

CITY OF WEST TORRENS



Notice of Council & Committee Meetings

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

Council

and

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

of the

CITY OF WEST TORRENS

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

on

**TUESDAY, 4 APRIL 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 21 March 2017 be confirmed as a true and correct record.

6 MAYORS REPORT

(Preliminary report for the agenda to be distributed Friday 31 March 2017)

In the two weeks since the last Council Meeting of 21 March 2017, functions and meetings involving the Acting Mayor have included:

Wednesday 22 March

- | | |
|--------|---|
| 9.15am | With CEO Terry Buss, attended the launch of the Palmer Group development 'Residences' on Anzac Highway. |
| 6.00pm | Launched the Hellenic Connections Art Exhibition 'Hellas - A kaleidoscope of colour' in the Hamra Auditorium Gallery. |

Since his return from leave, functions and meetings involving Mayor Trainer have included:

Tuesday 28 March

- | | |
|--------|---|
| 6.00pm | Participated in the Community Facilities Committee meeting. |
|--------|---|

Thursday 30 March

- | | |
|--------|---|
| 3.00pm | Attended a meeting at Australian Rail Track Corporation office with representatives from ARTC and DPTI regarding the proposed closure by ARTC of the Mile End pedestrian rail crossing. |
|--------|---|

Saturday 1 April

- | | |
|--------|--|
| 6.00pm | Attending West Adelaide Football Club 2017 season launch and player auction. |
|--------|--|

Tuesday 4 April

- 1.30pm With Angelo Catinari, attending a meeting with Bob Lott, Thebarton Theatre leaseholder, at his request.
- 6.00pm Council pre-brief and dinner.
- 7.00pm Council and Committee meeting.

RECOMMENDATION

That the Reports from the Acting Mayor and from Mayor Trainer be noted.

7 ELECTED MEMBERS REPORTS

8 PETITIONS

8.1 Weigall Oval

Brief

A petition has been received from Michael Allen, Head Petitioner, on behalf of 144 signatories requesting that the Council does not proceed with the redevelopment plan for Weigall Oval.

RECOMMENDATION(S)

It is recommended to Council that the document received from Michael Allen be noted.

Introduction

Mr Michael Allen presented a deputation to the 21 March 2017 meeting of Council regarding his opposition to the redevelopment plans for Weigall Oval. Subsequent to this, Mr Allen has lodged a petition, comprising 144 signatures, requesting that Council '*shelve completely (the) redevelopment plan as totally unsuitable*' (**Attachment 1**).

Discussion

This petition does not meet the requirements of sections 8(4) and 8(5) of Council's *Statutory Code: Code of Practice - Procedures at Meetings* (Code) in that:

- Clause 8(1)(b) of the Code requires that the petition must contain the name and address of each person who signed the petition. Of the 144 signatures only 74 signatories have included a full name and address.
- Clause 8(4) of the Code requires that the original copy of each page of the petition must include the name and contact details of the head petitioner. This information is only contained on page one.
- Clause 8(5) of the Code requires that each page of the petition must restate the whole of the request. The request as stated by the head petitioner, while stated on page one, has not been restated on any subsequent page of the petition.

Clause 8(9) of the Code requires that if a page of the petition does not meet the requirements of regulation 10 and/or clauses 8.4 to 8.6 of the Code, the signatures on the page will not be taken into account by Council when considering the petition.

Consequently, as it is not a valid petition, the document is presented to Council for information only.

Conclusion

The document, presented by Mr Michael Allen, does not meet the requirements of a petition so is presented to Council for information only.

Attachments

1. Petition regarding Weigall Oval

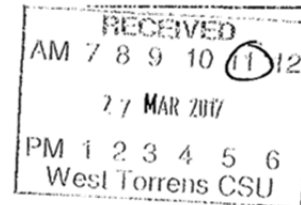
A1985603.

Received

27 MAR 2017

City of West Torrens

PETITION Management



27 MAR 2017

Scanned - Temporary

To the Mayor and Councillors of the City of West Torrens

Part 1.

Petition contact person: Michael Allen

Telephone number: 0412 51 88 44

Address: 41 James St

Plympton 5038

Part 2.

The petition of (identify the individuals or group, eg. Residents of the City of West Torrens)

Ratepayers / Residents of City of West Torrens

Part 3.

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

No development of Weigall Oval - fix fencing
* Remove base hall

Part 4.

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

Shelve completely re-development plan
as totally unsuitable

Part 5.

Name (print)	Address	Signature

Continued

PETITION

Outline the action that the petitioners are requesting Council should take or not take
(Repeat Part 4 from page one);

LEAVE WIEGAL AS IT IS

Name (print)	Address	Signature
* McBeath, Cath	40 James St, Plympton	[Signature]
* Wesley, Paul	40 James St, Plympton	[Signature]
* LORENE WEBER	13/14-16 LONG ST PLYMPTON	[Signature]
Lina Theodoris	311 Pickard St North Plympton	[Signature]
Sillian Pirakis	5 Tolley Ct Brooklyn Pk 5032	[Signature]
GIOVANNI BILLO	9 WARWICK AVE KODJAK PARK SA	[Signature]
Terry Hayes	14 Henry St Plympton	[Signature]
Bill SHARP	Unit 12 707 ANZAC H/W Plympton	[Signature]
Chris Davidson	7 Manfred St Plympton	[Signature]
Carol Mayford	35b Muldoon Ave Nth Plympton	[Signature]
Lucy Midgley	6 James Street, Plympton	[Signature]
Penny Raven	28 Stanley St Plympton	[Signature]
KERRY CROWE	211 ANZAC HWY PLYMPTON	[Signature]
John BARTON	26 Kethury St Plympton	[Signature]
CHARLES	1/8 CROSSLEY PLYMPTON	[Signature]
PETER FARNSWORTH	40 MACKAY AVE NORTH PLYMPTON	[Signature]
Pat Farnsworth	40 Mackay Ave, Nth Plympton	[Signature]
D. BONSHOR	18 GACWAY AVE, NTH PLYMPTON	[Signature]
RD Phillips	Watson Ave Nedleaf	[Signature]
Jack Smith	46 B. Stelm Ave Kensington	[Signature]
BILL PERHAM	2/16 ANZAC HIGHWAY PLYMPTON	[Signature]

9 DEPUTATIONS

Nil

10 ADJOURN TO STANDING COMMITTEES

RECOMMENDATION

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

11 ADOPTION OF STANDING COMMITTEE RECOMMENDATIONS

11.1 Urban Services Committee Meeting

RECOMMENDATION

That the recommendations of the Urban Services Committee held on 4 April 2017 be adopted.

11.2 Governance Committee Meeting

RECOMMENDATION

That the recommendations of the Governance Committee held on 4 April 2017 be adopted.

12 ADOPTION OF GENERAL COMMITTEE RECOMMENDATIONS

12.1 Community Facilities General Committee Meeting

RECOMMENDATION

That the Minutes of the Community Facilities General Committee held on 28 March 2017 be noted and the recommendations adopted.

13 QUESTIONS WITH NOTICE

13.1 Underdale and Torrensville Development Plan Amendment

At the meeting of Council on 21 March 2017, Cr Woodward asked the following questions which were taken on notice:

Questions

- 1) *If the Urban Renewal Zone is implemented through the Underdale and Torrensville Development Plan Amendment, what is the number of residents that may be expected in this area in the long term?*
- 2) *Can the Administration present to the Council financial modelling of potential changes to rates that may occur as a result of undertaking the Underdale and Torrensville Development Plan Amendment? Further, the Administration provide information on how additional funds could be specifically allocated to providing community facilities in this area.*

Answer

1) Total number of residents

Answer: A housing opportunities assessment identifies the long term potential for approximately 2,900 people in the current Underdale and Torrensvile DPA study area.

Rationale: In 2010, the City of West Torrens commissioned .id (informed decisions), a demographic consultancy, to prepare the *City of West Torrens Housing Consumption and Opportunities Analysis Report* (Report) As part of that report, the study identified opportunities in specific precinct areas that may be redeveloped for higher density residential development. The Underdale and Torrensvile industrial area was identified as a precinct, defined as the area shaded blue (including the hatched area) in Map 1 below:



Map 1 - Underdale and Torrensvile study areas. The total 2010 study area is shown as light blue (including the hatched area) and the DPA study area is shown as the hatched area.

The study methodology considered housing 'opportunities' rather than a defined development forecast over a specified period of time. The study did not consider economic market factors which may influence the rate of redevelopment in the area. The study identified the number of dwellings rather than the number of residents.

The study assumed that 80% of the Underdale and Torrensvile area may be redeveloped for medium density housing over the long term. The medium density residential development was estimated to comprise:

- 50% of developable land to be developed at a rate of 100 dwellings per hectare
- 25% of developable land to be developed at a rate of 75 dwellings per hectare
- 25% of developable land to be developed at a rate of 50 dwellings per hectare

Based on these assumptions, the assessment conservatively identified opportunities for 2709 net dwellings in the 2010 Underdale and Torrensvile study area, as shown in Table 1. *Please note that this was for the previous and wider study area than the current Underdale Torrensvile study area:

Table 1 - Underdale and Torrensville 2010 Study Area Residential Opportunity Assessment

	Developable Land (Ha)	% land developed	Development Density - Dwellings Per Ha (DPH)				Additional Dwellings built	Existing dwellings demolished	Net dwellings
				100	75	50	25		
			%	50	25	25	0		
2010 Report Study Area	41.7	80%	#	1667	625	417	0	2709	-
									2709

The dwelling density assumptions used in the 2010 report are comparable to the residential density proposed in the Urban Renewal Zone module. The Kilburn/Blair Athol Urban Renewal Zone provides for dwelling densities of 50-100 dwellings per hectare.

Based on this same methodology, the assessment conservatively identified opportunities for 1288 net dwellings in the current Underdale and Torrensville DPA study area, as identified in Map 1 as the hatched area.

The total number of residents in the Underdale and Torrensville DPA study area is estimated to be 2 898 people, conservatively based on the 2011 Census City of West Torrens average household size (2.25 persons)

Examples of types of dwellings that may be developed at between 50-100 dwellings per hectare are provided below (Source: DPTI Understanding Density Handbook, 2011).

34 - RAY ST, FINDON

Site Area: 2,736 sqm
 No. of Dwellings: 29
 Ave. Site Area per Dwelling: 94 sqm
 Net Density: 106 du/ha

High Density

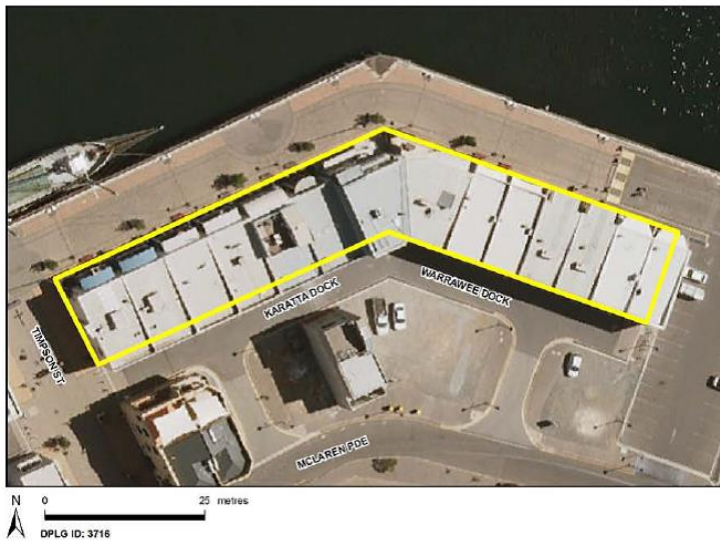
Date Built: 2009
 Built Form: 4 storey residential flat building

32 - HAMLEY ST, ADELAIDE**High Density**

Site Area: 1,240 sqm
 No. of Dwellings: 13
 Ave. Site Area per Dwelling: 113 sqm
 Net Density: 104.8 du/ha



Date Built: 1991
 Built Form: 2 storey row dwellings & residential flat buildings

31 - KARATTA DOCK, PORT ADELAIDE**High Density**

Site Area: 1,481 sqm
 No. of Dwellings: 14
 Ave. Site Area per Dwelling: 106 sqm
 Net Density: 94.5 du/ha



Date Built: 2001 - 2007
 Built Form: 2 & 3 storey detached & semi-detached dwellings

30 - HALIFAX ST, ADELAIDE**High Density**

Site Area: 7,563 sqm
 No. of Dwellings: 62
 Ave. Site Area per Dwelling: 122 sqm
 Net Density: 82 du/ha



Date Built: 2007
 Built Form: 2 storey residential flat buildings

29 - MAITLAND TCE, SEACLIFF**High Density**

Site Area: 987 sqm
 No. of Dwellings: 8
 Ave. Site Area per Dwelling: 123 sqm
 Net Density: 81 du/ha



Date Built: 1975
 Built Form: 2 storey residential flat building

27 - RAPID AVE, NORTHGATE**High Density**

Site Area: 658 sqm
 No. of Dwellings: 5
 Ave. Site Area per Dwelling: 132 sqm
 Net Density: 76 du/ha

Date Built: 2010
 Built Form: Single storey row dwellings

22 - GALWAY AVE, MARLESTON**Medium Density**

Site Area: 892 sqm
 No. of Dwellings: 6
 Ave. Site Area per Dwelling: 149 sqm
 Net Density: 67.3 du/ha

Date Built: 1969
 Built Form: 2 storey residential flat building

20 - WEST ST, BROMPTON**Medium Density**

Site Area: 3,688 sqm
 No. of Dwellings: 23
 Ave. Site Area per Dwelling: 160 sqm
 Net Density: 62.4 du/ha



Date Built: 2009
 Built Form: 2 & 3 storey detached, semi-detached & row dwellings

14 - GROSVENOR PL, WYNN VALE**Medium Density**

Site Area: 1,328 sqm
 No. of Dwellings: 7
 Ave. Site Area per Dwelling: 190 sqm
 Net Density: 52.7 du/ha



Date Built: 1990
 Built Form: 2 storey semi-detached & row dwellings

2) Financial Modelling

The Administration will prepare financial modelling of potential changes to rates as a result of development that may occur as a result of undertaking the Underdale and Torrensville Development Plan Amendment.

This process involves analysing existing property values and comparing properties against similar situations that have under gone industrial to residential transition, such as Brompton in the City of Charles Sturt. This analysis is then input to a financial model to determine potential changes to rates in the future.

Given the current Finance Department workload preparing the annual budget this information will take approximately 6 weeks to prepare. The Administration will report back with this information to Council on 6 June 2017.

Specific allocation of funding for community facilities

Rates income including growth and natural increases does not get allocated to any specific projects but is treated as general rates income. Currently, there are no legal rating mechanisms for Council to set aside the value of rate increases for a specific area to fund community facilities and infrastructure.

However, Council has the power to determine any special projects not covered by its Asset Management Plans, for inclusion in the Annual Budget. However, this is not determined or offset by specific rate income being allocated to any of those projects.

Other mechanisms for Council to fund infrastructure and service provision in the planned rezoned Underdale and Torrensville area include Open Space Contributions through land division processes and the new, yet to be implemented, Basic and General Infrastructure Scheme mechanisms through the Planning, Development and Infrastructure Act 2016 (PDI Act).

The PDI Act will be proclaimed on 1 April 2017 and the Council will then be able to use the infrastructure schemes mechanisms. However, the State Government are initially piloting the mechanisms and there will be future opportunities for the City of West Torrens to develop infrastructure projects to be implemented through the infrastructure schemes mechanisms.

14 QUESTIONS WITHOUT NOTICE

15 MOTIONS WITH NOTICE

Nil

16 MOTIONS WITHOUT NOTICE

17 REPORTS OF THE CHIEF EXECUTIVE OFFICER

17.1 Request for Reimbursement of Expenses

Brief

This report presents a request from Councillor Mangos for reimbursement of expenses associated with his attendance at meetings as a Deputy Member to the Local Government Association of SA Board.

RECOMMENDATION(S)

It is recommended to Council that it delegates authority to the Chief Executive Officer to reimburse Councillor Mangos for reasonable expenses incurred in accordance with Council Policy for his attendance at meetings as a Deputy Member to the Local Government Association of SA Board for the term of his membership concluding 2018.

Introduction

Cr Mangos was recently elected as a Deputy Member to the LGA of SA Board for a term of two years concluding 2018. On occasions, LGA of SA Board meetings are held outside of metropolitan Adelaide often in a regional town as part of a joint meeting with SAROC (SA Regional Organisation of Councils).

Discussion

There is an upcoming joint LGA and SAROC Board meeting in May 2017 hosted by Alexandrina Council in Goolwa (**refer Attachment 1**). Attendance at the meeting by Cr Mangos will incur some travel and accommodation expenses that are generally expected to be paid by the Board Member's Council.

There will be other odd occasions throughout the two year term of Cr Mangos to the LGA of SA Board that will incur similar expenses so it is recommended that the Chief Executive be granted authority to reimburse Cr Mangos for reasonable expenses incurred for his role as a Deputy Member to the LGA of SA Board.

Conclusion

It is recommended that the CEO be delegated authority to reimburse Councillor Mangos for reasonable expenses incurred in accordance with Council Policy for his attendance at meetings as a Deputy Member to the LGA of SA Board for the term of his membership concluding 2018.

Attachments

1. Email from LGA RE May 2017 SAROC & LGA Board meeting

From: [Cr Arthur Mangos](#)
To: [Terry Buss](#)
Subject: Fwd: May 2017 SAROC & LGA Board meeting - preliminary advice re arrangements
Date: Wednesday, 29 March 2017 4:11:49 PM
Attachments: [image001.jpg](#)
[image002.jpg](#)

I wish to attend the meetings please.

I believe I need Council approval to attend and if so can a motion be put to cover my 2 year term on Local Government

Thanks Arthur

Sent from my iPhone
 Deputy Mayor Arthur Mangos JP
 Board member of LGA
 Serving the community
 Plympton Ward

Begin forwarded message:

From: Jacqui Kelleher
Date: 29 March 2017 at 3:51:27 PM AEDT
To: Undisclosed recipients;;
Subject: FW: May 2017 SAROC & LGA Board meeting - preliminary advice re arrangements

Members /Deputies/Observers – just a quick note to let you know that the tour will need to be held at 1.30 pm and therefore the SAROC meeting will convene at 3.30pm.

If you haven't already responded/attended to the points highlighted below (in yellow), please do so.

thanks

From: Jacqui Kelleher
Sent: Tuesday, 21 March 2017 4:19 PM
Subject: May 2017 SAROC & LGA Board meeting - preliminary advice re arrangements

Dear Members/Deputy Members & Observers
 Copy to : Regional LGA Executive Officers

You will recall the Board's decision (at the January meeting) to delegate to the Executive Committee re the regional location for the May meetings, and the verbal update provided to you (at the March meetings) confirming the Committee's decision to accept the offer of Alexandrina Council (11 Cadell Street, Goolwa) to host the meetings. The draft itinerary for the two days is:

Wednesday 17 May	
12.30pm -1.00 pm	Light lunch available
1.00pm – 3.30 pm	SAROC meeting
3.30pm – 5.30pm	Tour of Fleurieu Aquatic Centre (departing from Council office)
5.30 – 6.30 pm	(free time)
6.30pm for 7.00pm	Dinner (venue tbc)
Thursday 18 May	
9.00 am	LGA Board meeting (concluding with light lunch approx 1pm)

For now please:

- a) confirm your **attendance / apology** as soon as possible by reply email (so that deputies can be arranged in instances where apologies are provided);
- b) note arrangements in your diaries and make your travel and accommodation bookings. A block booking of accommodation on Wed 17 May has been secured at the Goolwa Motel (across the road from the Council offices where the meetings will be convened), telephone: 8555 1155 www.goolwamotel.com.au. Alternative accommodation options can be explored via : www.visitalexandrina.com/ and
- c) let me know if you require assistance with transportation from the CBD on 17th to Alexandrina and return to CBD on 18th.

Regards

Jacqui Kelleher

Manager Executive Services

Local Government Association of South Australia

 @LGAofSA www.lga.sa.gov.au

Tel: 08 8224 2022 • M: 0409 286 071 • 148 Frome Street Adelaide • GPO Box 2693 Adelaide SA 5001

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17.2 2017 Shandong Outbound Mission

Brief

The Department of State Development will be leading a South Australian outbound business mission to China from the 8-18th May 2017 and this report seeks approval for Council to participate in the outbound business mission. Further, and following on from Council's previous decision to investigate options of establishing a Friendly Cooperative Relationship Agreement with a suitable City Government of the People's Republic of China, this report seeks approval to commence establishment of a Friendly Cooperative Relationship Agreement with Weifang City of the People's Republic of China by way of forwarding a suitable Letter of Intent.

RECOMMENDATION(S)

It is recommended that Council:

1. Notes and supports local businesses participating in the outbound business mission to Shandong Province in May 2017 as part of the South Australian Government outbound business mission to China.
2. Endorses the participation of the Mayor, Chief Executive Officer and Program Leader Partnerships to participate in the State Government delegation to Shandong in May 2017 to support businesses from within the City of West Torrens who have registered an interest in China and to officiate the Letter of Intent prepared for Weifang City, People's Republic of China, as the first step in establishing a Friendly Cooperative Relationship Agreement.
3. Authorises the Mayor and Chief Executive Officer to commence negotiations with Weifang City of the People's Republic of China around establishing a Friendly Cooperative Relationship Agreement by forwarding a suitable Letter of Intent setting out the purpose of enhancing mutual understanding and friendship that strengthens friendly exchange and cooperation between the peoples of Weifang City of the People's Republic of China and the City of West Torrens of the Commonwealth of Australia.
4. Supports an appropriate budget adjustment being made as part of the March 2017 budget review to cover any shortfall in costs from existing budget lines for Council's participation in the 2017 outbound business mission to Shandong Province, China.

Introduction

In 2016 Council supported a number of businesses located within the City of West Torrens on an outbound business mission to China. Council has maintained its relationship with these businesses as it seeks to support the economic growth and development of these businesses in West Torrens. Council has also reciprocated and has assisted on two occasions in 2016 with visits by inbound delegations from China.

Discussion

The next South Australian outbound business mission to China is planned to begin on May 8th 2017. The mission will focus on six streams, Trade; Innovation; Education and Training; Water; Health and Aged Care; and Business Development.

The event is strategically targeted with the Trade stream focusing on business matching for exporters. The mission is very business focused, with no gala dinners or opening ceremonies as was evident in 2016 as part of the 30th anniversary of the South Australia and Shandong Province Sister State relationship.

The Local Government Association of South (LGA) acknowledges that local government and South Australia in general are in a very different position in 2017 than 2015, with 3 years of outbound activity, 3 years of tariff relief through the China Australia Free Trade Agreement, direct flights through China Southern Airlines and the establishment of SASD Connect platform connecting South Australian and Shandong Province businesses.

There has also been a record number of high net worth business migrants coming to SA and extending beyond Adelaide into the regions. LGA contends that because of the work that has gone into the last three years, a more sophisticated and refined effort is now required in 2017. The LGA SA President and CEO will be attending the 2017 outbound business mission to China along with representatives from a number of SA metropolitan and regional councils.

Engagement with Businesses

Council's engagement with many businesses across the City has grown exponentially and the relationship which was forged with businesses who took part in last year's outbound business mission has also strengthened. Council continues to work with businesses such as Micromet, ELWA Energy Savers, Lannister Group and Austofix who have again registered to participate in the 2017 outbound business mission to China and they seek City of West Torrens (CWT) support in establishing suitable business to business (B2B) contacts via the existing government to government (G2G) relationship.

Council's continued support and engagement with Lannister Group (wines) encouraged them late last year to stay within CWT having outgrown their initial premises on South Road, Mile End to repositioning their operations to the corner of Sir Donald Bradman Drive and Marion Road.

ELWA Energy Savers has also recently had success in China winning a contract for the supply of 1500 new hot water systems as part of a new Hospital/Aged Care complex.

Micromet has also had phenomenal success of late in China and because of that success, they are looking to expand their operations and presence within CWT. Micromet are looking to secure a suitable site in CWT to support their expanded operations that will see their workforce grow from an existing 70 FTE across three sites to approximately 175 employees. Micromet are also looking to assist establish, in conjunction with TechIn SA, and be part of a water industry alliance/business cluster group that supports SA businesses working in the 'water' space.

The Department of State Development have indicated that there a number of other CWT businesses that have inquired about or are currently registered to participate in the 2017 outbound business mission to China and those details will be provided closer to the event date.

Inbound delegations

Council also played a big hand and assisted in 2016 with "Celebrating Confucius"; the first SA Chinese Bilingual School at Plympton International College (formerly William Light School) to coincide with the inbound visit of the Vice Governor Xia Geng from Shandong.

Further, Council recently played a role in facilitating a meeting between the Nanshan Tourism Group and Kooyonga Golf Club. The meeting was initiated with a purpose to explore potential tourism opportunities for Kooyonga Gold Club members and for visiting Chinese tourists looking to having an elite golfing and fine dining experience. Further, Kooyonga sought this opportunity to invite this important and influential group to attend the Women's International ISPS Handa Golf Australian Open in CWT in February 2018.

Friendly Cooperative Relationship Agreement

The meeting of Council on 21 February 2017 authorised the Chief Executive Officer to investigate further the options available of entering into a Friendly City Agreement or Friendly Cooperative Relationship Agreement 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.

Further the recommendation sought that Council seek the support of the Shandong Chamber of Commerce in South Australia to assist Council explore options of an appropriate and suitable City Government of the Peoples Republic Of China with which to establish such an agreement.

In the agenda report to Council on the 21 February, 2017, Weifang City was identified by the Shandong Chamber of Commerce as a suitable City Government of the People's Republic of China with which CWT could establish a Friendly Cooperative Relationship Agreement. The reasons for this suggestion and some details about Weifang City are provided in the 21 February, 2017 agenda report. The Administration has had further discussion with the Shandong Chamber of Commerce this past month and Weifang City has firmed as the most appropriate City Government with which to establish such an agreement.

The Council has worked closely with the Shandong Chamber of Commerce to prepare an initial Letter of Intent (**refer attachment 1**) as a precursor to the Friendly Cooperative Relationship Agreement between the City of West Torrens and Weifang City. It is expected that CWT will have the opportunity to officially sign the Letter of Intent with Weifang City during the 2017 outbound business mission. It should be noted that the contents of the Letter of Intent (and any subsequent Friendly Cooperative Relationship Agreement) is based on protocols established by the 'foreign affairs' arms of both countries and advised through the Shandong Chamber of Commerce.

Businesses registered for the outbound mission have also expressed an interest in having CWT facilitate an introductory meeting with officials from Weifang City (G2G) to explore opportunities into new markets.

Should Council support moving forward with the Letter of Intent, the Shandong Chamber of Commerce have advised they will facilitate the set-up of meetings with members of Weifang City as part of a mutual exchange and to participate in discussions regarding the establishment of a Friendly Cooperative Relationship Agreement.

The Administration has also received advice from various businesses seeking CWT support to implement the Friendly Cooperative Relationship Agreement with Weifang City given the potential broader economic benefits of the Agreement to the Council area (**refer attachments 2 - 6**).

The letters of support from businesses also express their desire for CWT to identify and support businesses to become export ready, identifying trade opportunities and development of potential projects for inward investment, all forming part of our economic development strategy . These activities linked to opportunities arising from inbound missions and investigating the establishment of a Friendly Cooperative Relationship Agreement with Weifang City will form the sound basis for Council's approach to China engagement over the next 3 to 24 months.

Cost to Council

The costs for the 2016 outbound business mission to China was \$24,419 including air fares, bus and rail travel within China, accommodation, mission registration fees, visa fees, corporate gifts, meals and other out-of-pocket expenses.

The costs expected for the 2017 outbound mission will be similar although with highly competitive air travel prices and the introduction of direct flights from Adelaide to China by China Southern may see a reduction in costs.

Funding is generally available in current budget lines both with Elected Member and staff travel allocations however, and depending on other travel approved to the end of the current financial year, an adjustment to budget may be required.

Conclusion

The purpose of CWT's participation in the 2017 outbound business mission to Shandong Province, China is to continue to support export ready local businesses and to strengthen their business relationships in China which underpin their longer-term sustainability and future growth. Identifying and supporting businesses to become export ready, identifying trade opportunities and development of potential projects for inward investment all form part of our economic development strategy.

Council's involvement, including that of the Mayor, will demonstrate Council's commitment to further discussions with Weifang City regarding the establishment of a Friendly Cooperative Relationship Agreement that aims to enhance mutual understanding and friendship that strengthens friendly exchange and cooperation between the peoples of Weifang City of the People's Republic of China and the City of West Torrens of the Commonwealth of Australia.

For those local businesses not able to participate in the 2017 outbound business mission to China, Council will also continue to project the image of West Torrens to high value Chinese businesses and investors to seek both export and investment opportunities for our local businesses, our City and our State generally.

Attachments

1. **Letter of Intent**
2. **Letter of Support to City of West Torrens from Austofix**
3. **Letter of Support to City of West Torrens from Micromet**
4. **Letter of Support to City of West Torrens from Lannister Group Pty Ltd**
5. **Letter of Support to City of West Torrens from Elwa Energysavers**
6. **Letter of Support to City of West Torrens from Kooyonga Golf Club**

LETTER OF INTENT
ON ESTABLISHMENT OF A FRIENDLY COOPERATIVE RELATIONSHIP
BETWEEN WEST TORRENS COUNCIL OF
THE COMMONWEALTH of AUSTRALIA &
WEIFANG CITY OF THE PEOPLE'S REPUBLIC OF CHINA

Weifang City of the People's Republic of China and West Torrens Council, in the Commonwealth of Australia, for the purpose of enhancing mutual understanding and friendship between their peoples and strengthening friendly exchange and cooperation, upon friendly consultations, have reached an agreement on the following issues.

I. Weifang City and West Torrens Council, on the basis of mutual understanding and equality and mutual benefit, will seek the possibility of establishing a friendly cooperative relationship, and carry out exchanges and cooperation in various forms in the fields of economy, trade, science, technology, culture, sports, education, health, tourism, personnel, etc., to enhance mutual development and prosperity.

II. The two sides will assign their liaison staff responsible for regular contact between the two cities, to facilitate and coordinate friendly exchanges and cooperation. The City of Weifang will be designated as the liaison office of Weifang and the City of West Torrens will be designated as the liaison office of West Torrens.

III. The two sides intend to sign a formal friendly cooperative relationship agreement in due course, after due discussion and the necessary formalities in accordance with the related regulations of the respective countries.

IV. This letter of Intent shall enter into force after it is signed by both cities.

Done in duplicate in English and Chinese languages both texts being equally authentic. If any dispute arises regarding the interpretation of this Letter of Intent, the English language version shall be considered to be relevant.

City of Weifang

Date: _____, 2017

City of West Torrens

Date: _____, 2017

中华人民共和国潍坊市与澳大利亚西托伦斯市 建立友好合作关系意向书

中华人民共和国潍坊市与澳大利亚西托伦斯市，为增进两市人民的了解和友谊，开展友好交流与合作，经过友好协商，就下列内容达成一致。

一、潍坊市与西托伦斯市在相互了解和平等互利的基础上，探讨建立友好合作关系，并在经济、贸易、科技、文化、体育、卫生、教育、旅游、人员等领域开展多种形式的交流与合作，促进共同的繁荣发展。

二、双方同意指定联络部门，负责两市之间友好往来的日常联络工作。潍坊市为潍坊市人民政府办公室，西托伦斯市为西托伦斯市政府办公室。

三、双方在分别按照本国有关规定履行程序后，经过双方协商，在适当时间正式签署建立友好合作关系协议书。

四、本意向书自两市签字后生效。

本意向书用中文和英文两种文字写成，一式两份，两种文本均真实有效。对本意向书存在争议时，以英文文本为准。

潍坊市代表

二〇一七年 月 日

西托伦斯市代表

二〇一七年 月 日



28 March 2017

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

To whom it may concern,

Re: Letter of support regarding China activities

Our company Austofix has enjoyed a more than ten-year business relationship with a distributor of our orthopaedic trauma devices in China. We were pleased to be able to share our experiences in China with other City of West Torrens' business-owners at a Breakfast Briefing kindly held by the Council earlier this month.

We fully support the Council's work in assisting other business-owners in the City of West Torrens to explore and engage with Chinese businesses as potential export and investment partners. We hope the Council will continue this work in 2017 and beyond, particularly with regard to involvement in the coming Business Mission in May which seeks to engage more deeply into potential business opportunities in the city of Weifang in the province of Shandong.

Weifang is an ideal city for the Council to specifically focus engagement with on behalf of the businesses in the City of West Torrens, being a sizeable coastal city within Shandong, the sister-state/province to South Australia in China. Through my role as sub-committee chair of the Australia China Business Council in SA and my past work experience in China, I know well that it is highly strategic to the success of potential business relationships to have the explicit backing of governmental entities. The City of West Torrens is providing a significant service to its constituent businesses by assisting them in introductions and the like to businesses and governmental entities in Weifang.

Regards


Tim Storer
International Sales Manager – Asia Pacific and Emerging Markets
Austofix

Austofix Surgical PTY LTD

18 Kinkaid Avenue
North Plympton SA 5037
Australia

Australia
T 1300 TRAUMA
F 1300 727 380

International
T +61 8 8351 0644
F +61 8 8351 0855

E info@austofix.com.au
www.austofix.com.au

ABN 59 112 309 743



28th March, 2017

The City of West Torrens Council

Att: **Adriana Christopoulos**
Program Leader Partnerships
City of West Torrens
165 Sir Donald Bradman Drive
Hilton SA 5033

To whom it may concern,

Micromet have been working with the City of West Torrens for nearly 18 months now and we have been most impressed with the Council's support and enthusiasm to assist Micromet and other local businesses wherever possible.

Micromet has been pleased to have Council's support not only here at home in South Australia but also overseas in China. We particularly see benefit in Council opening the door to the City of Weifang for Micromet as this is a City we currently don't have reach.

We appreciate and hope that Council will continue to support Micromet and other businesses in the City as it is our intention to stay and grow our business here building on 7 years to date of successful business in the City of West Torrens.

Sincerely,

A handwritten signature in brown ink on a light brown rectangular background. The signature appears to be 'A. Townsend' with 'via email' written in smaller text below it.

Andrew Townsend

Engineering Sales Director
Micromet Pty. Ltd/
M: +61 468 993 677

27 Queen St. THEBARTON, South Australia 5031
+61 8 8150 9300 (callers outside Australia)
1300 130 425 (local call within Australia)
support@micrometonline.com
www.micrometonline.com



Lannister Group Pty Ltd
ABN: 45 161 528 990
Add: Ground Floor,
277 Sir Donald Bradman Dr,
Cowandilla SA 5033
Tele: (08) 81230106

March 27, 2017

Dear Officer

The Lannister Group expresses our sincere thank you to your effort and support our business. We believe that City of West Torrens Council support local businesses and communities strongly, the Lannister Group couldn't have succeeded in China and Australia Market without your help.

Contact: James Wu

Position: Marketing Director

Phone: 0433188319

Your Sincerely

James WU



30 March 2017

Adriana Christopoulos

City of West Torrens

165 Sir Donald Bradman Drive

Hilton SA 5033

Dear Adriana,

Elwa Energysavers have appreciated the support working with the City of West Torrens. We have been impressed with the continual support that Council has provided and Council's ability to connect us to potentially new customers.

The recent business breakfast was a valuable opportunity for us to engage with other local businesses to network and to progress our productivity. I believe that Elwa Energysavers will benefit from the Council connecting us with other potential business interests in Wifang. We look forward in expanding the business opportunity for us.

As a local business operating from within the City of West Torrens for a number of years it is tremendous to see value for our rates when Council look to assist us to grow.

Best wishes.

A handwritten signature in black ink, appearing to read 'Jan Antonides', written over a horizontal line.

Jan Antonides

CEO, Elwa Energysavers

Elwa Pty. Ltd
3/54 Deeds Road
North Plympton

Phone 08 8377 6666
Fax 08 8377 6600

www.elwa.com.au
sales@elwa.com.au



The Kooyonga Golf Club Inc
May Terrace, Lockleys
PO Box 119, Brooklyn Park
South Australia 5032

31 March 2017

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

Dear Terry

Re: Letter of Support for City of West Torrens

The Kooyonga Golf Club has always had a good relationship with the City of West Torrens; however we wish to acknowledge the recent Council support with a visiting Chinese delegation which has taken this relationship to the next level.

We are extremely grateful for the Council's assistance to promote the Kooyonga brand internationally. Further, the possibility of Council introducing Kooyonga to potential partners in China is welcomed with much appreciation.

We believe that the opportunity for Council to introduce Kooyonga to Welfang City would be of interest to Kooyonga and exploring opportunities together with Council will only serve to benefit the community and tourism in the City.

We also take this opportunity to recognise Council's efforts to support and promote the Women's Australian Open event to be played at Kooyonga in 2018. The event is expected to bring much international success to Kooyonga and the Council.

Warmest Regards,

A handwritten signature in black ink, appearing to read "Brett Lewis".

Brett Lewis
General Manager

17.3 2017 Local Government Association Showcase and Ordinary General Meeting

Brief

This report provides notice of the 2017 Local Government Showcase and Ordinary General Meeting to be held at the Adelaide Convention Centre, Adelaide on Thursday 20 April to Friday 21 April 2017.

RECOMMENDATION(S)

It is recommended to Council that:

1. The voting delegates to the LGA General Meeting be Mayor Trainer and Cr Demetriou (proxy).
2. Subject to their confirmation, Council approves the attendance of Cr/s.....at the Local Government Association Showcase and Ordinary General Meeting on Thursday 20 to Friday 21 April 2017 at the Adelaide Convention Centre, Adelaide.
3. Expenses be reimbursed in accordance with Council policy.
4. Subject to their confirmation, Council approves the attendance of the spouses/partners of attending Elected Members and further, consistent with Council policy, that the cost of any incidental meals be met by Council.

Introduction

The Local Government Association (LGA) has advised of its upcoming 2017 'Closest to Communities' Council Best Practice Showcase and Ordinary General Meeting to be held at the Adelaide Convention Centre, Adelaide from Thursday 20 to Friday 21 April 2017 (**Attachment 1**).

Discussion

The Council Best Practice Showcase and LGA Ordinary General Meeting is an annual event which provides an opportunity to learn from the sector's success stories, discuss important policy positions, and network with council members and staff from around the State.

The 2017 Council Best Practice Showcase and OGM will look at council best practise case studies in driving economic development, engaging with residents and businesses, creating exciting and welcoming places, responding to and managing emergencies, and pursuing better environmental outcomes.

The Showcase Dinner will be held on Thursday 20 April 2017, at the Adelaide Convention Centre, at which eligible Elected Members will be presented with a Certificate of Service. The LGA Ordinary General Meeting will be held on Friday morning 21 April 2017.

The Showcase sessions include:

- What's Local Governments role in Economic Development?
- Should we get engaged?
- Unlocking the Financial Benefits of Energy Efficiency
- #conversationmatter: demystifying the ways that Local Government supports the mental health and wellbeing of communities
- Creating smart communities; how councils can keep pace with community expectations to embrace new technology (with little or no new money)
- Place Making and Place Activation: value add to council services and the community
- Getting comms right during emergencies
- Working together for our communities

The full event registration fee is \$610.00 (excluding GST) for LGA members. Registration includes attendance at the LGA Ordinary General Meeting, event sessions on Thursday and Friday, lunches and morning and afternoon teas (where indicated on the program), and attendance at the Networking Dinner.

Nominations for the Certificate of Service must be submitted for those Elected Members who have served Local Government for 20, 35, 30, 35 or 40 years or more. Recipients who are to receive a Certificate of Service will be invited to attend the Showcase Dinner as a guest of the LGA. The Administration will provide the LGA with details of any eligible Elected Member.

Conclusion

The LGA has advised of its upcoming Local Government Showcase and Ordinary General Meeting to be held on Thursday 20 to Friday 21 April 2017.

Attachments

- 1. 2017 LGA Showcase and Ordinary General Meeting Draft Program**



Local Government Association
of South Australia

Draft Program

Thursday 20 and Friday 21 April 2017 • Adelaide Convention Centre

2017 Council Best Practice Showcase & LGA OGM



Closest to communities



Closest to Communities

Draft Program - Thursday 20 and Friday 21 April 2017

at the Adelaide Convention Centre, North Terrace, Adelaide



As the **“closest government to communities”**, councils play an important role in supporting vibrant, prosperous and sustainable suburbs, towns, cities and regions.

The 2017 Council Best Practice Showcase and LGA OGM will shine a spotlight on the best practice work our sector is doing to make South Australia an even better place to live, work and visit.

This includes driving economic development, engaging with residents and businesses, creating exciting and welcoming places, responding to and managing emergencies, and pursuing better environmental outcomes.

Don't miss your chance to learn from the sector's success stories, discuss important policy positions, and network with council members and staff from around the State.

Dinner speaker: Peter FitzSimons



Venue: Convention Centre from 6.30pm on 20 April

Platinum Day Sponsor



Local Government Association
Workers Compensation Scheme
Mutual Liability Scheme

Platinum Dinner Sponsor



Day 1 - Thursday 20 April

8.30am	Registrations open	
8.50am	Welcome to Country	
9.00am	LGA President's Welcome by Mayor Lorraine Rosenberg	
9.10am	Welcome to the City of Adelaide	
9.15am	Keynote Address	
10.00am	Morning tea	
10.30am	A1: What's Local Governments role in Economic Development? This session will explore the important role Local Government has in facilitating the creation and/or maintenance of an environment conducive to the growth of business. Councils presenting: Wattle Range and TBC	B1: Should we get engaged? Understanding how Councils apply relevant engagement tools and asking whether there is a priority task for the LGA beyond the update to the Community Engagement Handbook. Councils presenting: TBC
11.40am	A2: Unlocking the Financial Benefits of Energy Efficiency Audits and Experiences: 'An exploration of how councils are implementing energy efficiency initiatives and saving on energy bills'. Councils presenting: Tea Tree Gully, Adelaide City and Marion	B2: #conversationsmatter: demystifying the ways that Local Government supports the mental health and wellbeing of communities This session will challenge you to consider community wellbeing as the core business of local government. Presenters will discuss the practical, invigorating ways that councils can promote the mental health and wellbeing of communities. Councils presenting: Coorong and Walkerville
12.50pm	Lunch	
1.40pm	A3: Creating smart communities: how councils can keep pace with community expectations to embrace new technology (with little or no new money) This workshop will discuss how councils can play a leadership role in smart communities; to improve economic, social and cultural vibrancy for our communities. Councils presenting: Prospect and TBC	B3: Place Making and Place Activation: value add to council services and the community There is no doubt that people are attracted to great places. This session looks at two examples of councils tackling redevelopment of key public spaces, resulting in improved community wellbeing. Councils presenting: Playford and Alexandrina
2.50pm	Afternoon tea	
3.20pm	A4: Getting comms right during emergencies Are your council's communications and emergency staff working together? What role do elected members have during an emergency? This session will include two presentations and workshop what role elected members have during an emergency. Councils presenting: Adelaide Hills and Playford	B4: Working together for our communities This workshop will showcase recent examples of councils working together to save money, and improve and expand the services provided to their communities. Councils presenting: Alexandrina, Limestone Coast and LGA Aged Care working group
4.30pm	Day 1 close	
6.30pm	Networking Dinner Pre Dinner Drinks - Panorama Ballroom	
7.00pm	Dinner commences	

Day 2 - Friday 21 April

8.30am	Registrations open
9.00am	LGA President's Welcome by Mayor Lorraine Rosenberg
9.15am	Keynote Address
10.00am	Hon Geoff Brock MP Minister for Local Government & Regional Development Local Government
10.30am	Morning tea
11.00am	National Anthem
	LGA Ordinary General Meeting
12.30pm	Formal Lunch
2.30pm	Close

Registration fees

LGA Member rates		Non LGA Member rates	
Full event pass (both days and dinner)	\$610 + GST	Day 1 pass	\$450 + GST
Day 1 pass	\$350 + GST	Day 2 pass	\$260 + GST
Day 2 pass	\$190 + GST	Dinner pass	\$225 + GST
Dinner pass	\$170 + GST		

Special discounted rate - LGA Members only

If your council registers additional delegates (for the full showcase & OGM eg more than the number it sent to the Conference in 2016) they will receive one free registration.

- In addition, for every four delegates you register for the full event you will receive one free pass.
- Please note that the free registration only applies if you register for the full showcase pass (both days & dinner)

Online registrations close 5pm Wednesday 12 April 2017

Follow the event on Twitter - #LGA17OGM • Visit: www.lga.sa.gov.au/Showcase

For more information please contact Rebecca Wake on (08) 8224 2047 or rebecca.wake@lga.sa.gov.au

Platinum Day Sponsor



Local Government Association
Workers Compensation Scheme
Mutual Liability Scheme

Platinum Dinner Sponsor



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 11 and 12.

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 11 & 12



Local Government Association of South Australia

11.5 The Value in LGA Membership

An independent verification of "The Value Proposition of Membership of the LGA of SA" published in July 2016 has been completed as part of a process to improve and annually update the document. A copy of the report is attached to this Circular.

11.8 Local Nuisance and Litter Control Act - Nuisance training now scheduled

Training on the nuisance provisions of the Local Nuisance and Litter Control Act has been scheduled. Book now to secure your spot.

11.4 LGA Board Meeting 16 March 2017 - Agenda available - Circular

The LGA Board will meet on 16 March 2017 at LG House. The agenda is now available. This Circular provides a list of reports to be considered at the meeting.

11.6 Have Your Say – Industry Advocate Bill and Industry Participation Framework

The state government is inviting comments on the proposed Industry Advocate Bill and Industry Participation Framework before 31 March 2017. Further information is provided in this Circular.

11.14 Consultation Draft Model Financial Statements 2017

Consultation Draft Model Financial Statements for 2017 have been released for review and comment. Comments are sought by 14 April 2017.

11.11 State-wide management strategy for little corellas - Forum

The Department of Environment, Water and Natural Resources (DEWNR) is leading the development of a South Australian little corellas management strategy. On 2 May 2017, the LGA is hosting a forum to discuss recent research and ensure council input into an integrated strategy in partnership with DEWNR. This Circular provides more background and details of registration.

11.7 Engaging Citizens in Local Government Workshop and Masterclass Series

Do you want to expand your communication skills and engage with residents and communities online? 1 week left to register now for the LG Professionals, SA Engaging Citizens in Local Government Workshops. Full details can be found in this circular.

11.9 Delegations Update – Development Act and FOI Act

New delegations templates are available for the Development Act and Regulations and the FOI Act.

11.10 National survey on the role of councils in supporting people with disability

The University of Technology Sydney is undertaking a project to consider how councils across Australia support the social and economic participation of people with disabilities, their families and carers. Councils are encouraged to complete a short survey provided in this Circular.

11.15 Reminder to help set a sector policy on "Value Capture" - feedback required

The LGA is still seeking comment from 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.

11.12 2016 Census data to be released in three stages beginning 11 April

2016 Census data will begin to be released on 11 April. All enquiries for more information should be directed to the ABS.

11.13 Early Bird Registration Now Open! National Local Government Human Resources Conference - 15 to 17 November 2017

Themed 'Brave New World' the 2017 National Local Government Human Resources Conference is for all HR professionals interested in the people issues facing local governments across Australia. Further details can be found in this Circular.

12.1 Candidates elected unopposed - feedback sought

The LGA is seeking feedback on a proposal to amend the Local Government (Elections) Act to require the Electoral Commissioner to provide information by mail about candidates who have been elected unopposed.



Local Government Association of South Australia

12.2 Round Three of the Bridges Renewal Programme now open

Funding proposals close on 15 May 2017.

12.4 Productivity Commission inquiry - national water reform - submissions invited

The Productivity Commission is undertaking an inquiry into progress with the reform of Australia's water resources sector. The inquiry has a particular emphasis on the progress of achieving the objectives, outcomes and timelines anticipated under the National Water Initiative.

12.5 Registrations open for the 2017 Mainstreet SA Conference

The program is now available for the conference, which will be held on 6-7 April.

12.6 Council input to Simplify Day 2017 – Making It Easier To Do Business

The State Government is seeking input from councils and businesses as part of its engagement for Simplify Day 2017. This initiative aims to improve regulation and reduce red tape in the way Government does business. Councils are encouraged to provide input to these consultations or provide ideas to the LGA for submission. This Circular provides more details on how to get involved.

12.8 2017 SA Local Government Directory - Available Now!

The South Australian Local Government Directory, which continues to be a popular reference tool for Council Members, Council staff and suppliers alike, is now available to purchase. Further information can be found in this circular.

12.7 Crown Lands Pilot Project

The LGA in partnership with the State Government is seeking to explore the establishment of a pilot project with a regional council to identify Crown land that could be redesignated and used as a catalyst for economic growth and job creation.

12.11 2017 LGA Ordinary General Meeting - Agenda available

The agenda for the LGA Ordinary General Meeting to be held on Friday 21 April 2017 at 11.00am at the Adelaide Convention Centre is now available to download from the LGA website.

12.9 Breaking news: Smart Communities Workshop 4 April

A representative from the Federal Government, as well as other key speakers, will speak during the morning. The afternoon will include a workshop session.

12.3 Reconciliation Action Plan Networking Forum 2017

A forum to discuss the development and progression of Reconciliation Action Plans and Aboriginal affairs across South Australian Councils is being held on 28 March 2017. More information can be found in this Circular.

12.13 CFS Codes of Practice

The CFS is reviewing a number of Codes of Practice as related to bushfire prevention and is inviting feedback from councils. This circular has details.

12.10 Proposed Change to Voting Method in Local Government Elections

The LGA board has resolved to consult member councils on a proposal to change the voting method at local government elections. The proposal involves changing from 'partial preferential voting' to 'optional preferential voting'. The LGA is seeking feedback on the proposal.

12.12 Housing Improvement Act 2016 – commences 3 April 2017

The new Housing Improvement Act 2016 commences operation on 3 April 2017 and councils will no longer have a compliance role under the Act. More information about the changes is available in this circular.

12.14 Last chance to register - Steps towards Sustainability: Economic Development and Community Wellbeing on 3 April 2017

A 'key decision makers' event which places economic development and community wellbeing as policy drivers in the context of transport, built form and community infrastructure planning, investment and partnerships.

12.15 Opportunity to Comment - SA Emergency Management Assurance Framework

The State Government is releasing a draft Emergency Management Assurance Framework that has been developed as part of the State Emergency Management Plan (SEMP). All LG Functional Support Group participating agencies will have the opportunity to provide feedback. This document will be released on Monday 27 March 2017 and will be available via the LGA website.

