3%	783	2,272	
1,285	1,293	User Charges	767	717	(50)	(7%)	576	1,242	
4,182	5,163	Grants & Subsidies	1,939	3,323	1,385	71%	1,840	5,160	
1,270	1,702	Reimbursements & Other Income	1,426	1,478	52	4%	225	1,802	
62,996	64,514	Total Income	59,460	61,049	1,589	3%	3,465	64,832	
Expenditure									
21,624	21,638	Staff & Related Costs	12,646	12,535	111	1%	9,104	21,910	
4,766	4,804	Buildings, Furniture, Plant & Equipment	3,075	2,892	183	6%	1,912	4,854	
8,018	8,004	Community Asset Costs	4,674	4,007	667	14%	3,997	8,004	
4,035	4,494	General Expenses	2,918	2,417	501	17%	2,077	4,610	
154	154	Bank & Finance Charges	89	86	3	3%	68	154	
4,093	4,436	Council Related Expenditure	2,954	2,506	449	15%	1,931	4,373	
7,953	8,305	Contract & Material Expenditure	4,755	4,212	543	11%	4,093	8,437	
1,567	1,567	Occupancy & Property Costs	631	724	(93)	(15%)	843	1,558	
(85)	(85)	Expenditure Recovered	(50)	(49)	(1)	2%	(36)	(85)	
52,126	53,317	Total Expenditure	31,693	29,330	2,363	7%	23,988	53,814	
10,870	11,197	Operating Surplus/Deficit						11,017	

City of West Torrens Finance Budget Report for the 7 Months Ended 31 January 2017 Capital Income and Expenditure (\$'000's)									
Adopted Budget Original	Adopted Budget Revised	Capital Expenditure and Sales	YTD Budgets	YTD Actuals	YTD Variance	YTD Variance %	Budget Remaining	EOY Forecast	
190	199	Motor Vehicles	98	77	21	21%	121	188	
364	584	Computer Equipment	589	257	332	56%	327	554	
963	1,385	Other Plant & Equipment	810	487	322	40%	898	1,424	
4,080	14,596	Land & Buildings	12,489	1,702	10,786	86%	12,894	14,596	
299	299	Library Resources	252	252	0	0%	48	320	
5,895	17,064	Total Expenditure	14,237	2,775	11,462	81%	14,288	17,082	
Adopted Budget Original	Adopted Budget Revised	Capital Income	YTD Budgets	YTD Actuals	YTD Variance	YTD Variance %	Budget Remaining	EOY Forecast	
0	102	Grants & Subsidies - Capital Income	15	56	(41)	(273%)	45	158	
0	102	Total Income	15	56	(41)	(273%)	45	158	0
Adopted Budget Original	Adopted Budget Revised	Capital Works Expenditure	YTD Budgets	YTD Actuals	YTD Variance	YTD Variance %	Budget Remaining	Adopted Budget Revised	
3,448	5,170	Environment Program	3,016	1,876	1,140	38%	3,294	5,170	
3,550	5,089	Recreation Program	2,969	1,707	1,262	42%	3,382	5,089	
13,021	20,395	Transport Program	11,897	5,504	6,393	54%	14,891	20,404	
20,019	30,654	Total Expenditure	17,882	9,087	8,795	49%	21,567	30,663	