19 MEMBER'S BOOKSHELF

- Australian Migrant Resource Centre Annual Report Jan - Dec 2016
- South Australian Sea Resource Squadron Annual Report 2015-2016

Recommendation

That the additions to Members' bookshelf be noted.

20 CORRESPONDENCE

20.1 Open Letter from Mayors for Peace to Prohibit Nuclear Weapons

Correspondence has been received from the Mayors for Peace voicing their strong support to negotiate a multilateral treaty to prohibit nuclear weapons (**Attachment 1**).

20.2 Restoring Indexation to Financial Assistance Grants

Correspondence has been received from the President of the Australian Local Government Association, Mayor David O'Loughlin requesting Council support to restore indexation to Financial Assistance Grants (**Attachment 2**).

20.3 Brown Hill and Keswick Creek Stormwater Management Plan (SMP)

Correspondence has been received from Minister for Water and the River Murray, the Hon Ian Hunter MLC, regarding the implementation and management of the Brown Hill and Keswick Creek Stormwater Management Plan (SMP) (**Attachment 3**).

20.4 South Australian Local Government Grants Commission

Correspondence has been received from the Director Legislation of the Local Government Association of South Australia, Ms Andrea Malone, regarding the nominees to be considered by the Minister for the appointment of one representative to the South Australian Local Government Grants Commission (**Attachment 4**).

20.5 Power Line Environment Committee

Correspondence has been received from the Director Legislation of the Local Government Association of South Australia, Ms Andrea Malone, advising that Cr Palmer is one of three nominees, from which one Member will be appointed by the Technical Regulator to the Power Line Environment Committee (**Attachment 5**).

RECOMMENDATION

That the correspondence be received.

Attachments

1. Open Letter from Mayors for Peace
2. Restoring Indexation to Financial Assistance Grants
3. Brown Hill and Keswick Creek Stormwater Management Plan (SMP)
4. South Australian Local Government Grants Commission
5. Power Line Environment Committee



Mayors for Peace

Secretariat

C/O Hiroshima Peace Culture Foundation, 1-5 Nakajima-cho, Naka-ku, Hiroshima 730-0811 Japan
Phone: +81-82-242-7821 Fax: +81-82-242-7452 E-mail: mayorcon@pcf.city.hiroshima.jp
URL: <http://www.mayorsforpeace.org/index.html>

OPEN LETTER FROM MAYORS FOR PEACE

We are writing to voice our strong support for this historic initiative to negotiate a multilateral treaty to prohibit nuclear weapons.

On behalf of over one billion citizens from over 7,200 member cities in 162 countries and regions in the cities among our membership, we reaffirm our common commitment to pursue the prohibition and total elimination of nuclear weapons.

For over seven decades now, the atomic bomb survivors of Hiroshima and Nagasaki, called *hibakusha*, have continued to tell the world their indescribably painful experiences of humanitarian devastation in their earnest desire that “no one shall ever again suffer as we have.” In the eyes of *hibakusha*, nuclear weapons are the most inhumane weapons and an absolute evil.

Based on their keen sense of responsibility to protect the safety and welfare of their citizens, an increasing number of mayors have sympathized with the message of the *hibakusha* and joined our efforts toward a world without nuclear weapons. They are deeply concerned that, in a too often violent world seeded with numerous conflicts, already a quarter century after the Cold War has ended, nearly 15,000 nuclear warheads still exist. Declassified documents have revealed that the risks of inadvertent nuclear weapons use due to accident or miscalculation are quite high. We also cannot ignore the danger posed by nuclear terrorism.

We also believe that the enormous investments in maintaining and modernizing nuclear weapons are an extraordinary waste of precious resources that should instead be devoted to meeting basic human needs in our cities and among the poor in all nations.

This is the situation in which the ban treaty negotiations begin. We wish to commend the vision and leadership of the delegations of all States participating in this great initiative, and in particular, we warmly welcome the fact that it is being pursued within the framework of the United Nations.

To the nuclear-armed states and their allies who have not declared their intention to participate in the negotiations, we strongly appeal to them to participate constructively. No leader around the world would deny the ideal of a “world without nuclear weapons.” And their job is to work on improving our existing imperfect world by pursuing a nuclear-weapon-free future.

What we should focus on now is how all countries can live without nuclear weapons. Leaders around the world must take the decisive step in seeking a world where no country on the face of the Earth possesses nuclear weapons. A legal prohibition of nuclear weapons is the crucial step and it will mark a significant and essential turning point in achieving this goal.

Some states cite the existence of nuclear weapons and the doctrine of nuclear deterrence as essential for their security and therefore claim that it is too early to prohibit them. However, while the theory of deterrence, whose history dates back several thousand years, may function in the short-term, it has been historically proven that it will inevitably end in failure, causing military conflicts in the mid- and long-term.

We must keep in mind that not only can nuclear deterrence fail with unacceptable humanitarian consequences, it offers no effective solution to the global security challenges we face. Furthermore, we must face the fact that this concept can also induce dangers of nuclear proliferation, such as problems similar to North Korea's nuclear development. These circumstances have made us realize that we can no longer subject the lives of our citizens to the catastrophic risks of the failure of nuclear deterrence and thus we insist this issue be addressed immediately.

The negotiations should therefore be conducted with new thinking and innovative approaches. The international community must join forces and discuss how we can address real issues through building mutual confidence. In pursuit of such efforts, Mayors for Peace reiterates its full confidence in the participants of the negotiations and also its firm support for the process of negotiating a nuclear weapons ban treaty. We strongly recommend that the final outcome of the negotiations will underscore the catastrophic humanitarian consequences of nuclear weapons and identify effective legal measures to advance to a world free of nuclear weapons. It is also our sincere hope that this important legal instrument will go through an implementation planning process that will allow all States, including those currently possessing nuclear weapons, to eventually join the treaty.

In addition to the above points, we would also like to refer to the other responsibilities that world leaders and civil society should bear in nuclear disarmament.

The states relying on nuclear weapons stress efforts to reduce the numbers and roles of nuclear weapons. It is clear that these efforts should be parallel to discussions on the legal prohibition of nuclear weapons to improve the imperfect reality. Yet what is most needed now is for world leaders, especially those with nuclear weapons and their allies, to show their decisive leadership in planning for their security without reliance on nuclear weapons. In the past, nuclear disarmament measures were taken at peaks of international tension by joint initiatives of such individual leaders to reach out to each other. It is certainly time to do so once again.

The civil society bears an important role and commitment in nurturing better conditions for world leaders to demonstrate such political leadership. We believe those conditions are built on striving to overcome mutual distrust and cultivating a shared awareness of belonging to one human family, regardless of cultural, religious and ethnic differences. We, Mayors for Peace, will continue to make our best efforts to support initiatives to create such an atmosphere.

Mayors for Peace, together with a wide range of like-minded civil society partners, will make our best efforts towards the success of the negotiations. We must ensure that the negotiations will bring the effective legal prohibition of nuclear weapons, leading to their total elimination and we will continue to support the initiatives of world leaders on our part as mayors with primary responsibility over our people's lives. For the sake of our own common future, let us transcend our various positions and dutifully work together to finish this important task.

March 14, 2017

Mayors for Peace

President	Mayor of Hiroshima, Japan	Executive	Governor of Bangkok, Thailand
Vice president	Mayor of Nagasaki, Japan	Executive	Mayor of Fremantle, Australia
Vice president	Lord Mayor of Hannover, Germany	Executive	Mayor of Sarajevo, Bosnia and Herzegovina
Vice president	Mayor of Volgograd, Russia	Executive	Mayor of Semey, Kazakhstan
Vice president	Mayor of Malakoff, France	Executive	Mayor of Cochin, India
Vice president	Mayor of Muntinlupa, Philippines	Executive	Mayor of Montreal, Canada
Vice president	Lord Mayor of Manchester, U.K.	Executive	Mayor of Wellington, New Zealand
Vice president	Mayor of Akron, U.S.	Executive	Mayor of Santos, Brazil
Vice president	Mayor of Ypres, Belgium	Executive	Mayor of Cartago, Costa Rica
Vice president	Mayor of Biograd na Moru, Croatia	Executive	Mayor of Bogota, Colombia
Vice president	Mayor of Granollers, Spain	Executive	Mayor of Des Moines, U.S.
Vice president	Mayor of Halabja, Iraq	Executive	Mayor of Tehran, Iran
Vice president	Mayor of Brussels, Belgium		
Vice president	Mayor of Fongo-Tongo, Cameroon		
Vice president	Mayor of Mexico City, Mexico		
Vice president	Mayor of Frogn, Norway		

3 March 2017



AUSTRALIAN LOCAL
GOVERNMENT ASSOCIATION

Dear Colleagues,

RE: Support ALGA's bid to restore indexation to Financial Assistance Grants

Financial Assistance Grants (FAGs) are a vital payment from the Commonwealth to local councils that makes up part of the revenue base of all councils.

These untied payments are essential and allow local councils such as yours to provide a reasonable level of service to your local residents. Councils invest these funds in areas such as maintaining a range of infrastructure including local roads, bridges, parks, swimming pools, libraries and community halls as well as services to the young, the elderly and community groups.

The decision in the 2014 Federal Budget to freeze indexation of FAGs for three years was disappointing. According to the Government's own estimates, the freeze will see councils miss out on nearly \$1 billion over the four years to 30 June 2018 and your council will surely have felt the pinch. Councils in regional and remote Australia in particular will have felt the biggest impact.

We welcomed the indication of a return of FAGs indexation in last year's Budget outyears. However, to date, our sector has received no firm guarantee that the Government will indeed restore indexation to FAGs in the upcoming 2017-18 Federal Budget.

ALGA's number one advocacy priority over the next two months is to ensure that the Government honours its commitment to restore indexation to FAGs in this year's Federal Budget. With Budget preparations and discussions already well underway, now is the time to remind the Commonwealth of its commitments to local government.

It is important that your council actively engages in supporting ALGA in this national campaign. ALGA can make the national arguments and make the national representations at the Federal level, but nothing gets the attention of politicians, the party room or party leadership better than local stories from the front line of local community governance - you.

I urge you to support ALGA's campaign by:

1. contacting your Federal Parliamentary representatives through our online campaign website: endthefreeze.com
2. writing to your local Federal member to reinforce the importance of FAGs
3. booking meetings with your local Federal representatives (before 20 March if possible) to highlight the impact the freeze has already had on your community
4. joining our thunderclap campaign – thunderclap.endthefreeze.com – before 20 April 2017
5. using your local media to mobilise this issue among your community and Federal representatives.

The team at ALGA has prepared a council advocacy kit – available at councils.endthefreeze.com – that includes templates, background information and talking points to assist your campaign at the local level to ensure the Government keeps its promise to restore indexation to FAGs in this year's Federal Budget.

Write, phone or speak up - it's your community and your call.

Yours sincerely,

A blue ink signature of David O'Loughlin, written in a cursive style.

Mayor David O'Loughlin
President, Australian Local Government Association

17WRM808988

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



Government
of South Australia

The Hon Ian Hunter MLC




Dear Mayor Trainer

The announcement of the Brown Hill and Keswick Creek Stormwater Management Plan (SMP) on 27 February 2017 and its subsequent Gazettal on 7 March 2017, mark major milestones in the delivery of flood protection for residents and businesses in the catchment. I would like to reiterate the State Government's support for the plan and congratulate the catchment councils on finalising the plan, in collaboration with the Stormwater Management Authority.

Now that the SMP has been formalised, it is important to focus on the implementation phase of the plan. I strongly encourage the timely creation of a regional subsidiary, in accordance with the provisions of the *Local Government Act 1999*, to begin implementation and management of the SMP.

With the funding arrangement now in place, it is vital that the initial phase of works outlined in the SMP commence as soon as possible. In particular, I understand there is an immediate need to construct detention basins in the South Parklands to alleviate an existing flooding issue in this area. I would like to see this progressed urgently alongside the establishment of the subsidiary.

I have written separately to the Mayors of the other Brown Hill and Keswick Creek catchment councils and the Stormwater Management Authority seeking timely action on implementing the plan and I trust plans are already underway regarding establishing a subsidiary to progress the plan.

Should you wish to discuss this matter in more detail, please contact Mr Steve Morton, Manager-Urban Water, Department of Environment, Water and Natural Resources on phone 8463 3017 or email steve.morton@sa.gov.au.

Yours sincerely

IAN HUNTER MLC
Minister for Water and the River Murray

22 / 3 / 2017

Minister for Sustainability, Environment and Conservation
Minister for Water and the River Murray
Minister for Climate Change
Level 10, 81-95 Waymouth Street Adelaide SA 5000 | GPO Box 1047 Adelaide SA 5000
Tel 08 8463 5680 | Fax 08 8463 5683 | Email minister.hunter@sa.gov.au | www.premier.sa.gov.au





Local Government Association
of South Australia

The **Voice**
of Local
Government

Our Reference: 649077 / AM : AC

27 March 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

I refer to our previous communications regarding LGA nominees to the above body.

At its meeting on 16 March 2017 the LGA Board resolved to submit a third nominee (Cr Luke Hutchinson), along with two nominees submitted previously (all listed in alphabetical order below), to be considered by the Minister for the appointment of one representative to the South Australian Local Government Grants Commission.

- Mayor Gillian Aldridge
- Mayor Dave Burgess
- Cr Luke Hutchinson

Would you please update Deputy Mayor Mangos of the Board's decision.

We will advise you of the final appointment once we have been notified by the Minister's office. In the meantime if you have any queries in relation to this matter please contact me.

Yours sincerely

Andrea Malone
Director Legislation

Telephone: 8224 2081
Email: andrea.malone@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



Local Government Association
of South Australia

The **Voice**
of Local
Government

Our Reference: 649097 / AM : AC

27 March 2017

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

Dear Mr Buss

Power Line Environment Committee

At its meeting on 16 March 2017 the LGA Board resolved to submit a panel of three nominees listed below (in alphabetical order) from which a member be appointed by the Technical Regulator to the Power Line Environment Committee (PLEC).

- Ms Pam Andritsakis (Holdfast Bay)
- Mr Joshua Bowen (Walkerville)
- Cr Garth Palmer (West Torrens)

Thank you for your Council's nomination. Would you please formally notify Cr Palmer of the Board's decision.

We will advise you of the final appointment once we have been notified by the Minister's office. In the meantime if you have any queries in relation to this matter please contact me.

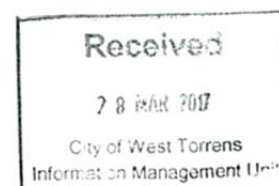
Yours sincerely

Andrea Malone
Director Legislation

Telephone: 8224 2081
Email: andrea.malone@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



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 Urban Services Committee held on 7 March 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 URBAN SERVICES DIVISION REPORTS

11.1 Weslo Holdings Pty Ltd - Update

Brief

This report advises Elected Members' of the current status of the lease held by Weslo Holdings Pty Ltd (Weslo) over the Council owned properties at 164-166 South Road, Torrensville (house and former Thebarton Council Chambers/library).

RECOMMENDATION(S)

The Committee recommends to Council that:

1. Weslo Holdings Pty Ltd (Weslo) be advised that Council does not consent to its request to release it from that part of the lease that relates to 164 South Road, Torrensville at this time.
2. Weslo be further advised that Council would be prepared to reconsider Weslo's request if, and/or when, the additional renewal available under the lease agreement is properly exercised (for the further term of 5 years from 1 July 2018).

Introduction

Elected Members' will be aware that the Administration has been closely monitoring the lease held by Weslo Holdings Pty Ltd (Weslo) over the former Thebarton Council Chambers building and adjacent house at 164 South Road, Torrensville for some time and, in particular, issues relating to the ongoing outstanding balance on the account.

At Council's meeting of 17 January 2017, it was reported that Weslo proposed a payment plan for Council's consideration, which advised that it would address the outstanding balance on account by making "double" payments for the months of November/December 2016 until May 2017 (**Attachment 1**).

To this time, as Weslo has abided by the terms of this proposal, no further action has been taken or proposed by the Administration. However, verbal advice has recently been received indicating that Weslo may experience difficulty in meeting the current month "double repayment" due to limited theatre bookings. The current outstanding balance on account for the properties at 164-166 South Road, Torrensville is approximately \$45,000, although some of this sum relates to outgoings e.g. power which is "shared" between these properties and the Thebarton Theatre.

Further, Weslo has indicated that the poor condition of the house at 164 South Rd, Torrensville, coupled with Weslo's desires to sever the house from the lease of these combined properties, are the predominant reasons for this account falling into arrears.

The lease for 164-166 South Road, Torrensville includes the former Council chambers/library, the house north of the former chambers and the breezeway which currently links these two properties together. The current rental paid by Weslo under this lease is \$117,785.85 pa plus GST. The lease is for a term of 5+5+5 years and commenced on 1 July 2008. The second (and final) renewal term commences on 1 July 2018 (should this term be activated by Weslo and Council consent to it).

Members' may further recall that the outstanding balance on account purely relates to the properties held under lease at 164-166 South Road, Torrensville. Payments for the separate Thebarton Theatre lease also held by Weslo are not in arrears and have generally been made in accordance with the terms of that lease.

As the Weslo lease was negotiated, and operates, on a commercial footing the concessions that the Council may be prepared to consider if approached by sporting or community groups or associations do not readily transfer to this scenario.

Discussion

Weslo has formally written to Council seeking Council's consent to excise the house at 164 South Road, Torrensville and the breezeway which connects the house to the former chambers from the lease (**Attachment 2**).

Weslo indicates in its letter that, due to the decrease in activity and eventual cessation of one of its business units (Venue*Tix), the functions formerly performed by this arm of its business, and the space to undertake those functions, ceased to be required and at that time the space became superfluous to its needs. When an initial informal approach was made to the Administration in relation to this space, which Weslo deemed as excess, the Administration advised Weslo that it should seek to sub-lease it (subject to Council consent). Weslo indicated that it proceeded down this path but had little or no success in its endeavours to sub-lease the space given the condition of the house.

Weslo has cited a number of factors that it believes have contributed to its inability to successfully obtain a tenant to sublease the premises. The relevant extracts from Weslo's letter are listed below. The Administration has utilised information contained within Council's existing Building Condition Audit (undertaken in 2013) and an updated report undertaken in April 2016 prepared by a different consultant for Asset Management purposes, to provide comment(s) in regard to these concerns/issues (in italics in parentheses).

Non-compliant fire and emergency evacuation options

- No smoke detectors (*not required under the building code*)
- No fire alarm (*not required under the building code, however an external alarm speaker from theatre is present*)
- Non-compliant exit signs (*not required under the building code*)
- Non-compliant fire extinguishers (*lessee responsibility under the terms of lease*)
- Insufficient number of fire extinguishers (*lessee responsibility under the terms of lease*)
- No sprinkler system (*not required under the building code*)
- No emergency lighting (*not required under the building code*)
- Front door cannot be opened plus there is no key (*If inability to open the door results from the lack of maintenance this is likely to be a lessee responsibility; key replacement is a Council responsibility - at the cost of the lessee*)
- Our workers including any with special needs or disabilities are unable to safely enter and leave the workplace in the event of an emergency (*DDA matters may/would need to be addressed at such time as any building upgrades were programmed/planned to occur*)

In relation to work place safety, the building is not adequately ventilated with fresh, clean air.

There is no natural ventilation from windows and doors as they are painted shut and without keys, and the mechanical ventilation, or air-conditioning is insufficient and broken.

- Only one room has Air-conditioning
- All windows and doors apart from the rear access door which cannot be left open due to security reasons are unable to be opened
- (*The relevant standard indicates that there is a requirement for provision of a minimum percentage of fresh air to be supplied to premises. This could be achieved by making the office windows operable.*)
- No hot-water service so cleaning efficiently and hygiene is negatively impacted (*Council responsibility*)

In relation to the general appearance and attractiveness of the building for subletting

- Water downpipe on rear North-west corner needs attention (*may be either a tenant or Council responsibility - will depend on what gave rise to the problem*)
- Unsafe metal guard on northern walkway (*may be either a tenant or Council responsibility - will depend on what gave rise to the problem*)
- General appearance is tired and not of sufficient standard (*generally not a Council responsibility*)
- Front of the building requires attention and maintenance (*maintenance is generally a tenant responsibility*)
- There is no security on the window facing the northern walkway that used to service the Library and this is very distressing at times when people walk down there and loiter in the area (*lessee responsibility under the terms of lease*)
- Floor coverings need replacing as they are unattractive and very worn (*lessee responsibility under the terms of lease*).

There has been a lack of preventative and ongoing maintenance which has resulted in the building now requiring a lot of attention in order to do anything with it or for us to continue to use it.

- Power source on Northern Wall is unreliable and at times 'trips' the power (*may be a tenant responsibility if the circuit is being overloaded or tripped by faulty equipment*)
- Refurbishment not a desired option for us due to Asbestos (*The Administration sets aside funding each year for asbestos removal works - should this building be retained works to undertake asbestos removal could be allocated to this in a future budget period.*)

Nevertheless, there are benefits that would be likely to result in an enhancement to the site's functionality (for the existing tenant and/or any ongoing theatre use of the adjacent premises) should the Council allow the house to be severed from the existing lease area and subsequently demolished. Members' may be aware that, during bump in of concert /stage equipment at the theatre, the traffic on South Road needs to be stopped to allow semi-trailers to reverse into the carpark in the south-eastern corner of the premises. As Weslo indicates in its letter, demolition of the house would/could significantly improve large/heavy vehicle access to the rear of the premises and thus reduce traffic disruption to vehicles travelling along South Road, improve load in and load out of concert/stage equipment to/from the theatre and allow additional use of the carpark on the south-eastern corner of the site.

Given Weslo's request and given that the two properties are currently held under the one lease, the Administration has sought valuation advice from an independent property consultant to quantify the financial impact of removal of the house from the existing lease agreement. That advice has been received and indicates that the rental attributable to the house property is in the order of \$18,000pa (plus GST). Thus, should Council consent to Weslo's request the lease payment due under this lease would be reduced from \$117,785.85pa plus GST to \$99,785.85pa plus GST (until the next review by the Consumer Price Index which takes effect from 1 July this year). This would be achieved via a Deed of Variation or similar instrument

Linked to the above valuation advice is the estimated costing information provided in the Building Condition Audit report of 2013, obtained for Asset Management purposes, which suggests an Council expenditure requirement of approximately \$135,000 over a 10 year time horizon with "peaks" of \$18,000, \$30,300 and \$46,200 respectively in the 2016, 2019 and 2023 years. The April 2016 report indicates expenditure of approximately \$82,000, with suggested expenditure of approximately \$59,000 in the 2017 financial year and \$23,000 in the 2018 financial year. The latter report predominantly concentrated on building compliance matters.

In essence the Council is faced with a two level decision tree. Firstly, does Council provide its consent to Weslo's request for the house property at 164 South Road, Torrensville to be severed from the existing lease? Subsequently, if Council determines to release Weslo from its obligations in regard to the house and breezeway by excising these from the existing lease it is faced with three broad choices.

Council can either:

- seek to rent the property "as is" at an indicative rental level of \$18,000pa (which, given Weslo's experience, may be problematic - although Council is unaware of the rental sought for the house by Weslo);
- demolish the house and breezeway and enhance site functionality (which would result in a loss of revenue of approximately \$18,000pa, less any additional rental which may be sought and agreed for the use of dedicated large vehicle loading zone space in the rear carpark); or
- demolish the breezeway, retain the house, undertake the suggested upgrade of the premises and seek to rent the property at a higher rental level (which would reflect the improved condition of the property).

Council's property consultant indicated that, should the following works (at an additional cost of approximately \$35,000) be undertaken, (in addition to those compliance issues specified in the April 2016 report) i.e.:

- air-conditioning of the premises;
- replacing the carpet/polishing the floorboards; and
- repainting the building throughout

and providing 4 carparks were included within the lease of the house, the net rental achievable for the premises would be in the order of \$30,000pa plus GST. This would result in a payback period of approximately 5 years (the consultant suggested a likely let up period of 6 months or so).

The payback period is calculated on the following basis - estimated "upgrade" costs of \$135,000, (including demolition of the breezeway and make good), loss of rental of \$18,000 (allowing 12 months to undertake upgrade works and secure a new tenant), anticipated rental following upgrade works of \$30,000pa.

As indicated in Weslo's letter, completion of the specified "upgrade" works would be unlikely to result in Weslo reconsidering its decision to seek excision of the building from its existing lease.

However, prior to proceeding with, or actively considering any of the above options (which all have financial implications), Council needs to have a clear understanding of Weslo's intentions with regard to the second right of renewal available under the lease agreement (i.e. the 5 year extension operating from 1 July 2018).

Should Council withhold its consent to Weslo's request at this time, and as is indicated above, Weslo would have another formal opportunity to have its request reconsidered, or indicate that it did not wish to activate the right of extension provided within the existing lease, in approximately one year's time (at the time of the second, and last renewal of the, 5+5+5 lease term - 1 July 2018). During this period the Administration could, in association /consultation with Weslo, undertake further analysis and develop concepts for the site which may be subsequently presented to, and considered by, the Council.

Although not previously raised within this report, there is also ongoing uncertainty of what may or may not occur in the vicinity of these premises in regard to the upgrade of South Road and how any such works may impact these properties and the adjacent Thebarton Theatre premises.

It is also worth noting that a number of records and memorabilia held by the Thebarton Historical Society (THS) are currently housed within the breezeway which links the former Council chamber building to the house at 164 South Road, Torrensville. Should the Council determine to release Weslo from that portion of the lease it will be necessary to rehouse these records etc. to an alternate location (although irrespective of this matter consideration should be given to relocating the records). It is noted that the West Torrens Historical Society currently occupies a significant portion of the Kandahar property at 329 Marion Road, North Plympton. Whilst it would seem beneficial/logical to house all historical information and memorabilia within the one property unfortunately it is unlikely that the THS records would also be able to be accommodated within the Kandahar premises (albeit this option could be further investigated).

Conclusion

Weslo has written to Council seeking to sever the cottage at 164 South Road, Torrensville and attached breezeway from the existing lease agreement which includes this property and also the adjacent former Council chambers at 166 South Road, Torrensville.

Should Council provide its consent to this request and decide to demolish the house or not subsequently find a tenant for the house property there would be a reduction in rental received of \$18,000pa plus GST. If Council were to upgrade the house once vacated by Weslo it may receive rental in the order of \$30,000pa (although the anticipated upgrade costs of approximately \$135,000 would not be recouped for some 5 years or thereabouts).

Whilst there are a number of options which have been presented within this report, it is suggested that Council not provide any commitment to any option until Weslo has confirmed its intentions in regard to the additional right of renewal (of a further 5 years from 1 July 2018) available under the lease agreement.

Irrespective of the above, there is a need to find an alternative location to store the records and memorabilia of the Thebarton Historical Society which are currently housed in the breezeway that links the house and former Council chambers.

Attachments

- 1. Repayment proposal (14 Oct 16)**
- 2. Letter of Request**

Mr Norm Biggs

Mr Joseph Ielasi

Mr Steve Watson

Good afternoon Gentlemen,

Please find Weslo Holdings' P/L offers to get back on track with paying its Invoices

Apart from current invoices issued by West Torrens Council in October, Weslo Holdings P/L owes 6 month's rent May to October for 164 and 166 South Road Torrensville

Those invoices which are current and relate to November 2016 payments are

Thebarton Theatre \$5,138.95 plus \$ 1,650 (n.b.\$1650 invoiced 11/10/16 and paid retrospectively)

These will be paid by the end of October

164/166 South Road \$10,797.04

Weslo Holdings P/L does not owe any outstanding payments relating to Thebarton Theatre (no rent, no percentages, no interest and no rates

Since September 12 2016 Weslo Holdings P/L has paid \$42,566.47 off outstanding invoices

We of course recognise that a legally binding contract exists so whilst taking advice on how we might extricate ourselves from the lease relating to 164 South Road as requested we have paid under protest the rent for 164 South Road

We offer to pay 2 payments for the 164/166 lease that is 2 x \$10797.04 commencing November 21st and subsequently each month up to and including paying 2 payments through to and including May 21st 2017

We reiterate 164 is basically uninhabitable with Asbestos, unreliable power, unreliable minimal air conditioning, no hot water and no emergency lighting or fire provisions.

We officially request that Council releases Weslo Holdings from that part of the lease which relates to 164 South Road

Thank you for your understanding

Bob Lott Robbie Robertson

Directors

17/10/16

WESLO HOLDINGS PTY LTD ABN 50 007 691 750 112 Henley Beach Road Torrensville SA 5031



WESLO HOLDINGS PTY LTD
ABN 50 007 691 750
112 Henley Beach Road Torrensville SA 5031
+61 8 8223 1450
www.thebartontheatre.com.au

Monday, 6 February 2017

WEST TORRENS CITY COUNCIL

Mr Norm Biggs

Mr Joseph Ielasi

Mr Steve Watson

Formal Letter of Request to terminate that much of the lease between Weslo Holdings P/L (WESLO) and West Torrens City Council (WTCC) which pertains to 164 South Road Torrensville.

Good afternoon Gentlemen,

When WESLO negotiated the current lease including 164 – 166 South Road, Torrensville, one of its major companies, Venue*Tix was the largest Theatre and Sports ticketing agency in SA. Venue*Tix had 21 Outlets, a phone room, half a dozen client managers and 3 full-time accountants totalling over 30 staff in the head office alone. We had no option but to close down that section of the business due to the aggressive competition imposed by the largest ticketing organizations in the world buying up the contracts Australia wide. Consequently 164 South Road is superfluous to our needs and we would like to relinquish that portion of the leased area so our existing lease excludes 164 South Road and we maintain 166 South Road.

We have attempted to sub-lease the premises as previously suggested by WTCC through private leasing and through various Land Agents'. This brought up a lot of issues as the Land Agents pointed out that the premises is un-lettable as it is sub-standard and that there are a number of other spaces more attractive with significantly higher quality appointments for lease in the area.

1

This document is confidential and for the intended recipients only.

The issue that was predominantly identified with 164 South Road is that a tenant, including us, is unable to provide a safe working environment or efficient emergency plan for staff due to the following items;

- Non-compliant fire and emergency evacuation options
 - No smoke detectors
 - No fire alarm
 - Non-compliant exit signs
 - Non-compliant fire extinguishers
 - Insufficient number of fire extinguishers
 - No sprinkler system
 - No emergency lighting
 - Front door cannot be opened plus there is no Key
 - Our workers including any with special needs or disabilities are unable to safely enter and leave the workplace in the event of an emergency
- Regarding work place safety, the building is not adequately ventilated with fresh, clean air. There is no natural ventilation from windows and doors as they are painted shut and without keys, and the mechanical ventilation, or air-conditioning is insufficient and broken.
 - Only one room has Air-conditioning
 - All windows and doors apart from the rear access door which cannot be left open due to security reasons are unable to be opened
 - No hot-water service so cleaning efficiently and hygiene is negatively impacted
- Regarding the general appearance and attractiveness of the building for subletting
 - Water downpipe on rear North-west corner needs attention
 - Unsafe metal guard on northern walkway
 - General appearance is tired and not of sufficient standard
 - Front of the building requires attention and maintenance
 - There is no security on the window facing the northern walkway that used to service the Library and this is very distressing at times when people walk down there and loiter in the area.
 - Floor coverings need replacing as they are unattractive and very worn
- There has been a lack of preventative and ongoing maintenance which has resulted in the building now requiring a lot of attention in order to do anything with it or for us to continue to use it.
 - Power source on Northern Wall is unreliable and at times 'trips' the power
 - Refurbishment not a desired option for us due to Asbestos

WESLO'S believes that the most practical and efficient use of the 164 South Road would be to demolish the building, particularly as the costs to refurbish it and make it an attractive lettable space would be quite considerable.

As it stands is not accessible for trucks to service Thebarton Theatre off Danby Street and as you know the current congestion on South Road caused by trucks accessing the eastern side of the venue is an issue which will increase as more hirers use the venue and of course when the intersection is upgraded it is expected that truck movement will be even more difficult!

Loading-in and loading –out from the Eastern-Car-park causes very significant wear and tear on the auditorium floor, the stage, the heritage plasterwork and the paint with the road cases coming in from the side doors. We believe loading in from a raised, purpose built loading bay platform at the rear of the building directly to the stage will greatly reduce this ever occurring damage, if not stop it all together. It would considerably improve the problem of the lack of storage space for road-cases during performances and concerts which require a quick load-out would be made far more efficient with far less wear and tear on the heritage features of the Theatre.

This would also remove the trucks and production equipment from the public area at the Eastern side of the building making it safer for all concerned and easier to provide security to artists and public.

Lastly an opened space has the potential to increase, by some 20 to 25 spaces, the parking accessed by Thebarton Theatre's patrons, the Church and funeral parlour, reducing some of the impact on our neighbours.

In closing we officially request that WEST TORRENS CITY COUNCIL releases WESLO HOLDINGS P/L from that part of the lease which relates to 164 South Road and we would like to suggest the development of the area to support the movement of trucks for Thebarton Theatre.

Thank you for your understanding

(signed hard copy to follow)

Bob Lott

Director– Weslo Holdings Pty Ltd

Robbie Robertson

Director– Weslo Holdings Pty Ltd

11.2 Proposed Variable Speed Limit - Henley Beach Road between South Road and Rawlings Avenue

Brief

This report advises Members' that the Department of Planning, Transport and Infrastructure has written to Council regarding a proposal to install variable speed limit signs of 40km/h between 9.30am until 4.00pm on all days of the week along Henley Beach Road between South Road and Rawlings Avenue with the 60km/h speed limit to remain outside of these times.

RECOMMENDATION(S)

The Committee recommends to Council that:

1. The Department of Planning, Transport and Infrastructure be advised that the proposed variable speed limit sign installation along Henley Beach Road between South Road and Rawlings Avenue be supported.
2. The proposed 40km/h speed limit active between 9.30am to 4.00 pm on all days be supported.

Introduction

The Department of Planning, Transport and Infrastructure (DPTI) has written to Council **(Attachment 1)** advising that they have secured funding through the Federal Government's Black Spot Programme for the installation of Variable Speed Limit (VSL) signs along Henley Beach Road between South Road and Rawlings Avenue. These signs will enable variable speed limits to be implemented for a particular length of road.

DPTI is seeking a 40km/h speed limit to be active along this section of Henley Beach Road between 9.30am until 4.00pm on all days of the week. Outside of these times, the existing speed limit of 60km/h will remain.

The 40km/h speed limit has been selected due to the high number of vehicle to pedestrian accidents along this section of road.

Background

At the meeting of Council held on 20 April 2010, it resolved that:

"The Administration to seek further discussions with DTEI to reduce the speed limit of Henley Beach Road between Hayward Avenue and South Road (extent of the DCE) from 60 km/hr to 50 km/hr".

Further to this resolution, the Administration has been lobbying DPTI for a speed limit of 50km/h similar to what had been implemented along Goodwood Road. Goodwood Road was the first DPTI trial project to utilise VSL signs.

Discussion

Recently the Administration has been contacted by DPTI who have been successful in receiving funding under the Infrastructure Investment (Commonwealth) Black Spot Program. The intent of this funding is to improve safety, particularly pedestrian safety, along the stretch of Henley Beach Road between South Road and Rawlings Avenue.

DPTI advised that between 2010 and 2014 there were 12 'vehicle-to-pedestrian accidents', with one resulting in a fatality. Due to the high number of pedestrian related accidents along the subject section of Henley Beach Road, DPTI considered that a 40km/h speed zone would be more appropriate as this would further reduce the risk of injuries/fatalities of pedestrians when involved in road accidents. This is in line with the department's Road Safety Strategy that adopts the Safe System Approach, and aims to reduce serious casualties by at least 30% by 2020. The project is also aligned with Integrated Transport and Land Use Plan's 30 year plan, which is to enhance the 'urban village' layout along this section of road which currently is a high pedestrian activity zone.

DPTI advised that the speed limit of 40km/h is used in other high pedestrian activity areas such as Prospect Road, Semaphore Road, Jetty Road (Glenelg and Grange) and Main Street Hahndorf. Future high pedestrian activity areas will have a standard speed limit of 40km/h.

This section of Henley Beach Road meets the criteria of the DPTI department's *Operational Instruction Shopping Precinct Variable Speed Limits*:

- Continuous and directly abutting, predominantly retail development exists on both sides of the road for not less than 400m, which results in frequent pedestrian movement across the road
- Kerbside parking exists and results in frequent parking manoeuvring
- There is support from the local community and municipal council
- Where there is a significant history of pedestrian accidents and despite these being addressed by other measures (e.g. median strips, crossovers, pedestrian activated signals, etc).

In regards to pedestrian safety, there are already standard traffic control treatments such as pedestrian actuated crossings and a divided median strip present on this section of Henley Beach Road, however these accidents continue to be of concern.

A 40km/h speed zone would further reduce the severity of accidents along the road compared to a 50km/h limit.

A lower speed limit that would help reduce the severity of accidents, particularly for pedestrian safety, would be consistent with the outcomes sought by the Council's Transport Strategy.

The Westlink project, if it were to use Henley Beach Road, would result in further interactions between moving traffic and pedestrians, particularly where pedestrians alight at tram stops. A lower speed limit would enhance pedestrian safety at these crossing points if the tram project proceeds.

Impacts

The existing bicycle lanes along Henley Beach Road restrict parking between 7.30am to 9.30am Monday to Friday on the eastbound carriageway and 4.00pm to 6.00pm Monday to Friday on the westbound carriageway. The 40km/h speed limit will 'match' the times outside of the clearway periods when typically pedestrian and parking activities are at their highest. There is no proposed change to these parking restrictions as part of this project.

Traffic data recorded by DPTI shows that between the hours of 9.30am to 4.00pm on weekdays the 85th percentile speed of vehicles is approximately 52.0km/h, with a mean speed of around 42.0km/h. Using the 85th percentile speed of 52.0km/h and assuming no interruptions to flow, a vehicle will take approximately 80 seconds to travel between South Road and Rawlings Avenue. If a vehicle travels at 40km/h as proposed, it will take approximately 100 seconds to travel the same section of road, ie an additional travel time of 20 seconds.

As such, travel time along Henley Beach Road will not be significantly affected by the 40km/hr speed limit and this change is also not expected to impact on Council's local road network.

Currently it is proposed that 8x VSL signs will be installed along with 16x standard road speed limit signs. These installations are fully funded by the Black Spot program. It is currently proposed that DPTI will maintain the newly installed VSL signs but Council will maintain all standard road speed signage used. This is not considered an onerous burden on Council's current maintenance practise and the Administration will request that additional signs are provided upfront such that any maintenance costs will be minimal.

All consultation or notification will be handled by DPTI for this project.

Conclusion

The proposal to install VSL signs is in line with Council's previous resolution to alter the speed limit along Henley Beach Road around the District Centre.

On balance the selection of a variable 40km/h, over 50km/h, is not considered to have a significant impact on travel times along Henley Beach Road for motorists. The proposed lower speed limit of 40km/hr will also significantly reduce the severity of accidents along this section of road. This is consistent with the key objectives of improving safety at all levels of Government and in line with Council's Transport Strategy.

While there would be some concern about motorists' 'confusion' about the multiple range of speed zoning in Adelaide, from school zones (25km/h) to 40km/h precincts, 50km/h local streets and 60km/h main roads, it would appear that the 40km/h speed limit in shopping precincts, such as in Henley Beach Road, would become more common.

For all of the above reasons, there is merit in Council considering this DPTI proposal for a 40km/h speed limit. It is therefore recommended that Council endorse both the installation of VSL signs as well as selection of a 40km/h speed limit that would be active between 9.30am to 4.00 pm on all days.

Attachments

1. Letter from DPTI re Henley Beach Road Variable Speed Limit trial

**Government of South Australia**Department of Planning,
Transport and Infrastructure

*In reply please quote 2016/17006
Enquiries to Michael Rander
Telephone 8402 1750*

Mr Angelo Catinari
General Manager, Urban Services
City of West Torrens
165 Sir Donald Bradman Drive
HILTON SA 5033

**SAFETY AND SERVICE
DIVISION**

77 Grenfell Street
Adelaide SA 5000

GPO Box 1533
Adelaide SA 5001

Telephone: 08 8343 2222
Facsimile: 08 8343 2768

ABN 92 366 288 135

Dear Angelo,

I am advised that there has been consultation between the department and the City of West Torrens regarding concerns with pedestrian safety on Henley Beach Road, between South Road and Rawlings Avenue at Torrensville.

In regard to pedestrian safety, I understand that Council's preference has been for a permanent 50 km/h speed limit zone to be implemented for the precinct.

The department's Traffic Operations section has advised that it needs to balance the requirement to maintain efficient traffic flow during peak times and also to retain the function of Henley Beach Road as a key arterial.

Given the above, the department proposes to implement a reduced speed zone of 40 km/h during off peak hours at this location and a 60 km/h speed limit will remain outside of these hours.

The 40 km/h speed limit aligns with the department's *Road Safety Strategy* that adopts the Safe System Approach and aims to reduce serious casualties by at least 30% by 2020. The 40 km/h speed limit will also support and enhance Council's 'Urban Village' along the Torrensville section of Henley Beach Road.

To achieve the solution, a combination of Variable Speed Limit Signs (VSLS) and static signs are proposed to be located throughout the precinct.

I am pleased to advise the department has secured funding through the Federal Government's *Black Spot Programme* for the installation of VSLS as follows:

- Two VSLS on Henley Beach Road near South Road for vehicles travelling west.
- Two VSLS adjacent Rawlings Avenue for vehicles travelling east.
- Two VSLS in each direction adjacent Shipster Street and Ebor Avenue.

11000717

Attached for information, is a concept plan (not for public consultation).

The VSLS will display 40 km/h during the hours of 9.30am to 4:00pm every day, including weekends, to coincide with peak pedestrian times associated with the surrounding shopping precinct. Outside of these hours, the VSLS will display 60 km/h.

The VSLS signs will be operated by the department's Traffic Management Centre, enabling speeds to be reduced for emergency or scheduled events.

Static signs are proposed to be located on the approaches to Henley Beach Road from the adjacent Council side roads to advise road users of the 40 km/h speed limit ahead during 9.30am to 4:00pm.

The department will inform the local and broader community and key stakeholders of the upgrade and associated safety benefits.

The VSLS and associated infrastructure will be maintained by the department. It is requested that Council is responsible for the maintenance of the static signs that will be installed on adjacent Council roads to Henley Beach Road between South Road and Rawlings Avenue.

To achieve project delivery timeframes, the department request Council provide written endorsement of the proposed safety upgrade by end of April 2017.

Should you require further information, please contact the department's Project Manager, Mr Michael Rander on telephone 8402 1750 or via email at michael.rander@sa.gov.au.

Yours sincerely,



Jon Whelan
GENERAL MANAGER
INFRASTRUCTURE DELIVERY

28 March 2017

Enc.

11000717

Installation of Variable Speed Limit Signs (VSLs) on Henley Beach Road NOT FOR PUBLIC CONSULTATION



For further information:
Email: dpti.communityrelations@sa.gov.au
Phone: 1300 794 880

#11305937

This is a concept plan for illustrative purposes only



Government of South Australia
Department of Planning,
Transport and Infrastructure

11.3 Land Acquisition - Ashley Street / Hardys Road Roundabout Torrensville

Brief

This report seeks the approval of Council to proceed with the land acquisition related to the Ashley Street / Hardys Road roundabout project.

RECOMMENDATION

The Committee recommends to Council that the Chief Executive Officer and the Mayor be authorised to sign and seal any future documentation required for the acquisition of land for the Ashley Street / Hardys Road roundabout project.

Introduction

The Ashley Street and Hardys Road roundabout project in Torrensville was one key outcome of the Thebarton and Torrensville Local Area Traffic Management program (LATM). Previous reports to Council on this project advised that Council's funding submission to the State Black Spot Programme was successful.

Discussion

Ashley Street is classified as a major road under Council's Transport Strategy and acts as a public transport and pedestrian route in the Torrensville area. Hardys Road is also classified as a major road and connects Ashley Street to Ashwin Parade. These roads intersect with traffic travelling along Ashley Street having right of way over traffic along Hardys Road.

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

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

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

Concept design plans for the roundabout have been finalised and the required land acquisition from the property located at 60-64 Hardys Road has been identified (**Attachment 1**). A valuation for the proposed acquisition of land was obtained (**Attachment 2**) and was forwarded to the property owner on the 8 March 2017 for their consideration. Subsequently correspondence was received 17 March 2017 (**Attachment 3**) advising that the offer based on the valuation was accepted.

To finalise the acquisition, the City of West Torrens is required to prepare and submit to the Land Titles Office a Deposit of Plan Division ("Application"). The Application provides for the land required to be acquired (corner cut-off) from Lot 33 in Filed Plan number 123327 to vest to Council as road when the Plan of Division is deposited.

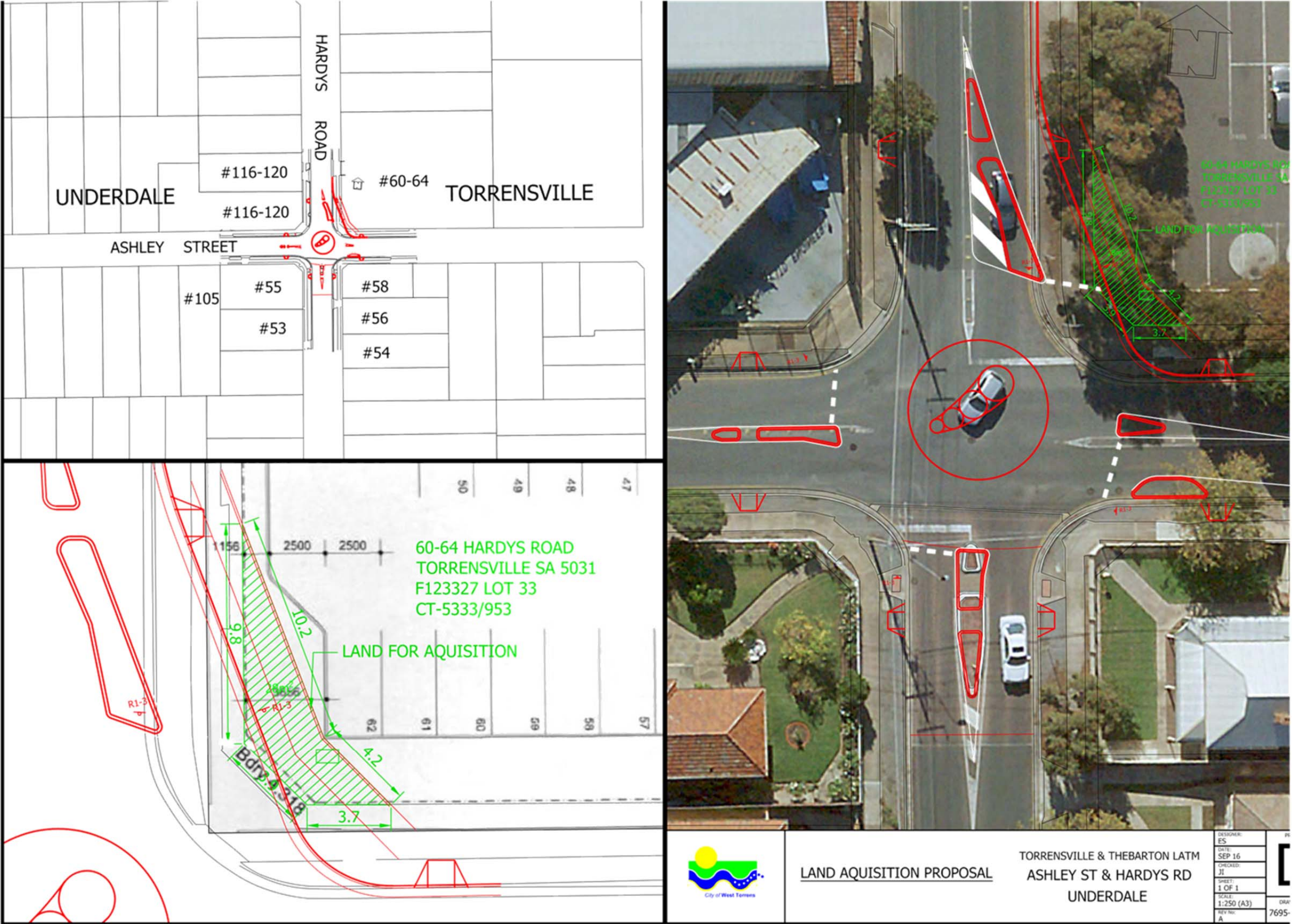
As part of its 16/17 Budget, Council has previously approved funding to facilitate the construction of this proposed roundabout and its associated Land Acquisition requirements.

Conclusion

To facilitate the construction of a roundabout at the intersection of Hardys Road and Ashley Street, Torrensville the City of West Torrens is required to finalise land acquisition from Lot 33 in Filed Plan number 123327 to vest to Council for road purposes.

Attachments

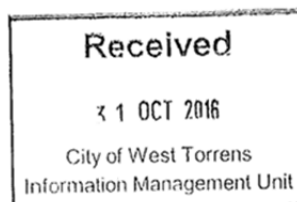
1. **Land Aquisition for Ashley St and Hardys Road Underdale**
2. **Valuation of 60-64 Hardys Road, Torrensville**
3. **Email from Gordon J Tregoning Pty Ltd regarding Proposed Acquisition of Land at 60-64 Hardys Road Torrensville**



Our Ref: SC/MC/3988

26th October, 2016

Traffic Engineer
City of West Torrens
165 Sir Donald Bradman Drive
HILTON SA 5033



SAM CHRISTODOULOU F.A.P.I.
Grad. Dip. Town Planning

ABN 45 362 691 173

PROPERTY VALUER
REAL ESTATE CONSULTANT

222 STURT STREET
ADELAIDE SA 5000

PO BOX 84,
GOODWOOD SA 5034

TELEPHONE: 0417 839 245
FAX: (08) 8231 5480
EMAIL: samchris@esc.net.au

Dear Sir,

RE: OPINION OF VALUE: ASSESSMENT OF COMPENSATION
PROPERTY: 60-64 HARDYS ROAD, TORRENSVILLE SA 5031

Following on your instructions, I inspected the land required by Council for the purpose of developing a roundabout at the intersection of Hardys Road and Ashley Street, Torrensville.

The land required to be acquired is situate at 60-64 Hardys Road, which is wholly comprised and described in Certificate of title Register Book Volume 5333 Folio 953 being Allotment 33 in Filed Plan Number 123327 in the area named Torrensville Hundred of Adelaide.

The Registered Proprietor of the said land is Tregoning Trailers Distributors Pty Ltd.

The land required (see attached plan), is a corner cut-off from Allotment 33 in Filed Plan number 123327, at the above mentioned intersection of streets, the area of land being 48 square metres.

The shape of the land required is of elongated angular shape and removes from Allotment 33, 48 square metres of landscaped border, on Allotment 33, but otherwise having no significant detrimental impact or injurious affection on the balance of the land.

Consequent upon the land acquisition some accommodation works will be required on the remainder land and minor infrastructure and signage replaced, all of which appear capable of being re-instated on the remainder land, again without affecting the operation of the subject remainder land.

Items which may not be replaced are landscape plantings including ground cover and minor trees.

Items which may need to be reinstated in the accommodation works, as observed, may include the following:

1. re-making of Carpark kerb
2. re-aligning reticulated watering system to border landscaping
3. re-siting two ground, metal frame signs
4. re-siting "stepping- Pavers" across border landscape
5. potential ground electrical equipment box or similar
6. making allowance of surface water draining into existing drain at Ashley Street frontage.

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SAM CHRISTODOULOU F.A.P.I.

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Based on the plans supplied, there will be no loss of car parks, and the entry and exit points of the car park will remain unaltered.

No injurious affection resulting from the taking of the land is anticipated.

The subject land has the dimensions as follows:

Effectively 67.05 metres to the north side of Ashley Street, and 52.80 metres to the east side of Hardys Road; less a 3.048 metre corner cut-off, of 4.65 square metres.

The land acquisition will expand the existing corner cut off by 48 square metres.

I have calculated the existing area of land contained in Allotment 33 to be 3,533.91 square metres. Resulting from the acquisition, the Allotment 33 will be reduced in land area to 3,487.91 square metres, a loss of 48 square metres.

Allotment 33 is currently developed as a modern industrial building with a substantial asphalt sealed and lined car parking area. the car parking area extends from Hardys Road frontage in an easterly direction along Ashley Street to a modern industrial building erected on the land . Some 60 car parking spaces are accommodated on the land area developed as a car park on Allotment 33.

The loss to property of Allotment 33, resulting from the acquisition will involve, in substantial terms, a portion of a border landscape area, at the perimeter of the car park.

In assessing any loss, resulting from the acquisition I have had regard to land values of comparable lands.

The subject land is located some 4.25 kilometres west of the Adelaide GPO and is situated within an Industrial zone, where industry has been long established between Ashley Street and the River Torrens to the north, albeit intertwined with industrial land uses are residential properties, mostly those developed in the 1960's and being of conventional style.

To the south of Ashley Street, the land uses are predominantly residential with an accommodating zone.

Both Hardys Road and Ashley Street are modern asphalt sealed roads with concrete kerbs and footpaths, and are lightly tree lined. All usual urban services are present.

Ashley Street has been better opened to through traffic connecting between Port Road and Holbrooks Road, and therefore has enjoyed improved inter-road connections for distribution of goods and services as they connect with other major roads in the area.

Areas of comparable properties sourced for market evidence of land values, include Beverley, Richmond, Marleston, Edwardstown, Hindmarsh, Welland, Mile End, Keswick, Torrensville and Underdale; all inner western suburban areas, all zoned Industry.

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Noted in the research was a dearth of industrial vacant land sales, and often where improved sales have occurred, the added value of older improvements were marginally above vacant land values. Notwithstanding vacant land sales have occurred, and I have noted both smaller and larger parcels of land sales, which are as follows:

SALES EVIDENCE:

1. 50 Barwell Avenue, Marleston
Sold in November, 2014 for \$170,000 – vacant land
Small triangular parcel of 422/sqm
Analyses: \$402/sqm
2. 10-12 Commercial Street, Marleston
Sold in March 2015, for \$920,000 - vacant land
Regular rectangular inside allotment (2,232 sqm)
Analyses: \$412/sqm.
3. 223 Richmond Road, Richmond
Sold in March, 2015 for \$935,000 – vacant land
Commercial zone
Land Area: 1,544 sqm
Analyses: \$605/sqm
4. 3 Bond Street, Richmond
Sold in January, 20-15 for \$180,000 – vacant land
Land Area: 427 sqm, small triangular shape
Analyses: \$420/sqm
5. 22-26 Alfred Avenue, Beverley
Sold in February, 2016 for \$944,500 – land
Land Area: 3,778 sqm
Analyses: \$250/sqm
6. 8 Myer Court, Beverley
Sold in August, 2015 for \$616,000 – vacant Land
Land Area: 1,412 sqm
Analyses: \$396.60/sqm
7. 17 Hindmarsh Avenue, Welland
Sold in August, 2016 for \$300,000 – vacant land
Land Area: 603 sqm
Analyses: \$497/sqm
8. 36 Woodlands Terrace, Edwardstown
Sold in November, 2015 for \$330,000 – vacant land
Land Area: 728 sqm
Analyses: \$453/sqm

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9. 38 Woodlands Terrace, Edwardstown
Sold in October, 2016 for \$330,000 – vacant land
Land Area: 728 sqm
Analyses: \$440/sqm
10. 19-49 Scotland Road, Mile End South
Sold in October, 2015 for \$5,850,000
Development site of 1.616 Ha
Analyses: \$362/sqm
11. 5-7 Pymbrah Road, Mile End South
Sold in October, 2015 for \$880,000 –
Vacant Land of 2,058 square metres
Subsequently developed as open parking lot
Analyses: \$427/sqm
12. 5 Manfull Street, Melrose Park
Sold in May, 2016 for \$350,000 – Redevelopment site
Land Area: 767/sqm
Analyses: \$456/sqm

Having regard to all the sales and making direct comparisons, after adjusting for differences, land use, proximity to CBD, and main road access along with size of land areas, I have determined the land value of 60-64 Hardys Road, Torrensville to be a land value based at the rate of \$450 per square metre i.e. land value of \$1,570,000, i.e. the loss experienced by the taking of 48 square metres is assessed to be the amount of \$20,000.

Though the taking of the land area of 48 square metres will not affect the economic operation of the enterprise conducted on the land, nevertheless, the land value content loss does measure at \$20,000.

This may be justified on economic terms by way of relating to the ratio of buildings to land content as required by the Development Act.

In addition there is a loss of expenditure experienced by the dispossessed in relation to the cost of having developed the border landscaping as required by condition of development.

I have assessed the loss of 48 square metres at \$50 per square metre, or a further amount of \$2,400, notwithstanding the obligation of the acquiring authority having to undertake accommodation works on site and re-instating items such as electrical, water, drainage, kerbing and signage infrastructure.

In addition to the above the acquiring authority should allow \$5,000 for any disturbance factors, and all reasonable legal and valuation fees that may arise.

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The quantum of compensation is therefore assessed as follows:

1.	Loss of land value	\$20,000
2.	Disturbance	\$ 5,000
3.	Loss of landscape	<u>\$ 2,400</u>
		<u>\$27,400</u>

Plus at cost to the acquiring authority, accommodation works plus all legal and property valuation consultancy fees.

QUANTUM OF COMPENSATION:

Having regard to all relevant considerations, I have determined the quantum of compensation for the taking of the above described lands to be the amount of **TWENTY SEVEN THOUSAND FOUR HUNDRED DOLLARS (\$27,400)** plus GST if applicable, plus accommodation works, and reimbursement to the dispossessed of all reasonable legal and valuation property consultancy fees.

This opinion does not constitute or address a structural, boundary, termite or wood rot, geotechnical or contamination soil or asbestos surveys.

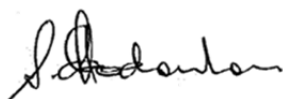
This opinion is for the use only of the person to whom it is addressed and for no other purpose. No responsibility is accepted to any third party who may use or rely on the whole or any part of this opinion.

This valuation is current as at the date of valuation only. The value assessed herein may change significantly and unexpectedly over a relatively short period (including as a result of general market movements or factors specific to the particular property). We do not accept liability for losses arising from such subsequent changes in value.

Without limiting the generality of the above comment, we do not assume any responsibility or accept any liability where this valuation is relied upon after the expiration of 3 months from the date of the valuation, or such earlier date if you become aware of any factors that have any affect on the valuation.

This statement is a requirement of the Professional Indemnity Policy cover.

Yours faithfully



S. CHRISTODOULOU F.A.P.I.
Property Valuer Consultant

Joseph Ielasi

From: Jenny Della Pace
Sent: Friday, 17 March 2017 1:17 PM
To: Baskar Kannappan
Cc: Joseph Ielasi
Subject: Proposed acquisition of land at 60-64 Hardys Road Torrensville

Importance: High

Dear Baskar & Joe

We are in acceptance of your letter dated 8th March 2017 Re:60-34 Hardy's Road, Torrensville / Roundabout Plan.
Mr Ian Tregoning has accepted your offer of \$27,400.00 plus GST for purchase and use of land currently owned by
Tregoning Trailers Distributors Pty Ltd.

We await your reply.

Thank you.

Regards

Jenny Della Pace
Office & Sales Manager

GORDON J TREGONING PTY LTD
TREG TRAILERS PTY LTD
59 Hardys Road
UNDERDALE SA 5032

Web: www.treg.com.au



Treg Trailers Pty Ltd



TregTrailers

11.4 Falcon Reserve and Frank Norton Reserve - Installation of Fence

Brief

This report provides Members' with information on options relating to the installation of safety fencing to the reserves of Falcon Reserve, Mile End and Frank Norton Reserve, Torrensville.

RECOMMENDATION(S)

The Committee recommends to Council that:

1. No further action is to be taken by the Administration in regard to installation of a full barrier safety fence at Falcon Reserve and Frank Norton Reserve.
2. A partial barrier structure solution is to be installed to address the concerns of the petition while not comprising the design and landscape elements of Falcon Reserve.
3. The head petitioner (of the Falcon Reserve petition) be advised accordingly.

Introduction

This report provides Members' with information on options relating to the installation of safety fencing to the reserves of Falcon Reserve (Falcon Ave), Mile End, and only to the playground area for the Frank Norton Reserve, (Rankine Rd), Torrensville.

Background

At Council's meeting held on 7 February 2017, a report was provided to Council relating to a petition requesting the installation of a fence (with a safety latched gate) along the frontage of the Falcon Reserve, (**Attachment 1**) in which Council resolved that:

- "1. Design and costing of a full fence be investigated and a further report be provided to Council.*
- 2. Road signage be installed in the interim to improve driver awareness of the reserve and the presence of children.*
- 3. The head petitioner be notified accordingly".*

The full minute item of this report is attached for Members' information (**Attachment 2**).

Subsequently, at Council's meeting held on 17 February 2017, Cr Vlahos moved the following motion in which was carried by Council:

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

Discussion

The Administration has undertaken an investigation based on current costing to provide a minimum safety fence for each of the sites. The average rate to install a tubular fence for playgrounds, including allowance for a personal access gate at 1.2m height with latch, range in budget estimates from \$190 / m to \$230 / m depending on existing site conditions.

In developing a higher end / architectural option for a safety fencing solution, fitting to the current design and landscape layout for the Falcon Reserve, the budget estimates for a suitable fencing solution could be in a range from \$650 / m to over \$1000 / m.

The following image provides Members' with the approximate location of the full safety barrier fence (red line) and the approximate location of the front gate (blue square) for Falcon Reserve, Mile End:



The following table provides a summary of fencing solutions:

Reserve Fence Options	Length (m)	Fence Unit Rate Tubular Option (Est - \$200 / m)	Fence Unit Rate Architectural Option (Est - \$650 / m to \$1,000 / m)
Falcon Reserve (Reserve Frontage)	40m	\$8,000	\$26,000 to \$40,000
Falcon Reserve (Partial Barrier Fence)	17m	Not Applicable	\$6,800 (rate: \$400 / m)
Frank Norton Reserve (Playground only)	85m	\$17,000	Not Applicable

The Administration, in keeping with the original recommendation from Council's meeting held on 7 February 2017, is recommending to only provide a partial barrier solution to address the concerns of the petition while not comprising the design and landscape elements of Falcon Reserve.

No further action is recommended to be undertaken by the Administration to install a safety barrier fence at Frank Norton Reserve, for the playground area at this point in time.

Conclusion

This report provides Members' on budget options relating to the installation of safety fencing to the reserves of Falcon Reserve (Falcon Ave), Mile End, and to the playground area of Frank Norton Reserve (Rankine Road), Torrensville. The Administration recommends that Council not proceed with the full safety barrier fence at either reserve, and only provide a partial barrier solution to address the concerns of the petition whilst not comprising the design and landscape elements of Falcon Reserve, Mile End.

Attachments

1. **Council Report 7 February 2017 - Falcon Reserve Petition - Request to Install Fence**
2. **Minute Item of Council Report 7 February 2017 - Falcon Reserve Petition - Request to Install Fence**

11 URBAN SERVICES DIVISION REPORTS

11.1 Falcon Reserve Petition - Request to Install Fence

Brief

To provide information to Council relating to a petition that has been received requesting the installation of a fence with a safety latch gate along the frontage of the newly-created Falcon Reserve.

RECOMMENDATION(S)

The Committee recommends to Council that:

1. A partial barrier structure be installed to address the concerns of the petition while not compromising the design elements of Falcon Reserve.
2. Road signage be installed to improve driver awareness of the playground and the presence of children.
3. The head petitioner be notified accordingly.

Introduction

A petition was received from Helen Siasios, Head Petitioner, on behalf of 114 residents and ratepayers of the City of West Torrens requesting the installation of a fence with a safety latch gate along the frontage of the newly-created Falcon Reserve (**Attachment 1**).

At its meeting on 15 November 2016, the petition was presented to Council in which it resolved that *"a report be presented to a future meeting of Council"*, even though the petition did not meet the requirements of sections 8(1)(c) of Council's *Code of Practice - Procedures at Meetings* (the Code) in that the name and address of each person who signed or endorsed the petition were not complete.

Of the 114 signatures on the petition, only 35 people have included a full name and address; of these, 27 people reside within the City of West Torrens. However, given the compliance of the petition to all other provisions of the Code, and the minor administrative nature of the non-compliance, the petition was presented to Council.

Correspondence has also been received from Steve Georganas MP Federal Member for Hindmarsh in support of this petition (**Attachment 2**).

Discussion

Falcon Reserve (the Reserve) is located at 10 Falcon Avenue, Mile End, and was formerly the site occupied by the Thebarton Neighbourhood House. The house was demolished in 2015 to develop a new park and playground for the community. The Reserve was opened on 11 July 2016.

The following photo provides Members' with the current design and layout of the Reserve:



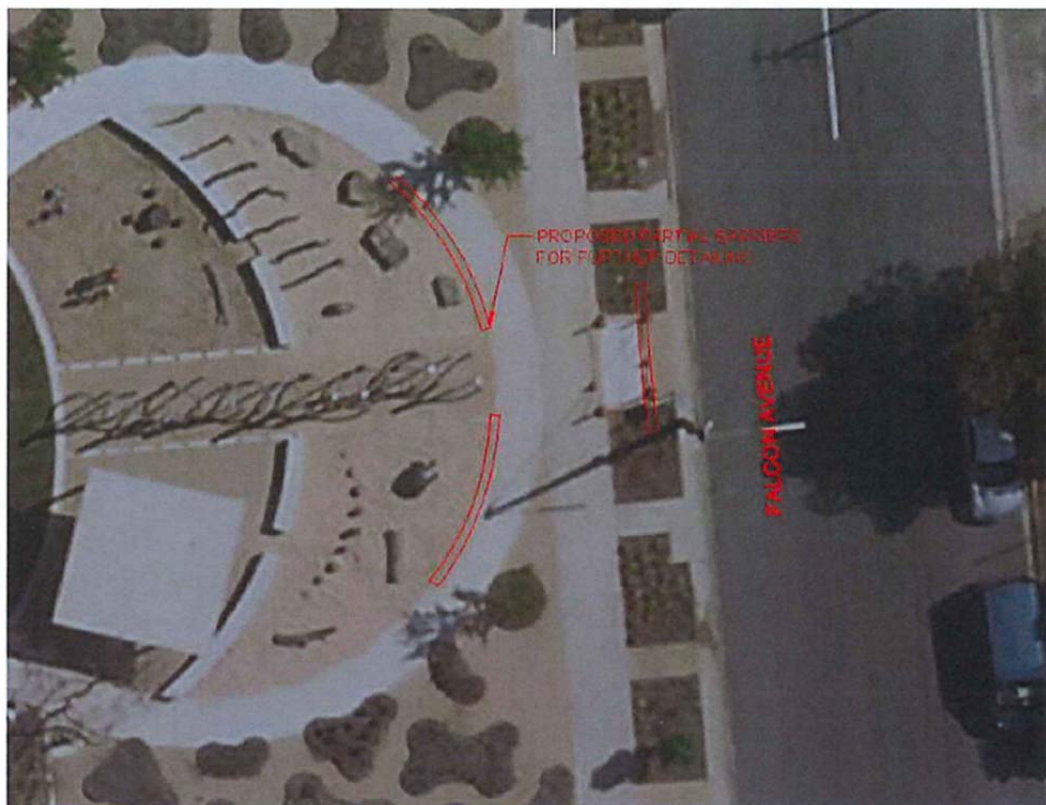
Falcon Avenue is a local residential street in the Council's road network. The most recent traffic count undertaken in January 2017 in front of the Reserve shows that daily traffic volumes were approximately 1,500 vehicles per day. These volumes are typical of residential streets and below the generally accepted limit of 2,000 vehicles per day for such streets.

The 85th percentile speed (the speed that 85% of drivers travel at or below) measured was 40km/h. This is considered to be low and would mainly be due to the proximity of the roundabout, which helps reduce speeds on the approach and departure sides. The commercial vehicle usage was found to be 2.1%, which is not unusual for residential streets.

On the basis of the above traffic data collected by Council, Falcon Avenue carries reasonable traffic volumes with low speeds.

With the combination of wide frontage of the Reserve and the relatively wide and unobstructed verge, a driver approaching from both directions towards the frontage should have good sightlines of the verge and road conditions ahead.

With the aforementioned points of design intent as well as traffic conditions along Falcon Avenue, a more balanced approach to a fence structure, that the petitioners are seeking, is recommended. The Administration has reviewed the functionality of the open space area and while it is reluctant to recommend the installation of a fence option along the entire frontage of the Reserve, a partial barrier fence could be installed as per the below plan.



The partial barrier fence is the Administration's preferred option to help minimise the perceived risk and alleviate concerns some users of the Reserve may have in regards to children playing in the close vicinity of the roadway.

This would provide additional barriers between the roadway and 'play areas' within the Reserve and somewhat address concerns highlighted within the petition. This structure would be designed as a complementary feature of the Reserve and not detract significantly from the original design intent.

Essentially, the open space area has been designed to invite people into the Reserve and for parents to interact and supervise children whilst they play. The design of the Reserve, with the circular paths, allows for movement around the Reserve providing clear open space vision of children both playing and/or riding bicycles, etc. The footpath across the front of the Reserve joins the circular footpaths within the Reserve, with the merging of these footpaths serving to bring pedestrians along Falcon Avenue into the Reserve.

To fully satisfy the concerns highlighted within the petition, any fence that Council installs would need to meet the guidelines for a full safety barrier fence like the type used around playgrounds (with a child-proof gate). This would require a similar standard as those used for pool safety, inevitably changing the appearance and the use of the Reserve.

Also the installation of a fence along the entire frontage of the Reserve may change the general use of the open space and may allow other users to use the area as an off-leash dog park.

If a decision is made by Council to install a new fence along the entire frontage of the Reserve, then the design and layout of a new fence will also need to ensure that there is adequate access onto the Reserve for Council operational staff.

As an additional measure to the proposed installation of a partial barrier fence and to further improve driver awareness of the Reserve, a warning sign, *CHILDREN* (W6-3), with supplementary plant *PLAYGROUND* (W8-13), could be installed on both approaches to the reserve/playground in Falcon Avenue to further alert drivers to the presence of children in the area.

Conclusion

The request of the petition to install full barrier fencing or similar does not align with the design intent of the Falcon Avenue Reserve and local traffic conditions are not considered to be unreasonable. For this reason, it is recommended that additional traffic signage be installed and a balanced approach be taken with further partial barriers installed that are complementary to the Reserve and provide increased separation between Reserve users and the roadway.

Attachments

1. **Letter from Steve Georganas**
2. **Falcon Reserve Petition**



Mr Terry Buss
CEO
City of West Torrens
165 Sir Donald Bradman Drive
HILTON SA 5033

Dear Mr Buss *Terry*

Thank you for your correspondence of 6 October 2016, in relation to representations I have made on behalf of my constituent Ms Helen Siasios of Falcon Avenue, Mile End.

I understand Ms Siasios has now provided the West Torrens Council with a petition requesting additional safety improvements at the Falcon Avenue Reserve.

I write to add my support to Ms Siasios efforts and note that more than 100 people have signed the petition, showing significant support for a fence at the reserve.

The newly redeveloped Falcon Avenue Reserve is very popular with the community and one I regularly take my own grand children to.

However, being on a busy back street, I understand the importance of having additional safety mechanisms here to give parents and caregivers peace of mind when they take children out to enjoy this fantastic public asset.

I believe this proposal is a simple solution to ensure the safety of our community.

Yours sincerely


Steve Georganas MP
Member for Hindmarsh

18 November 2016

Shop 2 / 670 Anzac Highway Glenelg East SA 5045
P: 08 8376 9000 | F: 08 8376 7888 | E: Steve.Georganas.MP@aph.gov.au



PETITION

To the Mayor and Councillors of the City of West Torrens

Part 1.

Petition contact person: Helen Sincios

Telephone number:

Address: 51 Roebuck St.
Mile End S.O.S.I.

Part 2.

The petition of (identify the individuals or group, eg. Residents of the City of West Torrens)

Residents of the City of West Torrens &
adults visiting Falcon Reserve concerned with safety of their children

Part 3.

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

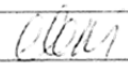
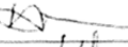
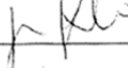
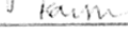
close proximity of playground, esp. sandpit
and walking paths to the road and
traffic and risk of injury or death to children

Part 4.

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

install a fence with safety latch gate at
edge of Falcon Reserve

Part 5.

Name (print)	Address	Signature
Helen	51 Roebuck St. Mile End	
Fiona Wilson	4A DOUGLAS ST. LOCKLEY	
JANE KOWALS	58 TARRAGON ST Mile End	
Kemman	83B Shearwater ST	

Continued

PETITION

Outline the action that the petitioners are requesting Council should take or not take

(Repeat Part 4 from page one);

install a fence with a safety latch gate at
the perimeter of Falcon Reserve where meets footpath

Name (print)	Address	Signature
Dipali Dey	3181 Hayswood Ave Torrensville	[Signature]
Theoni Lewis	32 CHATEAU ST Richmond	[Signature]
Nafika	Ascot Park	[Signature]
Vicky K	Glenelg North	[Signature]
Emma Cannon	584 Tapleys Hill Road Fulham	[Signature]
[Signature]	[Address]	[Signature]
Michelle Hansen	12 HOUNSLOW AVE - MILE END SA	[Signature]
Deb Mackay	Cowandilla	[Signature]
Kathryn Hill	Cowandilla	[Signature]
Maria Porete	Cowandilla	[Signature]
Karen Moore	Cowandilla	[Signature]
M. R. P. R.	MILE END	[Signature]
Josh Praetor	Cowandilla	[Signature]
TONY REDMAN	MILE END	[Signature]
SAM WILLIAMS	COWANDILLA	[Signature]
SARAH BEALE	Richmond	[Signature]
Rebecca Roberts	Flinders Park	[Signature]
Dennis Jones	Cowandilla	[Signature]
Fiona Scott	Kurralla Park	[Signature]
E. HARRISON	BROOKLYN PK	[Signature]
A. Troubridge	TORRENSVILLE	[Signature]

Continued

PETITION

Outline the action that the petitioners are requesting Council should take or not take
(Repeat Part 4 from page one);

Install a fence with safety latch gate at edge of Falcon Reserve

Name (print)	Address	Signature
SEAN KRIVAN	20 KING ST. MILE END	[Signature]
Aminda	21 Stanley Ave Blair Athol	[Signature]
Rhianon	19 MORELBY STREET	[Signature]
EVANS	LOCKLEY	[Signature]
Emily Bradshaw	54 Wilson Ave Nether	[Signature]
Lise Hargreaves	182 Dawson St Mile End	[Signature]
Chantal-bach	11 Hinton Street Underdale	[Signature]
Tamara Broad	16 Firbank Ave Fithian	[Signature]
Bronwyn Foulis	15 The Circuit Pindon	[Signature]
Bruce Field	16 Bunting Ave, Canden Park	[Signature]
Bianca Dargatzis	1137 Cadmore Rd Hating Beach	[Signature]
Julianne Palmer	7 Petty Lane Underdale	[Signature]
Gemma Suckman	9 Cambridge St, Turramurra	[Signature]
Deborah	77 Banks Ave Flindersland	[Signature]
Laura Brown	5 Bagot Ave Mile End	[Signature]
Chinglai	11 HATFIELD ST Underdale	[Signature]
Keren	20 NORWICH ST, WEST KILMARNOCK	[Signature]
Marissa	2 Bolmered St Lockleys	[Signature]
Karly	2c Kinghorn Ave Section	[Signature]
Tanya	12a Mahel St Rosewater	[Signature]
Scim	22a Nelson Ave, Flinders Park	[Signature]
Ethan	34 STAFFORD AVE NORTH GLAS	[Signature]

Continued

PETITION

Outline the action that the petitioners are requesting Council should take or not take
(Repeat Part 4 from page one);

instill a fence, with safety latch gate at edge
of Falcon Reserve

Name (print)	Address	Signature
Maria	COANDILLA	MPol
George Grouas	15 FRANCIS ST COWANDILLA	KG
Jade	18 Francis St Cowandilla	Teri
Stacey Lindbergh Axon	10 Keith St Torrensville 2 Grace Road, Fulham	Stacey Lindbergh Axon
R. Hannam	9 Fleet St. RICHMOND	R. Hannam
S. Kellest	3 Clarence Street, Hilton	S. Kellest
BEN CAPUANO	TORRENSVILLE	Ben Capuano
Teresaq	Everard Park	Teresaq
Susan	10 Fletcher St Norley	Susan
Kathy	Terrace Ave, Plympton	Kathy
Chli	MANFIELD PARK	Chli
Marie	Mile End	M. Peckin
Peter	Mile End	Peter
STELIOS MICH	HURLE ST WEST CROYDON	Stelios
RHIANNON	Moresby St, Lockleys	Rhiannon
Christina	Croydon	Christina
CHRISSE	MACION	Chrisse
Louise	21 Palmer Road, Hilton	Louise
SUSAN	HILTON	Susan
rebecca	RICHMOND	rebecca

Continued

PETITION

Outline the action that the petitioners are requesting Council should take or not take
(Repeat Part 4 from page one);

Install a fence with safety latch gate at edge of
Falcon Reserve

Name (print)	Address	Signature
Kimi	51 James St Plympton	KP
TOM MOORE	9 FLEET STREET RICHMOND	Tom Moore
CYNTHIA	235 RICHMOND RD, RICHMOND	Cynthia
HONG YU	500 Findon Road, Kichman Park	5025 Hong Yu
Kamran	83 B Shierlaw St. Richmond	Kamran
Thia	Unit 2 59 Cowra St, Mile end	Thia
Kakira	Mile	Uk
Maryaret	63 Lane St Richmond	MAP
Helen	65 Lane St Richmond	H.P.
Amy Mace	31 HMAS Australia Rd Henley Beach South	Amy Mace
CATHERINE	14 Davenport TCE Richmond	Catherine
Julia	37A Smith St Thebarton	Julia
Suzanne Bonett	53 Lane St Richmond	Suzanne Bonett
Gianfranco	6 Kirkland Ave, N. Plympton	G.F.
Bex. Doda	Underdale	Bex. Doda
Julie Zawar	Underdale	Julie Zawar
chussy mason	Vetley	chussy mason
Rehelle Pickett	Findon	Rehelle Pickett
Monique Kruger	Hawthorn Ave, Cammulla	Monique Kruger
MARK TROMPERS	31 MARLIN ROAD FAIRVIEW	Mark Trompers
Jenny	Cowandilla	Jenny

Continued

PETITION

Outline the action that the petitioners are requesting Council should take or not take
(Repeat Part 4 from page one)

Install a fence with safety latch gate at edge
of Falcon Reserve

Name (print)	Address	Signature
Hayley Masson	Plympton	Hem
Tanya Little	Torrensville	20/6/16
Ann Burroughs	Indersdale	[Signature]
Holly Dineen	Indersdale	[Signature]
Danni Morgan	Mile End	[Signature]
LISA Bausil	Netley	[Signature]
Erin Mibury	Flinders Park	[Signature]
Hayley Masson	Henley Beach Stn	[Signature]
Katherine Lambson	Flinders Park	[Signature]
J. Couthard	Richmond	[Signature]
E. Conolan	Flinders Park	[Signature]
K. Petersen	RICHMOND	KP
S. Mazzeo	Kingswick	[Signature]
K. Petropoulos	Allenby Gardens	[Signature]
J. Green	MILE END	[Signature]
N. Campbell	mile end	[Signature]
Julie Omand	Allenby Gardens	[Signature]
Barrie Hackett	Mr Plympton	[Signature]
Sarah Kenny	Condon Park	[Signature]
Jo Dal Pini	Torrensville	[Signature]
Helen Hill	21 Bickford St Richmond	[Signature]

11 URBAN SERVICES DIVISION REPORTS

11.1 Falcon Reserve Petition - Request to Install Fence

The purpose of this report was to provide information to Council relating to a petition that was received requesting the installation of a fence with a safety latch gate along the frontage of the newly-created Falcon Reserve.

RECOMMENDATION(S)

The Committee recommends to Council that:

1. A partial barrier structure be installed to address the concerns of the petition while not compromising the design elements of Falcon Reserve.
2. Road signage be installed to improve driver awareness of the playground and the presence of children.
3. The head petitioner be notified accordingly.

RESOLUTION

Moved: Cr Graham Nitschke

Seconded: Mayor John Trainer

That the recommendation be adopted.

AMENDMENT

Moved: Cr Michael Farnden

Seconded: Cr Rosalie Haese

That:

1. Design and costing of a full fence be investigated and a further report be provided to Council.
2. Road signage be installed in the interim to improve driver awareness of the reserve and the presence of children.
3. The head petitioner be notified accordingly.

The Amendment was Put and Carried and on becoming the motion was **CARRIED**

11.5 Ruthven Avenue, Glandore - Update from Petition and Consultation for Tree Removal of Japanese Pagoda Trees

Brief

This report provides Members' with information and outcomes of the consultation with the residents of Ruthven Avenue, Glandore, following the petition for removal of the Japanese Pagoda Trees.

RECOMMENDATION(S)

The Committee recommends to Council that:

1. The 18 *Sophora japonica*, (Japanese Pagoda) street trees, as detailed within this report, be removed, and replaced with the *Fraxinus griffithii*, (Evergreen Ash).
2. The head petitioner and all residents / ratepayers of Ruthven Avenue, Glandore, be advised accordingly.

Introduction

This report provides Members' with information and outcomes of the consultation undertaken by the Administration with the residents of Ruthven Avenue, Glandore, following the petition from eleven (11) residents for removal of the *Sophora japonica* (Japanese Pagoda Trees).

Background

At Council's meeting held on 6 September 2016, a report was provided to Council for the removal of Japanese Pagoda trees on Ruthven Avenue, Glandore, in response to the petition received by Council at its meeting of 19 July 2016. At this meeting Council resolved that:

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

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

In early November 2016, a letter and survey form was distributed to resident / ratepayers in Ruthven Avenue, Glandore (**Attachment 2**) as detailed in the distribution map (**Attachment 3**).

A total of 31 residential properties were surveyed, with street tree and street frontage to Ruthven Avenue, Glandore. Seventeen (17) resident and ratepayer survey responses were received (**Attachment 4**) in which have been tabulated for Members' information (**Attachment 5**). Fourteen (14) residential properties did not provide a survey response.

Discussion

The following information provides an overall summary of the seventeen (17) survey responses received from residents / ratepayers:

- Twelve (12) responses supported the removal of the *Sophora japonica*, (Japanese Pagoda) trees, with an alternative species,
- Three (3) responses did not support the removal of any tree(s),
- Two (2) responses were undecided.
- Of these, six (6) responses disagreed with the selection of the second most predominant tree species, the *Fraxinus griffithii*, (Evergreen Ash), and have suggested another tree variety / species.

The six (6) residents / ratepayers from the survey results that requested alternative tree species to be planted are summarised as follows:

- One (1) resident requested the same tree species as Jetty Road, Glenelg, the *Celtis australis*, more commonly known as European Nettle tree or Mediterranean Hackberry.
- Two (2) residents requested the same tree species as Madden Ave. Glandore. Upon further investigations, Madden Ave has three (3) different tree species within the street, Acer, *Sophora japonicas* (x 2) and *Zelkova*.
- Two (2) residents requested the *Prunus* tree species commonly referred to as Ornamental Plum. This may cause other concerns as many flowering Ornamental Plum trees produce fruits of various colours, textures and sizes.
- Four (4) residents requested *Pyrus* species. *Pyrus* are used as the main street tree in the neighbouring Waymouth Street, Glandore.

In summary, of the thirty one (31) properties on Ruthven Avenue, Glandore, 38.71% of resident / ratepayers would prefer an alternative tree species while the majority of resident / ratepayers (61.29%) disagree with the street tree(s) removal, are undecided or have not responded to the resident survey.

In response to the residents' concerns and in consideration of the residential survey results, the Administration recommends that the properties affected by the *Sophora japonica*, (Japanese Pagoda), who have indicated that they do not want this street tree, will have the street trees removed and replaced with an advanced species of *Fraxinus griffithii*, (Evergreen Ash) which is the second dominate tree species within the street. The Evergreen Ash trees will ensure the avenue planting which currently exists within Ruthven Avenue will remain.

Should any additional residents of Ruthven Avenue, Glandore contact Council requesting the replacement of the street tree(s) *Sophora japonica*, (Japanese Pagoda), located in front of their property, the Administration could accommodate the request accordingly as part of the upgrade of the street.

Of the twenty-two (22) properties that are directly affected by the street tree *Sophora japonica*, (Japanese Pagoda), twelve (12) or 54.55% will have the trees removed as requested. This will involve the removal of 18 street trees. The works could be scheduled within this year's tree planting season, (estimate completion of works is from May to August 2017).

This project budget estimate for the removal of the trees, the purchase and planting of the new trees, together with a 4 year watering establishment component is over \$50,000. This will be funded from Council's operational budget.

It is recommended that this tree replacement strategy in affect eliminates the necessity of removing all the street trees and acts as a staged replacement program, minimising cost while maintaining the visual streetscape appeal.

Conclusion

This report provides Members' with information along with the outcomes of the consultation undertaken by the Administration with residents / ratepayers of Ruthven Avenue, Glandore, following the petition from eleven (11) residents for removal of the *Sophora japonica*, (Japanese Pagoda Trees). The Administration has recommended the removal eighteen (18) street trees, *Sophora japonica*, (Japanese Pagoda Trees), fronting twelve (12) properties on Ruthven Avenue, Glandore as a result of the community consultation undertaken in November 2016.

Attachments

- 1. Urban Services Standing Committee Report Item 11.4 - 6 September 2016**
- 2. Letter to Residents and Ratepayers 3 November 2016 - Tree Removal and Planting of New Species Survey Ruthven Avenue Glandore**
- 3. Tree Survey and Letter Distribution Map**
- 4. Resident and Ratepayer Survey Response Letters**
- 5. Tabulate Summary of Survey Responses**

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

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

RECOMMENDATION(S)

The Committee recommends to Council that:

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

Introduction

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

Background

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

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

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

Discussion

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

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

The remaining street trees include:

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

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

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

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

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

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

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

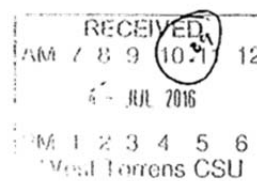
As the consultation process will take some time, as an interim measure in response to the petition, the Administration will provide additional road and footpath sweeping services in Ruthven Avenue during the period of fruit fall to minimise the number of berries on the footpaths.

Conclusion

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

ATTACHMENT 1

To the Manager of Horticulture At the City of West Torrens



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

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

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

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

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

URBAN SERVICES PRESCRIBED STANDING COMMITTEE
6 September 2016

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Phone Contact

NAME	ADDRESS	SIGNATURE	COMMENTS
Andrina Meaney	9 Ruthven Ave	Andrina Meaney	I would like council to
PETER MEANEY	9 RUTHVEN AVE	Andrina Meaney	come out immediately
			to inspect the state of
			the footpaths & driveways
			just to see for themselves
			what we are all talking
			about.
STEVE HAYWARD	8 WATKINSON AVE	Steve Hayward	" "
	CNR RUTHVEN		" "
	GLANDORE		" "
LIBBY HAYWARD	" "	Libby Hayward	" "
ROSALIE PHILIP	15 RUTHVEN AVE	Rosalie Philip	" "
	GLANDORE		" "
Peter Gardiner	15 RUTHVEN AV. SUMNER	Peter Gardiner	" "
Josanne Oertel	13A Ruthven Ave. Glandore	Josanne Oertel	" "
Neera Dua	25 RUTHVEN AVE GLANDORE	Neera Dua	" "
Tamille Reed	25 RUTHVEN AVE. GLANDORE	Tamille Reed	" "
Heather Harding	1 St. Georges Ave /Cnr. Ruthven.	Heather Harding	Could we please have some
Ren Harding	1 St. Georges Ave	Ren Harding	WILGA Trees i.e. Native.
			" "

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



3 November 2016

TO THE RESIDENT / RATEPAYER

Dear Sir/Madam

Tree removal & planting of new species survey - Ruthven Ave, Glandore.

The City of West Torrens is conducting a survey of residents in Ruthven Ave, Glandore, regarding the suitability of the existing street trees in Ruthven Ave.

When first planted in 2001 the Japanese Pagoda Tree was part of the Treenet tree species trial. This trial was conducted across several council areas and one of the aims was to find suitable new street trees to increase the variation of species within the Adelaide metropolitan area.

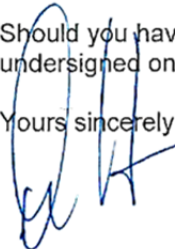
The trees provide shade benefits and streetscape appeal; however, Council received a petition from concerned residents of Ruthven Ave on 4 July 2016 in relation to the amount of debris the existing trees (Japanese Pagoda Tree - '*Sophora japonica*') produce. Therefore Council is seeking resident feedback to gauge if the amount of debris the trees produce is causing residents enough concern to warrant the total removal and replacement with a new species. Enclosed is an extract of the Council Report from 6 September 2016 for your reference.

Should the existing Japanese Pagoda Trees be removed, then it is proposed that any new replacement trees will be consistent with the next most dominant species in the street being *Fraxinus griffithii* (Evergreen Ash).

It would be appreciated if you could return your completed Survey Form to Council by close of business, Monday 21 November 2016 via the enclosed reply paid envelope or by email csu@wtcc.sa.gov.au. Once the survey is complete Council will then be able to make an informed decision regarding the street trees in Ruthven Avenue, Glandore.

Should you have any further queries on this matter please do not hesitate to contact the undersigned on 8416 6301.

Yours sincerely

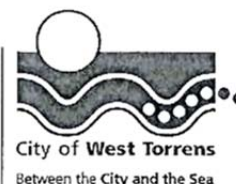

Dean Ottanelli
Manager City Works

Enc Survey Form, Reply Paid Envelope, excerpt from Council Report 6 Sept 2016
cc Keswick Ward Councillor Cr John Woodward

Printed on Envi Recycled, 50/50 which is certified Carbon Neutral and Australian Made.

Survey**Tree removal Ruthven Avenue, Glandore**

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

**Personal details****First Name:****Surname:****Address:****Post code:**

Please tick the box you agree with:

☐ I support the retention of the existing trees.

☐ I support removal of the existing street trees and replacement with the Evergreen Ash Tree.

Please provide any additional information to assist Council with this survey.

Only one response per property will be accepted - if you do not complete the survey, your views will not be considered.

Please return the completed survey form in the reply paid envelope or email to csu@wtcc.sa.gov.au by 5pm on Monday 21 November 2016.

**Disclaimer**

The City of West Torrens accepts no liability for any reliance placed on the validity and accuracy of data in this publication. While care and effort has been taken in the presentation of this data it is only to be used for demonstration purposes.



Survey

Tree removal Ruthven Avenue, Glandore

Doc Set #
Ref No.3367468

0 8 NOV 2016

SCANNED

Civic Centre

165 Sir Donald Bradman Drive

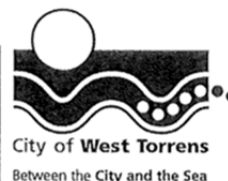
Hilton, SA 5033

Tel (08) 8416 6333

Fax (08) 8443 5709

Email csu@wtcc.sa.gov.au

Website westtorrens.sa.gov.au



Personal details

First Name:

Aijun

Surname:

pan

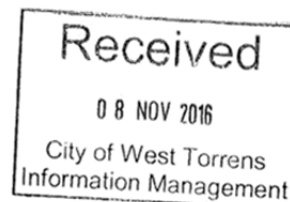
Address:

Ruthven Ave, Glandore

Post code:

~~504~~ 5037

Please tick the box you agree with:

☐ I support the retention of the existing trees.☒ I support removal of the existing street trees and replacement with the Evergreen Ash Tree.

Please provide any additional information to assist Council with this survey.

Berries from the existing trees are very
messy on the footpath.

Only one response per property will be accepted - if you do not complete the survey, your views will not be considered.

Please return the completed survey form in the reply paid envelope or email to csu@wtcc.sa.gov.au by 5pm on Monday 21 November 2016.

ENTERED

Survey

Tree removal Ruthven Avenue, Glandore

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



Personal details

First Name: MICHAEL Surname: Kavanagh

Address: RUTHVEN Avenue
Glandore Post code: 5037

Please tick the box you agree with:

☐ I support the retention of the existing trees.

☒ I support removal of the existing street trees and replacement with the Evergreen Ash Tree.

Please provide any additional information to assist Council with this survey.

I would like to have a choice in the selection of tree rather than be told by a dictatorial rude obnoxious irrelevant body of council 'buffoons' who lack respect courtesy & accountability when dealing with the ratepayers who pay their wages & superannuation.

I would have liked to select an ornamental Plum for Ruthven Ave which was here when I arrived in 94.

Only one response per property will be accepted - if you do not complete the survey, your views will not be considered.

Please return the completed survey form in the reply paid envelope or email to csu@wtcc.sa.gov.au by 5pm on Monday 21 November 2016.



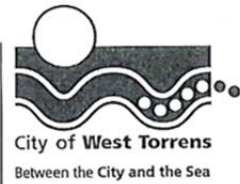
ENTERED

COPY

Survey

Tree removal Ruthven Avenue, Glandore

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



Personal details

First Name: DOROTHY Surname: NEWTON

Address: RUTHVEN AVE

GLANDORE

Post code: 5037

Please tick the box you agree with:

Ref No. 3377088

1 5 NOV 2016

SCANNED

Received

1 5 NOV 2016

City of West Torrens
Information Management

☐ I support the retention of the existing trees.

☐ I support removal of the existing street trees and replacement with the Evergreen Ash Tree.

Please provide any additional information to assist Council with this survey.

It has taken many years to create a leafy Avenue but these trees have created a constant mess. Firstly the leaves then the blossom then the berries not to mention the roots (my house is 3m from boundary) Council has already installed a foot barrier as the roots were invading my property & lifting the barriers close to the house. For 9 months of the year it is a daily sweep and the berries stick to sides of shoes and are regularly walked into my house. This is very difficult to live with. But we do have a lovely leafy Avenue. Surely the Council's Arborist could have chosen a more suitable tree.

Only one response per property will be accepted - if you do not complete the survey, your views will not be considered.

Please return the completed survey form in the reply paid envelope or email to csu@wtcc.sa.gov.au by 5pm on Monday 21 November 2016.

I DON'T KNOW THE ANSWER!!! I LIKE THE SHADY AVENUE BUT AM CONCERNED ABOUT THE ROOTS AND IT IS BECOMING MORE DIFFICULT TO DO THE DAILY SWEEP

D. Newton ENTERED

Doc Set #
Ref No. 336 7471

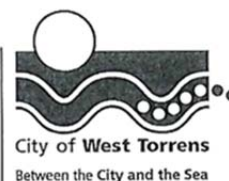
Survey

Tree removal Ruthven Avenue, Glandore

08 NOV 2016

SCANNED

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



Personal details

First Name: Andrina Surname: Peter Meaney

Address: Ruthven Avenue

Glandore S.A. Post code: 5037

Please tick the box you agree with:

☐ I support the retention of the existing trees.

☐ I support removal of the existing street trees and replacement with the Evergreen Ash Tree.

Received

08 NOV 2016

City of West Torrens
Information Management

Please provide any additional information to assist Council with this survey.

I certainly support the removal of the existing trees, Japanese Pagodas. However I do not support the replacement with Evergreen Ash Trees. I can't believe council would consider these trees. Have you actually seen these trees in our avenue. They are a very poor grower. We need fast growing evergreen trees, or whats wrong with ornamental pears or pruned plum?

Only one response per property will be accepted - if you do not complete the survey, your views will not be considered.

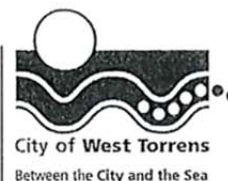
Please return the completed survey form in the reply paid envelope or email to csu@wtcc.sa.gov.au by 5pm on Monday 21 November 2016.

ENTERED

Survey

Tree removal Ruthven Avenue, Glandore

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



Personal details

First Name: *Andrina* Surname: *Peter*

Address: *Ruthven Avenue*

Glandore S.A. Post code: *5037*

Please tick the box you agree with:

☐ I support the retention of the existing trees.

☐ I support removal of the existing street trees and replacement with the Evergreen Ash Tree.

Please provide any additional information to assist Council with this survey.

I certainly support the removal of the existing trees, Japanese Pagodas. However I do not support the replacement with Evergreen Ash Trees. I can't believe council would consider these trees. Have you actually seen these trees in our avenue. They are a very poor grower. We need fast growing evergreen trees, or whats wrong with ornamental pears or prunus plum?

Only one response per property will be accepted - if you do not complete the survey, your views will not be considered.

Please return the completed survey form in the reply paid envelope or email to csu@wtcc.sa.gov.au by 5pm on Monday 21 November 2016.

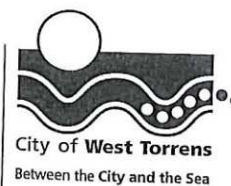
Received
08 NOV 2016
City of West Torrens
Information Management

COPY

Survey

Tree removal Ruthven Avenue, Glandore

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



Personal details

First Name: ROSALIE Surname: PHILCOX

Address: RUTHVEN AVE

GLANDORE

Post code: 5037

Received

Please tick the box you agree with:

☐ I support the retention of the existing trees.

☒ I support removal of the existing street trees and replacement with the (Evergreen Ash Tree.)?

Please provide any additional information to assist Council with this survey.

OUR PROPERTY IS ONE WHERE THE BERRIES HAVE
CAUSED SIGNIFICANT STAINING OF OUR DRIVEWAY,
BRICK WALL & PILLARS
COUNCIL ARE AWARE OF THIS BUT ARE NOT
AT ALL SYMPATHETIC TO OUR PLIGHT

WE ARE HAPPY TO REPLACE TREES AT OUR
COST - PREFERABLY MANCHURIAN PEAR TREES

Only one response per property will be accepted - if you do not complete the survey, your views will not be considered.

Please return the completed survey form in the reply paid envelope or email to csu@wtcc.sa.gov.au by 5pm on Monday 21 November 2016. 3369344

Ref No.

10 NOV 2016

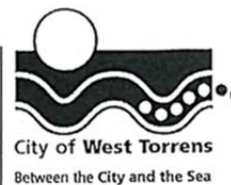
SCANNED

ENTERED

Survey

Tree removal Ruthven Avenue, Glandore

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



Personal details

First Name: J & L. DOUGLAS Surname: DOUGLAS

Address: RUTHVEN AVE

GLANDORE

Post code: 5037

Please tick the box you agree with:

☐ I support the retention of the existing trees.

☒ I support removal of the existing street trees and replacement with the Evergreen Ash Tree.

Received

29 NOV 2016

City of West Torrens
Information Management

Please provide any additional information to assist Council with this survey.

Only one response per property will be accepted - if you do not complete the survey, your views will not be considered.

Please return the completed survey form in the reply paid envelope or email to csu@wtcc.sa.gov.au by 5pm on Monday 21 November 2016.

 COPY ENTERED

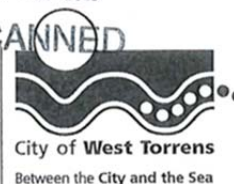
Survey

Tree removal Ruthven Avenue, Glandore

Doc Set #
Ref No. 3371234

14 NOV 2016

SCANNED

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

Personal details

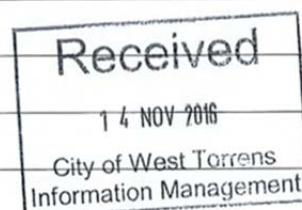
First Name: Maria Surname: Majarian
 Address: Ruthven Ave Glandore
 Post code: 5037

Please tick the box you agree with:

☐ I support the retention of the existing trees.

☒ I support removal of the existing street trees and replacement with the Evergreen Ash Tree.

Please provide any additional information to assist Council with this survey.



Only one response per property will be accepted - if you do not complete the survey, your views will not be considered.

Please return the completed survey form in the reply paid envelope or email to csu@wtcc.sa.gov.au by 5pm on Monday 21 November 2016.

ENTERED

Survey

Tree removal Ruthven Avenue, Glandore

Received

07 NOV 2016

West Torrens
on Manage

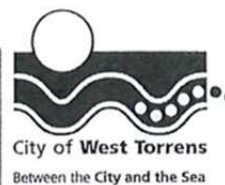
Civic Centre

165 Sir Donald Bradman Drive

Hilton, SA 5033

Tel (08) 8416 6333

Fax (08) 8443 5709

Email csu@wtcc.sa.gov.auWebsite westtorrens.sa.gov.au

Personal details

First Name:

Sandra

Surname:

Adam

Address:

Ruthven Ave, Glandore

SA 5037

Post code:

Please tick the box you agree with:

☐ I support the retention of the existing trees.

☒ I support removal of the existing street trees and replacement with the Evergreen Ash Tree.