CITY OF WEST TORRENS
BUDGET 2016/17 - AS AT 31 Jan 17
CAPITAL WORKS EXPENDITURE

ADOPTED BUDGET ORIGINAL	ADOPTED BUDGET REVISED	FUNCTION	YTD ACTUALS	COMMITTED OR CONTRACTED	ACTUALS AND COMMITTED	% SPENT OR COMMITTED	FORECAST EXPENDITURE TO COMPLETE	EOY FORECAST PERCENTAGE COMPLETE	COMMENT / EXPLANATION
ENVIRONMENT PROGRAM									
Stormwater & Drainage									
365,000	365,000	Minor Drainage Upgrades and Replacement Work	92,668	53,882	146,550	40.2%	365,000	100%	Minor Works / Program upgrade ongoing
0	144,181	Mile End Cowandilla Catchment	120,061	8,195	128,256	89.0%	144,181	100%	Works have have been completed.
2,322,000	3,962,755	Lockleys Catchment	1,583,300	227,138	1,810,438	45.7%	3,962,755	100%	Works on May Tce are 90% completed. Consultation design for Rutland Ave Traffic Control and local stormwater collection has been completed with community consultation anticipated in February 2016. Detailed designing of Henley Beach Rd crossing is completed and currently seeking offers for undertaking the works.
100,000	100,000	Ashley St (West St to Hayward Ave)	3,498	0	3,498	3.5%	100,000	100%	Completed Design being reviewed in consideration of adjacent capital works in Ashley St and Hayward Ave.
0	239,660	Maria Street Drainage	930	6,908	7,838	3.3%	239,660	100%	These works are now being considered in context with greater drainage upgrade along George St, Dew St and Maria St.
80,000	80,000	Henley St Drainage	4,230	0	4,230	5.3%	80,000	100%	Design complete and currently seeking offers for undertaking the works.
Other Environment									
581,000	81,000	Brown Hill and Keswick Creeks	24,000	2,772	26,772	33.1%	81,000	100%	Approval for 1st stage of Greater Management Plan has been confirmed by all necessary stake holders. Project for design concept upgrade of Brown Hill Creek through West Torrens area is nearing draft report stage.
0	197,251	Glenelg Adelaide Pipeline (GAP)	47,160	21,162	68,322	34.6%	197,251	60%	Project Completed
3,448,000	5,169,847	Program Total	1,875,845	320,058	2,195,903	42.5%	5,169,847	98%	
RECREATION PROGRAM									
Parks & Gardens									
665,000	971,992	Playground Upgrade	326,982	61,113	388,095	39.9%	971,992	80%	Project in progress; refer Urban Services Report 13 December 2016
350,000	701,478	Reserve Developments - Various	238,949	65,096	304,045	43.3%	701,478	80%	Project in progress; refer Urban Services Report 13 December 2016. DBR - \$30K Bocce Shelter Kings Reserve
565,000	779,345	River Torrens Upgrade	272,027	384,307	656,335	84.2%	779,345	100%	Project in progress; refer Urban Services Report 17 January 2017
30,000	48,141	River Torrens Path Upgrades	35,222	17,441	52,663	109.4%	48,141	100%	Project underway
640,000	985,287	Reserve Irrigation Upgrades	452,188	65,874	518,061	52.6%	985,287	100%	Project in progress; refer Urban Services Report 13 December 2016
600,000	598,688	Additional Open Space Amenity Initiatives	170,586	238,569	409,154	68.3%	598,688	100%	Works upgrade program commenced - various projects
0	159,072	Urban Forest James Congdon Drive	165,110	0	165,110	103.8%	159,072	100%	Project completed.
60,000	60,000	Bikeway Path Upgrade and Reseal	0	0	0	0.0%	60,000	100%	Staged reseal works are scheduled commenced / underway
Sports Facilities									
40,000	185,478	Tennis Court Upgrades	27,670	38,960	66,630	35.9%	185,478	50%	Works scheduled / programmed
500,000	500,000	Apex Park	18,405	21,392	39,797	8.0%	500,000	25%	Details Design underway
50,000	50,000	Airport Road	0	0	0	0.0%	50,000	75%	Concept development underway
50,000	50,000	Memorial Gardens	0	0	0	0.0%	50,000	75%	Concept development underway
3,550,000	5,089,481	Program Total	1,707,138	892,751	2,599,890	51.1%	5,089,481	84%	

<p align="center">CITY OF WEST TORRENS BUDGET 2016/17 - AS AT 31 Jan 17 CAPITAL WORKS EXPENDITURE</p>

ADOPTED BUDGET ORIGINAL	ADOPTED BUDGET REVISED	FUNCTION	YTD ACTUALS	COMMITTED OR CONTRACTED	ACTUALS AND COMMITTED	% SPENT OR COMMITTED	FORECAST EXPENDITURE TO COMPLETE	EOY FORECAST PERCENTAGE COMPLETE	COMMENT / EXPLANATION
TRANSPORT PROGRAM									
<i>Roads Sealed</i>									
9,311,912	15,381,967	City Funds/ULRG Funds/Carryovers	3,962,766	4,415,377	8,378,143	54.5%	15,381,967	80%	Project in progress; refer Urban Services Report 17 January 2017
1,442,053	1,442,053	Roads to Recovery Grant Funds	0	0	0	0.0%	1,442,053	100%	Project in progress; refer Urban Services Report 17 January 2017
<i>Other Transport</i>									
0	0	Roundabouts / Minor Road Rehabilitation	0	0	0	0.0%	0	0%	
200,000	241,825	Bus Shelters	78,771	20,386	99,158	41.0%	241,825	100%	Sites being scoped in preparation for civil works. Bus shelters to be purchased and installed.
505,000	911,847	Traffic Management	4,672	8,007	12,679	1.4%	911,847	70%	Minor Traffic Management & LATM related works ongoing. Design for roundabout at Dew and George Street, Thebarton completed, currently finalising acquisition of land and preparing for works. Blackspot funding for 16/17 is at Hardys Rd & Ashley St - roundabout (\$79,250), Wainhouse St & North Pde (\$20,000). Conceptual designs undertaken for both. Other LATM projects ongoing. Jenkins St crossing upgrade concept being developed.
115,000	201,765	Bicycle Management Schemes	63,866	24,102	87,969	43.6%	201,765	100%	Beare Avenue shared use path concept being developed for consultation.
670,000	1,084,438	Public Lighting	621,875	232,506	854,381	78.8%	1,084,438	70%	Project in progress; refer Urban Services Report 17 January 2017
0	223,763	Bio-Science Precinct Works	191,564	326	191,890	85.8%	223,763	100%	Holland Street precinct works completed.
<i>Bridges</i>									
100,000	208,145	Bridge Ancillary Works (as per Bridge Audit)	143,476	7,805	151,281	72.7%	208,145	100%	Construction of Shared Bridge at Watson Ave is completed.
<i>Footways & Cycle Tracks</i>									
239,508	261,330	Footpath Renewal Program	137,158	102,512	239,670	91.7%	261,330	100%	Project in progress; refer Urban Services Report 17 January 2017
237,854	237,854	Footpath Construction Program	19,106	218,748	237,854	100.0%	237,854	100%	Project in progress; refer Urban Services Report 17 January 2017
200,000	200,000	Footpath Remediation Program	280,897	6,325	287,221	143.6%	200,000	100%	Various footpath projects in progress / underway
13,021,327	20,394,987	Program Total	5,504,152	5,036,094	10,540,246	51.7%	20,394,987	82%	
20,019,327	30,654,315	TOTAL - ALL CAPITAL WORKS	9,087,135	6,248,903	15,336,038	50.0%	30,654,315	85%	