Please provide any additional information to assist Council with this survey.

Only one response per property will be accepted - if you do not complete the survey, your views will not be considered.

Please return the completed survey form in the reply paid envelope or email to csu@wtcc.sa.gov.au by 5pm on Monday 21 November 2016.

ENTERED

Survey

Tree removal Ruthven Avenue, Glandore

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



Personal details

First Name: Adam Surname: Zeroski

Address: Ruthven Ave Glandore

Post code: 5037

Please tick the box you agree with:

☒ I support the retention of the existing trees.

☐ I support removal of the existing street trees and replacement with the Evergreen Ash Tree.

Please provide any additional information to assist Council with this survey.

The trees are mature and look great; they give shade and raise the street appeal. In my opinion replacing them would be a complete waste of resources, and in the short term lower house values due to the lack of mature trees making the street looking barren and ugly.

Just because some people have a hard time dealing with a bit of mess (of which there is currently none) that occurs for a small period of time each year, shouldn't mean there is a knee jerk reaction resulting in the removal of the nicest looking trees in the street.

Only one response per property will be accepted - if you do not complete the survey, your views will not be considered.

Please return the completed survey form in the reply paid envelope or email to csu@wtcc.sa.gov.au by 5pm on Monday 21 November 2016.

Ref No. 3369338

10 NOV 2016

SCANNED

ENTERED

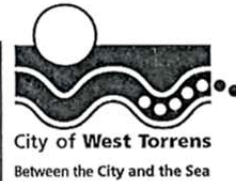
Survey

Tree removal Ruthven Avenue, Glandore

Ref No. 3372093

15 NOV 2016

SCANNED
Civic Centre
165 Glandore Drive
Hilton, SA 5033
Tel (08) 8416 6333
Fax (08) 8443 5709
Email csu@wtcc.sa.gov.au
Website westtorrens.sa.gov.au



Personal details

First Name: Matthew and Tennille Surname: Reed

Address: Ruthven Ave

Post code: 5037

Received

15 NOV 2016

City of West Torrens
Information Management

Please tick the box you agree with:

☒ I support the retention of the existing trees.

☐ I support removal of the existing street trees and replacement with the Evergreen Ash Tree.

Please provide any additional information to assist Council with this survey.

• Removal of trees would significantly effect the streetscape/appeal and therefore property values in the street.

• The trees provide valued protection from wind and especially provide shade in the hot summer months. Note, with the most mature Japanese Persimmon on the street adjacent to my property, I can rarely find a free car park outside my property in summer.

• Replacement alternative is not desirable and any alternative would be another 15 year proposition to return the street to its current street appeal.

• The most cost effective and rational response to the issue of seeds, would be to increase street sweeping during the relevant months which the council has already undertaken.

Only one response per property will be accepted - if you do not complete the survey, your views will not be considered.

Please return the completed survey form in the reply paid envelope or email to csu@wtcc.sa.gov.au by 5pm on Monday 21 November 2016.

we strongly disagree with the proposal.

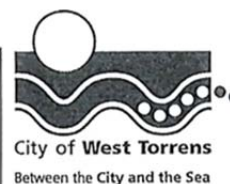
ENTERED

I originally signed the petition however after further consideration and the councils offer of street sweeping, I now support the retention of the existing trees. Tennille Reed.

Survey

Tree removal Ruthven Avenue, Glandore

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



Personal details

First Name: NEERA

Surname: DUA

Address: RUTHVEN AVE

GLANDORE

Post code: 5037

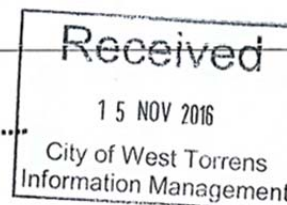
Please tick the box you agree with:

☐ I support the retention of the existing trees.

Ref No. 3372091

15 NOV 2016

SCANNED


☒ I support removal of the existing street trees and replacement with the Evergreen Ash Tree.

Please provide any additional information to assist Council with this survey.

The Japanese Pagoda trees ^{seeds} create a real mess
when they drop. Please remove.

Only one response per property will be accepted - if you do not complete the survey, your views will not be considered.

Please return the completed survey form in the reply paid envelope or email to csu@wtcc.sa.gov.au by 5pm on Monday 21 November 2016.

ENTERED

Leigh Pedder

From: Dean Ottanelli on behalf of Depot Admin
Sent: Tuesday, 22 November 2016 8:51 AM
To: Leigh Pedder; Dean Ottanelli
Subject: (Email from Neera Dua - Ruthven Ave Glandore) Tree removal& planting of new species survey Ruthven Ave Glandore

Hi Leigh - please place in the file. Thanks

Dean Ottanelli
Manager City Works
City of West Torrens

From: Neera Dua
Sent: Monday, 21 November 2016 4:19 PM
To: Depot Admin
Subject: (DWS Doc No 4171784) (Email from Neera Dua - 25 Ruthven Ave Glandore) Tree removal& planting of new species survey Ruthven Ave Glandore

Dear Sir /Madam,

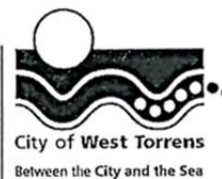
I am a resident of Ruthven Ave Glandore, I have completed my survey and sent it in. I would like the 3 trees in front of my house to be replaced with the similar trees you have planted in Madden Ave Glandore. Not the once you have suggested namely the Evergreen Ash. I think number 9, 27 and 1St George Ave/cnr. Ruthven Ave all want the same.
If you need to get in touch with me email will be the best option.

Regards,
Neera Dua

ENTERED

Survey**Tree removal Ruthven Avenue, Glandore**

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

**Personal details**

First Name: PHILIP (\$ MAUREEN) Surname: JENNINGS

Address: RUTHVEN AVENUE

GLANDORE

Post code: 5037

Please tick the box you agree with:

☐ I support the retention of the existing trees.

☒ I support removal of the existing street trees and replacement with the Evergreen Ash Tree.

Please provide any additional information to assist Council with this survey.

One of the largest and heathiest Japanese Pagoda trees is located centrally in front of our house and it overhangs part of our front garden. The berries fall onto the street footpath as well as on our path leading to our front door. They create a sticky mess on the paths as well as on our internal floor finishes (especially carpets). We need to regularly sweep berries off the footpath and our garden path.

In the summer, the numerous small yellow flowers also create some nuisance inside and outside of our house and the numerous swarming bees under the tree are a hazard.

We strongly support the removal of this and other Japanese Pagoda trees in Ruthven Avenue and their replacement with more suitable species.

We had originally intended to sign the petition, but apparently we were not at home when the head petitioner came with the form for signing.

Only one response per property will be accepted - if you do not complete the survey, your views will not be considered.

Please return the completed survey form in the reply paid envelope or email to csu@wtcc.sa.gov.au by 5pm on Monday 21 November 2016.

INTER COPY

Survey

Tree removal Ruthven Avenue, Glandore

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



Personal details

First Name: Michael

Surname: Murphy

Address: Ruthven Avenue

Glandore

Post code: 5037

Please tick the box you agree with:

☐ I support the retention of the existing trees.

☒ I support removal of the existing street trees and replacement with the Evergreen Ash Tree.

Received

10 NOV 2016

City of West Torrens
Information Management

Please provide any additional information to assist Council with this survey.

In not sue the tree out of the front of our house is a Japanese Pagoda however the tree in front of our house situated next to the Kerb where visitors park their cars is a danger as it is leaning over at an angle but, the real danger is the roots are sitting out of the ground and visitors and ourselves have tripped over it many times. It is only a matter of time until there is an injury from Passers by also. We have had council out but the answer was tree was still green so the

Only one response per property will be accepted - if you do not complete the survey, your views will not be considered.

Please return the completed survey form in the reply paid envelope or email to csu@wtcc.sa.gov.au by 5pm on Monday 21 November 2016.

Ref No. 3369341

10 NOV 2016

SCANNED

Could not remove it

ENTERED

Survey
Tree removal Ruthven Avenue, Glandore

Received
14 NOV 2016
City of West Torrens
Information Management
Civic Centre
100 Donald Bradman Drive
Hilton, SA 5033
Tel (08) 8416 6333
Fax (08) 8443 5709
Email csu@wtcc.sa.gov.au
Website westtorrens.sa.gov.au

Doc Set #
Ref No. 3371232
14 NOV 2016
SCANNED
City of West Torrens
Between the City and the Sea

Personal details

First Name: HEATHER HARDING. Surname: Phone 82934150

Address: ST. GEORGES AVE. GLANDORE

Post code: 5037

Please tick the box you agree with:

☐ I support the retention of the existing trees.

☐ I support removal of the existing street trees and replacement with the Evergreen Ash Tree. *

P.S. Jetty Road at Glenelg has beautiful trees.

NOT THESE *

Please provide any additional information to assist Council with this survey.

We have 4 trees in Ruthven Ave. as we are on the Corner.

What is wrong with you people.??

The Evergreen Ash trees in our street are stunted pathetic little specimens that have not grown 1 inch in 20 years.

The nice Scottish man who works in your department told me that he was going to pull them out this year.

With all the beautiful trees in the world - Surely you can find something to make our Avenue look good again.

P.S. The trees in Madden Ave are nice - why can't we have some like that.

Only one response per property will be accepted - if you do not complete the survey, your views will not be considered.

Please return the completed survey form in the reply paid envelope or email to csu@wtcc.sa.gov.au by 5pm on Monday 21 November 2016.

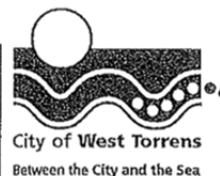
We are not getting our \$1670 worth of action from City Works.

ENTERED

Survey

Tree removal Ruthven Avenue, Glandore

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



Personal details

First Name: Olivia Surname: Kerr
Address: Waymouth Ave, Glandore
Post code: 5037

Please tick the box you agree with:

☒ I support the retention of the existing trees.

☐ I support removal of the existing street trees and replacement with the Evergreen Ash Tree.

Please provide any additional information to assist Council with this survey.

I face Ruthven Ave (driveway/property access).
I have a large Pagoda Tree in front of my house.

I have not suffered any staining to the driveway or inside my property.

If majority votes to replace the trees, I request that mine remains.

I have owned this property for 10 years and have no issues with these trees.

Only one response per property will be accepted - if you do not complete the survey, your views will not be considered.

Please return the completed survey form in the reply paid envelope or email to csu@wtcc.sa.gov.au by 5pm on Monday 21 November 2016.

Thanks in advance,
Olivia

 COPY

dwa3BD3.txt

From: Kerr, Olivia
Sent: Monday, 14 November 2016 12:34:07 PM
To: Council Enquiries
Subject: Re; Tree removal in Ruthven Ave Glandore (Survey)

To whom it may concern,

Re; Tree removal in Ruthven Ave Glandore

Please see attached survey form.
I do not support the removal of the Pagoda trees.

Regards,

Olivia Kerr
Waymouth Ave (facing Ruthven st)
Glandore

Doc Set #

Ref No. 3367420

08 NOV 2016

Survey

Tree removal Ruthven Avenue, Glandore

SCANNED

Civic Centre
165 Sir Donald Bradman Drive
Hilton, SA 5033

Tel (08) 8416 6333

Fax (08) 8443 5709

Email csu@wtcc.sa.gov.au

Website westtorrens.sa.gov.au



Personal details

First Name: STEPHEN

Surname: HAYWARD

Address: WAYMOUTH AVE

GLANDORE SA Post code: 5037

Received

08 NOV 2016

City of West Torrens
Information Management

Please tick the box you agree with:

☐ I support the retention of the existing trees.☒ I support removal of the existing street trees and replacement with the Evergreen Ash Tree. *replace with trees on WAYMOUTH AVE*

Please provide any additional information to assist Council with this survey.

WE LIVE ON THE CORNER OF WAYMOUTH AND RUTHVEN AVE.

WHAT TYPE OF EVERGREEN ASH DO YOU PROPOSE?

THERE IS A FLOWERING ALREADY IN STREET THAT
CAUSES REACTIONS TO TWO PEOPLE IN RESIDENCEWHO SUFFER FROM ALLERGIES AND HAYFEVER WE
WOULD BE MORE THAN HAPPY TO HAVE SAME TREES

AS PLANTED OUTSIDE FRONT OF HOUSE IN WAYMOUTH AVE

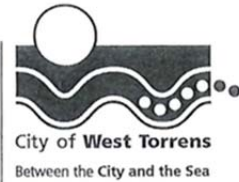
3 of THE CURRENT TREES IN RUTHVEN ON OUR BORDER HAVE
DONE NOTHING IN APPROX 15 YRS. THE TREES ON WAYMOUTH
HAVE GROWN TO 4 METRES IN 4-5 YEARS AND LOOK GOOD.Only one response per property will be accepted - if you do not complete the survey, your views will
not be considered.Please return the completed survey form in the reply paid envelope or email to csu@wtcc.sa.gov.au by
5pm on Monday 21 November 2016.

7/11/16 ENTERED

Survey

Tree removal Ruthven Avenue, Glandore

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



Personal details

First Name: Gina Surname: Salandra
Address: Anzac Hwy
Glandore Post code: 5037 S.A.

Please tick the box you agree with:

☐ I support the retention of the existing trees.☒ I support removal of the existing street trees and replacement with the Evergreen Ash Tree.Ref No. 3373962

17 NOV 2016

SCANNED

Received

17 NOV 2016

City of West Torrens
Information Management

Please provide any additional information to assist Council with this survey.

When and if the trees are removed, they must be replaced by trees that do not grow large roots, as the trees directly in front of my house have grown under the house and into the sewerage pipe. We continuously have to call in a plumber at our expense. ^{The plumber has told me it is due to the} Also large cracks have ^{appeared in the house due to large tree roots which have grown under the house.} I would like to know what the Council is going to do about that. Also the footpath paving is damaged ^{and has come up because of the large trees.}

Only one response per property will be accepted - if you do not complete the survey, your views will not be considered.

Please return the completed survey form in the reply paid envelope or email to csu@wtcc.sa.gov.au by 5pm on Monday 21 November 2016.

Also when the tree trimming people come to prune the large trees, I have asked them to trim the branches that hang into my yard. They have not done this and every year I have to clean them which is a never ending story in autumn. I would like them pruned so that they do not hang over into my yard. As in 4 trees don't grow under the

Ruthven Ave tree removal survey - Japanese pagoda trees						
Fname	Surname	Street	Suburb	Postcode	Tree removal	Comments
Sandra	Adam	20 Ruthven Ave	Glandore	5037	yes	
Pan	Aijun	1 Ruthven Ave	Glandore	5037	yes	Berries very messy
Steven	Hayward	8 Waymouth Ave	Glandore	5037	yes	Replace with the trees on Waymouth. Some of the flowering trees cause allergies to some people. 3 of the current trees on Ruthven near our house have done nothing in 15 years.
Andrina & Peter	Meaney	9 Ruthven Ave	Glandore	5037	yes	Do not want Evergreen Ash they are not performing at this location. Why not plant Ornamental Pears or Prunus.
Adam	Zezoski	22 Ruthven Ave	Glandore	5037	No	The tree are mature and look great. Waste of resources to replace trees. Lower house prices in short term & look barren. No mess at the moment. Knee jerk reactions.
Michael	Murphy	31 Ruthven Ave	Glandore	5037	yes	Tree in front of house is on lean and dangerous. Roots are a trip hazard.
Rosalie	Philcox	15 Ruthven Ave	Glandore	5037	yes	Staining of driveway. Prefer Manchurian Pear.
Philip	Jennings	29 Ruthven Ave	Glandore	5037	yes	Berries cause nuisance inside and outside the house.
Maria	Majarian	19B Ruthven Ave	Glandore	5037	yes	
Heather	Harding	1 St. Georges Ave	Glandore	5037	?	Does not want Evergreen Ash as replacement trees. Trees in Madden Ave are nice.
Olivia	Kerr	3/7 Waymouth Ave	Glandore	5037	No	Have not suffered any staining with my Pagoda tree. I want to keep my tree.
Dorothy	Newton	4 Ruthven Ave	Glandore	5037	?	Messy trees. Like leafy trees, not sure what the answer is.
Neera	Dua	25 Ruthven Ave	Glandore	5037	yes	Trees make a real mess, please remove. Would like replacement trees like the ones in Madden Ave, Glandore. Not Evergreen Ash.
Matthew & Tenille	Reed	23 Ruthven Ave	Glandore	5037	No	Originally supported petition but now prefer the trees to remain. Trees provide shade, unattractive replacement option, long time for new trees to establish, increased sweeping has helped.
Michael	Kavanagh	3 Ruthven Ave	Glandore	5037	yes	I would have liked to have a choice in the first place. I would have liked ornamental plum when I arrived in '94.
Gina	Salandra	156 Anzac Hwy	Glandore	5037	yes	Replacement trees need small roots, have to call plumber all the time. Footpath dangerous because of large trees. Trees hanging over my property.
J & L	Douglas	19A Ruthven Ave	Glandore	5037	yes	

11.6 Prudential Report - Lockleys Oval and Apex Park and Mellor Park Projects

Brief

This report advises Elected Members' that, in accordance with the requirements of the *Local Government Act 1999*, a Prudential Report has been undertaken in respect of the Lockleys Oval and Apex Park and Mellor Park projects.

RECOMMENDATION(S)

The Committee recommends to Council that:

1. It consider, note and acknowledge the contents of the Prudential Report prepared by JAC Comrie Pty Ltd in regard to the Lockleys Oval and Apex Park and Mellor Park upgrade projects.
2. A copy of the Prudential Report undertaken by JAC Comrie Pty Ltd in regard to the Lockleys Oval and Apex and Mellor Park upgrade projects be made available at Council's Civic Centre for public inspection.

Introduction

Section 48 of the *Local Government Act 1999* (the Act) prescribes that a Prudential Report must be undertaken by a Council when specified criteria are met, or specified financial thresholds or measures are anticipated to be exceeded.

This report was presented the Community Facilities Committee meeting held on 28 March 2017, however due to the statutory requirements of the Prudential Report it is presented to Council for further consideration.

Discussion

The Act requires councils to develop and maintain prudential management policies, practices and procedures for the assessment of projects to ensure that the Council:

- (a) acts with due care, diligence and foresight;
- (b) identifies and manages risks associated with a project;
- (c) makes informed decisions; and
- (d) is accountable for the use of council and other public resources.

The Act also prescribes that a council must obtain and consider a report that addresses specified prudential issues before the council engages in any project (whether commercial or otherwise and including through a subsidiary or participation in a joint venture, trust, partnership or other similar body) where the:

- expected operating expenses calculated on an accrual basis of the council over the ensuing five years is likely to exceed 20 per cent of the council's average annual operating expenses over the previous five financial years (as shown in the council's financial statements); or
- expected capital cost of the project over the ensuing five years is likely to exceed \$4 000 000 (indexed); or
- the council considers that it is necessary or appropriate.

In view of the above and given that the Lockleys Oval and Apex Park (and Mellor Park) projects have a combined estimated project cost exceeding \$4M, a prudential report needs to be obtained and considered by Council. Further, Council must give reasonable consideration to the report (and must not delegate the requirement to do so).

As the Act further requires that the report must be prepared by a person whom the council reasonably believes to be qualified the Administration engaged independent consultants JAC Comrie Pty Ltd to undertake and facilitate this process. As is indicated within the report JAC Comrie specialise in "providing financial and governance advice to local governments" and John Comrie "is the SA Government Association's 'lead consultant - economics and finance' and has provided much of the guidance material produced by the LGA to assist councils to improve their financial sustainability and performance."

The issues which are required to be, and have been, canvassed within the report are also specified within the Act and are listed hereunder:

- the relationship between the project and relevant strategic management plans;
- the objectives of the Development Plan in the area where the project is to occur;
- the expected contribution of the project to the economic development of the local area, the impact that the project may have on businesses carried on in the proximity and, if appropriate, how the project should be established in a way that ensures fair competition in the market place;
- the level of consultation with the local community, including contact with persons who may be affected by the project and the representations that have been made by them, and the means by which the community can influence or contribute to the project or its outcomes;
- if the project is intended to produce revenue, revenue projections and potential financial risks;
- the recurrent and whole-of-life costs associated with the project including any costs arising out of proposed financial arrangements;
- the financial viability of the project, and the short and longer term estimated net effect of the project on the financial position of the council;
- any risks associated with the project, and the steps that can be taken to manage, reduce or eliminate those risks (including by the provision of periodic reports to the chief executive officer and to the council);
- the most appropriate mechanisms or arrangements for carrying out the project;
- if the project involves the sale or disposition of land, the valuation of the land by a qualified valuer under the *Land Valuers Act 1994*.

A copy of the report undertaken by JAC Comrie Pty Ltd is attached for Members' consideration.
(Attachment 1)

Members will note that elements of the information contained within the report have previously been provided to Council through existing reporting mechanisms currently operating e.g. via the Lockleys Oval Apex Park Project Advisory Group and the Community Facilities General Committee.

The attention of Members' is also drawn to the conclusions reached and summarised in the Executive Summary of the report, particularly the following:

- *"By Undertaking the Lockleys Oval, Apex and Mellor Park redevelopment Council will be addressing specific objectives set out in the Towards 2025 Community plan, the Infrastructure and Asset Management plan (Buildings) and the Strategic Directions Report Vision 2025".*
- *"Council's adopted 10 year Financial Management Plan (LTFP) includes staged funding across three financial years (2016/17 to 2018/19) at \$2.5m per annum to support delivery of the strategically linked redevelopment projects".*
- *"Council has consulted with all [lessee/licensee] groups extensively to ensure on-going contractual arrangements will meet the needs of all parties at the redeveloped facilities (including issues associated with the relocation of some groups)".*

- *"Council's [community] consultation to date has been extensive and appears to have been effective in terms of engaging a broad group of stakeholders and its community generally as well as being responsive to emerging issues".*
- *"Council....took on board community feedback and made amendments to both Master Plans (Lockleys Oval and Apex Park) [following community consultation]".*
- *"Council's financial performance, historically, has been strong....The City of West Torrens is forecasting a strengthened financial position over the planning period and has the capacity to fund the proposed LOAMP redevelopment".*
- *"Council is highly experienced in delivering projects for community facilities and as such the typical risks are well known and understood. The broad range of identified risks, assuming no extraordinary variations emerge, could be weathered by Council without impact (short or long term) on the existing service levels provided to its community. This includes risks related to uncertainty of Federal grant funding being approved".*
- *"Council plans to engage suitably qualified contractors identified through an open market tender process. This is an appropriate approach to deal with letting a contract of this nature...".*
- *"Governance arrangements have been established to ensure both the progress of the project and the performance aspects of the redevelopment contracts are monitored and reported in a timely manner...".*

Additionally, Members may wish to note that (as mentioned within the Prudential Report) the Administration engaged Deloitte Access Economics to undertake a Social Benefits Analysis in relation to these projects. This report is further discussed in the Lockleys Oval/Apex Park update report.

A copy of the prudential report undertaken by JAC Comrie will be made available for public inspection at the principal office of the Council (as is required under the Act).

Conclusion

The estimated cost of the interrelated projects to upgrade the Lockleys Oval, Apex Park (and Mellor Park) sites requires Council to obtain and consider a report which addresses specified prudential issues. Independent consultants JAC Comrie Pty Ltd were engaged to undertake the report which has now been provided for Members' consideration. A copy of the report will be made available for public inspection at Council's Civic Centre.

Attachments

1. Prudential Report prepared by JAC Comrie Pty Ltd

Prudential Report for:

City of West Torrens

Lockleys Oval, Apex and Mellor Park Redevelopment

25 Nov 2016

Prepared by John Comrie

JAC Comrie Pty Ltd

*The City of West Torrens
Lockleys Oval, Apex and Mellor Park Redevelopment – Prudential Report*

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*The City of West Torrens**Lockleys Oval, Apex and Mellor Park Redevelopment – Prudential Report*

EXECUTIVE SUMMARY

The Lockleys Oval, Apex and Mellor Park (LOAMP) redevelopment has a capital cost of \$10,820,194 which is proposed to be funded by a combination of direct Council sources (\$7,574,136) and a Federal Government grant (\$3,246,058). The redevelopment works comprise various infrastructure works at each of the respective locations as follows:

Lockleys Oval (\$7,532,939) – demolition of identified existing buildings and construction of a new two storey shared clubroom building as well as construction of an additional 4 competition tennis courts and 3 junior courts, inclusive of court lighting and shelters. The Riding Club (including its facilities) and the Guide group will be relocated to Apex Park as part of the overall redevelopment.

Apex Park (\$2,126,012) – demolition of existing Scout clubroom and construction of new shared clubrooms. In conjunction with the relocation of the Riding Club a new competition standard equestrian arena will be constructed (incl. ancillary equestrian-related infrastructure with associated car parking). Additionally, the remediation and conversion/upgrade of an existing stormwater detention pond to a functioning wetland is proposed, as are general improvements to address amenity and safety aspects within the park.

Mellor Park (\$1,161,243) – demolition of buildings (identified as being at the end of their useful economic lives) and returning the majority of the building footprints to open (green) space with some allowance for the provision of additional off-street car parking.

By undertaking the Lockleys Oval, Apex and Mellor Park (LOAMP) redevelopment Council will be addressing specific strategic objectives set out in the Towards 2025 Community Plan, the Infrastructure & Asset Management Plan (Buildings) and the Strategic Directions Report Vision 2025. Further, Council's adopted 10 year Financial Management Plan (LTFP) includes staged funding across three financial years (2016/17 to 2018/19) at \$2.5m per annum to support the delivery of the strategically-linked redevelopment projects.

The land is owned by the Council and leases/licences are operational in relation to the existing facilities. The leases/licences are held by the Goodwood Cricket Club, Guides SA, Scouts SA, Lockleys Football Club, Lockleys Riding Club, Mellor Park Tennis Club, West Beach Soccer Club and West Torrens Baseball Club. Council has consulted with all groups extensively to ensure future on-going contractual arrangements will meet the needs of all parties at the redeveloped facilities (including issues associated with the relocation of some groups).

The existing use is in accord with Council's Development Plan and this project does not propose changes of land use, nor is it at odds with existing Community Land Management Plans or Infrastructure and Asset Management Plans.

Community consultation commenced on 18 November 2015 and concluded on 18 December 2015. Council subsequently took on board community feedback and made amendments to both Master Plans (Lockleys Oval and Apex Park) at its meeting of 5 April 2016. Council's consultation to date has been extensive and appears to have been effective in terms of engaging a broad group of stakeholders and its community generally as well as being responsive to emerging issues.

*The City of West Torrens**Lockleys Oval, Apex and Mellor Park Redevelopment – Prudential Report*

Council's financial performance, historically, has been strong. Council's financial performance over the next 10 years is forecast to provide ongoing annual operating surpluses. The City of West Torrens (CWT) is forecasting a strengthened financial position over the planning period and has the capacity to fund the proposed LOAMP redevelopment and also generate more revenue if need be.

Council is highly experienced in delivering projects for community facilities and as such the typical risks are well known and understood. The broad range of identified risks, assuming no extraordinary variations emerge, could be weathered by Council without impact (short or long-term) on the existing service levels provided to its community. This includes risks related to uncertainty of Federal grant funding being approved.

Major development projects bring associated construction and project management risks which will require high level systems and processes to be employed over the duration of the project to ensure these risk elements are managed and mitigated as warranted.

Council plans to engage suitably qualified contractors identified through an open market tender process. This is an appropriate approach to deal with letting a contract of this nature and Council will determine in time the logistics of how the project is contract managed.

Council should engage professional organisations to provide expert advice as required to ensure future decisions are well informed.

Governance arrangements have been established to ensure both the progress of the project and the performance aspects of the redevelopment contracts are monitored and reported in a timely manner through the Project Advisory Group.

The prudential review concludes that Council has had appropriate regard to all prudential requirements specified in the LG Act in determining whether to proceed with this project. No issues have been identified in the review that would suggest that Council should not proceed with the project.

*The City of West Torrens**Lockleys Oval, Apex and Mellor Park Redevelopment – Prudential Report*

1. Introduction

JAC Comrie Pty Ltd was engaged by the City of West Torrens (CWT or Council) to provide a Prudential Review of the Lockleys Oval, Apex and Mellor Park (LOAMP) redevelopment.¹ The Local Government Act 1999 (the LG Act) requires that councils undertake a prudential review of a project proposal in various circumstances.²

The LOAMP redevelopment has a capital cost of \$10,820,194 which is proposed to be funded by a combination of direct Council sources (\$7,574,136) and a Federal Government grant (\$3,246,058) initially from the National Stronger Regions Fund (NSRF). Recent advice from Federal Government agencies indicate that council's submission has been transferred from the NSRF program and is currently being considered for funding from the Community Development Grants (CDG) program.

The LOAMP redevelopment includes various infrastructure works at each of the respective locations as follows:

Lockleys Oval (\$7,532,939) – demolition of identified existing buildings and construction of a new two storey shared clubroom building as well as construction of an additional 4 competition tennis courts and 3 junior courts, inclusive of court lighting and shelters. The Riding Club (including its facilities) and the Guide group will be relocated to Apex Park as part of the overall redevelopment.

Apex Park (\$2,126,012) – demolition of existing Scout clubroom and construction of new shared clubrooms. In conjunction with the relocation of the Riding Club a new competition standard equestrian arena will be constructed (incl. ancillary equestrian-related infrastructure with associated car parking). Additionally, the remediation and conversion/upgrade of an existing stormwater detention pond to a functioning wetland is proposed, as are general improvements to address amenity and safety aspects within the park.

Mellor Park (\$1,161,243) – demolition of buildings (identified as being at the end of their useful economic lives) and returning the majority of the building footprints to open (green) space with some allowance for the provision of additional off-street car parking.

Given the expected cost of the works Council is required to undertake a prudential review for this project, however regardless of whether there exists a formal requirement for

¹ Mr John Comrie operates a consultancy practice specialising in providing financial and governance advice to local governments. He is the SA Local Government Association's 'lead consultant – economics and finance' and has prepared much of the guidance material produced by the LGA to assist councils to improve their financial sustainability and performance. Further details about his background and experience are available at www.jacomrie.com.au.

² Section 48 of the Local Government Act 1999 requires councils to obtain and consider a report before it engages in any project (excluding road construction or maintenance; or drainage works); (i) where the expected expenditure of the council over the ensuing five years is likely to exceed 20 per cent of the council's average annual operating expenses over the previous five financial years; or (ii) where the expected capital cost of the project over the ensuing five years is likely to exceed \$4,000,000; (indexed since 30 September 2009) or (iii) where the council considers that it is necessary or appropriate.

*The City of West Torrens**Lockleys Oval, Apex and Mellor Park Redevelopment – Prudential Report*

commissioning of a prudential review or not, such a course of action is a sound business procedure for major initiatives undertaken by a council.

2. Background

In 2006 Council undertook a property review process. Council's objective was to:

- maximise the use of its existing "fit-for-purpose building assets";
- identify those that were under utilised and promote additional use/users; and
- consider disposal of assets with a limited useful life and apply the net proceeds to the development of new multi-user/purpose community facilities.

The process quantified current service delivery and opportunities for service improvement by assessing building condition, current mix of building types, and usage of properties. This resulted in properties being identified for Council to:

- facilitate alternative use; or
- facilitate redevelopment; or
- facilitate disposal;
- consider and prioritise future planning and infrastructure needs/opportunities; and
- ensure adequate provision was made in Council budgets annually to maintain the assets at a reasonable level and/or provide for their replacement.

Based on this review, Council proposed the strategic delivery of community services by developing four multi-purpose community facilities to serve four "quadrants" of the Council area. These multi-purpose community facilities would provide a range of services of social, recreational, arts and cultural value, and be able to accommodate both medium and large groups.

At its meeting of 7 April 2009 Council adopted a priority order for the development of multi-purpose community facilities as follows:

- Priority 1 - Thebarton Oval Precinct, South Road, Torrensville
- Priority 2 - Civic Centre Precinct, 165 Sir Donald Bradman Drive, Hilton
- Priority 3 - Camden Oval Precinct, ANZAC Highway, Novar Gardens
- Priority 4 - Reedbeds Community Centre and Lockleys Oval, Rutland Avenue, Lockleys
- Priority 5 - Mellor Park, Henley Beach Road, Lockleys.

To date the Council has developed a multi-purpose community facility at Thebarton and the Camden Oval precinct original proposal has been further revised; architects have been appointed to undertake detailed design works and this project may run concurrently with some stages of the LOAMP redevelopment. The Civic Centre Precinct did not proceed and the remaining multi-purpose community facilities are currently under planning or design to be developed subject to approvals in the near future.

*The City of West Torrens**Lockleys Oval, Apex and Mellor Park Redevelopment – Prudential Report*

This prudential report relates to Priority 4 (Lockleys Oval component) and Priority 5 as well as the inclusion of Apex Park priorities which, through council's master planning, have identified specific redevelopment opportunities to facilitate optimal outcomes in respect of relocating existing user groups to facilities which ultimately represent a "better fit" and also support the built-asset rationalization at these 3 respective locations.

Cost estimates totaling \$10,820,194³ were prepared by Rider Levett Bucknall (RLB)⁴ for the LOAMP redevelopment; the respective project components were costed as follows:

Lockleys Oval	\$7,532,939
Apex Park	\$2,126,012
Mellor Park	\$1,161,243

Council submitted applications to the Federal Government seeking grant funding of \$3,246,058 in both the Stage 1 (unsuccessful) and Stage 2 calls of the NSRF. Council received advice in September 2016 indicating that the Federal Government would honour its "pre-election" commitment to support the approval of this level of funding albeit the submission had been transferred from the NSRF program to the CDG program. Council has subsequently sent correspondence to follow up on the progress of the grant funding and is preparing supplementary documentation in order to hasten the final assessment.

Should the grant funding be approved then the council's net capital expenditure will total \$7,574,136⁵. Council's adopted 10 Year Financial Management Plan includes capital expenditure totaling \$7.5m for these works and this funding is staged across 3 financial years; i.e. \$2.5m per annum in 2016/17, 2017/18 and 2018/19.

The LOAMP redevelopment is based on various infrastructure works at each of the respective locations as follows:

Lockleys Oval – demolition of identified existing buildings and construction of a new two storey shared clubroom building as well as construction of an additional 4 competition tennis courts (when completed there will be 6 competition courts in total) and 3 junior courts, inclusive of court lighting and shelters. The Riding Club (including its facilities) and the Guide group will be relocated to Apex Park as part of the overall redevelopment.

Apex Park – demolition of existing Scout clubroom and construction of new shared clubrooms. In conjunction with the relocation of the Riding Club a new competition standard equestrian arena will be constructed (incl. ancillary equestrian-related infrastructure with associated car parking). Additionally, the remediation and conversion/upgrade of an existing stormwater detention pond to a functioning wetland is proposed, as are general improvements to address amenity and safety aspects within the park.

³ RLB's "Order of Cost Estimates" were prepared in March 2015 and do not include allowances for escalation of costs.

⁴ RLB is a leading independent organisation in cost management and quantity surveying, project management and advisory services.

⁵ Council staff advised that if the grant funding is not ultimately approved the LOAMP redevelopment will still proceed in its current costed form (i.e. of a \$10.82m project). This report will discuss the financial implications associated with non-receipt of grant funding in the latter sections 3.6, 3.7 and 3.8.

*The City of West Torrens**Lockleys Oval, Apex and Mellor Park Redevelopment – Prudential Report*

Mellor Park – demolition of buildings (identified as being at the end of their useful economic lives) and returning the majority of the building footprints to open (green) space with some allowance for the provision of additional off-street car parking.

Council has progressively worked through phases of consultation on the masterplans with a broad group of stakeholders and has engaged architects (Walter Brooke) to develop detailed design plans. In line with Council's administrative and governance protocols, since project inception, project updates have been (and are proposed to continue to be) provided to Council's Community Facilities General Committee on a bi-monthly basis. This Committee is a prescribed General Committee of Council established under section 41 of the LG Act and has provided guidance to the Administration and sought (and gained) the endorsement of Council in regard to various initiatives that have been proposed in relation to the project. In addition to this, recently a Project Advisory Group has been formed with members comprising representatives from the Administration, Ward Councillors and the Chair of the Community Facilities General Committee. The basic function of this newly formed group, which reports to and informs the Community Facilities General Committee, is to predominantly concentrate on "micro" matters relating to the project.

The locations are classified as community land and are currently pre-disposed as sport (with a broad range of various sporting groups), recreation and general community facilities.

A number of leases and licences exist in relation to the existing facilities; these are held by the Goodwood Cricket Club, Guides SA, Scouts SA, Lockleys Football Club, Lockleys Riding Club, Mellor Park Tennis Club, West Beach Soccer Club and West Torrens Baseball Club. Council has consulted with all groups extensively to ensure future on-going contractual arrangements will meet the needs of all parties at the redeveloped facilities (including issues associated with the relocation of some groups).

In December 2016 CWT received a report from Deloitte Access Economics concluding that the proposed Lockleys Oval, Apex Park and Mellor Park redevelopment would provide significant social benefits.⁶

3. Prudential Review Criteria

Section 48 of the LG Act prescribes nine criteria which are to be addressed in a prudential review. Each of the nine criteria is specified below with supporting comments addressing the requirements.

3.1 Relationship between the project with relevant strategic management plans

The strategic management plans of Council relevant to the LOAMP redevelopment are:

- Towards 2025 Community Plan

⁶ The report was titled 'Lockleys Oval, Apex Park and Mellor Park redevelopment Social benefits analysis'. The report was commissioned to support WTC's grant funding proposal and involved extensive consultation with the facilities' expected primary users. Note, the author of this prudential review report, Mr John Comrie, is a part-time casual employee of Deloitte Access Economics (DAE) but had no input into and was unaware of the DAE report until finalising this prudential review. The DAE report has no other specific bearing on the content of the prudential review.

*The City of West Torrens**Lockleys Oval, Apex and Mellor Park Redevelopment – Prudential Report*

- Infrastructure & Asset Management Plan - Buildings
- Long Term Financial Plan (LTFP)
- Strategic Directions Report Vision 2025

Towards 2025 Community Plan

The LOAMP redevelopment is directly related to the following:

Community Focused Aspirations

- Community Life – “A community that embraces diversity”
- Community Life – “Active, healthy and learning communities”
- Natural Environment – “Environmentally sustainable development”
- Natural Environment – “Enhanced natural environment”
- Built Environment – “An attractive and functional open space network”
- City Prosperity – “A vibrant city”

Long Term Strategy

- Facilitate opportunities for people from diverse social backgrounds to come together.

Five Year Strategy:

- Facilitate the use of community facilities as points of social, recreational and educational interaction.

Corporate Focused Aspiration

- Financial Sustainability - Proactive asset management

Long Term Strategy

- Ensure assets are utilised to their optimal capacity and maintained at acceptable standards.

Five Year Strategies:

- Manage Council's assets with consideration to economic, social, cultural and environmental values.
- Prioritise asset renewal plans based on the level of service required, the effectiveness of the current assets and future sustainability.

Infrastructure & Asset Management Plan – Buildings

Council has recognised the importance of strategic asset planning and management. The Building Infrastructure Asset Management Plan presents financial forecasts for two scenarios:

1. Scenario one assumes the expenditure required by Council on maintaining all of its existing building stock, and

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2. Scenario two considers the development of four multi-purpose community facilities including the associated rationalization of properties/buildings.

10 Year Financial Management Plan (LTFP)

The CWT 10 Year Financial Management Plan includes forecast capital expenditure requirements for delivering the 'four quadrants' Multi-Purpose Community Facilities (Community Hubs) identified by the 2006 property review. In this current 2016 iteration of the LTFP the specific funding is directed to the LOAMP redevelopment.

Capital expenditure estimates for the three years (2016/17, 2017/18 and 2018/19) is \$2.5m per annum for a total \$7.5m investment in the LOAMP redevelopment, effectively demonstrating a funding commitment for the development of community hubs consistent with Council's strategic asset and community planning.

Strategic Directions Report – Vision 2025

Council's Strategic Directions Report (SDR) identifies a long term vision for the future development of the City of West Torrens, and is a strategic basis for the recommendations associated with amendments to Council's Development Plan.

The SDR provides strategies aligned to the four community aspirations of the Towards 2025 Community Plan:

1. Community Life
2. Natural Environment
3. Built Environment
4. City Prosperity

The LOAMP redevelopment aligns with:

1. Community Life
 - Social infrastructure which supports healthy, connected and productive communities
 - Encourage community togetherness and connection through the provision of activities and facilities where residents can participate including volunteering.

The 3 sites are listed in Council's Community Land Register and advice from council staff is that this project does not seek to vary the Community Land Management Plan (CLMP), nor is it at odds with Council's current Infrastructure and Asset Management Plans.

3.2 Objectives of the Development Plan in the areas where the project is to occur

The Lockleys Oval, Apex and Mellor Park (LOAMP) redevelopment broadly involves a renewal of existing assets at three locations. This is proposed to be achieved by a combination of new asset construction, upgrading existing assets and rationalising certain existing assets as part of the overall package associated with this re-development.

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The land to be redeveloped is situated at Lockleys Oval, Apex Park and Mellor Park. All locations are classified as community land (with current Community Land Management Plans in place) and are owned by the Council with multiple leasing and licensing arrangements in place with various sporting and community groups.

For the purposes of development assessment the sites are located within the following Council Zones: Mellor Park and Lockleys Oval are in the Residential Zone, Policy Area 21 and Apex Park is within the Open Space Zone and they all currently enjoy existing use rights as recreation areas. The existing use is in accord with Council's Development Plan and the LOAMP redevelopment does not propose to vary the land use.

The merits of the proposal will be assessed against the Council's Development Plan and considered in detail as part of the assessment process following receipt of a development application. The proposal is expected to be subject to approval of a development application by Council's Development Assessment Panel (DAP)⁷.

The assessment will most likely focus on the impact of any new infrastructure (e.g. lighting, fencing, equestrian arena and re-sited ancillary buildings) on the amenity of the nearby residences, which as discussed in Section 3.4 of this report have been extensively consulted to date. The adjacent residents will be further consulted as prescribed by the development application process and the level/type of consultation will vary according to the category of development; e.g. should the proposal be assigned Category 3 status then the public notification will require a newspaper advertisement inviting anyone to make comment as well as direct mail notification to the adjacent landowners.

3.3 Economic development impacts

(The expected contribution of the project to the economic development of the local area, the impact that the project may have on businesses carried on in the proximity and, if appropriate, how the project should be established in a way that ensures fair competition in the market place.)

The project is expected to impact positively on employment and business development opportunities and economic activity in the local area.

Job creation opportunities will arise during project construction when tenders will be let for a range of works associated with the various stages of implementing the LOAMP. Further, Council addressed economic development related matters in its application for external grant funding as follows:

- *The Centre will provide casual employment via the operations of the sports and activities including coaching, umpiring, catering & cleaning. Sports precinct of this size can employ between 20-50 casual staff in such roles.*

⁷ Council's Development Assessment Panel (DAP) is expected to be the relevant decision-making authority but depending on the exact detail of the proposed improvements it is possible that it could instead be considered by the South Australian Development Assessment Commission (DAC). At the time of finalising this report council staff had not sought feedback from the Minister of Planning with regard to determining the relevant authority and also the category of development as it was unclear at this point in time as to the particular form in which the development will be submitted for approval; i.e. as a "Master Plan" (Category 3 development) or as staged works (combination of Category 1 and Category 3 development).

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- *The sports competition and event market will be increased through the development of this facility. Lockleys Oval has already been used for world, national and state events and its further development will enhance opportunities for other significant events.*
- *The Lockleys Oval Redevelopment will provide a unique facility in the local community which will be able to cater for events, functions and competitions not previously possible due to the lack of suitable venues. In providing a regional level facility to host larger sporting tournaments and conferences it will enable the community to generate new business opportunities*
- *Once operational the Centre will also source products from the local community.*
- *The redevelopment is expected to provide an attractor to the region which will assist in retaining and increasing the population in the region.*

Council's existing policies and procedures relating to procurement of goods/services and the awarding of contracts/tenders will be utilised, as is standard practice, to ensure that preferred suppliers are determined through a transparent, fair and competitive process.

3.4 Community consultation

(The level of consultation with the local community, including contact with persons who may be affected by the project and the representations that have been made by them, and the means by which the community can influence or contribute to the project or its outcomes.)

This LOAMP project is a significant undertaking of new asset construction, upgrading existing assets and rationalising certain existing assets. It has identified specific redevelopment opportunities to facilitate optimal outcomes in respect of relocating existing user groups to facilities which ultimately represent a "better fit" and also support built asset rationalization at these 3 respective locations. The land at each location is classified as community land (with respective Community Land Management Plans in place) and is currently pre-disposed to recreational and general community activities.

Community consultation commenced on 18 November 2015 and concluded on 18 December 2015.

Council's consultation strategy was implemented as follows:

- Consultation flyer was letterboxed to 385 residents (18 to 20 November 2015) whose properties are adjacent to (or nearby) the Lockleys Oval and Apex Park sites⁸;
- Promotion of the community consultation on Council's web-site and Twitter feeds (inc. Council's Facebook page); and
- Community "Twilight Information Feedback Session" was held at Lockleys Oval on 1 December 2015.
- Copies of the plans for Apex Park were provided to the City of Charles Sturt (shared border at Apex Park) and to representatives of the Natural Resources Management Board.

⁸ The Lockleys Oval precinct had 305 properties letterboxed in the area bordered by Henley Beach Road to the north, Sir Donald Bradman Drive to the south, the River Torrens Linear Park to the west and the Kooyonga Golf Club to the east. The Apex Park precinct had 80 properties letterboxed in the area east of Apex Park, north of Burbridge Road, west of Tapleys Hill Road and south of the River Torrens Linear Park.

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- Documentation relating to a parallel amenity study (Option 2) for Apex Park was provided concurrently to the consultation via Council's web-site. Hard copies were available at the Civic Centre and the Hamra Centre library.

The Community Facilities General Committee considered a report at the meeting of 22 March 2016 which discussed feedback from the community consultation. This report noted*"that some concerns were expressed in regard to the introduction of additional tennis courts and increased traffic should the Netley Avenue entrance be closed, however these matters are able to be addressed by maintaining an entry point off Netley Avenue and, accordingly, there is no overwhelming or insurmountable reason for the Lockleys Oval Masterplan to not proceed....."*

.....*"Whilst there are a number of concerns raised by the residents living within close proximity to Apex Park, the adoption of Option 2, as provided by consultants Taylor, Cullity and Lethlean (TCL), would appear to satisfactorily address the majority of those concerns and thus appease the majority of residents. As indicated within the body of the report, additional funding and preliminary works would however be required in order to proceed with Option 2....."*

Council subsequently took on board community feedback and made amendments to both Master Plans (Lockleys Oval and Apex Park) at its meeting of 5 April 2016 when it resolved that:

1. *The comments and submissions received from the public in regard to the proposed Masterplans for the northern end of Lockleys Oval and Apex Park be noted.*
2. *The draft Masterplan for the northern end of Lockleys Oval be amended in accordance with the comments and/or suggestions of the Administration contained within the body of this report and further identified as follows:*
 - a) *A new entrance way to the oval be located at the western end of Netley Avenue. The entrance way to initially be used solely for pedestrian access to the oval but have the ability and capacity to be also used as a shared path for both pedestrian and vehicular traffic e.g. in the event of emergencies, during periods of roadworks (which may prevent access to the complex from Rutland Avenue) or should further traffic counts in the vicinity of Lockleys Oval justify its use.*
 - b) *Public consultation occur in relation to the terms and conditions, and prior to the grant of leases or licences to any sporting groups which are anticipated to be located at the northern end of Lockleys Oval as part of the proposed redevelopment of the oval.*
3. *In regard to the draft Masterplan for Apex Park it be amended to:*
 - a) *Relocate the riding arena to the western side of Apex Park as identified in Option 2 of the plan prepared by Taylor, Cullity and Lethlean (TCL);*
 - b) *Relocate ancillary/necessary infrastructure associated with the riding club's use of the park e.g. pens, clubroom facility to the western side of Apex Park proximate/adjacent to the riding arena; and*
 - c) *The Administration proceed with developing Option 2 for Apex Park*
4. *A further report be provided to the Committee upon completion of detailed design works for these projects.*

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In addition to the above, and as previously mentioned (p.4), Council also engaged consultants Deloitte Access Economics to undertake a Social Benefits Analysis study in December 2016 to determine the benefits that were likely to accrue as a result of proceeding with the upgrade of these facilities. This process involved further consultation with existing and proposed lessee/licensee users of the facilities.

Council's consultation to date has been extensive and appears to have been effective in terms of engaging a broad group of stakeholders and its community generally as well as being responsive to emerging issues. Should any additional specific proposals emerge that warrant further community engagement Council will carry out consultation in accordance with the criteria set out in its Public Consultation Policy.

3.5 Revenue projections and potential financial risks

The expected impact of the project on Council's financial position and performance has been assessed in order to evaluate whether proceeding with it will compromise Council's ongoing financial sustainability.

The revenue projections are predicated on the basis that the collective redeveloped LOAMP facilities will generate recurrent operating revenue at similar levels to current day (i.e. pre-development). This is an outcome of the existing contractual arrangements being largely unaltered for the respective user groups.⁹

Table 1 – Revenue Projections for the LOAMP redevelopment (2016 values)¹⁰

	Year 1	Year 2	Year 3	Year 10
Inflows	2016/17	2017/18	2018/19	2025/26
Lease & Licence Fees	4,368	4,368	4,368	4,368
Other revenue				
Total Net Inflows	\$4,368	\$4,368	\$4,368	\$4,368

Table 1 above and Table 2 shows the projected revenue and costs for the 10 year period commencing 2016/17 and for the purposes of financial modelling it is assumed that there will

⁹ Council staff advised that no specific new revenue streams have been identified so this report does not provide for revenue growth in future years and as such it portrays a conservative position. . Nevertheless, Council staff further advised that Council will take the opportunity to review the existing lease arrangements and management structure of the upgraded facilities and that such review **may** result in a variation (increase) to the revenue currently being realised from the existing arrangements.

¹⁰ The revenue and operating cost projections were provided by council staff and are based on Council's forward estimates.

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be no material variation to these amounts.¹¹ As Council advances beyond the re-development works its on-going future management of the three locations will enable more precise revenue and expense projections to be determined; any resultant changes would be updated to future revisions of its LTFP and other strategic management documents.

The LOAMP project budget of \$10.82m has been developed taking account of a capital revenue contribution from the Federal Government (approx. \$3.25m) which will fund a portion of the project; i.e. the balance of \$7.57m being funded by council consistent with the values included in the adopted LTFP¹².

The capital revenue amounts are included in the Table 2 summary; refer to the next section (3.6) of the report.

3.6 Recurrent and whole-of-life costs

The whole of life costs are set out in Table 2 below.¹³ Recurrent and whole-of-life cost estimates comprise maintenance and annual operating expenses, cost of capital based on the project cost estimate (net of external grant funding), depreciation based on replacement costs and an estimate of weighted asset lives¹⁴ and staged capital expenditure less forecast capital revenue across a 10 year period. The operating and maintenance expenses comprise grounds (incl. car parks) and court/pitch maintenance, building maintenance, playground maintenance, rubbish collection, tree maintenance and utilities expenses.

¹¹ The preparation of this Prudential Report is reliant on the data and forecasts (in real values) contained in Council's adopted Long Term Financial Plan (LTFP). The consultant does not undertake to verify the accuracy of the long-term projections in the LTFP but rather, reports upon the impact of this project on Council's financial sustainability.

¹² Advice from council staff indicates that the \$10.82m project is likely to in its current costed form irrespective of whether external grant funding is received or not. The financing of the additional capital expenditure (if the \$3.25m grant application is unsuccessful) would necessitate an update to the values currently included in council's adopted LTFP.

¹³ Forecasts in Tables 1, 2 and 3 are shown in real values. Hence a real cost of capital (say 4%) has been applied rather than a charge based on nominal interest rates (say 6%). Inflation will reduce the real value of nominal interest charges such that they will on average over time equate to the cost estimated here.

¹⁴ Depreciation has been calculated as a result of weighted averaging of the classes of assets which have varying asset lives. For example, the major buildings (with 50 year life cycles) are the highest value asset components of the redevelopment and there are also various different forecast lives for other assets such as ancillary buildings, tennis courts, car parking, landscaping and equipment.

*The City of West Torrens**Lockleys Oval, Apex and Mellor Park Redevelopment – Prudential Report***Table 2 – Cost Projections for LOAMP redevelopment (2016 values)**

	Year 1	Year 2	Year 3	Year 10
	2016/17	2017/18	2018/19	2025/26
Operating and mtce. ¹⁵				
Cost of capital ¹⁶		257,000	303,000	303,000
Depreciation		207,000	303,000	303,000
Capital expenditure ¹⁷	2,126,012	7,532,939	1,161,243	
Capital revenue	(3,246,058)			
Total	(\$1,120,046)	\$7,996,939	\$1,767,243	\$606,000

Table 3 below shows Council's long-term financial plan LTFP forecast accrual accounting operating income, operating expenditure and operating surplus ratio and compares it with the recalculated financial indicators which take account of the proposed \$10.82m project. The financial indicators shown below are based on Council's current adopted LTFP (2016/17 to 2025/26) in the upper section of Table 3. These are compared (in the lower section of Table 3) with the impact on Council's forecast financial indicators as a result of the adjusted expenses to recognise the opportunity cost of capital and also depreciation on a \$10.82m asset¹⁸. The adopted LTFP included an operating impact (net cost) of approx. \$495,000 per annum for the project compared to the estimated adjusted net cost of \$601,000 per annum (recurrent from

¹⁵ Table 2 does not include values for operating and maintenance costs as council staff have advised that the existing agreements require the majority of these expenses to be met by the user groups. In accord with Memorandum of Understanding's (MOU) that the respective parties have entered into it is generally accepted that this practice will continue.

¹⁶ Council's LTFP does not include financing expenses for capital expenditure totalling \$7.5m over three years for the LOAMP redevelopment, rather forecast investment revenue has been adjusted for the proposed drawdown of internal funds; i.e. retained proceeds from other asset sales to fund the capital works. The cost of capital included in the above table represents the opportunity cost to council of investing its own retained funds (from other asset disposals and rationalisations) into the \$10.82m LOAMP redevelopment (and assumes receipt of external grant funding totalling \$3,246,058).

¹⁷ The \$10.82m project has been modelled based on an estimated period of staged works which assumes capital expenditure of \$2.13m in 2016/17, \$7.53m in 2017/18 and \$1.16m in 2018/19. This staging reflects the estimated order of works in that Apex Park is proposed as the 1st stage, Lockleys Oval as the 2nd stage and Mellor Park the 3rd stage. Staff advised that this is the best available basis to estimate the value of staged capital expenditure pending the completion of updated cost estimates and project timing re-assessments which are currently in process.

¹⁸ Council's depreciable assets (which are impacted by the LOAMP redevelopment) at these locations have a combined Current Replacement Value (CRV) of \$7,168,216 at 30 June 2016 and an estimated current depreciation charge of \$200k per annum. The estimated depreciation charge for the redeveloped assets total \$303k approx. so a net increase of approx. \$103k per annum.

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Year 3 onwards) shown in Tables 1 and Table 2; the difference predominantly relates to estimated increased depreciation.

Table 3 – Forecast Impact on Council's Financial Sustainability Indicators (\$'000 in 2016 values)

	Year 1 2016/17	Year 2 2017/18	Year 3 2018/19	Year 10 2025/26
LTFP - adopted¹⁹				
Operating Surplus/(Deficit)	\$10,870	\$10,000	\$10,169	\$11,487
Operating surplus ratio ²⁰	20.9%	19.0%	19.2%	20.5%
Net financial liabilities ratio ²¹	0.9%	7.4%	13.3%	17.0%
LTFP –adjusted for updated LOAMP costs				
Operating Surplus/(Deficit)	\$10,870	\$9,874	\$10,064	\$11,382
Operating surplus ratio	20.9%	18.8%	19.0%	20.3%
Net financial liabilities ratio	-(5.0)%	10.0%	13.6%	17.3%

Council's adopted LTFP is forecasting consistent strong annual operating surpluses for the entire 10 year planning period commencing at \$11m approx. in 2016/17 and increasing to \$15m approx. by 2025/26 (\$121.7m in total based on nominal values). Council is well positioned to meet other community needs and preferences which are likely to emerge over time and the LTFP projections provide a financially sustainable position to support council's future decision making.

Council's adopted LTFP is modelled on assumptions which are considered appropriate although it is acknowledged that these may vary over time as annual revisions take account of

¹⁹ Council's LTFP was prepared in nominal values. Figures shown in this table have been adjusted to real 2016 values to facilitate comparisons between years.

²⁰ The operating surplus ratio measures the operating surplus as a percentage of total operating revenue. Previously the calculation (denominator) was based on total rates revenue and that has been used above (net of NRM levy) The values included in the LTFP are calculated on the basis of net rates revenue and presumably council will re-calculate these based on total operating revenue in future iterations of its LTFP and other related documents.

²¹ The net financial liabilities ratio is calculated by expressing net financial liabilities at the end of a financial year as a percentage of operating revenue for the year.

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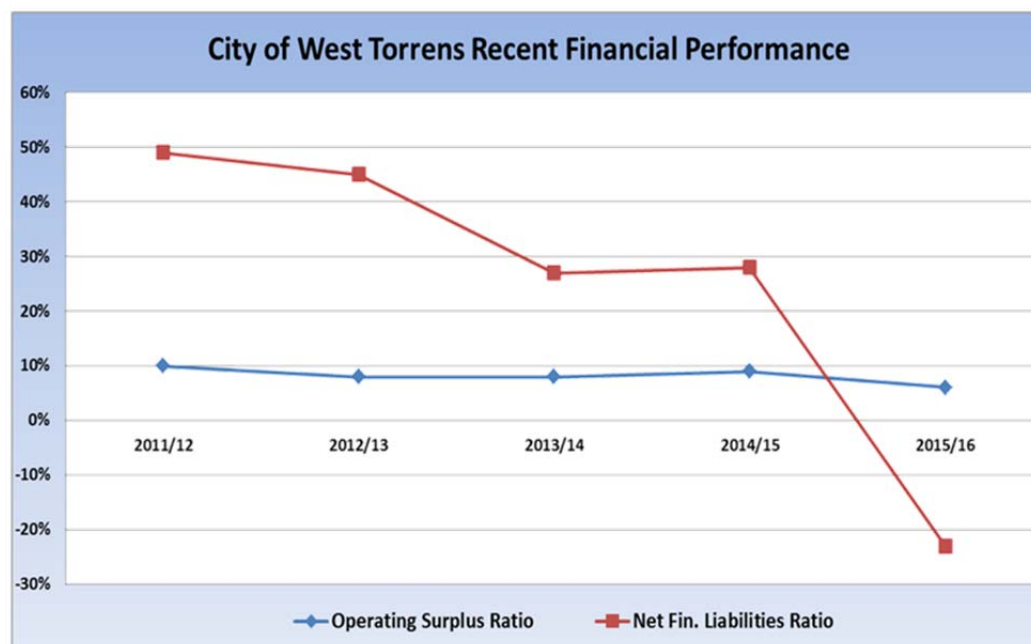
the sale of its St Martins aged care facility to debt reduction in 2015/16. This effectively drove the NFL ratio to a “reverse” liability position as indicated in Graph 1.

Council has identified a future borrowing program of approx. \$45m over the 10 year planning period to fund major capital investment in local drainage infrastructure and also the Brownhill Keswick Creek project. This would result in council's NFL ratio rising to around 17% in 2021/22 and then being maintained at about this level for the latter years of the planning period. Council's previous financial performance and its future forecasts suggest that it would be operating well within manageable parameters assuming future borrowing does not differ greatly from what is currently forecast.

CWT's current and future projected NFL ratio is modest.. LGA guidance material makes it clear that councils with a strong operating result, ongoing growth or capital projects generating significant revenue are likely to comfortably manage with a much higher ratio than 100%.

Table 4 – City of West Torrens Recent Financial Performance

	2009/10	2010/11	2011/12	2012/13	2013/14
	Actual - \$M	Actual - \$M	Actual - \$M	Actual - \$M	Budget - \$M
Op. Surplus/(Deficit)	\$5.3	\$5.3	\$5.8	\$6.8	\$3.5
Operating Surplus ratio	10%	8%	8%	9%	6%
Total Assets	\$576	\$596	\$581	\$593	\$635
NFL ratio	49%	45%	27%	28%	23%
Asset Sustainability ratio	104%	102%	103%	111%	104%

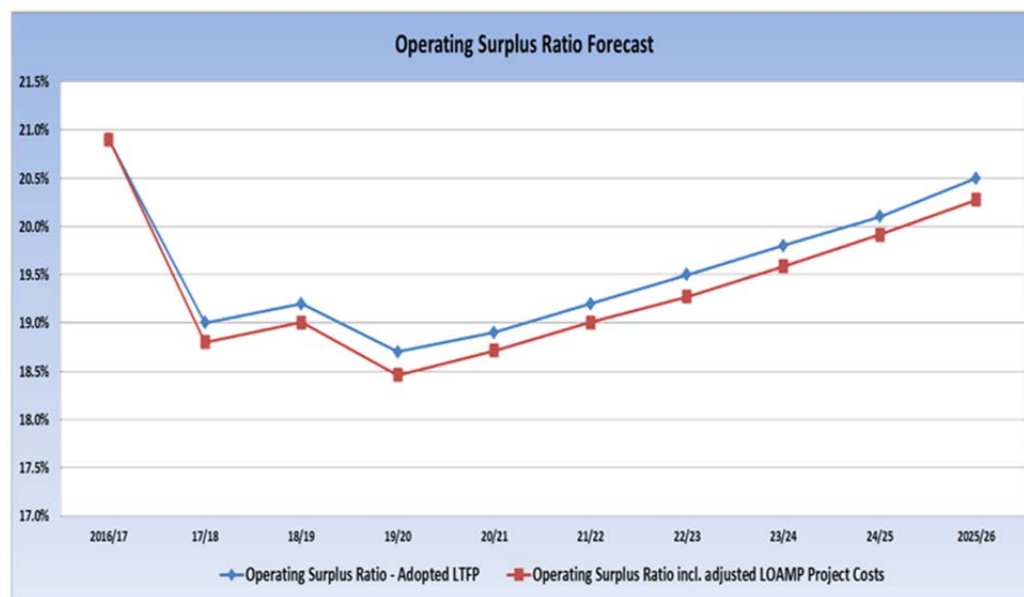
*The City of West Torrens**Lockleys Oval, Apex and Mellor Park Redevelopment – Prudential Report***Graph 1 – City of West Torrens Recent Financial Recent Performance**

Graph 2 below shows Council's forecast Operating Surplus ratio from 2016/17 to 2025/26 as adopted in council's LTFP (i.e. inclusive of a staged \$2.5m per annum LOAMP project over 3 years). It also shows the Operating Surplus ratio adjusted to take account of the cost of capital and the depreciation applicable to a \$10.82m redevelopment project (assuming receipt of grant funding). Additionally, it includes expenditure timings which differ from those adopted in the LTFP (refer to Footnote 16 for description on timing of works).

Whilst the Operating Surplus ratio is marginally reduced as a consequence of the LOAMP project (by approx. 1% per annum) throughout the 10 year planning period this is to be expected and, importantly, it does not compromise Council's forecast financial sustainability.

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Graph 2 – City of West Torrens Forecast Operating Surplus Ratio



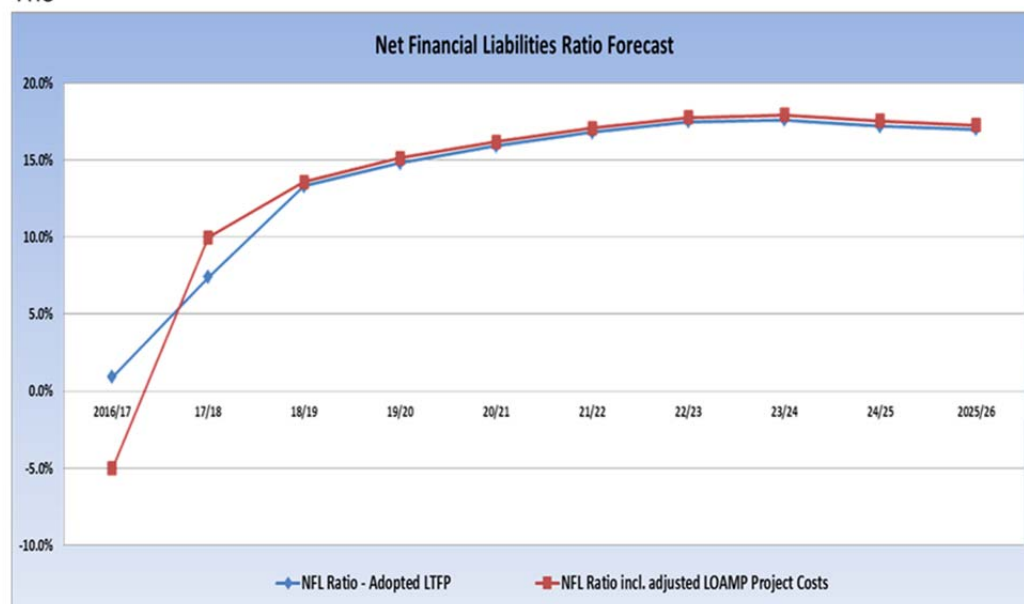
Graph 3 below shows Council's forecast NFL ratio from 2016/17 to 2025/26 as adopted in council's LTFP (i.e. for a staged \$2.5m per annum LOAMP project over 3 years). It also shows the NFL ratio adjusted to take account of the cost of capital of a \$10.82m redevelopment project (assuming receipt of grant funding) and updated expenditure timings which differ from those adopted in the LTFP (refer to Footnote 16 for description on timing of works).

The NFL is essentially unaffected over the long term. The changes in the initial 2 years reflect revised timing of capital expenditure and assume receipt of external grant funding in 2016/17

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Graph 3 – City of West Torrens Forecast Net Financial Liabilities Ratio

The



Council's primary source of revenue is from rates; 86% of total revenue in the 2016/17 Annual Business Plan. The 2014/15 SA Local Government Grants Commission (LGGC) reports showed the average share across all SA councils of operating revenue pertaining to rates was 69% in that year (CWT's was 75% in that year).

Council's overall rate revenue per assessment (all types of assessment included) sits slightly under the state average; in 2014/15 the State average was \$1,684 and CWT's was \$1,658 per assessment on average.

Care needs to be taken in any comparative analysis of rating levels between councils. Average rate revenue per assessment comparisons are not always meaningful. They can be influenced by a variety of factors that can make results misleading. For example the number of very highly valued commercial, industrial or primary production properties varies very widely between councils. Comparing average residential rating levels between councils usually will give a more reliable indication of relative rating effort.²⁴

The LGGC reports recorded CWT's average residential rate in 2014/15 at \$1,111 compared to the state average of \$1,417 and the Adelaide metropolitan average of \$1,409; i.e. it is approx. 79% of the metro average.

Rating decisions must address equity issues and also consider the capacity of ratepayers to pay for the level of services provided. The average income levels, and therefore capacity to pay, of ratepayers in CWT is less than the State average and the greater Adelaide average. The Australian Bureau of Statistics reports that for 2013 the average income of CWT residents (excluding Government pensions and allowances) was \$50,951 which represented 96% of the State average (\$53,020) and 93% of the Greater Adelaide average (\$54,656). Overall, and

²⁴ Approximately 90% of CWT's rateable assessments are classified as residential properties.

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having regard to residents' income levels, CWT may have some capacity to increase rating levels should this prove warranted in future, particularly as current residential ratepayers appear to be enjoying relatively low levels of rates.

The 2005 Financial Sustainability Inquiry highlighted that spending by councils on new additional assets or upgrading existing assets to deliver higher standards of service will result in higher operating costs in future years. These higher costs come about because of additional operating (including depreciation) expenses associated with the new/upgraded assets. Effectively, in order to maintain financial sustainability a council needs to be willing and able to generate additional revenue (or reduce other service levels and costs) whenever it commits to acquiring new or upgraded assets; or to generate off-setting savings from additional efficiency initiatives.²⁵

Spending on asset renewal does not have the same effect on a council's operating result as acquiring new/upgraded assets. There is unlikely to be any material increase in maintenance, operations or depreciation costs from asset renewal; in fact they may fall.

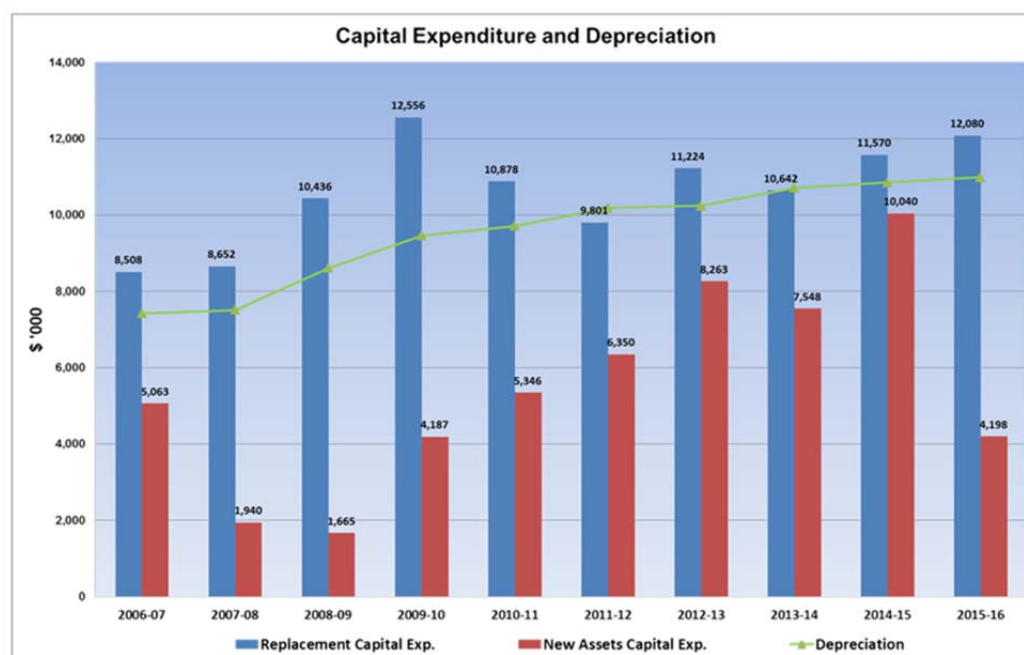
In 2014/15 the LGGC reported that councils in aggregate spent 115% on asset renewal of the amount they spent on new/additional assets (CWT was also at 115% that year) The CWT has averaged at 152% for the 5 previous financial years.

Graph 4 below shows that over recent years the CWT spent more on renewal of existing assets than on acquiring new assets. The amount spent on asset renewal exceeds the depreciation expense incurred over the same period (at approx. 111%). This means that Council has been replacing its current stock of assets at about the same rate at which it has been consuming them. Council's adopted LTFP includes future asset renewal funding levels which are consistent with amounts set out in Council's Asset Management Plans.

²⁵ This is assuming the council doesn't already have a large, ongoing, underlying operating surplus that it is appropriate to run down.

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Graph 4 – City of West Torrens Capital Expenditure on Renewal and New Assets



Having regard to all of the above information and in particular Council's LTFP forecast operating results (noting that ongoing additional demands are likely to continue to emerge) Council is well positioned to maintain its ongoing sustainable financial performance. Maintaining strong financial discipline and focussing on particular issues (as summarised below) will assist in achieving ongoing financial sustainability. Key issues include:

- maintaining annual operating surpluses;
- ensuring additional revenue is generated to offset any new or enhanced services;
- consideration of implementing business models which may divest Council of future operational responsibilities and asset replacement obligations, when appropriate development opportunities arise ; and
- the provision of ongoing budget funding for asset renewal at the level set out in Council's asset management plans.

3.8 Risks associated with the project

(Any risks associated with the project and the steps that can be taken to manage, reduce or eliminate those risks including by the provision of periodic reports to the chief executive officer and to the Council)

Council needs to be satisfied that it could withstand events in future that result in short or longer-term adverse impacts on financial performance. Local governments because of their nature are better able to endure short-term adverse operating situations than private businesses. For example:

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- Over 20% of the operating expenses of all South Australian councils on average arise from the depreciation of long-lived assets (the percentage for CWT was 20% in year 2015/16). It is desirable that sufficient operating revenue be raised on average over time to offset depreciation expenses in order to maintain service levels. It is not essential though that this occur every year if circumstances make this difficult.
- Councils have secure access to short and long-term borrowings at very competitive interest rates if need be.
- Councils have the power to increase rate revenue at any time.

A range of potential risks associated with the project are discussed below. They could be weathered by Council without impact (short or long-term) on the existing service levels provided to its community.

This review has identified the following project risks:

- 1) Cost overruns (CO) – while care has been taken in preparing cost estimates²⁶ for the project there is always the potential that tendered costs for the works will be higher than expected. Capital cost estimates for the project include a design contingency of 5%-6.5%, a construction contingency of 5%-6.5%, builder's preliminaries/supervision of 7-9%, builder's margin/overheads of 3% and professional fees of 8%. No allowance for escalation had been provided in the March 2015 cost estimates but at the time of producing this report Council's consultant architect for the project (Walter Brook) has commenced the development of detailed design plans which, upon completion, will provide Council with revised and more accurate cost estimates.

Council will only have certainty of the project costs once the tender process has been completed and a contract let. Should the tender price exceed the project estimates then increased funding for the project will be required. Similarly, by staging construction it is possible that increased capital expenditure would result as a consequence of, for example, additional cost escalations, duplicated work etc.

For each million dollar increment of (extra) capital expenditure Council's annual operating expenses would increase by approx. \$68,000 (in 2016 values) per annum. Assuming the adjusted cost estimates, once finalised, are not wildly at variance with RLB's "2015 Order of Cost Estimates" the financial modelling indicates that Council would be able to manage the risk of potential cost over-runs. For example cost they are unlikely to materially adversely impact on WTC's projected long-run operating surplus ratio or net financial liabilities ratio.

- 2) Construction delays (CD) – if the project completion was delayed the most significant impact is likely to be on the numerous user groups (sporting and community) which will have planned to recommence their programs around the proposed completion dates for the various stages of the LOAMP redevelopment. Hence there is potential risk associated with managing community and user group expectations. It is essential to pre-plan an appropriate communications strategy to deal with such an event and to also ensure that strong and relevant communications occur throughout the various stages of implementing the project.

²⁶ Order of Cost Estimates totalling \$10,820,194 were prepared by cost consultancy specialists Rider Levett Bucknall (RLB) based on March 2015 values.

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- 3) Maintenance costs of new assets (MNA) – if the estimate of future maintenance costs is too low then the whole-of-life cost increase will be greater than forecast. Any increase in maintenance costs means that Council would face an increased adverse impact on its annual operating result.
- 4) Asset lives of new assets (LNA) – if the actual average useful asset life is less than assumed then depreciation and therefore overall annualised cost increases will be higher than anticipated and those assets may need major maintenance earlier in their lives and need to be renewed earlier. Whilst depreciation represents approximately 50% of expected long-run annual costs (associated with the project) the lives of built and infrastructure assets can be reasonably reliably estimated and it is not expected that any material risk attaches to asset lives.
- 5) Uncertainty of Federal Grant (FG) – Council has received advice in September 2016 indicating that the Federal Government would honour its “pre-election” commitment to support the approval of grant funding totalling \$3,246,058, albeit Council’s submission had been transferred from the NSRF program to the CDG program. Currently, the approval is subject to a successful assessment and Council is in the process of addressing a recent request to provide additional supporting information.

Should the grant funding be approved then the council’s net capital expenditure will total \$7,574,136²⁷. Council’s adopted 10 Year Financial Management Plan includes capital expenditure totaling \$7.5m for these works and this funding is staged across 3 financial years; i.e. \$2.5m per annum in 2016/17, 2017/18 and 2018/19.

Should the grant funding not be approved Council will need to fund the shortfall by external borrowing or by applying additional proceeds (to the extent of \$3.25m) from the sale of other Council assets which have been retained to facilitate the hub development program. The indicative (negative) impact on Council’s operating result would be of the order of \$130,000 per annum in opportunity costs if additional retained funds were available and were applied to supplement grant funding. This would have a minor impact on the key financial sustainability indicators but is considered to be manageable given Council’s current and forecast financial position

- 6) Shared Use Arrangements (SUA) - Multi-user arrangements have been in place to manage shared facilities at the LOAMP locations over many years and council staff advised that it is expected that these would continue into the future. In fact, Council’s consultations and negotiations with the current user-groups was broadly based on developing a set of MOU’s which don’t seek to vary (to any significant extent) the existing conditions of the respective lease and licence holders.

Nevertheless, there are potential risks involved with the management and inter-relationships of both community and sporting groups with diverse interests. Therefore it is very important that such entities successfully satisfy WTC’s goals and governance expectations and that all processes and documentation associated with leasing and licensing:

- meet statutory requirements; and

²⁷ Council staff advised that if the grant funding is not ultimately approved the LOAMP redevelopment will still proceed in its current costed form (i.e. of a \$10.82m project).

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- the user groups are properly and adequately contracted (may be either a lease or a licence) from the outset of their shared occupancy of a redeveloped facility at all LOAMP sites; and
- Council has in place governance arrangements and internal controls to ensure user groups comply with specified obligations and any concerns that arise are promptly addressed.

Council is not proposing to borrow for the LOAMP redevelopment, hence interest rate risk will not apply²⁸. However, it is noted that when council does undertake borrowing to fund similar projects the interest rate risk is not considered to be a significant concern given interest, typically, represents a small part of overall total costs. For example, if nominal interest rates were substantially higher, then inflation almost certainly would be too and real (net of inflation) interest rates are unlikely to increase significantly. If inflation was higher, other costs would be rising at a higher rate too. Nominal increases in rate revenue would presumably be higher too and would likely be sufficient to negate any interest rate increases.

It should be noted that even modest levels of inflation have the impact of reducing the real value of interest expenses and outstanding borrowing liabilities over time. This would mean that reported financial performance over time would improve and Council's projected NFL ratio would fall further if inflation results in an increase in revenue and other costs.

The matrix presented below in Table 5 provides an assessment of the financial risk of the scenarios outlined above. Each of the risks identified in the discussion have been placed in the matrix where they best fit relative to their likelihood of occurring and possible financial consequence. The consequence category financial thresholds have been determined having regard to the magnitude of Council's operating activity plus its ability to raise general rate revenue and loan funds if need be.

As a general guide any assessed risk which falls within the shaded area of the matrix (i.e. "almost certain" to occur and of at least minor consequence, "likely" to occur and of at least moderate consequence or "possible" to occur and of major consequence) requires careful ongoing high level monitoring and management. No risks identified with the LOAMP redevelopment are considered to fit within the matrix's shaded areas. Council's adopted LTFFP indicates capacity to fund the LOAMP redevelopment and the identified risks are able to be managed and mitigated over time.

²⁸ Interest rate risks (when borrowing is undertaken) should be managed in accordance with a soundly based Treasury Management Policy that has regard to a council's particular circumstances. See LGA Financial Sustainability Paper No.15 for further information.

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Table 5 – Assessment of Financial Risk (FR)

Consequence Likelihood of Fin. Risk occurring	Insignificant less than \$6m	Minor between \$6m and \$30m	Moderate between \$30m and \$60m	Major greater than \$60m ²⁹
Almost certain				
Likely				
Possible	CO CD MNA LNA FG SUA			
Unlikely				
Rare				

3.9 Appropriate mechanisms or arrangements for carrying out the project

Council plans to engage suitably qualified contractors identified through an open market tender process. This is an appropriate approach for letting a contract of this nature and Council will determine in time the logistics of how the project is contract managed.

Council should engage professional organisations to provide expert advice as required to ensure future decisions are well informed.

An appropriate mechanism should be established to monitor the progress of the LOAMP redevelopment for the duration of the project. It should also ensure governance matters are properly managed and that clarity for project responsibility exists and is understood. This may be achieved through mandated reporting by a project manager (or a project team or a committee of Council) or it may take another form that best suits the Council. The CWT has chosen to form a Project Advisory Group with membership comprising representatives from the Administration, Ward Councillors and the Chair of the Community Facilities General Committee.

²⁹ Financial thresholds consider the extent to which additional loans (for borrowings associated with a risk event) could be serviced from Council's operating revenue.

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4. Conclusion

By undertaking the Lockleys Oval, Apex and Mellor Park (LOAMP) redevelopment Council will be addressing specific strategic objectives set out in the Towards 2025 Community Plan, the Infrastructure & Asset Management Plan (Buildings) and the Strategic Directions Report Vision 2025. Further, Council's adopted 10 year Financial Management Plan includes staged funding across three financial years (2016/17 to 2018/19) to support the delivery of the strategically-linked redevelopment projects.

Thorough consultation has been undertaken (always at least in accordance with Council's consultation policy specifications and legislative requirements) and the value of community representations has helped inform the project's proposed design specifications and objectives.

This prudential review has tested the reasonableness of the assumptions plus the economic and financial analysis underpinning the proposal and found them to be appropriate for a staged investment in long-lived community infrastructure assets.

The financial risk associated with the project can be managed by Council without impact (short or long-term) on the existing other service levels provided to its community. The project will not provide net financial benefits for Council although it is noted that the asset rationalisation components will have a positive impact on the containment of future recurrent operating costs. The LOAMP redevelopment will have a minor adverse impact on Council's financial sustainability indicators; the financial modelling indicates this is manageable and that projected results would still be strong.

Council's financial performance over the next 10 years is forecast to provide ongoing annual operating surpluses. The CWT is forecasting a strengthened financial position over the planning period and has the capacity to fund the proposed LOAMP redevelopment and also generate more revenue if need be.

Major development projects bring associated construction and project management risks which will require high level systems and processes to be employed over the duration of the project to ensure these risk elements are managed and mitigated as warranted.

Governance arrangements have been established to ensure both the progress of the project and the performance aspects of the redevelopment contracts are monitored and reported in a timely manner through the Project Advisory Group.

Nothing has been identified in this prudential review to suggest that CWT hasn't put in place sound and appropriate financial and governance systems and processes or doesn't have the financial and governance capacity to successfully manage the LOAMP redevelopment.

Council has had appropriate regard to all prudential requirements specified in the LG Act in determining whether to proceed with this project. No issues have been identified in the review that would suggest that Council should not proceed with the project.

11.7 Development Assessment Panel Annual Report 2016

Brief

To provide Council with information on the activities of, and feedback from, the Development Assessment Panel.

RECOMMENDATION

The Committee recommends to Council that the Development Assessment Panel Annual Report be received.

Introduction

Section 56A(2)(b) of the *Development Act 1993*, provides opportunity for the Development Assessment Panel (DAP) to report to Council regarding "... trends, issues and other matters relating to planning or development that have become apparent or arisen through its assessment of applications under this Act".

The City of West Torrens DAP Terms of Reference (1 November 2016) stipulate:

"The DAP shall report to Council at least once per year, detailing issues for consideration by the Council. The report shall include advice on trends, issues and other matters relating to planning or development that have become apparent or arisen through the DAP's assessment of applications under the Act."

The following report contains a summary of the activity of the DAP in 2016 as well as feedback from DAP members with regard to trends, issues and other matters relating to planning or development that have become apparent or arisen through its assessment of applications.

Discussion

The 2016 calendar year was the second half of the Development Assessment Panel's two year term. The panel comprised:

Independent Presiding Member (1 Jan - 31 Jul)	Michael Doherty
Independent Presiding Member (31 Jul - 31 Dec)	Colleen Dunn
Independent Member (1 Jan - 31 Jul)	Colleen Dunn
Independent Member	Wayne Stokes
Independent Member	Jane Strange
Elected Member	Kym McKay
Elected Member	Graham Nitschke
Elected Member	Tony Polito

Statistical Data for 2016

Number of Panel meetings held - 12

Panel Members attendance record:

Member	Attended	Apologised
Michael Doherty	7	-
Colleen Dunn	11	1
Jane Strange	9	3
Wayne Stokes	12	-
Kym McKay	8	4
Graham Nitschke	12	-
Tony Polito	12	-

Number of development application reports received by the Panel:

- A total of 1,633 development applications were received by the Council in 2016, with 141 of those applications considered by the Panel.
- This equates to a total of 8.6%* of the total applications lodged with the Council for 2016 (0.4%* decrease over 2015).
- Break down of decisions:

Approved	107
Refused	34

- Compromise Plans associated with appeals were presented to the DAP on fourteen occasions.
- The DAP agreed with 87% of the Administration's recommendations.

Types of Development:

Land Divisions	60
Dwellings/additions	50
Combined Land Division and Built Form	8
Signage	7
Commercial/Industrial	5
Outbuildings	8
Tree removals	3

Appeals to the Environment Resources & Development Court:

- Two appeals against Panel decisions were decided by ERD Court hearing in 2016, both upheld the DAP's decision.
- Three appeals were lodged with the Court and subsequently withdrawn.
- Twelve appeals were finalised through compromise plans being deemed acceptable by the DAP.
- Five appeals remained outstanding as at 31 December 2016.

Feedback to the Council from individual DAP members regarding trends, issues and other matters.

With the substantially higher dwelling densities being envisaged by the Development Plan in some locations, the DAP is concerned that Council's current waste collection policy is not keeping up with the changes that the City is facing.

With the substantially higher dwelling densities being envisaged by the Development Plan in some locations, Council's ability to accommodate on street parking is substantially reducing. The traditional expectation of each dwelling having an on-street car park in front of their dwelling is becoming completely unfeasible in some areas and the DAP is concerned that Council's current on-street car parking policy and permit system is not keeping up with the changes that the City is facing.

Prior to the consolidation of the Housing Diversity DPA the Development Plan had allotment/site area size dispensations for supported accommodation and housing for seniors, the DAP is concerned that the current minimum allotment sizes in many Residential Policy Areas mean that those areas are not able to cater for supported accommodation and housing for seniors resulting in those members of the community being forced to seek accommodation elsewhere. The Panel recommends that this issue be revisited in the Housing Diversity DPA review.

The State Government has flagged that the transition to the new development assessment panels will commence 1 July 2017 with the first action being the reduction of Elected Members' on the Panel. The Panel recommends that when Council determines who their representative will be on the Panel, they also consider appointing a proxy to try and ensure that there is always an Elected Member presence at these meetings.

There are a few areas in the Development Plan that relate to building design but lack sufficient detail for the Panel to be confident about applying them, they should be reviewed, these policies include:

- The impact of bulk and scale upon adjoining amenity and how it should be dealt with
- The reference to "highly varied streetscape" in some Desired Character statements; suggests that should the proposed development not meet the "highly varied" criteria they should not be supported;
- Some Residential Policy Area Desired Character statements are completely devoid of streetscape character reference providing the Panel with no guidance about what Council wants these street to look like.

Conclusion

The Development Assessment Panel (DAP) has endeavoured at all times to assist applicants, persons making representations, and the general public understand the decision making process and how the final outcomes were arrived at.

The DAP expresses its appreciation to Elected Members, the Chief Executive Officer and staff of the City of West Torrens for their support and assistance.

Attachments

Nil

11.8 Urban Services Activities Report

Brief

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

RECOMMENDATION

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

Discussion

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

Special Project Work	
New Drainage System - Lockleys Catchment May Terrace Stage 3	Some minor finishing works and the connection of the drainage to the northern end of the street are continuing through the early part of 2017.
New Drainage System - Lockleys Catchment Henley Beach Road Crossings Stage 4a	Updated arrangements with the Civil Contractor, suppliers and service authorities will now see the main works associated with this project commence in late April 2017, with some advance SA Water alteration works having already been undertaken.
New Drainage System - Lockleys Catchment Henley Beach Road Crossings Stage 4b	Tender documentation for the civil works associated with this project have been completed and tender of the works is anticipated to commence during April 2017.
Stormwater Management Plan	Works are continuing on this project.
Henley Street, Mile End - Stormwater Drainage	Works are progressing to schedule on this project and is currently anticipated to be completed by mid-April 2017.
West Beach Drainage System - Flood Wall	Joint sealing maintenance works associated with this project are continuing. Council has also commenced a joint investigation with Adelaide Airport Limited (AAL) in relation to the flow performance of the drainage line downstream of West Beach Road, through Remnant Patawalonga Creek, on land which is under the control and maintenance of AAL.
George Street, Thebarton	Design detailing for both the new stormwater drainage and the road reconstruction are nearing completion.

River Torrens Linear Park, (Pedestrian Light Project)	<p>The project has been awarded for the River Torrens Linear Park Pedestrian Lighting Project on the next stages (6 and 7) of pedestrian lighting for the 2016/17 program of works, from Henley Beach Road to Tapleys Hill Road, Lockleys / Fulham, for both sides of the river.</p> <p>The projects have commenced and are scheduled to be completed in May / June 2017.</p>
Westside Bikeway, Moss Ave - Pedestrian Lighting	<p>The project has been awarded for the 2016/17 stage of pedestrian lighting on the Westside Bikeway, from Barwell Ave to Richmond Road, Marleston.</p> <p>The project has commenced and is scheduled to be completed in May / June 2017.</p>
Coast Watchers Reserve - Pedestrian Lighting	<p>The project has been awarded for the upgrade of the pedestrian lighting on Coast Watchers Reserve on the pathway from Henley Beach Road to Ashburn Avenue, Fulham. The project has commenced in March and is to be completed by May / June 2017.</p>

Capital Works

Road Reconstruction Works	<p>The following is an update on roadworks occurring in our City:</p> <p>2015/16 Program</p> <ul style="list-style-type: none"> - West Beach Road - detailed concept design works are completed and the Administration are continuing to work with the City of Charles Sturt to identify funding opportunities. - Norma Street, Mile End - Reconstruction complete. Minor ancillary works are being organised. - Military Road, West Beach - Revised design to be considered, including bicycle lanes. - Tennyson Street, Kurralta Park - Reconstruction complete; defects list to be completed. <p>2016/17 Program</p> <ul style="list-style-type: none"> - North Parade (Clifford St to Stephens Ave) - Kerbing complete, balance works to be completed by April (during next school holidays) - Birdwood Tce (Keith Ave to Murdoch Ave) - Construction works are ongoing - Beauchamp St (Barwell Ave to User Ch 130) - Design and documentation complete and works to be scheduled. <p>Design and documentation are currently being undertaken for the following roads:</p> <ul style="list-style-type: none"> - Aldridge Tce (Richmond Rd to St Anton St) - Mortimer St (Gray St to Grassmere St) - George St (South Rd to Dew Street) - consultation done and detailed design ongoing. - West Thebarton Road / Phillips Street - consultation done and detailed design ongoing. <p>Pavement designs have been completed for the above list of roads.</p>
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Undergrounding of Power West Thebarton Rd / Phillips St, Thebarton	Power pole and cabling works are ongoing. SA Power Networks (SAPN) have finalised replacement of contractors to complete the civil works for undergrounding the power lines. Due to contractual issues with the original civil contractor, SAPN have now advised that the completion date for the project would be June 2017.
Road Rejuvenation Program for 2016/2017	There are currently 69 roads scheduled for the 2016/2017 program. Works are currently underway.
Kerb & Watertable and Road Reseal Program for 2016/17	<p>The following is a list of the streets allocated for kerb and watertable works in 2016/17. The streets have been divided into six (6) stages of equal duration.</p> <p>Stage 1: program of works are underway.</p> <ul style="list-style-type: none"> - Alexander Av - (Marleston Av to Day Av) - To be scheduled - Clifton St - (Stonehouse Av to Carlton Rd) - Complete - Cromer St - (Bourlang Av to Patricia Av) - To be scheduled - Patricia Av - (Clifton St to Cromer St) - To be scheduled - Patricia Av - (Cromer St to Whelan Av) - To be scheduled - Warwick Av - (Daphne St to Cross Tce) - In progress - Coulter St - (Allchurch Av to Galway Av) - In progress - Mackay Av - (Edward Davies St to Laverack Rd) - Complete - Mackay Av - (Mackay Av to Mackay Av) - Complete - Park Tce - (Allchurch Av to Talbot Av) - Complete - Talbot Av - (Marion Rd to Wyatt St) - Complete - Talbot Av - (Packard St to Park Tce) - Complete - Talbot Av - (Park Ter to Birdwood Tce) - Complete - Talbot Av - (Wyatt St to Packard St) - Complete <p>Stage 2: program of works are underway.</p> <ul style="list-style-type: none"> - Somerset Av - (Davenport Tce to Sir Donald Bradman Dr) - To be scheduled - Verran Av - (Sir Donald Bradman Dr to Davenport Tce) - To be scheduled - Albert St - (Milner Rd to Martin Av) - To be scheduled - Arthur St - (Arthur Street to Shaw Av) - In progress - Arthur St - (Brooker Tce to Arthur Street) - In progress - Davenport Tce - (Martin Av to Milner Rd) - To be scheduled - Davenport Tce - (South Rd to Martin Av) - To be scheduled - Lucas St - (Bartholomew St to Chambers Av) - Complete - Lucas St - (Marion Rd to Sanders St) - Complete - Lucas St - (Sanders St to Bartholomew St) - Complete <p>Stage 3: program of works are yet to be commenced.</p> <ul style="list-style-type: none"> - Mallen St - (Sir Donald Bradman Dr to Burt Av) - Darebin St - (Ebor Av to Falcon Av) - Ebor Av - (Tarragon St to Cowra St) - Lurline St - (Bagot Av to Ebor Av) - Norma St - (South Rd to Falcon Av) - Victoria St - (Henley Beach Rd to Hughes St)

Stage 4: program of works are underway.

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

Stage 5: program of works are yet to be commenced.

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

Stage 6: program of works are yet to be commenced.

- Fitch Rd - 3900 (Halsey Rd to Good St)
 - Good St - 4330 (Good St to Good St)
 - Hadley St - 4540 (Ashburn Av to Henley Beach Rd)
 - Halsey Rd - 4560 (Halsey Rd to City Boundary)
 - Halsey Rd - 4560 (Halsey Rd to End)
 - Huntington Av - 4990 (Ayton Av to La Jolla Ave)
 - Huntington Av - (Henley Beach Rd to Ayton Av)
 - Huntington Av - (La Jolla Ave to Riverside Dr)
 - Layton St - (Henley Beach Rd to Ashburn Av)
 - Raikoff Ct - (Kandy St to End)
 - Samuel St - (Mackirdy St to Weetunga St)
 - Sherwin Ct - (Henley Beach Rd to Henley Beach Rd)
 - Susan St - (Ayton Av to Henley Beach Rd)
 - Warramunga St - (Halsey Rd to End)
 - Burbridge Rd (Service Road) - (Davis St to City Boundary)
-

	<ul style="list-style-type: none"> - Charles Veale Dr - (Mountbatten Gv to Tapleys Hill Rd) - Charles Veale Dr - (Windsor Ter to Mountbatten Gv) - Toledo Av - (Property #27 to Swan Av) - Toledo Av - (Swan Av to Property #36)
Footpath Program 2016/17	<p>The following is a list of the streets allocated for footpath works in 2016/17:</p> <p>Renewal Footpath Program:</p> <ul style="list-style-type: none"> - Ballantyne Street (Lowe Street to South Road) - Henley Beach Road (Lisa Court to Tapleys Hill Road) - Tapleys Hill Road (Henley Beach Road to City Boundary) - Darebin Street (Falcon Avenue to South Road) - Complete - King Street (Claremont Street to South Road) - Complete - King Street (Victoria Street to Claremont Street) - Complete <p>New Footpath Program:</p> <ul style="list-style-type: none"> - Horsley Street (Frontage Road to Durham Avenue) Wider resident consultation for this proposal will be undertaken in March 2017. - Reese Avenue (Deacon Ave to Kingston Ave) - Complete - Eringa Avenue (Fulham Park Drive to End) - Hayward Avenue Extension (End to Ashwin Parade) - Neptune Crescent (Ingerson Street to End) - Orana Avenue (Iluka Street to City Boundary) - Rostrata Street (End to Willingale Avenue) - Wakefield Place (Bedford Street to End) - Complete - Willingale Avenue (Henley Beach Road to Rostrata Street) - Willingale Avenue (Rostrata Street to Acacia Avenue) - Walter Street (Ralph Street to Trennery Street) - Complete
Bicycle Management Schemes	Detailed design plans and documentation are nearing completion for the shared use path installation along Beare Avenue, north of Watson Avenue.
Playground Upgrade 2016/2017	<p>The following is an update on the program of works:</p> <ul style="list-style-type: none"> - Memorial Gardens, Hilton - Draft concept plans have been finalised. Detailed design has commenced. - Kesmond Reserve, Surrey Rd, Keswick - Playground works are completed. Currently additional improvements works are underway to upgrade the reserve area. - Camden Oval, playground by bowling / tennis club - Completed. - Lyons Street Reserve, Brooklyn Park - Works scheduled to commence in April 2017. - Joe Wells Reserve, Netley - Concepts plans are underway, with the Netley Kindergarten. - Kings Reserve, Torrensville - Draft concept plans have commenced together with the developments of the site master plan for the Kings Reserve. Project will include the expansion of the existing skate bowl and development of a larger playground facility aimed at older children.

Reserve Irrigation Upgrades 2016/17	<p>The following is a status update on the current program of works:</p> <ul style="list-style-type: none"> – Carolyn Reserve, Fulham - Irrigation works are completed, with additional reserve improvements continuing. Further planting is also scheduled for May / June 2017. – Kings Reserve, Torrensville (staged project) - In progress – Richmond Oval, Richmond - Complete – Golflands Reserve (western section), Glenelg North - irrigation works are completed, with additional reserve improvements continuing. – Tyson Avenue (wide verge area), Ashford - Complete
Parking and Traffic Management	
Torrensville/Thebarton LATM	<p>Detailed development of the projects is continuing. Projects anticipated this financial year are:</p> <ul style="list-style-type: none"> • North Parade and Wainhouse Street kerb extension • North Parade and Shipster Street kerb extension • Ashwin Parade and Hardys Road intersection realignment • Hardys Road and Ashley Street roundabout (Black Spot funding received - \$79,950). Pavement design and service depthening ongoing • Ashley Street bus closure relocation to be incorporated with concept plan to be developed for Ashley Street between Holbrooks Road and Hayward Avenue. • Maria Street slowpoints • George Street and Albert Street intersection • Concept plan development for Ashley Street (between Holbrooks Rd and Hayward Avenue) <p>Consultation with those properties directly affected will commence shortly.</p>
Novar Gardens/Camden Park LATM	A community issues paper is being prepared to begin development of this area. Turning movement counts have been undertaken. Working Party meeting soon to be convened.
Richmond/Mile End LATM	Baseline traffic data is currently being collected.
Bus Stop DDA compliance program	Works on 2016/17 program are in progress.
Cowandilla Primary School & Jenkins Street precinct	Conceptual design of children crossing changes has been developed. The Administration has met with the school governing council to review the concept design. Consultation is to commence within the local area.
Property and Facility Services	
Weigall Oval	Business case completed and ancillary documentation collated for grant application (SGLIP Grant). Continued progress of Stage 1 documentation.
Lockleys Oval Masterplan	Update report presented to the Community Facilities Committee held on 28 March 2017.