11.6 Budget Review - December 2016

Brief

This report provides details of changes proposed to the 2016/17 budget, following completion of the budget review for December 2016.

RECOMMENDATION(S)

The Committee recommends to Council that the budget review changes for December 2016 be adopted pursuant to Regulation 9 of the *Local Government (Financial Management) Regulations 2011*.

Introduction

This report proposes changes to the 2016/17 budget and requires adoption by Council pursuant to Regulation 9 of the *Local Government (Financial Management) Regulations 2011*.

Discussion

Key changes to the 2016/17 budget are highlighted below.

Operational Income

An operational income budget increase of \$317,203 is proposed, as itemised in **Attachment 1**, the key changes being:

- An increase in rates income of \$220,000, with growth higher than expected when the budget was compiled;
- An increase of \$50,000 in investment income for the Mendelson Foundation, reflecting more favourable market conditions, although this increase is offset by an adjustment to reserves.

Operational Expenditure

An operational expenditure budget increase of \$497,142 is proposed, as itemised in **Attachment 1**, the key changes being:

- An increase of \$140,000 in the waste to landfill levy imposed by the SA Government following an unexpected increase from 1 September 2016 of \$14 per tonne to \$76 per tonne;
- An increase of \$116,785 in funding for the OPAL program following a Council decision on 15 November 2016;
- A reduction of \$50,000 in the street lighting budget to reflect a reduction in public lighting tariffs;
- An increase of \$86,173 in professional fees, including \$24,173 in City Development to cover temporary staffing shortages and \$62,000 in City Strategy for urban heat mapping, a water study project and other strategic initiatives;
- An increase of \$64,500 in the training budget in support of corporate IT and other training initiatives, although this cost is partly offset by an adjustment to the capital expenditure budget;
- An increase of \$56,133 in the IT software budget to cover additional support for corporate records management systems and an adjustment for the library;

- An increase of \$40,000 in funding for the summer festival and other events, including Holland Street;
- Various other sundry adjustments.

Capital Expenditure and Income

Capital budget changes are itemised in **Attachment 1**, and include:

- A capital expenditure budget increase of \$18,730;
- Capital income budget increase of \$56,009; and
- A capital works expenditure budget increase of \$8,223 (excl. overheads).

Key changes include:

- There are no significant changes.

Other Adjustments

Reserves have been increased by \$50,000 on account of the increase in Mendelson investment income.

Financial Statements and Ratios

A revised Comprehensive Income Statement has been included with the budget review as **Attachment 2**. It shows an operating surplus before capital revenues, capital grants and subsidies, gain/loss on disposal of assets and physical resources received free of charge of \$11.017 million, an increase of \$0.147 million or 1.4 per cent compared to the original budget. The projection assumes all allocated budgets are expended by 30 June 2017.

Revised budget statements, comprising Statement of Comprehensive Income, Cash Flow Statement, Financial Indicators, and Uniform Presentation of Finances, are also included.

The operating surplus ratio of the Council, which expresses the operating surplus as percentage of total operating income, is on target to the original budget of 17 per cent. Council is aiming to maintain an ongoing operating surplus ratio between zero and 15 per cent.

Council's asset sustainability ratio, which expresses net asset renewal expenditure as a percentage of the infrastructure & asset management plan required expenditure, has been budgeted to move from an estimated 106 per cent to 103 per cent, compared to the original budget. Council is aiming to maintain an ongoing asset sustainability ratio of greater than 100 per cent.

A modest cash surplus net of reserves is being projected as at 30 June 2017.

Conclusion

The December 2016 budget review must be adopted by Council pursuant to Regulation 9 of the *Local Government (Financial Management) Regulations 2011*.

Attachments

1. **2016/17 December Budget Review Proposed Changes**
2. **2016/17 December Budget Review Financial Statements**

The following changes are in the form of financial information as presented in Model Statement format as required
by legislation

2016/17 December Budget Review

Proposed Changes

(Model Statement format)