Apex Park Masterplan	Ongoing meetings with consultants in regard to detailed design plans. Update report presented to the Community Facilities Committee held on 28 March 2017.
Camden Oval Masterplan	Architect engaged. Meetings with all current user groups at Camden Oval to advise of engagement of architect, likely project timeframe, need to consider alternative facilities for training and competition during project delivery, confirm contact protocols, Building room data sheets provided to West Torrens Birkalla and PHOS Camden Football clubs for completion. Update report presented to the Community Facilities Committee held on 28 March 2017.
Cummins House	State Government (DPTI) have been advised of Council's resolution. Negotiations to commence with DPTI. Further letter sent to DPTI on 28 March 2017.
Torrensville Bowling Club	Commenced discussions with Club in regards to grant of a long term lease.
Craig St road closures	No response from adjoining owners in regards to possible purchase of portion of roadway by required expiry date. Consultants engaged to undertake road closure process.
Thebarton Theatre Complex - Fire Safety	The final two stages (Stages 3 & 4) of the fire building and compliance works for the theatre have commenced on site. The project is expected to continue until July 2017.
Star Theatre Complex	The works program for Stage 1 have been finalised in consultation with the tenant and a detailed design is underway. The program of works will be delivered to ensure minimal impact on the Theatre's schedule of events in 2017.
Camden Community Hall	The Administration has arranged the works to be undertaken in March / April 2017 for the replacement of an existing roof-mounted air-conditioning system with a wall-mounted (evaporative) system, along with replacement of the existing roof sheeting on the hall.
Thebarton Community Centre	<p>The Administration is currently working with various building consultants to address the matters raised within the draft paper presented to Elected Members at the Thebarton Community Centre Workshop held on 27 September 2016.</p> <p>An update report was provided to Elected Members' at the Community Facilities Committee meeting held on 28 March 2017.</p>

Civil and General Maintenance

Monthly Update	Concrete, Block Paver & Asphalt Footpath/Dr Crossover		103m2
	Kerbing & water table / Invert		42m
	Road Repairs		16m2
	Line marking		1,430m
	Graffiti Removal	Council property	9 locations (81m2)
		Private property	36 locations (269m2)
		Bus stops	5 location (18m2)
	Signage	Regulatory	72
		Street nameplates	4

Drainage and Cleansing Services

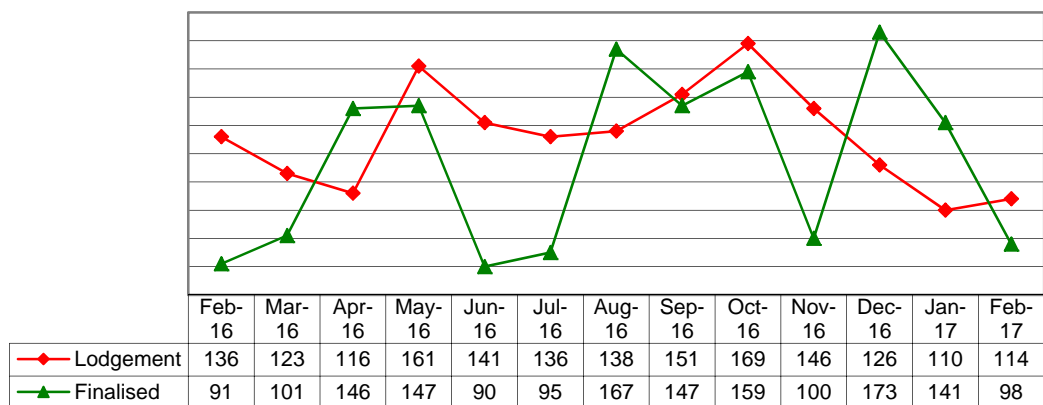
Monthly Update	Pump Station inspections	Chippendale	Completed
		Shannon	Completed
		Riverway	Completed
		West Beach	Completed
		Duncan - Laneway (Lockleys)	Completed
	Illegal rubbish dumping		5.7t
	Road Sweepers		120t

Horticulture Services

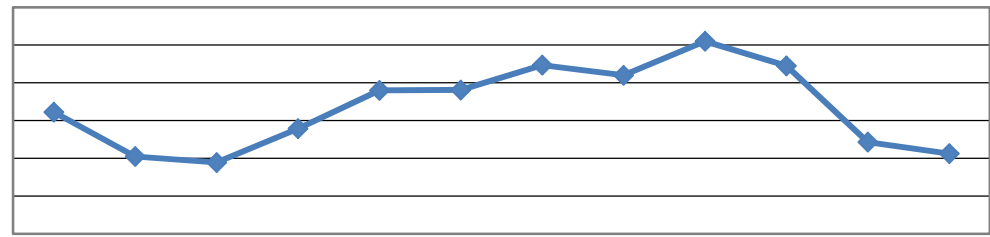
Monthly Update	Trees Pruned		797
	Removals		22
	Weed Control (Reserves, Verges, Traffic Islands)		35,047L

Development Assessment

Development Applications



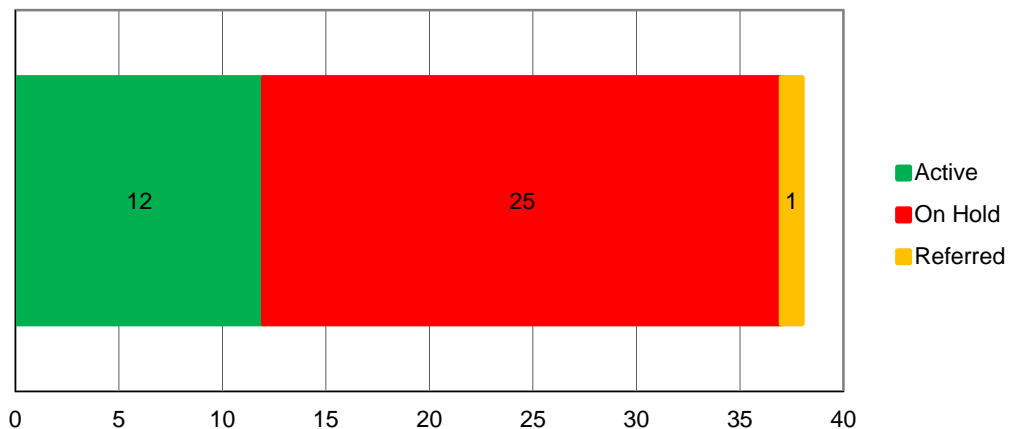
Active files - Development Approval



	Mar-16	Apr-16	May-16	Jun-16	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17
Series1	365	341	338	356	376	376	389	384	402	389	349	343

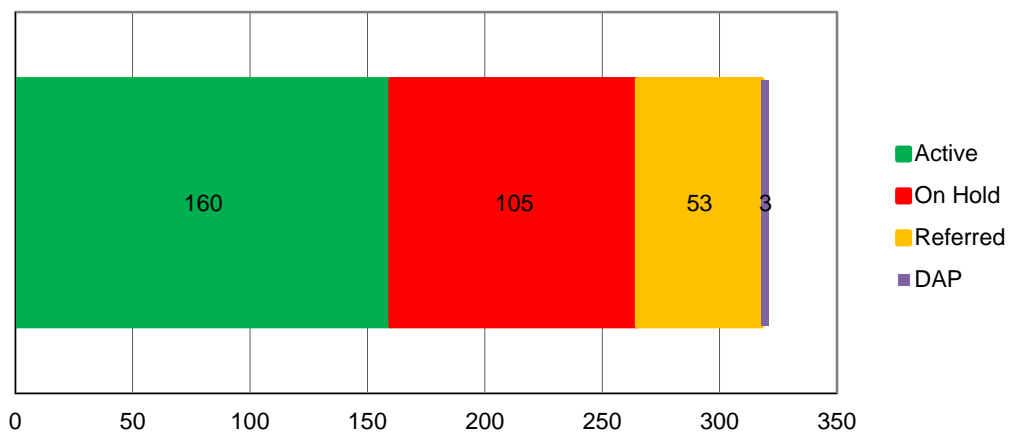
Active files shows all development applications that have been lodged with Council but are yet to receive a decision, it includes applications for Development Plan Consent, Building Rules Consent and Land Division Consent.

Current Applications - Building Rules Consent

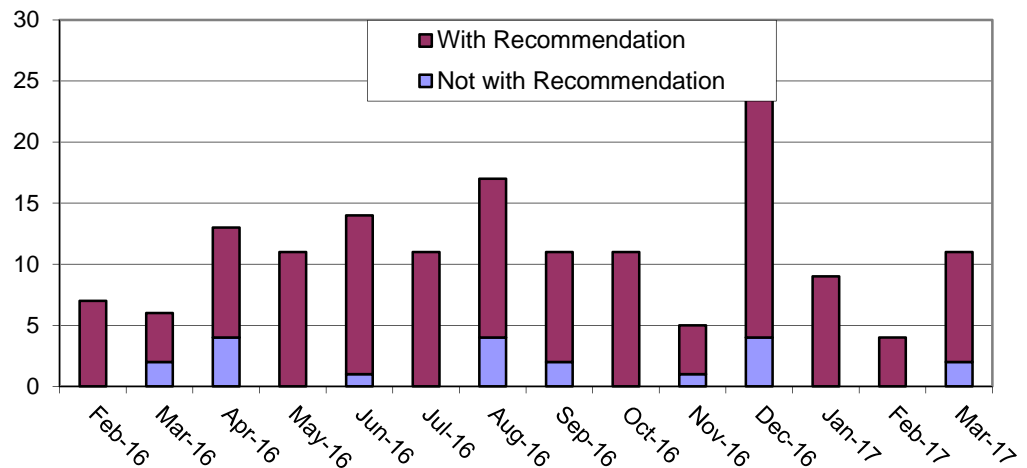
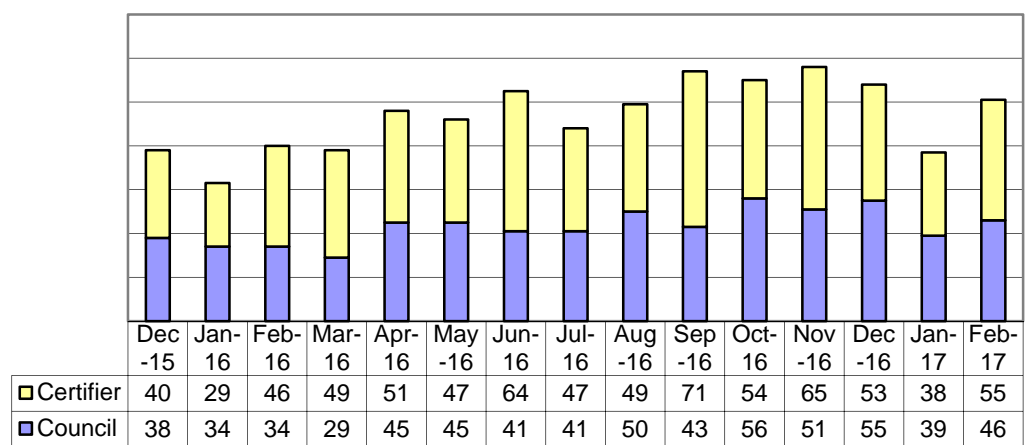


Building Rules Consent, is the process where applications are assessed against the Building Code of Australia (BCA), not all applications are assessed against the BCA (e.g. land divisions, tree removals) and some are only assessed against the BCA.

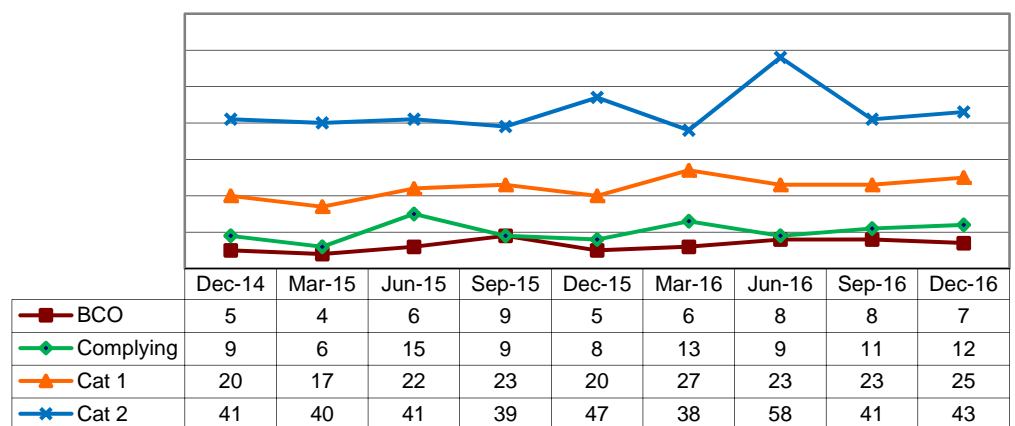
Current Applications - Development Plan Consent



Development Plan Consent, is the process where applications are assessed against the City of West Torrens Development Plan (DP) not all applications are assessed against the DP (e.g. Residential Code and Building Rules only) and some are only assessed against the DP (eg land divisions, tree removals).

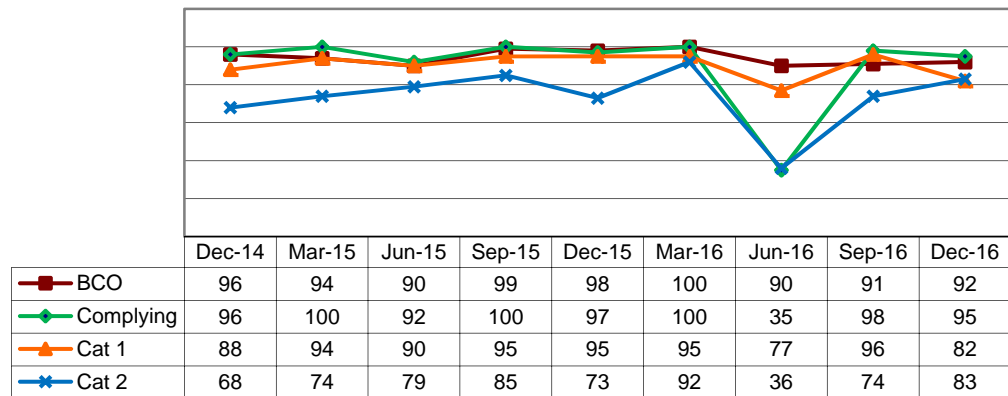
Development
Assessment
Panel DecisionBuilding Rules
Consent issued

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

Median
Assessment
Timeframes

*Maximum Statutory Timeframes are as follows:
 Building Code Only (BCO) - 20 days
 Complying - 30 days
 Category 1 - 60 days
 Category 2 - 60 days*

Percentage of DAs that met Statutory Timeframes



Maximum Statutory Timeframes are as follows:

Building Code Only (BCO) - 20 days

Complying - 30 days

Category 1 - 60 days

Category 2 - 60 days

Compliance

Month/Year	No of Actions Received	Actions Resolved within the month	Actions Resolved from previous months	Total Ongoing Actions	Section 84 Issued	Section 69 Issued	New Actions with ERD Court	Resolved Actions with ERD Court	Total ongoing Actions with ERD Court	Section 51 Clearances
Feb 16	16	9	21	104	4	1	1	-	1	18
Mar 16	15	7	17	95	-	-	1	-	2	14
Apr 16	20	9	21	85	5	-	-	-	2	8
May 16	17	7	21	74	2	-	1	-	3	8
Jun 16	16	9	3	78	3	-	-	-	3	9
Jul 16	16	13	14	67	-	-	-	-	3	8
Aug 16	16	8	19	56	-	-	-	-	3	14
Sep 16	19	19	12	44	-	-	-	-	3	6
Oct 16	16	13	1	46	-	-	-	-	3	8
Nov 16	20	16	7	43	1	-	-	-	3	13
Dec 16	16	8	0	51	3	-	-	1	2	9
Jan 17	19	14	0	56	1	-	-	-	2	11
Feb 17	11	7	0	60	-	-	-	-	2	5

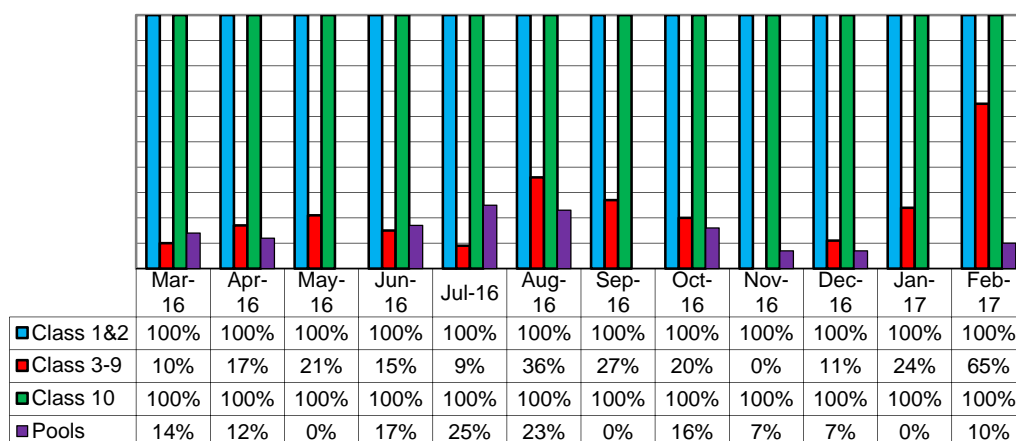
Compliance actions include investigating potential use of properties for activities that haven't been approved, buildings being constructed without the required approvals, checking of older buildings that may be becoming structurally unsound.

Sec 84 notices are the first stage of prosecution for unapproved development.

Sec 69 notices are the first stage of prosecution for unsafe buildings.

Sec 51 clearances, refers to the final check of properties with approval to subdivide, this is where we give the all clear for new Certificates of Title to be issued.

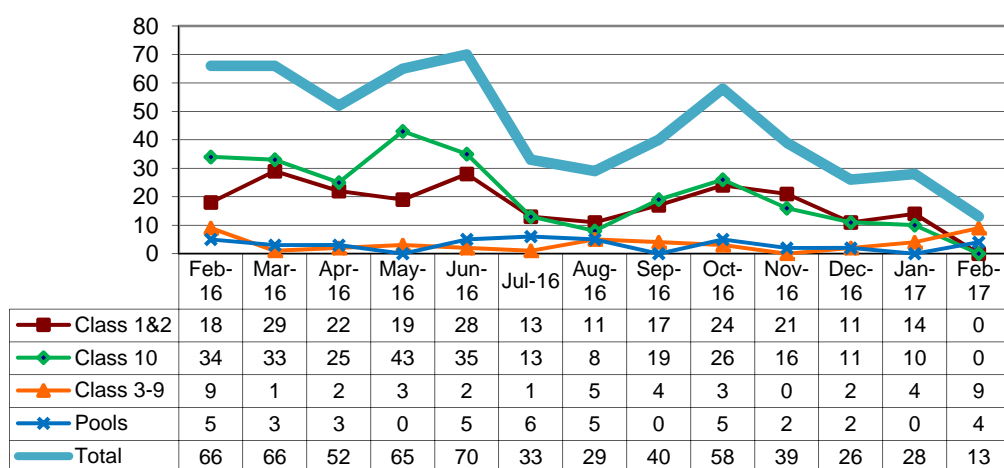
Building Inspections



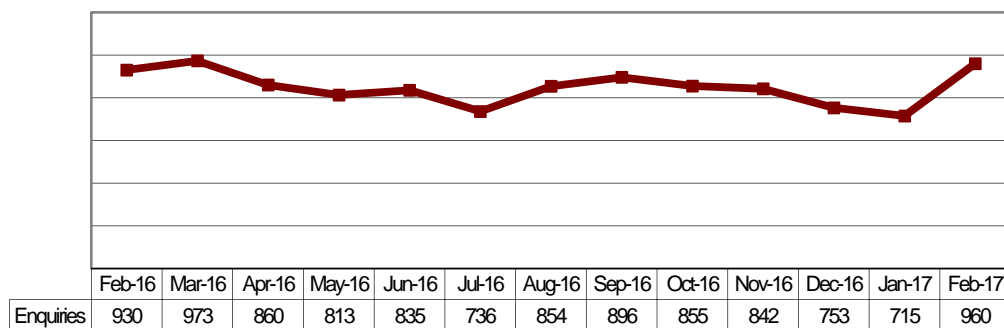
The Development Act and Council's Building Inspection Policy requires that a minimum number of approved buildings are inspected for compliance with their associated Development Approval documentation. In addition there is a requirement to undertake a pool safety inspection upon all swimming pools approved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

NOTE: Only successful inspections are recorded, failed inspections are listed for re-inspection

Actual Satisfactory Building Inspections Undertaken



ePathway Development Application Enquiries

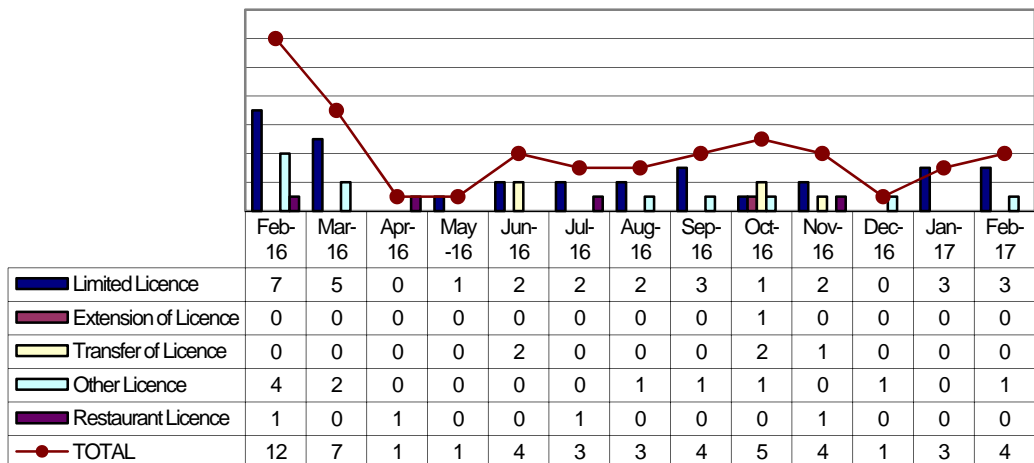


Since 2011, people have been able to check the progress of their own development applications or check the history of development applications on an allotment via the internet on Council's website.

Since 2013, the department has been adding historic applications to this system with the aim of creating a database where all of the area's application history can be accessed electronically; we expect this project to be completed by mid-2017.

Liquor Licence

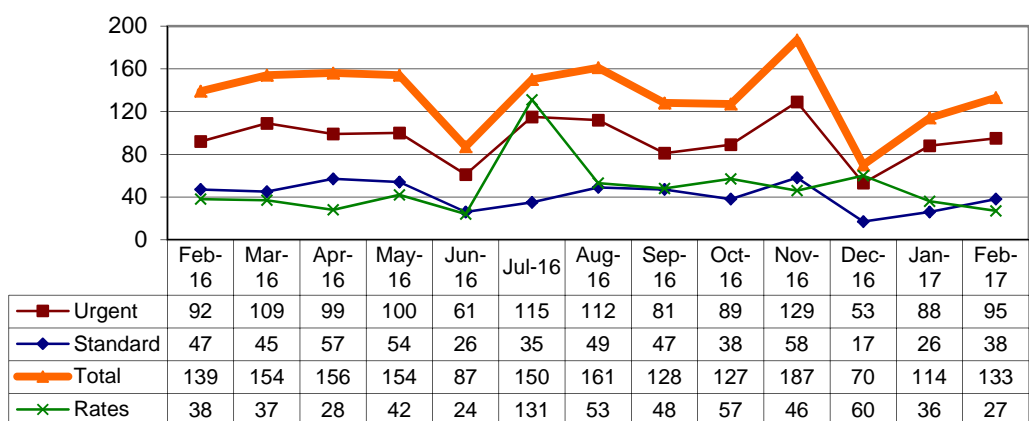
Licence Applications



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

Section 12 Searches

Section 12 Searches



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

Attachments

Nil

12 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 Governance Committee held on 7 March 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 GOVERNANCE REPORTS

11.1 Kurna Native Title Claim Update

Brief

This report presents an update on the progress and status of the Kurna Native Title Claim.

RECOMMENDATION(S)

The Committee recommends to Council that the April 2017 Kurna Native Title Claim Update report be received.

Introduction

In 2000, the Kurna people (Claimants) submitted a native title claim (Claim) to the Federal Court of Australia (Court), over land which includes the whole of the City of West Torrens.

Since that time, the Claim has been subject to numerous hearings (Hearings) in the Court as well as case management conferences (CMC). CMCs allow for identified parties such as the representatives of the Kurna claimants, state government, commonwealth government and various interested industry and energy entities to work through issues associated with the Claim outside of the formal Hearings. Updates following each Hearing or CMC are presented to the Committee for information.

The last report to the Committee was at its 13 December 2016 meeting. That report briefed the Committee on the outcomes of the 11 November 2016 Hearing. This included the Court ordering:

- A two stage trial with the 1st stage trial commencing on 2 April 2018 for a period of 6 weeks.
- If the Claimants were able to provide evidence to the satisfaction of the Court of their incapacity to obtain funding which they claimed was required to progress their Claim then the start of the trial would be extended;
- Each council to file a notice in the Court if it wanted to be active party in the trial proceedings.
- The next hearing be listed for 3 February 2017.

As advised in that report, Norman Waterhouse Lawyers filed the required notice on Council's behalf by 1 December 2016 to enable them to be serviced with the documentation associated with the first stage trial and maintain a 'watching brief' on behalf of Council. As also advised, the Claimants foreshadowed a discovery application which required a very large and diverse range of documents from both commonwealth and state government as well as the councils within the Claim area.

This report presents the progress of the Claim since that time with associated correspondence from Council's lawyers.

Discussion

Since the last report to Council, and as advised would be the case, a significant level of activity has taken place in relation to the Claim. This activity is summarised below:

21 December 2016

Council's lawyers wrote to Council (**Attachment 1**) advising that it had met with the Claimants' lawyers to reduce the scope of the documents contained within the draft discovery order of the Claimants, particularly given many of the documents would have been passed into the custody of State Records as per the *State Records Act 1997*. The Claimants' lawyers agreed to limit the categories of documents required in respect of local government but required an indication of the records held or may be held by each council. Following a search of Council's document register and archives by the Administration, this was subsequently provided via Council's lawyers to the Claimants lawyers.

Following this advice, the Claimants' lawyers provided a narrower set of 12 categories/documents. Of those categories, only 6 apply to the City of West Torrens (CWT) being categories 1,5,8,9, 10 and 11 (**Attachments 2 and 3**).

These categories are:

Category Number	Category
1	By-law infringements from 1826-2016 in relation to the following family names <ul style="list-style-type: none"> • Wanganeen • Newchurch • Agius
5	Cemetery records from 1836-2016 in relation to the following family names for all councils in the Kurna claim area <ul style="list-style-type: none"> • Wanganeen • Newchurch • Agius
8	Local council area maps (within the Kurna claim area) dating from 1836-2016 of Aboriginal reserves
9	Area maps identifying Aboriginal camps (within the Kurna claim area) dating from 1836-2016
10	Any applications in the form of letters, petitions and other correspondence to councils in relation to the protection of Aboriginal land, culture and traditions from 1836-2016
11	Records of permission sought by Aboriginal peoples from local councils and/or permission given by local councils within the Kurna claim area from 1836-2016 for: Conducting traditional practices such as Corroborees, Dances/Singing, Fires and the use of resources

25 January 2017

Further correspondence was received from Council's lawyers advising that the discovery application had been lodged by the Claimants' lawyers in the Court (**Attachment 4**). The Discovery Application and an Affidavit affirmed by the Claimants' lawyers are attached (**Attachments 5 and 6 respectively**).

7 February 2017

Council's lawyers provided an update on the Claim (**Attachment 7**). That update advised that the Claimants sought an adjournment of the Court hearing scheduled for 3 February 2017 to 17 February 2017. This request was not contested by any of the other parties and the Court ordered the Hearing for the later date (**Attachment 8**) however, that date was also set aside to a later date in February. No date was indicated at that time. This correspondence also attached the Affidavit from Nick Llewelyn Jones, the Norman Waterhouse lawyer acting on behalf of Council (**Attachment 9**) which he attested and submitted on behalf of all councils in the claim area.

21 March 2017

An email was received from Council's lawyers confirming that a CMC had been scheduled for 28 March 2017. However, the outcome of this will be reported to a subsequent Committee meeting due to agenda deadlines.

The Administration has 'discovered' and provided a number of relevant records found to be in Council's custody to Norman Waterhouse however, further work is underway to discover any other documents/records that may be the subject of the Court order.

Conclusion

A significant level of activity has been underway over the past few months by both the Administration and Council's lawyers which will continue into the future in preparation for the 1st stage trial of the Kurna Native Title Claim which is due to commence on 2 April 2018.

This report summarises the progress of the Claim and the body of work undertaken since the last report to Council at its 13 December 2016 meeting.

While no date has been set for the adjourned Hearing, the next CMC was scheduled for 28 March 2017, the outcomes of which will be the subject of a further report to the Committee.

Attachments

1. **21/12/16 Report back from Norman Waterhouse re Kurna Claim**
2. **Letter to Claimants lawyers re scope of draft discovery order from Norman Waterhouse**
3. **Letter from Claimants lawyers detailing reduced discovery records required**
4. **25/1/17 Correspondence from Norman Waterhouse re Kurna Claim**
5. **Discovery application to the Court (interlocutory) Kurna Claim**
6. **Affidavit of Kurna Claimants' Lawyers**
7. **7/2/17 Correspondence from Norman Waterhouse**
8. **Court Hearing Adjournment Order**
9. **Affidavit - Norman Waterhouse re Discovery**



Ref: GYS\IM00289345F04551723.DOCX

21 December 2016

Ms P Koritsa
City of West Torrens
165 Sir Donald Bradman Drive
HILTON SA 5033

Dear Pauline

Federal Court discovery – SAD 6001/2000: Communication with solicitor for Kurna Claim

1. We refer to previous correspondence regarding the intention of the Kurna Native Title Claim (**Kurna NTC**) to apply to the Federal Court for 'discovery' of extensive Council records. We confirm that we have met with the representative for the Kurna NTC since our last letter, and he has provided us with further information regarding his putative discovery application.
2. At the outset, please note that at the end of this letter we request that the Council provide us with certain information.
3. We previously advised that the original scope proposed by the Kurna NTC for the proposed discovery application was much too broad.
4. On 12 December 2016, we met with the solicitors for the Kurna NTC to discuss our concerns, and to explore the potential for a path forward on this issue for local government.
5. As previously advised, it is clear that some former Council records may be probative for the Kurna NTC, and so the Kurna NTC would likely be able to obtain some form of order for discovery against the Council in its capacity as a document holder. Again, as previously indicated, this would occur against Council whether or not it were a party to the Kurna NTC, as there are a number of legal mechanisms allowing disclosure against non-parties. Accordingly, it is advantageous that negotiations can occur between the Council and the Kurna NTC to manage and limit what is being sought by the Kurna NTC.
6. In our discussion with the solicitors for the Kurna NTC, they withdrew from the very broad categories of information sought in the original draft order of the Kurna NTC (which we enclosed with our 16 November 2016 report back letter to the Council). They indicated that they would provide us with a more narrow set of material being sought. That more narrow set was subsequently provided, and is discussed later in this letter.
7. Also in the meeting, we advised the solicitors for the Kurna NTC that councils have obligations under the *State Records Act 1997* and the associated *General Disposal Schedule 20*, and accordingly numerous relevant documents will have passed into the custody of State Records. Thus, more appropriate avenues than discovery against the Council may be available in respect of some classes of documents. To put it simply, we indicated that discovery should not be pursued against Council in respect of documents

Level 15, 45 Pirie Street Adelaide SA 5000 GPO Box 639 Adelaide SA 5001 T 08 8210 1200 F 08 8210 1234 www.normans.com.au

which are otherwise stored in State Records, as discovery can more efficiently and properly be brought against the State of South Australia.

8. In light this, the solicitors for the Kaurua NTC have asked us to advise them what records the Council *does* hold in its immediate custody (i.e. not in State Records). We will require your instructions in this regard (discussed shortly). Providing this information will assist us to continue negotiations with the Kaurua NTC to secure an even narrower discovery application, thus reducing the burden on Council.

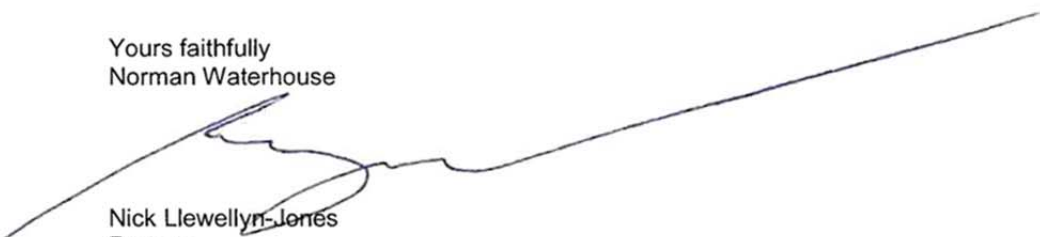
Documents now sought by the Kaurua NTC

9. By letter dated 16 December 2016 (which we received by email on 19 December 2016), the solicitors for the Kaurua NTC provided a new, narrower list of documents which the Kaurua NTC intends to seek from local government through discovery. The list is divided into 12 categories. Some categories are specific to certain councils; some categories are not.
10. That letter is **enclosed**. Please examine the letter and **instruct** what documents the Council holds, or, based on your best initial assessment, may hold, in its immediate custody (i.e. not in State Records) from each category which applies to the Council.
11. It appears to us that the following categories apply to the Council: 1, 5, 8, 9, 10 and 11.
12. We will seek to use the information provided by the Council to further narrow the discovery application to be pursued by the Kaurua NTC, either before or after that application is filed. We confirm the advice in our previous letter that the Court has made orders for the filing of this application. The deadline for filing this application is **23 January 2017**.

Next hearing

13. As we have previously advised, initial directions from the Court regarding how to proceed in dealing with any discovery application will be provided at the directions hearing at **9:00am 3 February 2017**.
14. We look forward to your instructions regarding those documents which the Council does, or may, hold in its immediate custody based upon the categories of documents outlined in the enclosed letter. Please do not hesitate to contact us to discuss any aspect of this letter.

Yours faithfully
Norman Waterhouse



Nick Llewellyn-Jones
Partner

Encl

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Ref: CZAIM00289354F04583142.DOCX

20 January 2017

Tim Campbell
Campbell Law
Suite 7, First floor, 118 Halifax Street
ADELAIDE SA 5000

Dear Sir

Kaurna proposed discovery – SAD6001/2000 – City of West Torrens

1. As you are aware, we act for the City of West Torrens (**Council**) in Federal Court proceeding SAD6001/2000.
2. We refer to our previous communications concerning a proposed discovery application by the Kaurna Applicant in that proceeding, including our meeting with you on 12 December 2016 and your letter dated 16 December 2016.
3. As mentioned in our meeting, the Council has, over the years, transferred the majority of its relevant records into the custody of State Records on an ongoing basis.
4. This is relevant insofar as the extent to which discovery can be pursued against the Council. Although we do not address it here in detail, we consider it a distinct possibility that Section 25(2) of the *State Records Act 1997* (SA) (**SR Act**) sufficiently fetters our client's access (and use after access) to records which have been transferred to the custody of State Records such that those records are not in the Council's "control" for the purposes of discovery under the *Federal Court Rules 2011* (Cth).
5. To very briefly outline the relationship of the Council with its historical records:
 - 5.1 The Council is an 'agency' for the purpose of the SR Act.
 - 5.2 Accordingly, the Council has obligations to 'dispose' of records (including transferring records to State Records) in accordance with the SR Act.
 - 5.3 More specifically, the Council has obligations under *General Disposal Schedule 20 for Local Government Records in South Australia* (**GDS 20**), a determination made pursuant to Section 23 of the SR Act. Item 16.57 of GDS 20 also specifically incorporates *General Disposal Schedule 16: Impact of Native Title Claims on Disposal of Official Records* (**GDS 16**).
 - 5.4 Effectively, in the course of meeting its obligations under the SR Act, GDS 16 and GDS 20, as well as predecessor record-keeping obligations, the Council has delivered the significant majority of its historical records into the custody of the Manager of State Records.

- 2 -

20 January 2017

- 5.5 Section 25(2) of the SR Act fetters our client's access (and use after access) to such records by granting the Manager of State Records primary control over them, and generally disentitling our client to resume possession of any record that has been in existence for 15 years or more.
6. Therefore, it is important to recognise that the Council will, by law, only have (at most) a limited amount of relevant records in its custody. Most will have been transferred to the custody of State Records.
7. With this in mind, we have requested that the Council instruct us what documents the Council may hold in its custody (i.e. not transferred to State Records), from each relevant category set out in your letter of 16 December 2016. Necessarily, given the time pressures (your letter was received by email on 19 December 2016, and the intervening period up until the date of this letter has included office closures for both the Council and our office), the Council has only been able to provide an initial assessment.
8. Our client is conducting a search of its records, however such a process will be particularly onerous. We will need to further discuss how to assess the relevancy of these records. However, to date our client *estimates* that they have as follows:
- 8.1 Category 1: By-law infringements relating to people with the family names Wanganeen, Newchurch or Agius - 22 Documents.
- 8.2 Category 5: Cemetery records (in general) for Aboriginal people - 5 documents.
- 8.3 Category 8: Local area council maps of Aboriginal reserves - 2 documents.
- 8.4 Category 9: Area Maps Identifying Aboriginal Camps - 2 documents.
- 8.5 Category 10: Applications relating to the protection of Aboriginal land, culture and traditions - 81 documents.
- 8.6 Category 11: Permissions granted for conducting traditional practices - 89 documents.
- 8.7 Category 12: Documents relating to communications between Aboriginal persons and the relevant councils for the Tjilbruke art installation at Kingston Park and the Victoria Square fountain - 5 documents.
9. We confirm that this is our client's initial assessment of the documents in their custody.
10. We have not yet confirmed with our client if all of these records are in their custody, or whether their data storage system also picks up documents which are now located in State Records.
11. Given the scope of material at the City of West Torrens, we propose that we meet to discuss this Council before any orders are finalised. It may be that an alternative approach needs to be adopted.
12. There could be further documents which were once, but are no longer, in our client's custody. As outlined above, most of the records for the period you are requesting are now consolidated in the custody of State Records. Any documents which are not in the custody of the Council should be requested from the State.

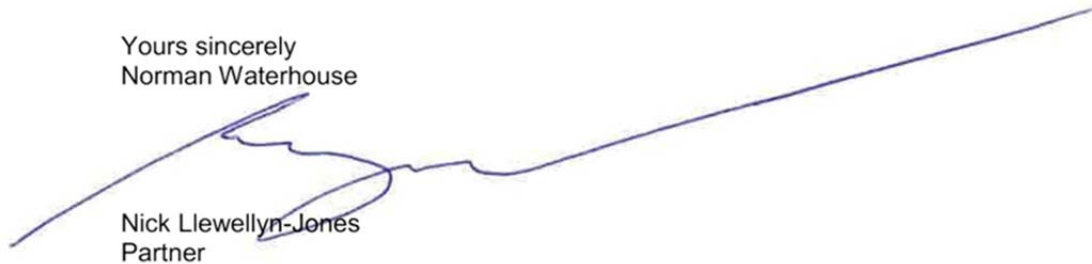
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- 3 -

20 January 2017

13. For the reasons outlined above, the Council requests, at a minimum, that your client limit their proposed discovery application to those documents which are in the *custody* of the Council.
14. We also note, from the perspective of efficiency, it is also substantially more workable for those records which are in the custody of State Records to be pursued from the State rather than the dozens of separate councils. Elevating such considerations of efficiency and minimising burdens on parties in relation to discovery is consistent with the requirements in Part 10 of the Federal Court of Australia's *Central Practice Note: National Court Framework and Case Management (CPN-1)*.

Yours sincerely
Norman Waterhouse

A handwritten signature in blue ink, appearing to read 'Nick Llewellyn-Jones', with a long horizontal flourish extending to the right.

Nick Llewellyn-Jones
Partner

CZA\M00289354\F04583142.DOCX

Suite 7, Level 1, 118 Halifax Street,
Adelaide, SA 5000



www.campbelllaw.com.au

16th December 2016

Nick Llewellyn-Jones
Norman Waterhouse
Level 15
45 Pirie Street
Adelaide, SA 5000

By mail and email

Dear Mr Llewellyn-Jones

Kaurna Native Title Claim

We act for the South Australian Kaurna Native Title Claim Applicants and for Kaurna Yerta Aboriginal Corporation that manages the Kaurna Native Title Claim on behalf of the Applicants. We are instructed to make applications to the Federal Court of Australia for discovery orders for documents relevant to the Kaurna Native Title Claim. We expect the applications to be heard on 3rd February 2017.

The application seeking discovery from local government bodies will refer to the following categories of documents:

1. By-law infringements from 1836 – 2016 in relation to the following family names:
 - a. Wanganeen
 - b. Newchurch
 - c. Agius
2. Meeting minutes in relation to the Tappa Iri (2005-2008) agreement from the period 2002-2008 for the following councils:
 - a. Holdfast Bay
 - b. Marion
 - c. Onkaparinga
 - d. Yankalilla
3. Reports provided to the following councils, in relation to the Kaurna Tappa Iri agreement for the period 2002-2008:
 - a. Holdfast Bay
 - b. Marion
 - c. Onkaparinga

- d. Yankalilla
- 4. Correspondence in relation to the Kurna Tappa Iri (2005-2008) agreement from the period 2002-2008, for the following councils:
 - a. Holdfast Bay
 - b. Marion
 - c. Onkaparinga
 - d. Yankalilla
- 5. Cemetery records from 1836-2016 in relation to the following family names for all councils in the Kurna claim area:
 - a. Wanganeen
 - b. Newchurch
 - c. Agius
- 6. Documents relating to the planning and establishment of the Living Kurna Cultural Centre and Warriparinga Wetlands (City of Marion)
- 7. Minutes of meetings between KACHA and the City of Marion council from 1999-2000 (inclusive)
- 8. Local council area maps (within the Kurna claim area) dating from 1836-2016 of Aboriginal reserves
- 9. Area maps identifying Aboriginal camps (within the Kurna claim area) dating from 1836-2016
- 10. Any applications in the form of letters, petitions, and other correspondence to councils in relation to the protection of Aboriginal land, culture, and traditions from 1836-2016
- 11. Records of permission sought by Aboriginal peoples from local councils and/or permission given by local councils within the Kurna claim area from 1836-2016 for:
 - a. Conducting traditional practices such as:
 - i. Corroborees
 - ii. Dances/singing
 - iii. Fires
 - iv. The use of resources
- 12. Documents relating to communications between Aboriginal persons and the relevant councils for the Tjilbruke art installation at Kingston Park and the Victoria Square fountain

Thank you for your attention to this matter. If you wish to discuss this matter, please do not hesitate to contact the writer.

Yours sincerely

CAMPBELL LAW



Tim Campbell
Principal

Liability limited by a scheme approved under Professional Standards Legislation.



Ref: CZA\00289345F04588762.DOCX

25 January 2017

Ms P Koritsa
City of West Torrens
165 Sir Donald Bradman Drive
HILTON SA 5033

Dear Pauline

Federal Court discovery – SAD 6001/2000: Discovery Application

1. We refer to previous correspondence, including our letter dated 21 December 2016, regarding the intention of the Kurna Native Title Claim (**Kurna NTC**) to apply to the Federal Court for 'discovery' of Council records.
2. That application (**the Discovery Application**) has now been filed in the Court, along with a supporting affidavit affirmed by Tim Campbell, the solicitor for the Kurna NTC Applicant (**the Campbell Affidavit**). The Discovery Application and the Campbell Affidavit are **enclosed** for your records.
3. Relevantly, the Kurna NTC Applicant seeks discovery of the following documents from the Council:

'Documents in custody of the Council relating to cemeteries within the Council area.'

'Aboriginal archaeological, culture and heritage reports and records in the custody of the Council.'

4. As we will discuss below, although the Discovery Application is now significantly reduced from what was originally proposed, it may still be too broad. We will discuss these issues, and the next stage of the discovery process, throughout the course of this letter.
5. As Mr Campbell alludes to in paragraph [7] of the Campbell Affidavit, we discussed with him (prior to the filing of the Discovery Application) the legal issues regarding the status of Council records which have been transferred to State Records.
6. In short, we conveyed to Mr Campbell that:
 - 6.1 The Council is an "agency" for the purpose of the *State Records Act 1997* (SA) (**SR Act**);
 - 6.2 Accordingly, the Council has obligations to "dispose" of records (including transferring records to State Records) in accordance with the SR Act;
 - 6.3 More specifically, the Council has obligations under *General Disposal Schedule 20 for Local Government Records in South Australia* (**GDS 20**), a determination made pursuant to Section 23 of the SR Act. Item 16.57 of GDS 20 also specifically

incorporates *General Disposal Schedule 16: Impact of Native Title Claims on Disposal of Official Records (GDS 16)*;

- 6.4 Effectively, in the course of meeting its obligations under the SR Act, GDS 16 and GDS 20, as well as predecessor record-keeping obligations, the Council has delivered the significant majority of its historical records into the custody of the Manager of State Records;
- 6.5 Section 25(2) of the SR Act fetters the Council's access (and use after access) to such records by granting the Manager of State Records primary control over them, and generally disentitling the Council to resume possession of any record that has been in existence for 15 years or more.
7. On that basis, we advanced the position to Mr Campbell that, rather than seeking discovery of documents in the "control" of the Council (control is defined in the *Federal Court Rules 2011* to mean "possession, custody or power"), he should limit his request to documents in the "custody" of the Council. We suggested that those local government documents which are now consolidated in the custody of State Records could more effectively be pursued from the State Government.
8. You will observe from the Discovery Application that Mr Campbell has accepted this position. Accordingly, only documents in the "custody" of the Council are sought.
9. Further, we note that numerous councils were able to provide us with their assessment of what documents are (or may be) in their custody, in advance of the filing of the Discovery Application. The Council was among those councils. We accordingly communicated this information to Mr Campbell in advance of the filing of the Discovery Application, in order to provide an illustration of those documents which local government councils in South Australia may indeed hold.
10. We **enclose** a letter which we drafted on behalf of the Council and supplied to Mr Campbell before the filing of the Discovery Application, communicating the Council's position in respect of the matters discussed above.
11. Based on this information provided to Mr Campbell, the Kurna NTC Applicant has reduced the scope of its Discovery Application yet further from that which was proposed in December last year. Many of the twelve categories advanced by the Kurna NTC Applicant in the letter dated 16 December 2016 have now been abandoned, with the result that the only material sought to be discovered from the Council is that which is outlined in above paragraph [3] of this letter.
12. Thus, the scope of the discovery application has been reduced from the very broad draft order of November 2016 (see enclosure to our letter dated 16 November 2016), down to the twelve categories in Mr Campbell's 16 December 2016 letter (see enclosure to our letter dated 21 December 2016), down to what is ultimately the content of the Discovery Application before the Court.

NEXT STEPS

13. The Discovery Application will likely still require several months to resolve.
14. The next stage in this matter is a directions hearing at **9.00am on 3 February 2017**. The Court will hear from the parties regarding the Discovery Application, and also regarding the broader Kurna NTC generally. The Court will then take the positions of the parties into account, and will provide initial directions in respect of how the Discovery Application is to be dealt with, as well as directions about the further progress of the Kurna NTC generally.

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- 3 -

25 January 2017

15. Before the 3 February 2017 Court hearing, could you please provide us with any instructions you have in respect of the Discovery Application. While no formal order in respect of the application is expected (as the hearing is listed as a directions hearing), the Court will nevertheless seek to hear the Council's position.
16. Should any order for discovery ultimately be made by the Court, we will provide further advice about the necessary procedures at that stage.
17. Please do not hesitate to contact us to discuss any aspect of this letter.

Yours faithfully
Norman Waterhouse



Nick Llewellyn-Jones
Partner

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NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 23/01/2017 5:21:39 PM ACDT and has been accepted for filing under the Court's Rules. Filing and hearing details follow and important additional information about these are set out below.

Filing and Hearing Details

Document Lodged:	Interlocutory Application - Form 35 - Rule 17.01(1)(a)
File Number:	SAD6001/2000
File Title:	Garth Agius & ors on behalf of the Kurna People and The State of South Australia & ors (Kurna Peoples)
Registry:	SOUTH AUSTRALIA REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing:	Directions
Time and date for hearing:	03/02/2017, 9:00 AM
Place:	Court No. 2 Level 5, Roma Mitchell Commonwealth Law Courts Building Level 5, 3 Angas Street, Adelaide



A handwritten signature in blue ink, which appears to read "Warwick Soden".

Dated: 24/01/2017 9:11:05 AM ACDT

Registrar

Important Information

As required by the Court's Rules, this Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The Reason for Listing shown above is descriptive and does not limit the issues that might be dealt with, or the orders that might be made, at the hearing.

The date and time of lodgment also shown above are the date and time that the document was received by the Court. Under the Court's Rules the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4.30 pm local time at that Registry) or otherwise the next working day for that Registry.

1



Form 35
Rule 17.01(1)

Interlocutory application

No. SAD6001 of 2000

Federal Court of Australia
District Registry: South Australia
Division: General

KAURNA NATIVE TITLE CLAIM

GARTH AGIUS AND OTHERS
ON BEHALF OF THE KAURNA PEOPLES

Applicants

STATE OF SOUTH AUSTRALIA AND OTHERS

Respondents

To the Respondents.

The Applicants apply for the interlocutory orders set out in this application.

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

Time and date for hearing:

Place:

Date:

Signed by an officer acting with the authority
of the District Registrar

Filed on behalf of the	Applicants
Prepared by	Tim Campbell
Law firm	Campbell Law
Tel	
Email	
Address for service	Campbell Law, Suite 7, Level 1, 118 Halifax Street, Adelaide SA 5000

[Form approved 01/08/2011]

**Interlocutory orders sought**

1. Pursuant to Rule 20.13 of the *Federal Court Rules 2011* and to Central Practice Note 10, that discovery be made by each of the Respondents on or before 1 July 2017 as set out below:

State of South Australia

Aboriginal archaeological, culture and heritage reports and records in the custody of the State.

Documents listing records, reports, documents, newspaper cuttings, articles and other material directly relevant to the Kurna Native Title Claim.

Adelaide Hills Council

Documents in custody of the Council relating to cemeteries within the Council area.

Aboriginal archaeological, culture and heritage reports and records in the custody of the Council.

Adelaide Plains Council

Documents in custody of the Council relating to cemeteries within the Council area.

Aboriginal archaeological, culture and heritage reports and records in the custody of the Council.

Alexandrina Council

Documents in custody of the Council relating to cemeteries within the Council area.

Barossa Council

Documents in custody of the Council relating to cemeteries within the Council area.

Aboriginal archaeological, culture and heritage reports and records in the custody of the Council.

City of Campbelltown

Documents in custody of the Council relating to cemeteries within the Council area.



Aboriginal archaeological, culture and heritage reports and records in the custody of the Council.

City of Charles Sturt

Documents in custody of the Council relating to cemeteries within the Council area.

Aboriginal archaeological, culture and heritage reports and records in the custody of the Council.

City of Holdfast Bay

Documents in custody of the Council relating to cemeteries within the Council area.

Aboriginal archaeological, culture and heritage reports and records in the custody of the Council.

Documents in custody of the Council relating to the Tappa Iri agreement.

City of Marion

Documents in custody of the Council relating to the Tappa Iri agreement and the Living Kaurna Cultural Centre / Warriparinga.

Aboriginal archaeological, culture and heritage reports and records in the custody of the Council.

City of Mitcham

Documents in custody of the Council relating to cemeteries within the Council area.

Aboriginal archaeological, culture and heritage reports and records in the custody of the Council.

City of Onkaparinga

Documents in custody of the Council relating to the Tappa Iri agreement.

Aboriginal archaeological, culture and heritage reports and records in the custody of the Council.

City of ...

Documents in custody of the Council:



- relating to Aboriginal Reserves
- relating to Aboriginal Art
- Munno Para East Minute Books
- Aboriginal archaeological, culture and heritage reports and records in the custody of the Council

City of Port Adelaide Enfield

Documents in custody of the Council relating to cemeteries within the Council area.

Aboriginal archaeological, culture and heritage reports and records in the custody of the Council.

City of Prospect

Documents in custody of the Council relating to cemeteries within the Council area.

Aboriginal archaeological, culture and heritage reports and records in the custody of the Council.

City of Salisbury

Documents in custody of the Council relating to cemeteries within the Council area.

Reports and consultation and contractual documentation regarding "Kurna Park" / "Tappa Woddliparri", "Tappa Iri Reconciliation", and "Martirendi Partnership" projects.

Aboriginal Archaeological survey reports in the custody of the Council.

City of Tea Tree Gully

Documents in the custody of the Council concerning the protection of Aboriginal land, culture and tradition.

City of Victor Harbor

Documents in custody of the Council relating to cemeteries within the Council area.

Aboriginal archaeological, culture and heritage reports and records in the custody of the Council.



City of West Torrens

Documents in custody of the Council relating to cemeteries within the Council area.

Aboriginal archaeological, culture and heritage reports and records in the custody of the Council.

Clare and Gilbert Valleys Council

Documents in custody of the Council relating to cemeteries within the Council area.

Aboriginal archaeological, culture and heritage reports and records in the custody of the Council.

Corporation of the City of Adelaide

Documents in custody of the Council relating to cemeteries within the Council area.

Aboriginal archaeological, culture and heritage reports and records in the custody of the Council.

Corporation of the City of Norwood, Payneham and St. Peters

Documents in custody of the Council relating to:

- cemeteries within the Council Area
- Aboriginal archaeological, cultural and heritage reports and records (including Aboriginal sites and burial grounds)

Corporation of the City of Unley

Documents in custody of the Council relating to cemeteries within the Council area.

Aboriginal archaeological, culture and heritage reports and records in the custody of the Council.

Corporation of the Town of Walkerville

Documents in custody of the Council relating to:

- Council Area



- Aboriginal archaeological, cultural and heritage records and reports (including Aboriginal sites and burial grounds)

District Council of Mount Barker

Documents in custody of the Council relating to cemeteries within the Council area.

Aboriginal archaeological, culture and heritage reports and records in the custody of the Council.

District Council of Yankalilla

Documents in custody of the Council relating to cemeteries within the Council area.

Aboriginal archaeological, culture and heritage reports and records in the custody of the Council.

Documents in custody of the Council relating to the Tappa Iri agreement.

Light Regional Council

Documents in custody of the Council relating to cemeteries within the Council area.

Aboriginal archaeological, culture and heritage reports and records in the custody of the Council.

Port Pirie Regional Council

Documents in custody of the Council relating to cemeteries within the Council area.

Aboriginal archaeological, culture and heritage reports and records in the custody of the Council.

Wakefield Regional Council

Documents in custody of the Council relating to cemeteries within the Council area.

Aboriginal archaeological, culture and heritage reports and records in the custody of the Council.

2. Such orders that the Court deems fit.

7

**Service on the Respondents.**

It is intended to serve this application on the following Respondents: The State of South Australia, and the Local Government Respondents named herein.

Date: 23 January 2017

A handwritten signature in blue ink, appearing to read "Tim Campbell", is written over a horizontal line.

Signed by Tim Campbell
Solicitor for the Applicants

NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 23/01/2017 5:28:38 PM ACDT and has been accepted for filing under the Court's Rules. Details of filing follow and important additional information about these are set out below.

Details of Filing

Document Lodged:	Affidavit - Form 59 - Rule 29.02(1)
File Number:	SAD6001/2000
File Title:	Garth Agius & ors on behalf of the Kurna People and The State of South Australia & ors (Kurna Peoples)
Registry:	SOUTH AUSTRALIA REGISTRY - FEDERAL COURT OF AUSTRALIA



Dated: 24/01/2017 9:14:52 AM ACDT

A handwritten signature in blue ink, which appears to read 'Warwick Soden'.

Registrar

Important Information

As required by the Court's Rules, this Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date and time of lodgment also shown above are the date and time that the document was received by the Court. Under the Court's Rules the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4.30 pm local time at that Registry) or otherwise the next working day for that Registry.

1



Form 59
Rule 29.02(1)

Affidavit

No. SAD6001 of 2000

Federal Court of Australia
District Registry: South Australia
Division: General

KAURNA NATIVE TITLE CLAIM

GARTH AGIUS and others

Applicants

STATE OF SOUTH AUSTRALIA and others

Respondents

Affidavit of: **Timothy Maxwell Campbell**

Address: Suite 7, Level 1, 118 Halifax Street, Adelaide, South Australia

Occupation: Solicitor

Date: 23 January 2017

I Timothy Maxwell Campbell, solicitor, affirm:

1. I am the solicitor on file for the Applicants and I have the care and carriage of this matter.
2. The facts contained herein are true based on my own knowledge.
3. On 11 November 2016, his Honour Justice White made the following order:-

(a) Any application by any party for discovery is to be filed and served by 23 January 2017 and in the event that such an application is filed it will be listed for directions at 9am on 3 February 2017.

Filed on behalf of the

Prepared by

Law firm

Tel

Email

Address for service

Applicants

Tim Campbell

Campbell Law

Christian Karl Schwerdtfeger

A Commissioner for taking Affidavits in the

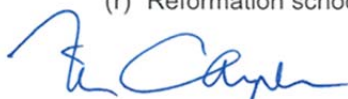
Supreme Court of South Australia


Suite 7, Level 1, 118 Halifax Street, Adelaide SA 5000

[Version 2 form approved 09/05/2013]

4. I consider it necessary to obtain documentary evidence in respect of Kurna since 1836 of:-

- (a) Living on country;
- (b) Visiting country;
- (c) Activities on country (e.g. dances);
- (d) Burials on country;
- (e) Births on country;
- (f) Marriages on country;
- (g) Deaths on country;
- (h) Funerals on country;
- (i) Police arrests on country;
- (j) Court judgments on country;
- (k) Court records on country;
- (l) Prison records on country;
- (m) Hospital records on country;
- (n) Kindergarten records on country;
- (o) Pre-school records on country;
- (p) Primary school records on country;
- (q) Secondary school records on country;
- (r) Reformation school records on country;

 23/1/17


Christian Karl Schwerdtfeger
A Commissioner for taking Affidavits in the
Supreme Court of South Australia

- (s) Welfare records of adults and children on country;
 - (t) Travel and restriction records for children on country;
 - (u) Adelaide Parkland by-law infringements;
 - (v) Point Pearce documents;
 - (w) Aboriginal archaeological, culture and heritage reports in the custody of the State Government; and
 - (x) Genealogical records.
5. In preparing a Connection Report for the Kaurna Native Title Claim, the documents referred to in paragraph 4 are necessary in order to:
- (a) provide evidence of Kaurna presence and activity on country;
 - (b) cross check evidence from other sources (e.g. oral histories) about Kaurna presence and activity on country;
 - (c) provide and supplement existing evidence relating to normative behaviour (in areas such as kinship, social organisation, authority, gender, age, rights and responsibilities in relation to caring for country, language use and identity and group membership) which, together with interviews and other historical documents, will enable experts to form an opinion of continuity of traditional laws and customs and of substantially uninterrupted connection to the land.
6. The examination of the documents referred to in paragraph 4 above is necessary to provide evidence to the Court addressing as a minimum, the following issues referred to by the High Court of Australia in *Members of the Yorta Yorta Aboriginal Community v Victoria* [2002] HCA 58 (Yorta Yorta Case) including:
- (a) Traditional laws and customs (paragraph 46);
 - (b) A normative system that has had a continuous existence and vitality since sovereignty (paragraph 47);

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 23/01/17
Christian Karl Schwerdtfeger
A Commissioner for taking Affidavits in the
Supreme Court of South Australia

- (c) A group which acknowledges and observes laws and customs (paragraph 50);
- (d) Demonstration of some change to, or adaptation of, traditional law and custom (paragraph 83);
- (e) Evidence must show that the society under whose laws and customs the native title rights and interests are said to be possessed, has continued to exist throughout that period as a body united by its acknowledgment and observance of the laws and customs (paragraph 89).

7. I have discussed the discovery sought with the legal representative of 23 Local Government Respondents. The legal representative has advised that many relevant local government documents have been sent to State Records and therefore are now not in custody of those local government bodies. The discovery orders sought in the interlocutory application dated 23 January 2017 for the local government bodies are only for documents which are still in their custody.

Affirmed by the deponent
at ADELAIDE
in South Australia
on 23 January 2017
Before me:

)
)
)
)
)

Timothy Maxwell Campbell

Christian Karl Schwerdtfeger
A Commissioner for taking Affidavits
In the Supreme Court of South Australia



Ref: CZA\M00289345F04606664.DOCX

7 February 2017

Ms P Koritsa
City of West Torrens
165 Sir Donald Bradman Drive
HILTON SA 5033

Dear Pauline

Federal Court discovery – SAD 6001/2000: Discovery Application

1. We refer to previous correspondence, including our letter dated 25 January 2017, regarding the application for discovery (**the Discovery Application**) made by the Kurna Native Title Claim (**Kurna NTC**) in Federal Court proceeding SAD 6001/2000.
2. Originally, a hearing was listed at 9.00am on 3 February 2017. However, at the late request of the Kurna NTC (and not opposed by any representative for any party), the hearing was adjourned. We **enclose** a copy of the Orders of the Federal Court made on 2 February 2017, which adjourned the hearing from 3 February 2017 to 17 February 2017. That date has also now been vacated for a later date in February 2017.
3. Prior to these events, we communicated to the Kurna NTC that the Discovery Application was overly broad. (This was despite the fact that it was the product of attempts to narrow the earlier broad proposed orders, and also despite the fact that the Kurna NTC have accepted and followed our argument that it is not available to the Kurna NTC to pursue from councils any documents which have been transferred to State Records.)
4. It appears that the Kurna NTC has taken this on board. We understand that the purpose of the adjournment is to enable the Kurna NTC to withdraw the Discovery Application as presently formulated, and instead advance a different application. We further understand that the Kurna NTC has now engaged a barrister to assist in this regard.
5. Despite this relatively haphazard stance from the Kurna regarding discovery, it does seem that there will be probative documents which assist the case of the Kurna NTC, within the records of local government. We also note that the Kurna NTC and the Council have obligations under Part 10 of the Federal Court's *Central Practice Note CPN-1* regarding discovery. We note in particular clause 10.5 of that Practice Note, which relevantly provides that "*the Court expects that the parties will have discussed discovery issues between them and, if possible, agreed on a protocol for discovery*".
6. On the other hand, we also note that Justice White has placed the Kurna NTC on notice that he will not accept any application which is simply a broad 'fishing expedition'. His Honour has expressly indicated that he will strike out any application that is too broad, and from our attendances at Court we do not consider that His Honour will require much (or any) further argument from any respondent party on this point—he will simply strike out any application if this is the case.

Level 15, 45 Pirie Street Adelaide SA 5000 GPO Box 639 Adelaide SA 5001 T 08 8210 1200 F 08 8210 1234 www.normans.com.au

7. In order to demonstrate the dealings which occurred between local government and the Kaurua NTC prior to the filing of the Discovery Application (i.e. prior to 23 January 2017), we filed the **enclosed** affidavit with the Court.

PROPOSED PROCESS FOR RESOLUTION OF THE DISCOVERY APPLICATION(S)

8. Against this backdrop, and in light of the likelihood of a new application, we have conveyed to the representative of the Kaurua NTC that the best approach for dealing with local government discovery is as follows:
- 8.1 Where the Council can confirm a final list of documents (either in all or some categories)—
- 8.1.1 The Council and the Kaurua NTC agree upon specific listed documents for the Council to provide.
- 8.1.2 Orders can then be made in respect of the specific list rather than any open-ended orders (as the Kaurua NTC is plainly having difficulty in formulating any appropriate orders of a general nature).
- 8.1.3 This means that Council can comply with the orders, as it will merely involve providing the documents on the list. This will prevent any future arguments about whether the Council complied or did not comply.
- 8.1.4 In our view, the Council has already undertaken the exercise of producing a list. Once the Council has confirmed that this is their final list (or otherwise added whatever documents need to be added to the final list), we will produce draft consent orders consistent with what the Council has provided. We will forward that to the Council to confirm you are happy with orders being made in these terms. Once the Council is satisfied, you can instruct us to consent to orders in terms of the list previously provided.
- 8.2 In addition to the above, where the Council has too many documents in one category to produce a final list, and where it is possible for some access arrangement to be made—
- 8.2.1 Access is allowed either in accordance with Council procedure or, where an order is required, for a form of order allowing access by an appropriate person on behalf of the Kaurua NTC (i.e. solicitor or expert).
- 8.2.2 Upon access, the Kaurua representative will then confirm specific listed documents that it wants the Council to provide.
- 8.2.3 Again, as above, orders can then be made in respect of the specific list rather than any open-ended orders.
- 8.2.4 Consistent with the proposal above, this also means that Council can comply with the orders, as it will merely involve providing the documents on the list. This will prevent any future arguments about whether the Council complied or did not comply.
- 8.3 We note that combination of the above approaches may also be appropriate.
9. The benefit of this approach is that the Council will have certainty of the documents it is to discover. Further, the Council will be providing documents under the authority of a Court order (for the avoidance of any doubt, it is our general advice that the Council should not

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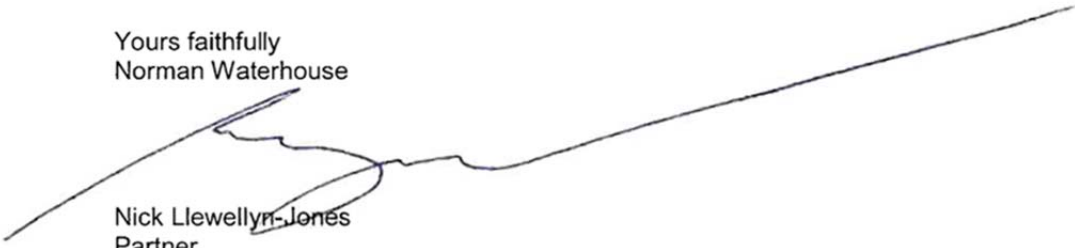
- 3 -

7 February 2017

provide any documents to the Kaurua NTC until an order is in place, as such provision may be unlawful or may have indirect legal consequences).

10. Please do not hesitate to contact us to discuss any aspect of this letter.

Yours faithfully
Norman Waterhouse



Nick Llewellyn-Jones
Partner

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Order NOT Entered

No: (P)SAD6001/2000

Federal Court of Australia
District Registry: South Australia
Division: General

KAURNA NATIVE TITLE CLAIM

GARTH AGIUS and others named in the schedule
Applicant

STATE OF SOUTH AUSTRALIA and others named in the schedule
Respondent

ORDER

JUDGE: Justice White
DATE OF ORDER: 2 February 2017
WHERE MADE: Adelaide

THE COURT ORDERS THAT:

1. The hearing listed on 3 February be vacated.
2. The matter is adjourned for hearing of the interlocutory applications filed on 24 and 25 January 2017 and for directions generally to 9 am on Friday 17 February 2017.

Date that entry is stamped:

Deputy District Registrar

Schedule

No: (P)SAD6001/2000

Federal Court of Australia

District Registry: South Australia

Division: General

KAURNA PEOPLES NATIVE TITLE CLAIM**KAURNA PEOPLES NATIVE TITLE CLAIM****Applicants**

Applicant:	GEORGINA WILLIAMS
Applicant:	LYNETTE CROCKER
Applicant:	MAUREEN WANGANEEN
Applicant:	GLENICE SUMNER
Applicant:	JOSEPH MITCHELL
Applicant:	VINCE BUCKSKIN
Applicant:	CARROLL KARPANY
Applicant:	SHIRLEY LAMPARD
Applicant:	RODNEY O'BRIEN
Applicant:	FRANK WANGANEEN
Applicant:	CECIL GRAHAM

Respondents

Respondent:	CITY OF VICTOR HARBOR
Respondent:	COMMONWEALTH OF AUSTRALIA
Respondent:	ADELAIDE CITY COUNCIL
Respondent:	CITY OF PLAYFORD
Respondent:	CITY OF PORT ADELAIDE ENFIELD
Respondent:	CITY OF ONKAPARINGA
Respondent:	CITY OF MITCHAM
Respondent:	CITY OF HOLDFAST BAY
Respondent:	CITY OF CHARLES STURT
Respondent:	CAMPBELLTOWN CITY COUNCIL
Respondent:	BAROSSA COUNCIL
Respondent:	ALEXANDRINA COUNCIL
Respondent:	ADELAIDE HILLS COUNCIL
Respondent:	CITY OF MARION
Respondent:	CITY OF SALISBURY
Respondent:	CITY OF WEST TORRENS
Respondent:	CITY OF TEA TREE GULLY
Respondent:	PORT PIRIE REGIONAL COUNCIL
Respondent:	WAKEFIELD REGIONAL COUNCIL
Respondent:	LIGHT REGIONAL COUNCIL
Respondent:	DISTRICT COUNCIL OF YANKALILLA
Respondent:	DISTRICT COUNCIL OF MT BARKER

Respondent:	DISTRICT COUNCIL OF MALLALA
Respondent:	COUNCIL OF THE CITY OF PROSPECT
Respondent:	CORPORATION OF THE TOWN OF WALKERVILLE
Respondent:	CORPORATION OF THE CITY OF NORWOOD, PAYNEHAM & ST PETERS
Respondent:	CLARE & GILBERT VALLEYS COUNCIL
Respondent:	CORPORATION OF THE CITY OF UNLEY
Respondent:	MAUREEN MARGARET BARKER
Respondent:	RAMINDJERI HERITAGE ASSOCIATION
Respondent:	FRANCES MARGARET BARONS
Respondent:	A.S.C. LTD
Respondent:	DAVID JOHN BARKER
Respondent:	BRIAN CHARLES BARKER
Respondent:	ROGER JOHN APPLEBEE
Respondent:	LORRAINE FLORENCE APPLEBEE
Respondent:	ANGELO NOMINEES PTY LTD
Respondent:	AMBRO PTY LTD
Respondent:	A & V BERGAMIN PTY LTD
Respondent:	GIANNI BATTISTELLA
Respondent:	GINA BATTISTELLA
Respondent:	CHEETHAM SALT LTD
Respondent:	FRANK WOLFGANG BARONS
Respondent:	PAULINE ANN BARKER
Respondent:	FRANK CALVARESI
Respondent:	BRUNO CALVARESI
Respondent:	C & I CIROCCO NOMINEES PTY LTD
Respondent:	VENNETTA MILLIE BRUS
Respondent:	RUBY EDITH BRUS
Respondent:	ALLEN ALFRED BRUS
Respondent:	MALVINA BRAZZALOTTO
Respondent:	FRANCO BRAZZALOTTO
Respondent:	LINA BRAZZALOTTO
Respondent:	BOWTHORPE PTY LTD
Respondent:	ZOFIA BOTTIN
Respondent:	SUSAN LEE BOTTIN
Respondent:	ROBERT BOTTIN
Respondent:	PAUL BOTTIN
Respondent:	DENNIS BOTTIN
Respondent:	BFG INVESTMENTS PTY LTD ACN 067 925 562
Respondent:	BETHANY CHRISTIAN SCHOOL
Respondent:	HORST BEIER
Respondent:	JON CAMERON-HILL
Respondent:	FRANCESCO CARBONE
Respondent:	MARIA CARPINELLI
Respondent:	CARMELA CARRIERA
Respondent:	ANTONIO CARUSO
Respondent:	LINDA MARJORIE CARUSO
Respondent:	ROCOO CARUSO
Respondent:	DOMINIC CATANZARITI
Respondent:	TIMOTHY BRIAN CAWTE
Respondent:	CDZ PTY LTD

Respondent:	GIUSEPPE CERAVOLO
Respondent:	DESMOND JOHN CHASTON
Respondent:	PAMELA MARY CIAMPA
Respondent:	DOMENICO CIRILLO
Respondent:	MARIO CIRILLO
Respondent:	ROBERT CIRILLO
Respondent:	JOHN LEONARD COLLINS
Respondent:	JOSEPHINE CONDINA
Respondent:	VINCENZO CONDINA
Respondent:	COOPAROO PROPRIETORS PTY LTD
Respondent:	TANIA COOPER
Respondent:	CORIOLE PTY LTD
Respondent:	GRANT STEPHEN CUNDY
Respondent:	JOHN CLARK
Respondent:	D & R DERUVO & SONS P/L
Respondent:	ROBERT FALLINS
Respondent:	STEPHEN DANIEL
Respondent:	SUSAN JOYCE DANIEL
Respondent:	A DATSOPOULOS
Respondent:	DATSOS INVESTMENTS PTY LTD
Respondent:	DANIELLE RAFFAELE DE IESO
Respondent:	SALVATORE DE IESO
Respondent:	FILIPPO DELUCA
Respondent:	ANTONIO DI FABIO
Respondent:	GIUSEPPE DI FABIO
Respondent:	MARIA MICHELA DI FABIO
Respondent:	VITTORIO DI FAVA
Respondent:	ALFREDO DIMASI
Respondent:	GIUSEPPINA DIMASI
Respondent:	E & I DI FAVA NOMINEES
Respondent:	ELANDES NOMINEES P/L
Respondent:	ADELE ANN ELLIOTT
Respondent:	LYDON GRANTLEY ELLIOTT
Respondent:	PETER JOHN EMERY
Respondent:	F & A NOTO & SONS PTY LTD
Respondent:	ANGELO D'ALOIA
Respondent:	ROBERT FELL
Respondent:	LUIGI FELTRIN
Respondent:	GEORGE FRANGOS
Respondent:	MARY FRANGOS
Respondent:	DOMENICA GASPARINI
Respondent:	GIAN NOMINEES
Respondent:	MONICA ANNE HAMILTON-BRUCE
Respondent:	MOSTYN WILLIAM HANCOCK
Respondent:	SHIRLEY RAYLENE HANCOCK
Respondent:	HELEN GRANT HARDY
Respondent:	HARTLEY LEWIS NOMINEES P/L
Respondent:	JOHN RICHARD HUEY-WILLIAMS
Respondent:	KATHRYN THERESE HUEY-WILLIAMS
Respondent:	INGHAMS ENTERPRISES PTY LIMITED (ACN 008 447 345)
Respondent:	CHRISTINE ANNE IULIANO

Respondent:	GUERINO IULIANO
Respondent:	J CANNIZZARO
Respondent:	P CANNIZZARO
Respondent:	LUCIANA JAKSA
Respondent:	LAURA ANN FELL
Respondent:	PETER JAKSA
Respondent:	DOREEN MAY JAMES
Respondent:	TREVOR WAYNE LINKE
Respondent:	LIMAVADY PTY LTD
Respondent:	THOMAS LIAPIS
Respondent:	ZELJKO LESAN
Respondent:	VERONICA LESAN
Respondent:	MARGARET ANNE LEDSEN
Respondent:	SYDNEY RONALD KYLOH
Respondent:	KOTHYNAYAGIAMALL KUHAN
Respondent:	KINGSTON 153 PTY LTD
Respondent:	GREGORY STEPHEN KEANE
Respondent:	FREDERICK FRANCIS KEANE
Respondent:	FORTINI KASDALIS
Respondent:	ARTHUR KASDALIS
Respondent:	KYRIAKOS KARAPAS
Respondent:	KYRIAKI KARAPAS
Respondent:	PATRICIA JOSEPHINE JOHNSON
Respondent:	HAROLD JAMES JOHNSON
Respondent:	HANNA JANISZEWSKI
Respondent:	MALCOLM EDWARD JAMES
Respondent:	CARMELA LOGOZZO
Respondent:	MICHAEL JOHN MCGREGOR MAYBANK
Respondent:	BRIAN LESLIE MARSCHALL
Respondent:	ADRIAN MARSCHALL
Respondent:	TARQUINIO MARCOIONNI
Respondent:	JOE MARCOIONNI
Respondent:	MARCOIONNI. DESOLINA
Respondent:	DAVID MARCOIONNI
Respondent:	PASQUALE MARCIANO
Respondent:	PAOLO MARCIANO
Respondent:	STAVROS MANOLAS
Respondent:	TAMMY MAMMONE
Respondent:	GIACONDA MAMMONE
Respondent:	ANTONIO MAMMONE
Respondent:	ANGELO MAMMONE
Respondent:	MALCOLM LEWIS NOMINEES P/L
Respondent:	ILARIO MAIOLO
Respondent:	VYIANNE MAE MAHON
Respondent:	FERGUS GARTH MAHON
Respondent:	COSIMO LOGOZZO
Respondent:	CHRISTINE MARIE MAYBANK
Respondent:	CRAIG MCPHEE
Respondent:	SUSAN BETH MERCORELLA
Respondent:	ROWEN FREDERICK OSBORN
Respondent:	FRANCIS D'ARENBERG OSBORN
Respondent:	OLINGA PTY LTD

Respondent:	FRANCESCO SALVATORE NOTO
Respondent:	MARGARET DAWN NICOL
Respondent:	BARRYMORE DOUGLAS NICOL
Respondent:	NEBAT PTY LTD
Respondent:	MORGOLD PTY LTD
Respondent:	GUISEPPE MONDELLO
Respondent:	MITOLO HOLDINGS PTY LTD
Respondent:	MINH HO DO
Respondent:	WILLIAM EDWARD MILTON
Respondent:	GLORIA AILEEN MILTON
Respondent:	ROSS MERENDA
Respondent:	MARIA MERENDA
Respondent:	GIUSEPPE MERENDA
Respondent:	FRANK MERENDA
Respondent:	CRISTINA MERENDA
Respondent:	CELINE THERESE PARKINSON
Respondent:	JOHN LAWRENCE PARKINSON
Respondent:	ROSA REVERUZZI
Respondent:	MARIO REVERUZZI
Respondent:	PAMELA M REINCKE
Respondent:	R & G MERENDA PTY LTD
Respondent:	MARISA POZENEL
Respondent:	PETER PORROVECCHIO
Respondent:	ANNETTE MARIA PORROVECCHIO
Respondent:	PETER POLSON
Respondent:	ILARIO PISCIONERI
Respondent:	CLAUDIO PISCIONERI
Respondent:	MICHAEL ANTHONY PICARD
Respondent:	ANNE PICARD
Respondent:	PIBROCH PTY LTD
Respondent:	PATRICIA LESLEY PERKINS
Respondent:	EDWARD GEORGE PERKINS
Respondent:	PENRICE SODA PRODUCTS PTY LTD
Respondent:	DOMENIC PELLICONE
Respondent:	TIMOTHY JOSEPH PARKINSON
Respondent:	ANTONIO PELLICONE
Respondent:	CARMELA PELLICONE
Respondent:	LEONARDO SCINTO
Respondent:	CARMELA SCINTO
Respondent:	RIDENTI NOMINEES PTY LTD
Respondent:	GEOFFREY ROHRLACH
Respondent:	JILL ROHRLACH
Respondent:	ANNA RUGGIERO
Respondent:	SALVATORE RUGGIERO
Respondent:	VINCENZO RUGGIERO
Respondent:	JAMES D RUMP
Respondent:	JOYLEEN RUMP
Respondent:	BEVERLEY KATHLEEN RUSSELL
Respondent:	SANCTUARY FARM CHILD CARE CENTRE & KINDERGARTEN
Respondent:	FRANK JOHN VINCENT SCHULZE
Respondent:	MARY ELIZABETH HELEN SCHULZE

Respondent:	LJUBOMIR SEMAK
Respondent:	TANIA SEMAK
Respondent:	CAROLYNE MARGARET SHIRVINGTON
Respondent:	PAUL BERNARD SHIRVINGTON
Respondent:	MICHAEL FRANCIS SKIPPER
Respondent:	ERIO SPRINGHETTI
Respondent:	CVETA STEVANOVIC
Respondent:	MARGARET ANNE WALLACE
Respondent:	LEONARD CLARENCE SUGARS
Respondent:	MILOSAVA VINICKY
Respondent:	GEORGE D VINICKY
Respondent:	DIANNA VINICKY
Respondent:	UNIVERSITY OF ADELAIDE - OFFICE OF THE VICE-CHANCELLOR
Respondent:	GRAHAM JOHN TUCKER
Respondent:	PETER TSIROS
Respondent:	ELIZABETH TRIMBOLI
Respondent:	ANTONIO TRIMBOLI
Respondent:	CHANH MINH TANG
Respondent:	ZERELLA HOLDINGS PTY LTD
Respondent:	WICKHAM ESTATE PTY LTD
Respondent:	ELIZABETH A WATERS
Respondent:	DARREN A WATERS
Respondent:	TOMISLAV STEVANOVIC
Respondent:	MARK GILBERT STOECKEL
Respondent:	SUZANNE CECILE STOECKEL
Respondent:	LOUY STOYANOFF
Respondent:	NICHOLAS VINICKY
Respondent:	RUSSELL EDWIN BOORD
Respondent:	GRAHAM GORDON FILMER
Respondent:	PAUL ADRIAN FIMERI
Respondent:	SHAYNE MICHAEL FITZGERALD
Respondent:	ROBERT JOHN BUTSON
Respondent:	MERVYN JOHN CAMP
Respondent:	WALTER PHILIP COOPER
Respondent:	DONALD GEORGE FEAST
Respondent:	DAVID FARADAY GILL
Respondent:	JEFFREY JOHN DALE
Respondent:	EPIC ENERGY SOUTH AUSTRALIA PTY LTD
Respondent:	SHANNON MAUREEN GILL
Respondent:	RICHARD CHARLES EDWARD CROSER
Respondent:	STEWART JOHN BUTSON
Respondent:	CLINTON DUANE ZERELLA
Respondent:	BARTHOLOMEW BRETT BUTSON
Respondent:	TAO MINH TANG
Respondent:	PETER LAGOUDAKIS
Respondent:	TONY KINGDON
Respondent:	JEFFREY M HOW
Respondent:	ROBERT JOHN HARDING
Respondent:	GRAHAM MARK TAPLEY
Respondent:	ANNE ELIZABETH TAPLEY
Respondent:	ALLAN JOHN SUTER

Respondent:	BRIAN K MUNDY
Respondent:	MAZRON PTY LTD
Respondent:	SIMON FREDERIC MANNERS
Respondent:	MAURICE MANNERS
Respondent:	ROBERT TYRER PENNINGTON
Respondent:	KYM BRYAN MALLYON
Respondent:	TONY FRANC LUKIN
Respondent:	PETER YOUNG
Respondent:	ALAN ROBERTSON
Respondent:	BRENTON E TYRRELL
Respondent:	HENRY RICHARD WESTLAKE
Respondent:	JEFFREY PAUL WAIT
Respondent:	TELSTRA CORPORATION LIMITED
Respondent:	AIRSERVICES AUSTRALIA
Respondent:	STEPHEN YOUNG
Respondent:	NATIONAL TRUST OF SOUTH AUSTRALIA
Respondent:	SOUTH AUSTRALIAN APIARISTS ASSOCIATION INC
Respondent:	HAHNS CULLEY & SONS
Respondent:	SOUTH AUSTRALIAN NATIVE TITLE SERVICES LTD
Respondent:	WILDCATCH FISHERIES SA INC
Respondent:	ST JOHN AMBULANCE AUSTRALIA SA INC
Respondent:	COMMONWEALTH OF AUSTRALIA
Respondent:	SA POWER NETWORKS (FORMERLY KNOW AS ETSA UTILITIES)
Respondent:	SOUTH AUSTRALIAN NATIVE TITLE SERVICES LTD

-1-

Form 59
Rule 29.02(1)

Affidavit

No. SAD 6001 of 2000

Federal Court of Australia
District Registry: South Australia
Division: General

KAURNA NATIVE TITLE CLAIM

GARTH AGIUS and others

Applicants


STATE OF SOUTH AUSTRALIA and others

Respondents

Affidavit of: **Nicholas LLEWELLYN-JONES**
Address: C/- Level 15, 45 Pirie Street, Adelaide SA
Occupation: Solicitor
Date: 1 February 2017

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CHRISTOPHER I ALEXANDRIDES
A Commissioner for taking affidavits
in the Supreme Court of South Australia

Filed on behalf of The Local Government respondents named in this Affidavit
Prepared by Nicholas Llewellyn-Jones
Law firm Norman Waterhouse Lawyers
Tel _____ Fax (08) 8210 1234
Email _____
Address for service Level 15, 45 Pirie Street, ADELAIDE SA 5000

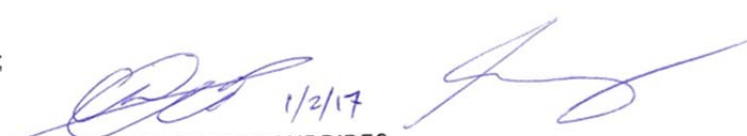
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I, Nicholas Llewellyn-Jones of c/- Level 15, 45 Pirie Street, Adelaide in the State of South Australia, solicitor, say on oath:

1. Norman Waterhouse acts as the solicitor in this proceedings for the following Respondents:

- 1.1 Adelaide Hills Council;
- 1.2 Adelaide Plains Council;
- 1.3 Alexandrina Council;

 1/2/17
 CHRISTOPHER I ALEXANDRIDES
 A Commissioner for taking affidavits
 in the Supreme Court of South Australia

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- 1.4 City of Adelaide;
 - 1.5 City of Campbelltown;
 - 1.6 City of Charles Sturt;
 - 1.7 City of Holdfast Bay;
 - 1.8 City of Norwood, Payneham and St Peters;
 - 1.9 City of Onkaparinga;
 - 1.10 City of Prospect;
 - 1.11 City of Playford;
 - 1.12 City of Port Adelaide Enfield;
 - 1.13 City of Marion;
 - 1.14 City of Mitcham;
 - 1.15 City of Salisbury;
 - 1.16 City of Tea Tree Gully;
 - 1.17 City of Unley;
 - 1.18 City of Victor Harbor;
 - 1.19 City of West Torrens;
 - 1.20 Clare and Gilbert Valleys Council;
 - 1.21 District Council of Yankalilla;
 - 1.22 Mount Barker District Council;
 - 1.23 Port Pirie Regional Council;
 - 1.24 The Barossa Council.
2. Those parties are respondents to the Interlocutory Application for discovery filed on 24 January 2017 (**Discovery Application**).



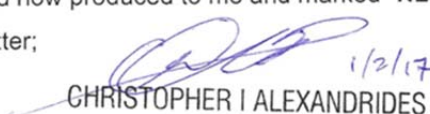
CHRISTOPHER I ALEXANDRIDES

A Commissioner for taking affidavits
in the Supreme Court of South Australia



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3. Norman Waterhouse has also received instructions from the Town of Gawler which is not a party to this proceeding but is a respondent to the Interlocutory Application for non-party discovery filed on 25 January 2017 (**Non-Party Discovery Application**).
4. I am a Partner of Norman Waterhouse Lawyers. I am the file principal and have care and conduct of this matter on behalf of those respondents to the Discovery Application and Non-Party Discovery Application named above. I am cognisant of the matters outlined in this Affidavit.
5. This Affidavit is sworn in order to bring to the attention of the Court certain correspondence which occurred prior to the filing of the Discovery Application. No correspondence annexed hereto is privileged or without prejudice, and I am not instructed or authorised by my clients to waive any privilege.
6. By letter dated 16 December 2016, the Solicitor for the Applicant Mr Tim Campbell provided me with proposed categories of discovery. Now produced to me and marked "NLJ-1" is a true copy of that letter.
7. Those proposed categories of discovery were duly communicated by me to those councils which became respondents to the Discovery Application and which are represented by Norman Waterhouse.
8. On 18 January 2017, I wrote letters to Mr Campbell on behalf of each of the following councils:
 - 8.1 Adelaide Hills Council—now produced to me and marked "NLJ-2" is a true copy of that letter;
 - 8.2 City of Playford—now produced to me and marked "NLJ-3" is a true copy of that letter;
 - 8.3 City of Prospect—now produced to me and marked "NLJ-4" is a true copy of that letter.
9. On 19 January 2017, I wrote letters to Mr Campbell on behalf of each of the following councils:
 - 9.1 City of Adelaide—now produced to me and marked "NLJ-5" is a true copy of that letter, and now produced to me and marked "NLJ-6" is a true copy of the enclosure to that letter;


CHRISTOPHER I ALEXANDRIDES
A Commissioner for taking affidavits
in the Supreme Court of South Australia



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- 9.2 City of Salisbury—now produced to me and marked “NLJ-7” is a true copy of that letter;
- 9.3 The Barossa Council—now produced to me and marked “NLJ-8” is a true copy of that letter;
- 9.4 City of Tea Tree Gully—now produced to me and marked “NLJ-9” is a true copy of that letter;
- 9.5 City of Onkaparinga—now produced to me and marked “NLJ-10” is a true copy of that letter.
10. Also on 19 January 2017, I caused emails to be sent from Norman Waterhouse to Mr Campbell on behalf of each of the following councils:
- 10.1 Mount Barker District Council—now produced to me and marked “NLJ-11” is a true copy of that email;
- 10.2 City of Norwood, Payneham and St Peters—now produced to me and marked “NLJ-12” is a true copy of that email;
- 10.3 City of Marion—now produced to me and marked “NLJ-13” is a true copy of that email.
11. On 20 January 2017, I wrote a letter to Mr Campbell on behalf of the City of West Torrens—now produced to me and marked “NLJ-14” is a true copy of that letter.
12. I know the foregoing of my own knowledge, except where otherwise set out and specifically explained.

Sworn by the deponent
at Adelaide
in South Australia
on 1 February 2017
Before me:

)
)
)
)
)

Signature of deponent

Signature of witness

CHRISTOPHER I ALEXANDRIDES
A Commissioner for taking affidavits
in the Supreme Court of South Australia

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No. SAD 6001 of 2000

Federal Court of Australia
District Registry: South Australia
Division: General


KAURNA NATIVE TITLE CLAIM

GARTH AGIUS and others
Applicant

STATE OF SOUTH AUSTRALIA and others
Respondents

Annexure "NLJ-1"

This is the Annexure marked "NLJ-1" referred to
in the affidavit of NICHOLAS LLEWELLYN-JONES
sworn on 1 February 2017 before me:


CHRISTOPHER I ALEXANDRIDES
A Commissioner for taking affidavits
in the Supreme Court of South Australia

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Suite 7, Level 1, 118 Halifax Street,
Adelaide, SA 5000



www.campbelllaw.com.au

16th December 2016

Nick Llewellyn-Jones
Norman Waterhouse
Level 15
45 Pirie Street
Adelaide, SA 5000

By mail and email

Dear Mr Llewellyn-Jones

Kaurna Native Title Claim

We act for the South Australian Kaurna Native Title Claim Applicants and for Kaurna Yerta Aboriginal Corporation that manages the Kaurna Native Title Claim on behalf of the Applicants. We are instructed to make applications to the Federal Court of Australia for discovery orders for documents relevant to the Kaurna Native Title Claim. We expect the applications to be heard on 3rd February 2017.

The application seeking discovery from local government bodies will refer to the following categories of documents:

1. By-law infringements from 1836 – 2016 in relation to the following family names:
 - a. Wanganeen
 - b. Newchurch
 - c. Agius
2. Meeting minutes in relation to the Tappa Iri (2005-2008) agreement from the period 2002-2008 for the following councils:
 - a. Holdfast Bay
 - b. Marion
 - c. Onkaparinga
 - d. Yankalilla
3. Reports provided to the following councils, in relation to the Kaurna Tappa Iri agreement for the period 2002-2008:
 - a. Holdfast Bay
 - b. Marion
 - c. Onkaparinga

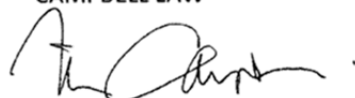
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- d. Yankalilla
- 4. Correspondence in relation to the Kurna Tappa Iri (2005-2008) agreement from the period 2002-2008, for the following councils:
 - a. Holdfast Bay
 - b. Marion
 - c. Onkaparinga
 - d. Yankalilla
- 5. Cemetery records from 1836-2016 in relation to the following family names for all councils in the Kurna claim area:
 - a. Wanganeen
 - b. Newchurch
 - c. Agius
- 6. Documents relating to the planning and establishment of the Living Kurna Cultural Centre and Warriparinga Wetlands (City of Marion)
- 7. Minutes of meetings between KACHA and the City of Marion council from 1999-2000 (inclusive)
- 8. Local council area maps (within the Kurna claim area) dating from 1836-2016 of Aboriginal reserves
- 9. Area maps identifying Aboriginal camps (within the Kurna claim area) dating from 1836-2016
- 10. Any applications in the form of letters, petitions, and other correspondence to councils in relation to the protection of Aboriginal land, culture, and traditions from 1836-2016
- 11. Records of permission sought by Aboriginal peoples from local councils and/or permission given by local councils within the Kurna claim area from 1836-2016 for:
 - a. Conducting traditional practices such as:
 - i. Corroborees
 - ii. Dances/singing
 - iii. Fires
 - iv. The use of resources
- 12. Documents relating to communications between Aboriginal persons and the relevant councils for the Tjilbruke art installation at Kingston Park and the Victoria Square fountain

Thank you for your attention to this matter. If you wish to discuss this matter, please do not hesitate to contact the writer.

Yours sincerely

CAMPBELL LAW



Tim Campbell
Principal

Liability limited by a scheme approved under Professional Standards Legislation.

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No. SAD 6001 of 2000

Federal Court of Australia
District Registry: South Australia
Division: General

KAURNA NATIVE TITLE CLAIM**GARTH AGIUS** and others


Applicant

STATE OF SOUTH AUSTRALIA and others

Respondents

Annexure "NLJ-2"

This is the Annexure marked "NLJ-2" referred to
in the affidavit of NICHOLAS LLEWELLYN-JONES
sworn on 1 February 2017 before me:

 1/2/17
CHRISTOPHER I ALEXANDRIDES
A Commissioner for taking affidavits
in the Supreme Court of South Australia

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Norman Waterhouse

SINCE 1920 LAWYERS

Ref: CZA\M00289345F04579838.DOCX

18 January 2017

Tim Campbell
Campbell Law
Suite 7, First floor, 118 Halifax Street
ADELAIDE SA 5000

Dear Sir

Kaurna proposed discovery – SAD6001/2000 – Adelaide Hills Council

1. As you are aware, we act for the Adelaide Hills Council (**Council**) in Federal Court proceeding SAD6001/2000.
2. We refer to our previous communications concerning a proposed discovery application by the Kaurna Applicant in that proceeding, including our meeting with you on 12 December 2016 and your letter dated 16 December 2016.
3. As mentioned in our meeting, the Council has, over the years, transferred the majority of its relevant records into the custody of State Records on an ongoing basis.
4. This is relevant insofar as the extent to which discovery can be pursued against the Council. Although we do not address it here in detail, we consider it a distinct possibility that Section 25(2) of the *State Records Act 1997* (SA) (**SR Act**) sufficiently fetters our client's access (and use after access) to records which have been transferred to the custody of State Records such that those records are not in the Council's "control" for the purposes of discovery under the *Federal Court Rules 2011* (Cth).
5. To very briefly outline the relationship of the Council with its historical records:
 - 5.1 The Council is an 'agency' for the purpose of the SR Act.
 - 5.2 Accordingly, the Council has obligations to 'dispose' of records (including transferring records to State Records) in accordance with the SR Act.
 - 5.3 More specifically, the Council has obligations under *General Disposal Schedule 20 for Local Government Records in South Australia* (**GDS 20**), a determination made pursuant to Section 23 of the SR Act. Item 16.57 of GDS 20 also specifically incorporates *General Disposal Schedule 16: Impact of Native Title Claims on Disposal of Official Records* (**GDS 16**).
 - 5.4 Effectively, in the course of meeting its obligations under the SR Act, GDS 16 and GDS 20, as well as predecessor record-keeping obligations, the Council has delivered the significant majority of its historical records into the custody of the Manager of State Records.

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18 January 2017

- 5.5 Section 25(2) of the SR Act fetters our client's access (and use after access) to such records by granting the Manager of State Records primary control over them, and generally disentitling our client to resume possession of any record that has been in existence for 15 years or more.
6. Therefore, it is important to recognise that the Council will, by law, only have (at most) a limited amount of relevant records in its custody. Most will have been transferred to the custody of State Records.
7. With this in mind, we have requested that the Council instruct us what documents the Council may hold in its custody (i.e. not transferred to State Records), from each relevant category set out in your letter of 16 December 2016. Necessarily, given the time pressures (your letter was received by email on 19 December 2016, and the intervening period up until the date of this letter has included office closures for both the Council and our office), the Council has only been able to provide an initial assessment.
8. We confirm that the Council's position in response to your proposed categories of discovery is as follows:
- 8.1 Category 1: Council only has information relating to the last 7-10 years. It currently holds the following:
- 8.1.1 employment applications for Agius;
- 8.1.2 record relating to the native title claim in 2003 referencing Garth Agius.
- 8.1.3 customer request records relating to Agius (not infringements).
- 8.2 Category 5: Council does not hold comprehensive records of all cemeteries in the district; there are 16 currently under Council's care and control and likely a similar number managed by other bodies. Their records indicate that they do not have information for the listed parties.
- 8.3 Category 8: Council has limited maps in its possession, and has not yet performed a review of these.
- 8.4 Category 9: Council has limited maps in its possession, and has not yet performed a review of these.
- 8.5 Category 10: No records prior to 1997 in Council's possession, only record found for event application to hold a centenary corroboree in Aldgate in 2015.
- 8.6 Category 11: No records prior to 1997 in Council's possession, only record found for event application to hold a centenary corroboree in Aldgate in 2015.
9. We confirm that this is our client's initial assessment of the documents in their custody.
10. There could be further documents which were once, but are no longer, in our client's custody. As outlined above, most of the records for the period you are requesting are now consolidated in the custody of State Records. Any documents which are not in the custody of the Council should be requested from the State.
11. For the reasons outlined above, the Council requests, at a minimum, that your client limit their proposed discovery application to those documents which are in the custody of the Council.

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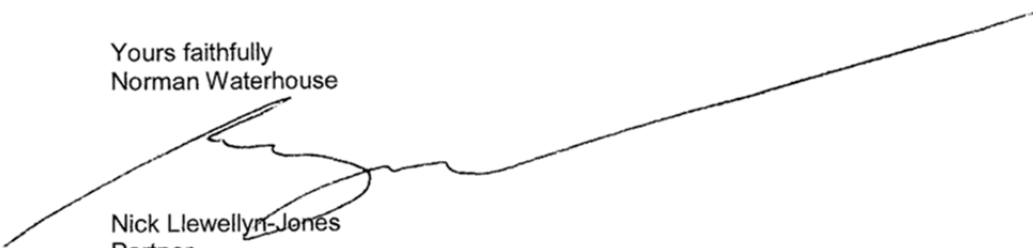
-12-

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18 January 2017

12. We also note, from the perspective of efficiency, it is also substantially more workable for those records which are in the custody of State Records to be pursued from the State rather than the dozens of separate councils. Elevating such considerations of efficiency and minimising burdens on parties in relation to discovery is consistent with the requirements in Part 10 of the Federal Court of Australia's *Central Practice Note: National Court Framework and Case Management (CPN-1)*.

Yours faithfully
Norman Waterhouse



Nick Llewellyn-Jones
Partner

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No. SAD 6001 of 2000

Federal Court of Australia
District Registry: South Australia
Division: General

KAURNA NATIVE TITLE CLAIM**GARTH AGIUS** and others


Applicant

STATE OF SOUTH AUSTRALIA and others

Respondents

Annexure "NLJ-3"

This is the Annexure marked "NLJ-3" referred to
in the affidavit of NICHOLAS LLEWELLYN-JONES
sworn on 1 February 2017 before me:

 1/2/17
CHRISTOPHER I ALEXANDRIDES
A Commissioner for taking affidavits
in the Supreme Court of South Australia

-14-

Norman Waterhouse

SINCE 1920 LAWYERS

Ref: CZA1M00289345F04579888.DOCX

18 January 2017

Tim Campbell
Campbell Law
Suite 7, First floor, 118 Halifax Street
ADELAIDE SA 5000

Dear Sir

Kaurna proposed discovery – SAD6001/2000 – City of Playford

1. As you are aware, we act for the City of Playford (**Council**) in Federal Court proceeding SAD6001/2000.
2. We refer to our previous communications concerning a proposed discovery application by the Kaurna Applicant in that proceeding, including our meeting with you on 12 December 2016 and your letter dated 16 December 2016.
3. As mentioned in our meeting, the Council has, over the years, transferred the majority of its relevant records into the custody of State Records on an ongoing basis.
4. This is relevant insofar as the extent to which discovery can be pursued against the Council. Although we do not address it here in detail, we consider it a distinct possibility that Section 25(2) of the *State Records Act 1997* (SA) (**SR Act**) sufficiently fetters our client's access (and use after access) to records which have been transferred to the custody of State Records such that those records are not in the Council's "control" for the purposes of discovery under the *Federal Court Rules 2011* (Cth).
5. To very briefly outline the relationship of the Council with its historical records:
 - 5.1 The Council is an 'agency' for the purpose of the SR Act.
 - 5.2 Accordingly, the Council has obligations to 'dispose' of records (including transferring records to State Records) in accordance with the SR Act.
 - 5.3 More specifically, the Council has obligations under *General Disposal Schedule 20 for Local Government Records in South Australia* (**GDS 20**), a determination made pursuant to Section 23 of the SR Act. Item 16.57 of GDS 20 also specifically incorporates *General Disposal Schedule 16: Impact of Native Title Claims on Disposal of Official Records* (**GDS 16**).
 - 5.4 Effectively, in the course of meeting its obligations under the SR Act, GDS 16 and GDS 20, as well as predecessor record-keeping obligations, the Council has delivered the significant majority of its historical records into the custody of the Manager of State Records.