	Increase	Decrease
<u>INCOME</u>		
Rates Related		
Corporate & Regulatory	235,000	
Rates Related Total	235,000	
Statutory Charges		
Corporate & Regulatory	13,000	
Urban Services	24,173	
Statutory Charges Total	37,173	
User Charges		
Business & Community Services		5,690
Corporate & Regulatory		12,000
Urban Services		33,594
User Charges Total		51,284
Grants Subsidies & Contributions		
Business & Community Services	6,000	
Urban Services		8,939
Grants Subsidies & Contributions Total		2,939
Reimbursements		
Business & Community Services	30,000	
Corporate & Regulatory	1,188	
Reimbursements Total	31,188	
Investment Income		
Corporate & Regulatory	50,000	
Investment Income Total	50,000	
Other Revenue		
Business & Community Services	14,577	
Urban Services	3,488	
Other Revenue Total	18,065	
Total Operational Income	317,203	
<u>EXPENDITURE</u>		
Staff Costs		
Business & Community Services	98,911	
City Management	47,591	
Corporate & Regulatory	100,737	
Urban Services		40,000
Staff Costs Total	207,239	
Staff Related		
Business & Community Services	7,500	
Corporate & Regulatory	57,000	
Staff Related Total	64,500	
Buildings Furniture & Fittings		
Business & Community Services		2,000
Buildings Furniture & Fittings Total		2,000

The following changes are in the form of financial information as presented in Model Statement format as required
by legislation

2016/17 December Budget Review

Proposed Changes

(Model Statement format)

	Increase	Decrease
<u>EXPENDITURE</u>		
Plant & Equipment		
Business & Community Services		2,500
Corporate & Regulatory	2,000	
Urban Services	3,950	
Plant & Equipment Total	3,450	
Computer Expenditure		
Business & Community Services	17,133	
Corporate & Regulatory	32,000	
Computer Expenditure Total	49,133	
General Expenditure		
Business & Community Services	83,000	
City Management	14,978	
Corporate & Regulatory		3,000
Urban Services	20,673	
General Expenditure Total	115,651	
Council Expenditure		
Business & Community Services		26,000
City Management	4,000	
Corporate & Regulatory	8,323	
Urban Services		50,000
Council Expenditure Total		63,677
Contract Expenditure Works		
Corporate & Regulatory	133,200	
Urban Services		1,788
Contract Expenditure Works Total	131,412	
<u>EXPENDITURE</u>		
Occupancy & Property		
Business & Community Services		8,566
Occupancy & Property Total		8,566
Total Operational Expenditure	497,142	
<u>CAPITAL</u>		
Motor Vehicles		
Business & Community Services	5,814	
Corporate & Regulatory		6,145
Urban Services		10,133
Motor Vehicles Total		10,464
Computer Equipment		
Corporate & Regulatory		30,000
Computer Equipment Total		30,000

The following changes are in the form of financial information as presented in Model Statement format as required
by legislation

2016/17 December Budget Review

Proposed Changes

(Model Statement format)

	Increase	Decrease
<u>CAPITAL</u>		
Other Plant & Equipment		
Business & Community Services	9,000	
Other Plant & Equipment Total	9,000	
Furniture & Fittings		
Business & Community Services	29,619	
Furniture & Fittings Total	29,619	
Library Resources		
Business & Community Services	20,575	
Library Resources - Central Total	20,575	
Total Capital Expenditure	18,730	
<u>CAPITAL INCOME</u>		
Capital Works Other		
Urban Services	56,009	
Capital Works Income Other Total	56,009	
<u>CAPITAL WORKS EXPENDITURE</u>		
8569 George Street& Thebarton (South Rd to Dew St)	1,000,000	
8570 May Terrace& Brooklyn Park (Henley Beach Rd to Sir Donald B		1,000,000
9895 Mortimer St 6640 (Gray St to Grassmere St)	16,500	
8405 Norma Street& Mile End (Ebor Avenue to Bagot Avenue)& Mile		7,455
Overhead		822
Capital Works Expenditure Total	8,223	
<u>OTHER ADJUSTMENTS</u>		
Committed Exp. Reserve	9,509	
Mendelson Foundation	50,000	
Reserve Movements Total	59,509	

City of West Torrens

BUDGETED STATEMENT OF COMPREHENSIVE INCOME
for the year ended 30 June 2017

	Original Budget	September Budget Review	December Budget Review
	\$'000	\$'000	\$'000
INCOME			
Rates	53,390	53,392	53,627
Statutory charges	2,200	2,235	2,272
User charges	1,285	1,293	1,242
Grants, subsidies and contributions	4,182	5,163	5,160
Investment income	444	444	494
Reimbursements	217	224	255
Other income	543	969	988
Total Income	62,261	63,720	64,038
EXPENSES			
Employee costs	21,624	21,638	21,910
Materials, contracts & other expenses	18,673	19,779	20,014
Depreciation, amortisation & impairment	10,941	10,954	10,944
Finance costs	153	153	153
Total Expenses	51,391	52,524	53,021
OPERATING SURPLUS / (DEFICIT)	10,870	11,196	11,017
Amounts received specifically for new or upgraded	-	102	158
NET SURPLUS / (DEFICIT)	10,870	11,298	11,175
transferred to Equity Statement			
Other Comprehensive Income	-	-	-
TOTAL COMPREHENSIVE INCOME	10,870	11,298	11,175

City of West Torrens
STATEMENT OF FINANCIAL POSITION
as at 30 June 2017

	Original Budget	September Budget Review	December Budget Review
	\$'000	\$'000	\$'000
ASSETS			
Current Assets			
Cash and cash equivalents	7,701	491	330
Trade & other receivables	2,124	2,612	2,124
Other financial assets	1,185	994	1,280
Inventories	11	12	11
Total Current Assets	11,021	4,109	3,745
Non-current Assets			
Infrastructure, property, plant & equipment	570,323	610,293	610,320
Other non-current assets	4,238	4,518	4,518
Total Non-current Assets	574,561	614,811	614,838
Total Assets	585,582	618,920	618,583
LIABILITIES			
Current Liabilities			
Trade & other payables	6,419	5,248	5,033
Provisions	2,004	3,815	3,815
Total Current Liabilities	8,423	9,063	8,848
Non-current Liabilities			
Borrowings	2,692	2,692	2,692
Provisions	433	433	433
Total Non-current Liabilities	3,125	3,125	3,125
Total Liabilities	11,548	12,188	11,973
NET ASSETS	574,034	606,732	606,610
EQUITY			
Accumulated Surplus	58,613	59,575	58,127
Asset Revaluation Reserves	500,073	532,344	532,344
Other Reserves	15,348	14,813	16,139
TOTAL EQUITY	574,034	606,732	606,610

Please note that the comparatives figures include the St Martins aged care facility.

City of West Torrens

STATEMENT OF CHANGES IN EQUITY for the year ended 30 June 2017

	Accumulated Surplus	Asset Revaluation Reserve	Available for sale Financial Assets	Other Reserves	Total Council Equity	Minority Interest Equity	TOTAL EQUITY
Original Budget 2016/17	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Balance at end of previous reporting period	58,822	511,652	-	4,269	-	-	574,743
Net Surplus / (Deficit) for Year	10,870	-	-	-	10,870	-	10,870
Other Comprehensive Income	-	-	-	-	-	-	-
Gain on revaluation of infrastructure, property, plant & equipment	-	(11,579)	-	-	(11,579)	-	(11,579)
Transfers between reserves	(11,079)	-	-	11,079	-	-	-
Balance at end of period	58,613	500,073	-	15,348	(709)	-	574,034

	Accumulated Surplus	Asset Revaluation Reserve	Available for sale Financial Assets	Other Reserves	Total Council Equity	Minority Interest Equity	TOTAL EQUITY
2016/17 September Budget Review	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Balance at end of previous reporting period	58,822	511,652	-	4,269	574,743	-	574,743
Net Surplus / (Deficit) for Year	11,298	-	-	-	11,298	-	11,298
Other Comprehensive Income	-	-	-	-	-	-	-
Gain on revaluation of infrastructure, property, plant & equipment	-	20,692	-	-	20,692	-	20,692
Transfers between reserves	(10,544)	-	-	10,544	-	-	-
Balance at end of period	59,575	532,344	-	14,813	606,733	-	606,733

	Accumulated Surplus	Asset Revaluation Reserve	Available for sale Financial Assets	Other Reserves	Total Council Equity	Minority Interest Equity	TOTAL EQUITY
2016/17 December Budget Review	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Balance at end of previous reporting period	58,822	511,652	-	4,269	574,743	-	574,743
Net Surplus / (Deficit) for Year	11,175	-	-	-	11,175	-	11,175
Other Comprehensive Income	-	-	-	-	-	-	-
Gain on revaluation of infrastructure, property, plant & equipment	-	20,692	-	-	20,692	-	20,692
Transfers between reserves	(11,870)	-	-	11,870	-	-	-
Balance at end of period	58,127	532,344	-	16,139	606,610	-	606,610

City of West Torrens

BUDGETED CASH FLOW STATEMENT for the year ended 30 June 2017

	Original Budget	September Budget Review	December Budget Review
	\$'000	\$'000	\$'000
CASH FLOWS FROM OPERATING ACTIVITIES			
<u>Receipts</u>			
Operating receipts	61,818	63,276	63,544
Investment receipts	444	444	494
<u>Payments</u>	-	-	-
Operating payments to suppliers and employees	(40,237)	(41,357)	(41,864)
Finance payments	(154)	(154)	(154)
Net Cash provided by (or used in) Operating Activities	21,871	22,210	22,020
CASH FLOWS FROM INVESTING ACTIVITIES			
<u>Receipts</u>			
Amounts specifically for new or upgraded assets	-	102	158
Sale of replaced assets	609	723	755
<u>Payments</u>			
Expenditure on renewal/replacement of assets	(13,057)	(13,190)	(13,193)
Expenditure on new/upgraded assets	(11,699)	(32,558)	(32,614)
Net Cash provided by (or used in) Investing Activities	(24,147)	(44,923)	(44,894)
CASH FLOWS FROM FINANCING ACTIVITIES			
<u>Receipts</u>			
Proceeds from borrowings	2,692	4,184	4,184
<u>Payments</u>			
Repayments of borrowings	-	-	-
Net Cash provided by (or used in) Financing Activities	2,692	4,184	4,184
Net Increase (Decrease) in cash held	416	(18,530)	(18,691)
Cash & cash equivalents at beginning of period	7,286	19,021	19,021
Cash & cash equivalents at end of period	7,701	491	330

City of West Torrens

BUDGETED FINANCIAL INDICATORS for the year ended 30 June 2017

	Original Budget	September Budget Review	December Budget Review
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These Financial Indicators have been calculated in accordance with *Information Paper 9 - Local Government Financial Indicators* prepared as part of the LGA Financial Sustainability Program for the Local Government Association of South

Operating Surplus Ratio

<u>Operating Surplus</u>	17%	18%	17%
Total Operating Revenue			

This ratio expresses the operating surplus as a percentage of total operating revenue.

Net Financial Liabilities Ratio

<u>Net Financial Liabilities</u>	1%	13%	13%
Total Operating Revenue less NRM levy			

Net Financial Liabilities are defined as total liabilities less financial assets (excluding equity accounted investments in Council businesses). These are expressed as a percentage of total operating revenue (excluding NRM levy).

Asset Sustainability Ratio

<u>Net Asset Renewals</u>	106%	103%	103%
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Net asset renewals expenditure is defined as net capital expenditure on the renewal and replacement of existing assets, and excludes new capital expenditure on the acquisition of additional assets.

City of West Torrens

BUDGETED UNIFORM PRESENTATION OF FINANCES for the year ended 30 June 2017

The following is a high level summary of both operating and capital investment activities of the Council prepared on a simplified Uniform Presentation Framework basis.

All Councils in South Australia have agreed to summarise annual budgets and long-term financial plans on the same basis.

The arrangements ensure that all Councils provide a common 'core' of financial information, which enables meaningful comparisons of each Council's finances

	Original Budget	September Budget Review	December Budget Review
	\$'000	\$'000	\$'000
Income	62,261	63,720	64,038
less Expenses	51,391	52,524	53,021
Operating Surplus / (Deficit)	10,870	11,196	11,017
less Net Outlays on Existing Assets			
Capital Expenditure on renewal and replacement of Existing Assets	13,057	13,190	13,193
Depreciation, Amortisation and Impairment	(10,941)	(10,954)	(10,944)
Proceeds from Sale of Replaced Assets	(609)	(723)	(755)
	1,507	1,513	1,494
less Net Outlays on New and Upgraded Assets			
Capital Expenditure on New and Upgraded Assets (including investment property & real estate developments)	11,699	32,558	32,614
Amounts received specifically for New and Upgraded Assets	-	(102)	(158)
	11,699	32,456	32,456
Net Lending / (Borrowing) for Financial Year	(2,336)	(22,773)	(22,933)

12 MEETING CLOSE

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2	Present	1
3	Apologies	1
4	Disclosure Statements	1
5	Confirmation of Minutes.....	1
6	Communications by the Chairperson.....	1
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	Nil	
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9	Motions with Notice	1
	Nil	
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11	Strategy and Community Reports	2
	11.1 City Strategy Monthly Activity Report	2
	11.2 Community Services Monthly Activity Report - February 2017	6
12	Meeting Close	8

1 MEETING OPENED**2 PRESENT****3 APOLOGIES****4 DISCLOSURE STATEMENTS**

Committee 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 the Strategy and Community Committee Meeting held on 17 January 2017 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 STRATEGY AND COMMUNITY REPORTS

11.1 City Strategy Monthly Activity Report

Brief

This report presents the City Strategy Department Activity Report for January 2017.

RECOMMENDATION(S)

The Committee recommends to Council that the *City Strategy Activity Report* for January 2017 be received.

Introduction

A report is presented to each Strategy and Community Committee detailing the status of key projects and activities within the City Strategy department.

Discussion

Key activities	Update
Environmental Planning	
<i>Western Adelaide Urban Heat Mapping Project</i>	<p>West Torrens is leading a regional project in conjunction with the Cities of Port Adelaide Enfield and Charles Sturt and the Adelaide Mount Lofty Ranges Natural Resources Management Board to undertake urban heat mapping for the Western Adelaide Region.</p> <p>The Administration has been liaising with the consultant to co-ordinate the flyover which could not be undertaken until the right conditions occurred. Although the temperatures required to undertake the flyover were being reached, the high levels of moisture in the air were leading to cloud cover which prevented the flight from proceeding.</p> <p>The flight occurred on 9 February. Taking off at 11am, the plane flew three kilometres above the ground following a North/South flight path comprising 32 parallel lines six hundred metres apart.</p> <p>The project also involved a night time flyover to gain a better understanding of how heat continues to radiate from different built materials and surfaces areas into the night, increasing the minimum temperatures experienced into the evening.</p>
<i>i-Tree Canopy Mapping and Infill Development</i>	<p>The University of South Australia has been engaged to undertake research into the City's canopy cover and how it has changed over time (2006 - 2016).</p> <p>A brief report has been presented to staff from City Strategy, Information Services and City Works and now a subsequent project is being scoped to look at how infill development over the last 5 years has impacted or benefitted the City's canopy cover.</p> <p>This will be correlated with an infill stormwater study being undertaken by the university. The outcomes of both research projects will offer insight into the potential impact of future infill development on urban water and tree management.</p>

<p><i>Operational Environmental Management Plan</i></p>	<p>Staff from City Strategy and City Assets hosted a meeting at the Civic Centre with Adelaide Airport Limited to discuss the Environmental Management Plan for the West Beach Detention Basin.</p> <p>A second meeting was held on site to observe conditions. City Strategy will develop monitoring requirements for the site.</p>
<p>Land Use Planning</p>	
<p><i>Revised Underdale and Torrensville Urban Employment Statement of Intent (SOI)</i></p>	<p>As part of the Minister for Planning's letter (8 December) approving the Underdale/Torrensville SOI, the Minister invited Council to work with DPTI staff on the development of an Urban Renewal Zone for the Planning and Design Code.</p> <p>Following this, DPTI Staff advised the Administration to make a submission on the Kilburn/Blair Athol Urban Renewal Development Plan Amendment (DPA) to enable any suggestions on the draft Urban Renewal Zone to be considered through that process.</p> <p>The Kilburn/Blair Athol Urban Renewal DPA is proposed by the Minister for Planning and the subject area is within the City of Port Adelaide Enfield.</p> <p>The Kilburn/Blair Athol DPA intends to rezone an existing Residential Zone and Industry Zone to a newly recreated Urban Renewal Zone. The submission provided comment on the Urban Renewal Zone in the context that it may be included in the South Australian Planning Policy Library (SAPPL) or in the Planning and Design Code in the future and applied to areas across metropolitan Adelaide.</p> <p>The submission was informed by the Administration's experience undertaking development assessment, specifically within the new Urban Corridor Zone. The submission sought to clarify the intent and applicability of specific provisions and enable local variations to be applied where appropriate.</p> <p>The Administration has engaged Ekistics Planning and Design to review the Urban Employment and Urban Renewal zone policy modules in the context of the Underdale and Torrensville investigation area. This investigation will inform the preparation of a Development Plan Amendment to be considered by Council.</p> <p>A report is planned to be presented to Council in March 2017.</p>

<p><i>Planning Reform and Planning Development and Infrastructure Act 2016</i></p>	<p>DPTI presented an update on the implementation of the Planning Reform and the Planning, Development and Infrastructure (PDI) Act 2016 at the January meeting of the Administration's PDI Act Steering Committee. DPTI advised that:</p> <ul style="list-style-type: none"> • The Statutes Amendment (Planning, Development and Infrastructure) Bill 2016, to enable the implementation of the PDI Act, is currently before the Legislative Council. • The implementation program for the PDI Act will be updated after the Statutes Amendment (Planning, Development and Infrastructure) Bill passes Parliament, however DPTI is still working to establish the State Planning Commission on 1 April 2017. • During the transition to the PDI Act, Council may consider ensuring their strategic planning documents are up-to-date and aligned to the new planning system, including 30 Year Plan for Greater Adelaide, of which a revised version is expected to be released soon. <p>The Administration sought further information on the timing of the implementation of the PDI Act, including the involvement of Councils.</p>
<p>Corporate Planning</p>	
<p><i>Urban Design Framework</i></p>	<p>A grant application has been drafted for submission to DPTI seeking funding for the City of West Torrens Urban Design Framework (UDF).</p> <p>The submission highlights that the City of West Torrens (CWT) is a highly developed inner metropolitan Council catering for a diversifying community set to densify through infill development of the City's corridors and activity centres. It identifies the potential for recent changes to planning policy facilitating uplift development to reduce liveability through increased urban heat, traffic congestion and interface issues. It also recognises the constraints Council faces in acquiring additional open space or facilities to cater for the social and recreation needs of a growing community, placing greater emphasis on a quality public realm.</p> <p>Currently the CWT has a mixed palette of furniture, materials and finishes created through project based implementation of annual capital works programs and in some cases privately funded public realm creation through industrial and residential land use changes and developments.</p> <p>The UDF will outline the desired future character of the CWT's public realm and provide urban design objectives and principles, standards and specifications for its public spaces, streetscapes and parks and reserves to assist Council and external bodies achieve public realm design quality and continuity.</p>

Community Plan Review	<p>City Strategy staff have attended two events of the Summer Festival to consult on the Towards 2025 Community Plan. Conversations have been held with 70 people, providing positive feedback about the City of West Torrens for all generations.</p> <p>Consultation has focussed on:</p> <ul style="list-style-type: none">• making people aware of the Community Plan;• Promoting the City's vision; and• Sharing people's thoughts on what does or does not make CWT the best place to live, work and enjoy life. <p>The purpose of this engagement was to identify community driven indicators to support the community driven strategies. Conversations revealed what people thought they would see if the city was achieving its vision.</p> <p>Where the last plan had tens of indicators relating to the short term strategies of the plan, this review, as a result of the consultation, will propose fewer indicators, related to the themes and vision of the plan.</p> <p>A report providing the updated plan as a result of consultation will be presented to Council in March.</p>
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Conclusion

This report details recent activities of the City Strategy department for the month of January 2017

Attachments

Nil

11.2 Community Services Monthly Activity Report - February 2017

Brief

This report details the activities within the Community Services Department for the period 6 January 2017 to 6 February 2017.

RECOMMENDATION(S)

The Committee recommends to Council that the Community Services Activity Report - February 2017 be noted.

Introduction

The Community Services Department provides a report to each Strategy and Community Committee meeting detailing the status of key projects and activities.

Discussion

The key projects and activities undertaken by the Community Services department are as follows:

Thebarton Community Centre

Thebarton Community Centre continues to be busy. The regular hirers are returning resulting in the halls being booked out during the weekdays. Events have included birthday parties and weddings on the weekend and for Australia Day the Centre hosted a citizenship ceremony.

A total of 51 different groups booked at Thebarton Community Centre for January 2017.

Volunteers

The Volunteer Program has won a training grant of approximately \$25,000 to train over a hundred volunteers in the metro area in Mental Health First Aid, Provide First Aid, Manual Handling and CPR training. This training is in addition to the monthly Child Safe Environments courses.

Summer Festival



The Children's and Youth team were involved in organising and providing activities for children, youth and families at each Summer Festival evening, along with setting up and packing down.

A new addition to the Summer Festival attractions was the Mobile Library which attended at the 4 events held in the Memorial Gardens between 5pm-9pm. Visitor numbers to the mobile ranged from 76 to 212 one evening, with plenty of first-time visitors and borrowing.

Summer reading club

The Summer reading club program continued to successfully run throughout January.

In total there were 131 registrations with 115 reading logs completed and a total of 1,150 books read.

- 27 Preschool registrations with 17 reading logs completed
- 101 Primary registrations with 96 reading logs completed
- 3 Secondary registrations with 2 reading logs completed

Home Support Services

During the period 07/01/2017 to 06/02/2017 Home Support assisted 154 clients with 426 hours of cleaning support.

40 clients were assisted with spring cleans and window cleans during this period. The high demand for the spring and window clean services has resulted in customers experiencing a 3 to 4 month wait for services.

The Hard Waste Service is very well utilised and very positive feed-back has been received. A contractor is employed to move heavy items to the street for people who are unable to do this for themselves.

For the past 3 years Home Support staff have worked with a multi denominational church youth group operating out of Adelaide West Uniting Church on Sir Donald Bradman Drive. This year the group have assisted 10 elderly clients with some big gardening tasks. They operate for one week in the middle of January and we always receive very positive feed-back on the work they do.

The Commonwealth Home Support Programme (CHSP) was audited by the Federal Government on Monday 09/01/2017 and Tuesday 10/01/2017. The subsequent report from the Commonwealth showed that all Standards are being met to a very high standard including: Effective Management, Appropriate Access and Service Delivery, Service user Rights and Responsibilities.

Sewing Studio

Evening group sessions averaged attendances ten, and day group ten. Twenty members attended the end of year dinner when members of both groups met, celebrated their achievements and planned 2017 projects.

Kurralt Park walking groups

The Almond Tree trekkers walk every Monday and Thursday, with average attendances of around ten to twelve. The groups had a tenth birthday in December and hope to plan a celebratory event in 2017.

School Holiday Program

Throughout January, 35 school holiday activities were run with 1290 child/youth participants and 740 adult participants. Highlights include:

- The Scientifibubble show where child and adult audience members were encased within giant bubbles
- Little Day Out Super hero sports where participants got to experience Bubble sports and the younger children got sporty with Ready Steady Go Kids
- Little Day Out Splash where participants got wet and muddy and got to meet the Metropolitan Fire Service, explore their fire engine and use the big hose!
- Crumbs cooking
- Arcades



Cultural Events coming up in 2017

Harmony Day 2017

Two Cooking Safari events will be held in The Hamra Centre Sunroom on Thursday 23 March:

- 1.30 to 3.30pm - learn to make hummus dip and Ayurvedic detox tea, and
- 6.30pm to 8.30pm - learn to make a chickpea curry and golden latte.

These Indian themed events will be based on using spices in cooking plus recipe swapping and sari wrapping. They have been planned as relaxed, drop in events rather than structured events - bookings are not required.

Refugee Week 2017

A week-long rag weaving program has been planned for Refugee Week - Tuesday 19 June to Friday 23 June at 5pm to 7pm. Tuition will be provided for the first two evenings (bookings required on these two nights), and visitors will be welcome for the last two nights. Participants will be able to work on a small communal project or start their own project - generally a coaster, trivet or small floor mat based on ancient Icelandic traditions.

On Thursday 22 June a free exercise class will also be conducted by the Falun Dafa group between 7.30pm and 8.30pm. A community celebration will be held on the Friday night to showcase both the group and individual projects.

Movie Nights coming up in January - June 2017

Movie nights will continue to be held on Thursday evenings every second month. This is a free event with refreshments, and is held in the West Torrens Auditorium. The upcoming movies are:

"Last Cab to Darwin" (M)	Thursday 9 February 7pm
"Room" (M)	Thursday 13 April 7pm
"The Girl on the Train" (MA15+)	Thursday 15 June 7pm

Upcoming Celtic Night - Thursday 23 February 2017, 7pm - 9pm

A free evening of Celtic music and food will be held in the West Torrens Auditorium. Members of the Celtic Music Club of South Australia Inc. will perform classical Celtic music, folk dances and songs. Refreshments will also be available.

Attachments

Nil

12 MEETING CLOSE