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18 January 2017

- 5.5 Section 25(2) of the SR Act fetters our client's access (and use after access) to such records by granting the Manager of State Records primary control over them, and generally disentitling our client to resume possession of any record that has been in existence for 15 years or more.
6. Therefore, it is important to recognise that the Council will, by law, only have (at most) a limited amount of relevant records in its custody. Most will have been transferred to the custody of State Records.
7. With this in mind, we have requested that the Council instruct us what documents the Council may hold in its custody (i.e. not transferred to State Records), from each relevant category set out in your letter of 16 December 2016. Necessarily, given the time pressures (your letter was received by email on 19 December 2016, and the intervening period up until the date of this letter has included office closures for both the Council and our office), the Council has only been able to provide an initial assessment.
8. We confirm that the Council's position in response to your proposed categories of discovery is as follows:
- 8.1 Category 1: Approximately 100 records of by-law infringements for relevant names concerning burning, parking and dog regulation.
- 8.2 Category 5: Council does not hold records for listed parties.
- 8.3 Category 8: Council does not hold maps identifying Aboriginal reserves.
- 8.4 Category 9: Council does not hold maps identifying Aboriginal camps.
- 8.5 Category 10: Council holds record for a petition to Council not to close a road – one reason cited as Aboriginal site at Humbug Scrub (December 2016). Council also notes reference to an Aboriginal reserve in Virginia (newspaper article 1916) and Aboriginal art at One Tree Hill. Possibly further information in the following old minute books held on site at Elizabeth:
- 8.5.1 Munno Para East Minute books (1854 – 1860)
- 8.5.2 Munno Para East Minute books (1864 – 1886)
- 8.5.3 Munno Para East Minute books (1895 – 1909)
- 8.6 Category 11: Possible information in the above minute books held on site at Elizabeth.
9. We confirm that this is our client's initial assessment of the documents in their custody.
10. There could be further documents which were once, but are no longer, in our client's custody. As outlined above, most of the records for the period you are requesting are now consolidated in the custody of State Records. Any documents which are not in the custody of the Council should be requested from the State.
11. For the reasons outlined above, the Council requests, at a minimum, that your client limit their proposed discovery application to those documents which are in the *custody* of the Council.
12. We also note, from the perspective of efficiency, it is also substantially more workable for those records which are in the custody of State Records to be pursued from the State rather

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18 January 2017

than the dozens of separate councils. Elevating such considerations of efficiency and minimising burdens on parties in relation to discovery is consistent with the requirements in Part 10 of the Federal Court of Australia's *Central Practice Note: National Court Framework and Case Management (CPN-1)*.

Yours faithfully
Norman Waterhouse

A handwritten signature in black ink, appearing to read 'Nick Llewellyn-Jones', written over a horizontal line.

Nick Llewellyn-Jones
Partner

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No. SAD 6001 of 2000

Federal Court of Australia
District Registry: South Australia
Division: General


KAURNA NATIVE TITLE CLAIM

GARTH AGIUS and others
Applicant

STATE OF SOUTH AUSTRALIA and others
Respondents

Annexure "NLJ-4"

This is the Annexure marked "NLJ-4" referred to
in the affidavit of NICHOLAS LLEWELLYN-JONES
sworn on 1 February 2017 before me:

 1/2/17
CHRISTOPHER I ALEXANDRIDES
A Commissioner for taking affidavits
in the Supreme Court of South Australia

-18-



Ref: CZA\M00289345F04579824.DOCX

18 January 2017

Tim Campbell
Campbell Law
Suite 7, First floor, 118 Halifax Street
ADELAIDE SA 5000

Dear Sir

Kaurna proposed discovery – SAD6001/2000 – City of Prospect

1. As you are aware, we act for the City of Prospect (**Council**) in Federal Court proceeding SAD6001/2000.
2. We refer to our previous communications concerning a proposed discovery application by the Kaurna Applicant in that proceeding, including our meeting with you on 12 December 2016 and your letter dated 16 December 2016.
3. As mentioned in our meeting, the Council has, over the years, transferred the majority of its relevant records into the custody of State Records on an ongoing basis.
4. This is relevant insofar as the extent to which discovery can be pursued against the Council. Although we do not address it here in detail, we consider it a distinct possibility that Section 25(2) of the *State Records Act 1997* (SA) (**SR Act**) sufficiently fetters our client's access (and use after access) to records which have been transferred to the custody of State Records such that those records are not in the Council's "control" for the purposes of discovery under the *Federal Court Rules 2011* (Cth).
5. To very briefly outline the relationship of the Council with its historical records:
 - 5.1 The Council is an 'agency' for the purpose of the SR Act.
 - 5.2 Accordingly, the Council has obligations to 'dispose' of records (including transferring records to State Records) in accordance with the SR Act.
 - 5.3 More specifically, the Council has obligations under *General Disposal Schedule 20 for Local Government Records in South Australia* (**GDS 20**), a determination made pursuant to Section 23 of the SR Act. Item 16.57 of GDS 20 also specifically incorporates *General Disposal Schedule 16: Impact of Native Title Claims on Disposal of Official Records* (**GDS 16**).
 - 5.4 Effectively, in the course of meeting its obligations under the SR Act, GDS 16 and GDS 20, as well as predecessor record-keeping obligations, the Council has delivered the significant majority of its historical records into the custody of the Manager of State Records.

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- 2 -

18 January 2017

- 5.5 Section 25(2) of the SR Act fetters our client's access (and use after access) to such records by granting the Manager of State Records primary control over them, and generally disentitling our client to resume possession of any record that has been in existence for 15 years or more.
6. Therefore, it is important to recognise that the Council will, by law, only have (at most) a limited amount of relevant records in its custody. Most will have been transferred to the custody of State Records.
7. With this in mind, we have requested that the Council instruct us what documents the Council may hold in its custody (i.e. not transferred to State Records), from each relevant category set out in your letter of 16 December 2016. Necessarily, given the time pressures (your letter was received by email on 19 December 2016, and the intervening period up until the date of this letter has included office closures for both the Council and our office), the Council has only been able to provide an initial assessment.
8. We confirm that the Council's position in response to your proposed categories of discovery is as follows:
- 8.1 The Council advises that it has no relevant records for the following categories in its possession: 5, 8, 9, 10 & 11.
- 8.2 However, the Council's records indicate that there are by-law infringements for Gavin Wanganeen, Stephanie Wanganeen, Maxwell Newchurch and Katrina Newchurch concerning dog-related expiation notices.
9. We confirm that this is our client's initial assessment of the documents in their custody.
10. There could be further documents which were once, but are no longer, in our client's custody. As outlined above, most of the records for the period you are requesting are now consolidated in the custody of State Records. Any documents which are not in the custody of the Council should be requested from the State.
11. For the reasons outlined above, the Council requests, at a minimum, that your client limit their proposed discovery application to those documents which are in the *custody* of the Council.
12. We also note, from the perspective of efficiency, it is also substantially more workable for those records which are in the custody of State Records to be pursued from the State rather than the dozens of separate councils. Elevating such considerations of efficiency and minimising burdens on parties in relation to discovery is consistent with the requirements in Part 10 of the Federal Court of Australia's *Central Practice Note: National Court Framework and Case Management (CPN-1)*.

Yours faithfully
Norman Waterhouse



Nick Llewellyn-Jones
Partner

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No. SAD 6001 of 2000

Federal Court of Australia
District Registry: South Australia
Division: General

KAURNA NATIVE TITLE CLAIM**GARTH AGIUS** and others


Applicant

STATE OF SOUTH AUSTRALIA and others

Respondents

Annexure "NLJ-5"

This is the Annexure marked "NLJ-5" referred to
in the affidavit of NICHOLAS LLEWELLYN-JONES
sworn on 1 February 2017 before me:

 1/2/17
CHRISTOPHER I ALEXANDRIDES
A Commissioner for taking affidavits
in the Supreme Court of South Australia

-21-

Norman Waterhouse

SINCE 1920 LAWYERS

Ref: CZA\M00289355F04580369.DOCX

19 January 2017

Tim Campbell
Campbell Law
Suite 7, First floor, 118 Halifax Street
ADELAIDE SA 5000

Dear Sir

Kaurna proposed discovery – SAD6001/2000 – The Corporation of the City of Adelaide

1. As you are aware, we act for the Corporation of the City of Adelaide (**Council**) in Federal Court proceeding SAD6001/2000.
2. We refer to our previous communications concerning a proposed discovery application by the Kaurna Applicant in that proceeding, including our meeting with you on 12 December 2016 and your letter dated 16 December 2016.
3. As mentioned in our meeting, the Council will have transferred many of its relevant records into the custody of State Records pursuant to its obligations under the *State Records Act 1997 (SR Act)* and associated determinations made under that Act. Although we do not address it here in detail, we consider it a distinct possibility that Section 25(2) of the SR Act sufficiently fetters our client's access (and use after access) to records which have been transferred to the custody of State Records such that those records are not in the Council's "control" for the purposes of discovery under the *Federal Court Rules 2011* (Cth).
4. With this in mind, we have requested that the Council instruct us what documents the Council may hold in its custody (i.e. not transferred to State Records), from each relevant category set out in your letter of 16 December 2016. Necessarily, given the time pressures (your letter was received by email on 19 December 2016, and the intervening period up until the date of this letter has included office closures for both the Council and our office), the Council has only been able to provide an initial assessment.
5. It is important to note that the Council operates its own archives (**City Archives**). Historical records in City Archives are generally contained within large volumes (year books, minute books, correspondence, etc.). The City Archives are located in Topham Mall.
6. Before addressing your specific categories, it is relevant to note that the Council has, in the **enclosed City Archive Source Sheet No. 54—Records Relating to Aborigines**, identified various sources which are of relevance generally to aboriginal activities within the Council.
7. Now turning to your specific categories—we confirm that the Council's position in response to your proposed categories of discovery is as follows:

Level 15, 45 Pirie Street Adelaide SA 5000 GPO Box 639 Adelaide SA 5001 T 08 8210 1200 F 08 8210 1234 www.normans.com.au

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19 January 2017

- 7.1 Category 1 (By-law infringements): Relevant records may be contained in the minutes of meetings of the By-laws Committee and reports of the City Inspectors from 1852;
 - 7.2 Category 5 (Cemetery records): The Council does not hold records of City cemeteries – these are held by West Terrace Cemetery Authority;
 - 7.3 Category 8 (Local area maps): The Council holds several historic maps that show the location of a "Native Reserve" on the park lands;
 - 7.4 Category 9 (Maps identifying Aboriginal camps): The Council is not at this stage aware of any maps in its collection showing the location of Kaurua camp sites, though there may be references on more recent files regarding the Kaurua Native Title Claim 2002/3, the Kaurua and Local Government Land Use Agreement 2013, and Council's ongoing reconciliation recognition agenda and initiatives;
 - 7.5 Category 10 (Applications, petitions, letters regarding protection of Aboriginal land, culture, traditions): Relevant records may be contained in files from the 1970s to the present about this (e.g. Aboriginal occupancy of Brougham Gardens, North Terrace Gardens) and more recent files relating to Council's Reconciliation Action Plan;
 - 7.6 Category 11 (Records regarding corroborees, dances/singing, etc): Again, relevant records may be contained in files from 1960s/70s to the present, especially applications for permits to use the park lands;
 - 7.7 Category 12 (Records regarding artworks, Victoria Square fountain): The Council is aware of files which may contain relevant records.
8. We confirm that this is our client's initial assessment of the documents in their custody.
 9. Firstly, regarding those documents which have been transferred to the custody of State Records—these records should be sought from the State.
 10. Secondly, regarding those documents which remain in the Council's custody—we note again that the sources in City Archives generally consist of large volumes. It would be onerous for our client to review all of the sources which may contain information which may fit into the above proposed categories. Further, your client is better placed to identify those fragments of these records which may be probative to its case.
 11. Part 10 of the Federal Court of Australia's *Central Practice Note: National Court Framework and Case Management (CPN-1)* emphasises that parties in litigation must take all steps to minimise the burden of discovery, and promotes the use of informal and/or innovative consensual measures and protocols as between the parties to enable the efficient resolution of discovery matters.
 12. With these factors in mind, is preferable both from the perspective of our client and from the perspective of efficiency to reach an arrangement whereby our client identifies the sources most likely to contain relevant information, and your client (via its lawyers and/or anthropologist/s) is then granted supervised access to all archival sources our client has retrieved.
 13. Our client therefore suggests that, rather than seeking an order for standard discovery, our clients instead mutually agree (by consent order in the Federal Court of Australia or by separate agreement) upon such an arrangement.
 14. Could you please communicate your client's position in respect of this suggestion.

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19 January 2017

15. Please do not hesitate to contact the writer with any queries.

Yours faithfully
Norman Waterhouse



Nick Llewellyn-Jones
Partner

Encl

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No. SAD 6001 of 2000

Federal Court of Australia
District Registry: South Australia
Division: General

KAURNA NATIVE TITLE CLAIM**GARTH AGIUS** and others

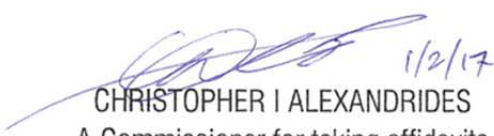
Applicant

STATE OF SOUTH AUSTRALIA and others

Respondents

Annexure "NLJ-6"

This is the Annexure marked "NLJ-6" referred to
in the affidavit of NICHOLAS LLEWELLYN-JONES
sworn on 1 February 2017 before me:

 1/2/17
CHRISTOPHER I ALEXANDRIDES
A Commissioner for taking affidavits
in the Supreme Court of South Australia

City Archives

Records Relating to Aborigines

Source Sheet No.54

Municipal Year Books

From 1920 until 1938 the annual City of Adelaide Municipal Year Book contained a section entitled "Adelaide's Aboriginal Names". Initially, this consisted of a brief one page description of Aboriginal place names in the Adelaide vicinity, but the 1935-36 Year book contained a much more expansive eight page article written by Noel Augustin Webb entitled "The Place Names of the Adelaide Tribe", which was based on the early works of Lutheran Missionaries in South Australia who had compiled a vocabulary of the language of the Adelaide Tribe.

Town Clerk's Dockets

The Town Clerk's Dockets were the Corporation's prime administrative series of correspondence records dating from 1852 until 1976. The series was arranged in an annual single number sequence and controlled by a nominal Index to Town Clerk's Letters Received (Accession 4183) which is set out alphabetically by the sender's name, and annual Register of Town Clerk's Letters (Accession 4182) which list the Dockets in ascending numerical order together with the date received and a summary of the subject dealt with.

Researching the Docket Registers and Indexes should identify specific items of information about issues which may have arisen between the Corporation and the City's Aboriginal inhabitants. For example, the regular fortnightly reports to the Town Clerk from the Medical Officer of Health sometimes touched on Aboriginal health and housing matters, while those from the Park Lands Ranger occasionally contained mention of Aboriginal campsites or corroborees on the Park Lands. In general, though, references to the City's Aboriginal population are few and far between in the Town Clerk's records, and when their existence is acknowledged it is invariably in the context of a nuisance complaint (similarly, the Digests of Proceedings - which are the printed minutes of Council and reports of Council Committees - seldom provide any information about Adelaide's Aborigines).

There are, however, some notable exceptions to this general lack of recognition in the records:

Town Clerk's Docket No. 2658 of 1935 "Adelaide Tribe of Aborigines".

This record was the result of Town Clerk H. P. Beaver's endeavours to expand the section of the Municipal Year Book dealing with the original inhabitants of the Adelaide plains. To this end he asked the Town Clerk of Moonta in 1929 to interview Amelia Taylor, the last surviving member of the Adelaide tribe who was living near the town of Moonta, in order to "glean some facts from her, relative to the Adelaide plains [and] the customs of her tribe". In addition to a transcript of this interview, the Docket also contains extensive biographical information on the Lutheran Missionaries, C.G Teichelmann and C.W. Schurmann, who in 1840 had published "a vocabulary and grammar of the Adelaide Tribe of Aborigines". Much of this material was obtained through the efforts of Dr Edward Angas Johnson, the Corporation's the Medical Officer of Health and a former Member of Council, who said he was "desirous of enriching the records of the Corporation by particulars of the men who were so closely associated with the natives who occupied the site of Adelaide".

Town Clerk's Docket No. 1213 of 1970 "Erection of Memorial Cairns"

Consists of a newspaper clipping regarding a proposal by the Aboriginal Progress Association to erect memorials at sites around Adelaide where local Aboriginal tribes had once lived.

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2**Town Clerk's Docket No. 477 of 1971 "Proposed Aboriginal Cultural Centre"**

Contains correspondence and other papers relating to Council's decision to give moral support to the proposed establishment of an Aboriginal Cultural Centre.

Town Clerk's Docket No. 190 of 1972 "Aboriginal Protest March"

Comprises correspondence, reports, newspaper clippings and other papers relating to Aboriginal protest marches in the City during 1972 - 1976, and the establishment of an Aboriginal tent "embassy" in 1972 in the North Adelaide Gardens. This Docket contains much sensitive material, especially in regard to complaints by local residents and responses by the Council.

Town Clerk's Docket No.558 of 1975 "Use of Flagpoles, King William Street"

Includes correspondence with the National Aborigines Day Observance Committee concerning the flying of Aboriginal flags in King William Street.

Town Clerk's Docket No. 486 of 1976 "Deputation re - Oval in Park Lands"

Deals with an appeal by the Aboriginal Community Centre for a deputation to wait on the Council regarding the possibility of leasing an oval on the Park Lands for Aboriginal sports.

Town Clerk's Special File No. 249B "Social Worker Reports"

This consists mainly of reports submitted by the Corporation's Trained Social Worker, Mrs Joy McLennan, to the Medical Officer of Health during 1944-45 with regard to Aboriginal families living in the City. The reports and associated documents, including several case studies, cover such areas as the families' origins, health, welfare support, living conditions and recommendations for assistance.

Administrative Services Department Files

The following A-Files deal with the subject of Aborigines in the City:

A15157	Lord Mayor's File on Aboriginal Reconciliation and Associated Issues 1994 -
A14903	Reception - Aboriginal Flag Flying Ceremony 1995 -
A13499	Annual Flying of Flags
A1302	Human Resources Department File - Aboriginal Employment Programme
A2911	Aboriginal Welfare Services 1977-
A10883	Consumption of Alcohol in Public Places 1987 -

Historic Photographs

Photo of group of Aborigines camped on Park Lands c 1880s Accession 1624 Item 1

Photo drawing of Aboriginal Camp c1840s HP 1086



www.adelaidecitycouncil.com/archives

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No. SAD 6001 of 2000

Federal Court of Australia
District Registry: South Australia
Division: General

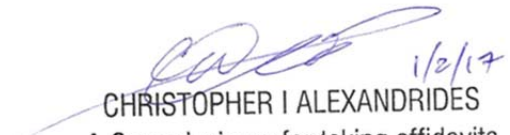
KAURNA NATIVE TITLE CLAIM

GARTH AGIUS and others
Applicant

STATE OF SOUTH AUSTRALIA and others
Respondents

Annexure "NLJ-7"

This is the Annexure marked "NLJ-7" referred to
in the affidavit of NICHOLAS LLEWELLYN-JONES
sworn on 1 February 2017 before me:


CHRISTOPHER I ALEXANDRIDES
A Commissioner for taking affidavits
in the Supreme Court of South Australia

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Norman Waterhouse

SINCE 1920 LAWYERS

Ref: CZA\M00289364F04583106.DOCX

19 January 2017

Tim Campbell
Campbell Law
Suite 7, First floor, 118 Halifax Street
ADELAIDE SA 5000

Dear Sir

Kaurna proposed discovery – SAD6001/2000 – City of Salisbury

1. As you are aware, we act for the City of Salisbury Council (**Council**) in Federal Court proceeding SAD6001/2000.
2. We refer to our previous communications concerning a proposed discovery application by the Kaurna Applicant in that proceeding, including our meeting with you on 12 December 2016 and your letter dated 16 December 2016.
3. As mentioned in our meeting, the Council has, over the years, transferred the majority of its relevant records into the custody of State Records on an ongoing basis.
4. This is relevant insofar as the extent to which discovery can be pursued against the Council. Although we do not address it here in detail, we consider it a distinct possibility that Section 25(2) of the *State Records Act 1997* (SA) (**SR Act**) sufficiently fetters our client's access (and use after access) to records which have been transferred to the custody of State Records such that those records are not in the Council's "control" for the purposes of discovery under the *Federal Court Rules 2011* (Cth).
5. To very briefly outline the relationship of the Council with its historical records:
 - 5.1 The Council is an 'agency' for the purpose of the SR Act.
 - 5.2 Accordingly, the Council has obligations to 'dispose' of records (including transferring records to State Records) in accordance with the SR Act.
 - 5.3 More specifically, the Council has obligations under *General Disposal Schedule 20 for Local Government Records in South Australia* (**GDS 20**), a determination made pursuant to Section 23 of the SR Act. Item 16.57 of GDS 20 also specifically incorporates *General Disposal Schedule 16: Impact of Native Title Claims on Disposal of Official Records* (**GDS 16**).
 - 5.4 Effectively, in the course of meeting its obligations under the SR Act, GDS 16 and GDS 20, as well as predecessor record-keeping obligations, the Council has delivered the significant majority of its historical records into the custody of the Manager of State Records.

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19 January 2017

- 5.5 Section 25(2) of the SR Act fetters our client's access (and use after access) to such records by granting the Manager of State Records primary control over them, and generally disentitling our client to resume possession of any record that has been in existence for 15 years or more.
6. Therefore, it is important to recognise that the Council will, by law, only have (at most) a limited amount of relevant records in its custody. Most will have been transferred to the custody of State Records.
7. With this in mind, we have requested that the Council instruct us what documents the Council may hold in its custody (i.e. not transferred to State Records), from each relevant category set out in your letter of 16 December 2016. Necessarily, given the time pressures (your letter was received by email on 19 December 2016, and the intervening period up until the date of this letter has included office closures for both the Council and our office), the Council has only been able to provide an initial assessment.
8. We confirm that the Council's position in response to your proposed categories of discovery is as follows:
- 8.1 Category 1: There is nothing on the Council's current database for expiations under by laws for the three requested names.
- 8.2 Category 5: Our client confirms that they have no records in respect of the three listed surnames at the Burton Pioneer Cemetery or the Methodist Cemetery in the middle of Salisbury. However, our client may have records of relevant persons at Salisbury Memorial Park.
- 8.3 Category 8: Council does not have any maps of Aboriginal reserves.
- Other categories:
- 8.4 Our client has provided us with a list of documents relating to those other categories not listed above. Some of those records may not be relevant and some are not discoverable. However, in summary, these documents fall into three categories:
- 8.4.1 Reports and correspondence regarding burial sites and other heritage sites, from 2000 to present;
- 8.4.2 Reports and consultation and contractual documentation regarding "Kaurua Park"/"Tappa Woddliparri", "Tappa Iri Reconciliation", and "Martirendi Partnership" projects; and
- 8.4.3 A 1994 archaeological survey report of Vivienne Wood regarding the proposed Salisbury Highway–South Road Connector Wetlands.
9. We confirm that this is our client's initial assessment of the documents in their custody.
10. There could be further documents which were once, but are no longer, in our client's custody. As outlined above, most of the records for the period you are requesting are now consolidated in the custody of State Records. Any documents which are not in the custody of the Council should be requested from the State.
11. For the reasons outlined above, the Council requests, at a minimum, that your client limit their proposed discovery application to those documents which are in the *custody* of the Council.

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19 January 2017

12. We also note, from the perspective of efficiency, it is also substantially more workable for those records which are in the custody of State Records to be pursued from the State rather than the dozens of separate councils. Elevating such considerations of efficiency and minimising burdens on parties in relation to discovery is consistent with the requirements in Part 10 of the Federal Court of Australia's *Central Practice Note: National Court Framework and Case Management (CPN-1)*.

Yours faithfully
Norman Waterhouse



Nick Llewellyn-Jones
Partner

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No. SAD 6001 of 2000

Federal Court of Australia
District Registry: South Australia
Division: General

KAURNA NATIVE TITLE CLAIM**GARTH AGIUS** and others

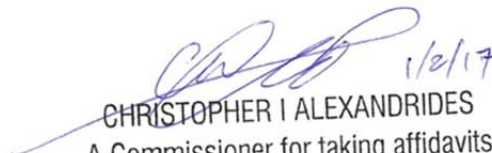
Applicant

STATE OF SOUTH AUSTRALIA and others

Respondents

Annexure "NLJ-8"

This is the Annexure marked "NLJ-8" referred to
in the affidavit of NICHOLAS LLEWELLYN-JONES
sworn on 1 February 2017 before me:

 1/2/17
CHRISTOPHER I ALEXANDRIDES
A Commissioner for taking affidavits
in the Supreme Court of South Australia

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Norman Waterhouse

SINCE 1920 LAWYERS

Ref: CZAM00289365F04583167.DOCX

19 January 2017

Tim Campbell
Campbell Law
Suite 7, First floor, 118 Halifax Street
ADELAIDE SA 5000

Dear Sir

Kaurna proposed discovery – SAD6001/2000 – The Barossa Council

1. As you are aware, we act for The Barossa Council (**Council**) in Federal Court proceeding SAD6001/2000.
2. We refer to our previous communications concerning a proposed discovery application by the Kaurna Applicant in that proceeding, including our meeting with you on 12 December 2016 and your letter dated 16 December 2016.
3. As mentioned in our meeting, the Council has, over the years, transferred the majority of its relevant records into the custody of State Records on an ongoing basis.
4. This is relevant insofar as the extent to which discovery can be pursued against the Council. Although we do not address it here in detail, we consider it a distinct possibility that Section 25(2) of the *State Records Act 1997* (SA) (**SR Act**) sufficiently fetters our client's access (and use after access) to records which have been transferred to the custody of State Records such that those records are not in the Council's "control" for the purposes of discovery under the *Federal Court Rules 2011* (Cth).
5. To very briefly outline the relationship of the Council with its historical records:
 - 5.1 The Council is an 'agency' for the purpose of the SR Act.
 - 5.2 Accordingly, the Council has obligations to 'dispose' of records (including transferring records to State Records) in accordance with the SR Act.
 - 5.3 More specifically, the Council has obligations under *General Disposal Schedule 20 for Local Government Records in South Australia (GDS 20)*, a determination made pursuant to Section 23 of the SR Act. Item 16.57 of GDS 20 also specifically incorporates *General Disposal Schedule 16: Impact of Native Title Claims on Disposal of Official Records (GDS 16)*.
 - 5.4 Effectively, in the course of meeting its obligations under the SR Act, GDS 16 and GDS 20, as well as predecessor record-keeping obligations, the Council has delivered the significant majority of its historical records into the custody of the Manager of State Records.

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19 January 2017

- 5.5 Section 25(2) of the SR Act fetters our client's access (and use after access) to such records by granting the Manager of State Records primary control over them, and generally disentitling our client to resume possession of any record that has been in existence for 15 years or more.
6. Therefore, it is important to recognise that the Council will, by law, only have (at most) a limited amount of relevant records in its custody. Most will have been transferred to the custody of State Records.
7. With this in mind, we have requested that the Council instruct us what documents the Council may hold in its custody (i.e. not transferred to State Records), from each relevant category set out in your letter of 16 December 2016. Necessarily, given the time pressures (your letter was received by email on 19 December 2016, and the intervening period up until the date of this letter has included office closures for both the Council and our office), the Council has only been able to provide an initial assessment.
8. We confirm that the Council's position in response to your proposed categories of discovery is as follows:
- 8.1 The Council advises that it has no relevant records for the following categories in its possession: 1, 5, 10 & 11.
- 8.2 The only record that the Council has been able to locate for categories 8 & 9 is a library book, which is publically accessible. The book, titled: "Barossa Survey Vol 3" also contains a map which seems to mark a burial group. The book is not discoverable from Council but is publically accessible. The Council is happy to assist your clients in accessing it, if required.
9. We confirm that this is our client's initial assessment of the documents in their custody.
10. There could be further documents which were once, but are no longer, in our client's custody. As outlined above, most of the records for the period you are requesting are now consolidated in the custody of State Records. Any documents which are not in the custody of the Council should be requested from the State.
11. For the reasons outlined above, the Council requests, at a minimum, that your client limit their proposed discovery application to those documents which are in the *custody* of the Council.
12. We also note, from the perspective of efficiency, it is also substantially more workable for those records which are in the custody of State Records to be pursued from the State rather than the dozens of separate councils. Elevating such considerations of efficiency and minimising burdens on parties in relation to discovery is consistent with the requirements in Part 10 of the Federal Court of Australia's *Central Practice Note: National Court Framework and Case Management (CPN-1)*.

Yours faithfully
Norman Waterhouse



Nick Llewellyn-Jones
Partner

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No. SAD 6001 of 2000

Federal Court of Australia
District Registry: South Australia
Division: General

KAURNA NATIVE TITLE CLAIM**GARTH AGIUS** and others


Applicant

STATE OF SOUTH AUSTRALIA and others

Respondents

Annexure "NLJ-9"

This is the Annexure marked "NLJ-9" referred to
in the affidavit of NICHOLAS LLEWELLYN-JONES
sworn on 1 February 2017 before me:

 1/2/17
CHRISTOPHER I ALEXANDRIDES
A Commissioner for taking affidavits
in the Supreme Court of South Australia

-35-

Norman Waterhouse

SINCE 1920 LAWYERS

Ref: CZA\00289348F04583175.DOCX

19 January 2017

Tim Campbell
Campbell Law
Suite 7, First floor, 118 Halifax Street
ADELAIDE SA 5000

Dear Sir

Kaurna proposed discovery – SAD6001/2000 – City of Tea Tree Gully

1. As you are aware, we act for the City of Tea Tree Gully (**Council**) in Federal Court proceeding SAD6001/2000.
2. We refer to our previous communications concerning a proposed discovery application by the Kaurna Applicant in that proceeding, including our meeting with you on 12 December 2016 and your letter dated 16 December 2016.
3. As mentioned in our meeting, the Council has, over the years, transferred the majority of its relevant records into the custody of State Records on an ongoing basis.
4. This is relevant insofar as the extent to which discovery can be pursued against the Council. Although we do not address it here in detail, we consider it a distinct possibility that Section 25(2) of the *State Records Act 1997* (SA) (**SR Act**) sufficiently fetters our client's access (and use after access) to records which have been transferred to the custody of State Records such that those records are not in the Council's "control" for the purposes of discovery under the *Federal Court Rules 2011* (Cth).
5. To very briefly outline the relationship of the Council with its historical records:
 - 5.1 The Council is an 'agency' for the purpose of the SR Act.
 - 5.2 Accordingly, the Council has obligations to 'dispose' of records (including transferring records to State Records) in accordance with the SR Act.
 - 5.3 More specifically, the Council has obligations under *General Disposal Schedule 20 for Local Government Records in South Australia (GDS 20)*, a determination made pursuant to Section 23 of the SR Act. Item 16.57 of GDS 20 also specifically incorporates *General Disposal Schedule 16: Impact of Native Title Claims on Disposal of Official Records (GDS 16)*.
 - 5.4 Effectively, in the course of meeting its obligations under the SR Act, GDS 16 and GDS 20, as well as predecessor record-keeping obligations, the Council has delivered the significant majority of its historical records into the custody of the Manager of State Records.
 - 5.5 Section 25(2) of the SR Act fetters our client's access (and use after access) to such records by granting the Manager of State Records primary control over them, and

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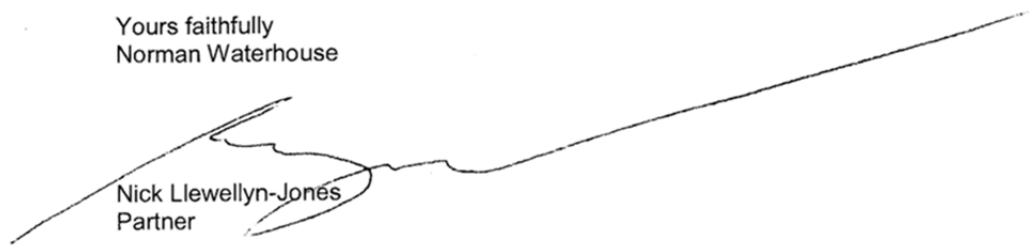
- 2 -

19 January 2017

generally disentitling our client to resume possession of any record that has been in existence for 15 years or more.

6. Therefore, it is important to recognise that the Council will, by law, only have (at most) a limited amount of relevant records in its custody. Most will have been transferred to the custody of State Records.
7. With this in mind, we have requested that the Council instruct us what documents the Council may hold in its custody (i.e. not transferred to State Records), from each relevant category set out in your letter of 16 December 2016. Necessarily, given the time pressures (your letter was received by email on 19 December 2016, and the intervening period up until the date of this letter has included office closures for both the Council and our office), the Council has only been able to provide an initial assessment.
8. We confirm that the Council's position in response to your proposed categories of discovery is as follows:
 - 8.1 The Council advises that it has no relevant records for the following categories in its possession: 5, 8, 9, & 11.
 - 8.1 From 2000 onwards, the Council's records indicate that they have infringement notices for the three listed family names. However, the Council has not determined whether these are exclusively by-law infringements.
 - 8.2 In relation to category 10, the Council may have material in the form of letters, petitions and other correspondence that concern the protection of Aboriginal land, culture and tradition.
9. We confirm that this is our client's initial assessment of the documents in their custody.
10. There could be further documents which were once, but are no longer, in our client's custody. As outlined above, most of the records for the period you are requesting are now consolidated in the custody of State Records. Any documents which are not in the custody of the Council should be requested from the State.
11. For the reasons outlined above, the Council requests, at a minimum, that your client limit their proposed discovery application to those documents which are in the *custody* of the Council.
12. We also note, from the perspective of efficiency, it is also substantially more workable for those records which are in the custody of State Records to be pursued from the State rather than the dozens of separate councils. Elevating such considerations of efficiency and minimising burdens on parties in relation to discovery is consistent with the requirements in Part 10 of the Federal Court of Australia's *Central Practice Note: National Court Framework and Case Management (CPN-1)*.

Yours faithfully
Norman Waterhouse



Nick Llewellyn-Jones
Partner

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No. SAD 6001 of 2000

Federal Court of Australia
District Registry: South Australia
Division: General

KAURNA NATIVE TITLE CLAIM**GARTH AGIUS** and others


Applicant

STATE OF SOUTH AUSTRALIA and others

Respondents

Annexure "NLJ-10"

This is the Annexure marked "NLJ-10" referred to
in the affidavit of NICHOLAS LLEWELLYN-JONES
sworn on 1 February 2017 before me:

 1/2/17
CHRISTOPHER I ALEXANDRIDES
A Commissioner for taking affidavits
in the Supreme Court of South Australia

-38-

Norman Waterhouse

SINCE 1920 LAWYERS

Ref: CZAM00289361F04582822.DOCX

19 January 2017

Tim Campbell
Campbell Law
Suite 7, First floor, 118 Halifax Street
ADELAIDE SA 5000

Dear Sir

Kaurna proposed discovery – SAD6001/2000 – City of Onkaparinga

1. As you are aware, we act for the City of Onkaparinga (**Council**) in Federal Court proceeding SAD6001/2000.
2. We refer to our previous communications concerning a proposed discovery application by the Kaurna Applicant in that proceeding, including our meeting with you on 12 December 2016 and your letter dated 16 December 2016.
3. As mentioned in our meeting, the Council has, over the years, transferred the majority of its relevant records into the custody of State Records on an ongoing basis.
4. This is relevant insofar as the extent to which discovery can be pursued against the Council. Although we do not address it here in detail, we consider it a distinct possibility that Section 25(2) of the *State Records Act 1997* (SA) (**SR Act**) sufficiently fetters our client's access (and use after access) to records which have been transferred to the custody of State Records such that those records are not in the Council's "control" for the purposes of discovery under the *Federal Court Rules 2011* (Cth).
5. To very briefly outline the relationship of the Council with its historical records:
 - 5.1 The Council is an 'agency' for the purpose of the SR Act.
 - 5.2 Accordingly, the Council has obligations to 'dispose' of records (including transferring records to State Records) in accordance with the SR Act.
 - 5.3 More specifically, the Council has obligations under *General Disposal Schedule 20 for Local Government Records in South Australia* (**GDS 20**), a determination made pursuant to Section 23 of the SR Act. Item 16.57 of GDS 20 also specifically incorporates *General Disposal Schedule 16: Impact of Native Title Claims on Disposal of Official Records* (**GDS 16**).
 - 5.4 Effectively, in the course of meeting its obligations under the SR Act, GDS 16 and GDS 20, as well as predecessor record-keeping obligations, the Council has delivered the significant majority of its historical records into the custody of the Manager of State Records.

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19 January 2017

- 5.5 Section 25(2) of the SR Act fetters our client's access (and use after access) to such records by granting the Manager of State Records primary control over them, and generally disentitling our client to resume possession of any record that has been in existence for 15 years or more.
6. Therefore, it is important to recognise that the Council will, by law, only have (at most) a limited amount of relevant records in its custody. Most will have been transferred to the custody of State Records.
7. With this in mind, we have requested that the Council instruct us what documents the Council may hold in its custody (i.e. not transferred to State Records), from each relevant category set out in your letter of 16 December 2016. Necessarily, given the time pressures (your letter was received by email on 19 December 2016, and the intervening period up until the date of this letter has included office closures for both the Council and our office), the Council has only been able to provide an initial assessment.
8. We confirm that the Council's position in response to your proposed categories of discovery is as follows:
- 8.1 The Council does not have any specific mapping information. However, the Council advises that in relation to categories 8 & 9, Council has in its possession heritage reports that contain audit and survey reports from 2000-2017, which reproduce potentially relevant maps identifying Aboriginal camps and reserves.
- 8.2 In relation to category 5, the Council has no records in respect of this matter for those surnames.
- 8.3 The Council considers that it will have some information in respect of some of the categories: 1, 2, 3, 4, 10 & 11. However, it has not completed its assessment of these categories.
9. We confirm that this is our client's initial assessment of the documents in their custody. Further, we advise that the Council will have some difficulty in reviewing pre-amalgamation records of the cities of Happy Valley, Noarlunga and the District Council of Willunga. This means that most records of the Council will be post-2000.
10. There could be further documents which were once, but are no longer, in our client's custody. As outlined above, most of the records for the period you are requesting are now consolidated in the custody of State Records. Any documents which are not in the custody of the Council should be requested from the State.
11. For the reasons outlined above, the Council requests, at a minimum, that your client limit their proposed discovery application to those documents which are in the *custody* of the Council.

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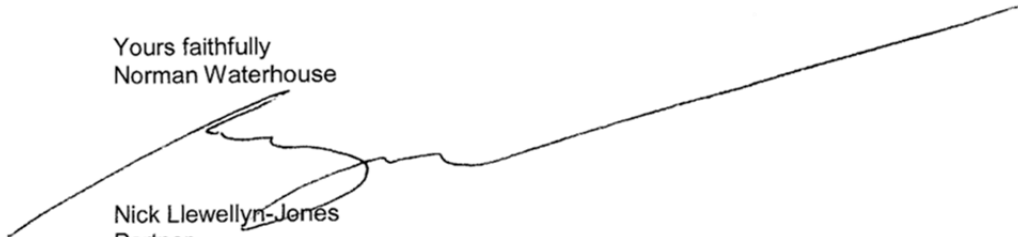
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- 3 -

19 January 2017

12. We also note, from the perspective of efficiency, it is also substantially more workable for those records which are in the custody of State Records to be pursued from the State rather than the dozens of separate councils. Elevating such considerations of efficiency and minimising burdens on parties in relation to discovery is consistent with the requirements in Part 10 of the Federal Court of Australia's *Central Practice Note: National Court Framework and Case Management (CPN-1)*.

Yours faithfully
Norman Waterhouse



Nick Llewellyn-Jones
Partner

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No. SAD 6001 of 2000

Federal Court of Australia
District Registry: South Australia
Division: General


KAURNA NATIVE TITLE CLAIM

GARTH AGIUS and others
Applicant

STATE OF SOUTH AUSTRALIA and others
Respondents

Annexure "NLJ-11"

This is the Annexure marked "NLJ-11" referred to
in the affidavit of NICHOLAS LLEWELLYN-JONES
sworn on 1 February 2017 before me:

 1/2/17
CHRISTOPHER I ALEXANDRIDES
A Commissioner for taking affidavits
in the Supreme Court of South Australia

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Geeta Sidhu

From: Chris Alexandrides
Sent: Thursday, 19 January 2017 5:47 PM
To: 'tim
Cc: Nick Llewellyn-Jones
Subject: Kaurna proposed discovery – SAD6001/2000 – Mount Barker District Council

Hi Tim

Our client, Mount Barker District Council, advises that it is presently reviewing what relevant documents it may have in relation to the above matter. We will provide a letter with our client's position once they have performed this assessment.

Please note that our client also advises that most of the records for cemeteries in its area are online.

Regards

Chris Alexandrides
Associate



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No. SAD 6001 of 2000

Federal Court of Australia
District Registry: South Australia
Division: General

KAURNA NATIVE TITLE CLAIM**GARTH AGIUS** and others

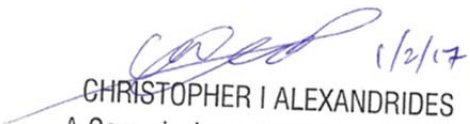
Applicant

STATE OF SOUTH AUSTRALIA and others

Respondents

Annexure "NLJ-12"

This is the Annexure marked "NLJ-12" referred to
in the affidavit of NICHOLAS LLEWELLYN-JONES
sworn on 1 February 2017 before me:


CHRISTOPHER I ALEXANDRIDES
A Commissioner for taking affidavits
in the Supreme Court of South Australia

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Geeta Sidhu

From: Chris Alexandrides
Sent: Thursday, 19 January 2017 6:02 PM
To: 'tim
Cc: Nick Llewellyn-Jones
Subject: Kurna proposed discovery – SAD6001/2000 – City of Norwood, Payneham and St Peters

Dear Tim

We write on behalf of our client, the City of Norwood, Payneham and St Peters, in relation to the above matter.

The in-house historian engaged by our client has been on leave. However, she advises that the Council may hold:

- documentation from the 19th century regarding various sites within its area from Kensington and Norwood to St Peters and Payneham including areas such as Hackney, Stepney, Glynde, Kensington, Firle, Royston Park etc;
- documentation relating to Kurna burial grounds along the River Torrens; and
- documentation regarding First, Second and Third Creeks as significant sites.

Our client's historian returns from leave next week. Accordingly, our client can now commence its review. We will provide a letter with our client's position once they have performed this assessment.

Regards

Chris Alexandrides
Associate



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No. SAD 6001 of 2000

Federal Court of Australia
District Registry: South Australia
Division: General

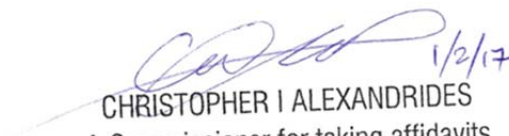
KAURNA NATIVE TITLE CLAIM

GARTH AGIUS and others
Applicant

STATE OF SOUTH AUSTRALIA and others
Respondents

Annexure "NLJ-13"

This is the Annexure marked "NLJ-13" referred to
in the affidavit of NICHOLAS LLEWELLYN-JONES
sworn on 1 February 2017 before me:

 1/2/17
CHRISTOPHER I ALEXANDRIDES
A Commissioner for taking affidavits
in the Supreme Court of South Australia

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Geeta Sidhu

From: Chris Alexandrides
Sent: Thursday, 19 January 2017 7:01 PM
To: 'tim
Cc: Nick Llewellyn-Jones
Subject: Kaurna proposed discovery – SAD6001/2000 – City of Marion

Dear Tim

The City of Marion has advised us that it has performed a digital search of its documents using keywords. We will need some time to consider the material provided to us, and hope to respond early next week. However, please note:

1. Marion does not store by-law infringement records by surnames, but by offences. This means it will be unable to respond to any request by surname. It may be necessary to reformulate this request.
2. Marion does have documents regarding the Kaurna Tapa Iri Agreement, and the Living Kaurna Cultural Centre.
3. Marion does not have any cemeteries in its area.
4. All old maps are with State Records.

Because the Living Kaurna Cultural Centre and the Warraparinga Wetlands were recent projects, we understand that they have produced 23,838 listed records. However, most of these would be negotiation documents. Again, this issue means that we will need more time to consider how our client can properly search its records without attracting reference to these irrelevant documents.

We will attempt to provide a more detailed assessment regarding the City of Marion next week.

Regards

Chris Alexandrides
Associate



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No. SAD 6001 of 2000

Federal Court of Australia
District Registry: South Australia
Division: General

KAURNA NATIVE TITLE CLAIM**GARTH AGIUS** and others


Applicant

STATE OF SOUTH AUSTRALIA and others

Respondents

Annexure "NLJ-14"

This is the Annexure marked "NLJ-14" referred to
in the affidavit of NICHOLAS LLEWELLYN-JONES
sworn on 1 February 2017 before me:

 1/2/17
CHRISTOPHER I ALEXANDRIDES
A Commissioner for taking affidavits
in the Supreme Court of South Australia

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Norman Waterhouse

SINCE 1920 LAWYERS

Ref: CZA\M00289354\F04583142.DOCX

20 January 2017

Tim Campbell
Campbell Law
Suite 7, First floor, 118 Halifax Street
ADELAIDE SA 5000

Dear Sir

Kaurna proposed discovery – SAD6001/2000 – City of West Torrens

1. As you are aware, we act for the City of West Torrens (**Council**) in Federal Court proceeding SAD6001/2000.
2. We refer to our previous communications concerning a proposed discovery application by the Kaurna Applicant in that proceeding, including our meeting with you on 12 December 2016 and your letter dated 16 December 2016.
3. As mentioned in our meeting, the Council has, over the years, transferred the majority of its relevant records into the custody of State Records on an ongoing basis.
4. This is relevant insofar as the extent to which discovery can be pursued against the Council. Although we do not address it here in detail, we consider it a distinct possibility that Section 25(2) of the *State Records Act 1997* (SA) (**SR Act**) sufficiently fetters our client's access (and use after access) to records which have been transferred to the custody of State Records such that those records are not in the Council's "control" for the purposes of discovery under the *Federal Court Rules 2011* (Cth).
5. To very briefly outline the relationship of the Council with its historical records:
 - 5.1 The Council is an 'agency' for the purpose of the SR Act.
 - 5.2 Accordingly, the Council has obligations to 'dispose' of records (including transferring records to State Records) in accordance with the SR Act.
 - 5.3 More specifically, the Council has obligations under *General Disposal Schedule 20 for Local Government Records in South Australia (GDS 20)*, a determination made pursuant to Section 23 of the SR Act. Item 16.57 of GDS 20 also specifically incorporates *General Disposal Schedule 16: Impact of Native Title Claims on Disposal of Official Records (GDS 16)*.
 - 5.4 Effectively, in the course of meeting its obligations under the SR Act, GDS 16 and GDS 20, as well as predecessor record-keeping obligations, the Council has delivered the significant majority of its historical records into the custody of the Manager of State Records.

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20 January 2017

- 5.5 Section 25(2) of the SR Act fetters our client's access (and use after access) to such records by granting the Manager of State Records primary control over them, and generally disentitling our client to resume possession of any record that has been in existence for 15 years or more.
6. Therefore, it is important to recognise that the Council will, by law, only have (at most) a limited amount of relevant records in its custody. Most will have been transferred to the custody of State Records.
7. With this in mind, we have requested that the Council instruct us what documents the Council may hold in its custody (i.e. not transferred to State Records), from each relevant category set out in your letter of 16 December 2016. Necessarily, given the time pressures (your letter was received by email on 19 December 2016, and the intervening period up until the date of this letter has included office closures for both the Council and our office), the Council has only been able to provide an initial assessment.
8. Our client is conducting a search of its records, however such a process will be particularly onerous. We will need to further discuss how to assess the relevancy of these records. However, to date our client *estimates* that they have as follows:
- 8.1 Category 1: By-law infringements relating to people with the family names Wanganeen, Newchurch or Agius - 22 Documents.
- 8.2 Category 5: Cemetery records (in general) for Aboriginal people - 5 documents.
- 8.3 Category 8: Local area council maps of Aboriginal reserves - 2 documents.
- 8.4 Category 9: Area Maps Identifying Aboriginal Camps - 2 documents.
- 8.5 Category 10: Applications relating to the protection of Aboriginal land, culture and traditions - 81 documents.
- 8.6 Category 11: Permissions granted for conducting traditional practices - 89 documents.
- 8.7 Category 12: Documents relating to communications between Aboriginal persons and the relevant councils for the Tjilbruke art installation at Kingston Park and the Victoria Square fountain - 5 documents.
9. We confirm that this is our client's initial assessment of the documents in their custody.
10. We have not yet confirmed with our client if all of these records are in their custody, or whether their data storage system also picks up documents which are now located in State Records.
11. Given the scope of material at the City of West Torrens, we propose that we meet to discuss this Council before any orders are finalised. It may be that an alternative approach needs to be adopted.
12. There could be further documents which were once, but are no longer, in our client's custody. As outlined above, most of the records for the period you are requesting are now consolidated in the custody of State Records. Any documents which are not in the custody of the Council should be requested from the State.

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- 3 -

20 January 2017

13. For the reasons outlined above, the Council requests, at a minimum, that your client limit their proposed discovery application to those documents which are in the *custody* of the Council.
14. We also note, from the perspective of efficiency, it is also substantially more workable for those records which are in the custody of State Records to be pursued from the State rather than the dozens of separate councils. Elevating such considerations of efficiency and minimising burdens on parties in relation to discovery is consistent with the requirements in Part 10 of the Federal Court of Australia's *Central Practice Note: National Court Framework and Case Management (CPN-1)*.

Yours sincerely
Norman Waterhouse



Nick Llewellyn-Jones
Partner

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11.2 Legislative Progress Report - March 2017

Brief

This report provides an update on the status of proposed legislative changes affecting local government either dealt with in Parliament, by the Local Government Association or contained in the Government Gazette during the preceding month.

RECOMMENDATION(S)

The Committee recommends to Council that the 'Legislative Progress Report - March 2017' be received.

Introduction

This report provides a monthly update on the progress of Bills through Parliament, using Parliament's defined stages, as well as items contained within the Government Gazette that relate to the City of West Torrens. It also contains information provided by the Local Government Association (LGA) relating to proposed amendments to legislation or other relevant matters.

Discussion

Summary of Proposed Amendments to Legislation

Local Government (Elections) Act 1999

The Local Government Association is seeking feedback after resolving, at its meeting on 16 March 2017, to carry out consultation with member councils on a proposal from the Adelaide Hills Council to change voting in local government elections from 'partial preference voting' to 'optional preference voting'. The change would mean that voters can indicate a preference for one or more candidates without necessarily indicating preferences to the number of vacancies, and still have their vote classified as a formal vote.

Feedback is due to the Local Government Association by Friday 28 April 2017.

Further information can be found Local Government Circular 12.10 - 22 March 2017

Government Gazette Notices

Native Vegetation Regulations 2017

The *Native Vegetation Regulations 2017* (Regulations) will come into effect on 1 July 2017 when they will replace the *Native Vegetation Regulations 2003*.

The Department of Environment, Water and Natural Resources in conjunction with the Native Vegetation Council has reviewed the Regulations dealing with the clearance of native vegetation.

As a result of the review, the Regulations have been amended to allow for the clearance of native vegetation for routine activities such as building and development, upgrading or establishing new infrastructure and safety of persons and property.

Further information can be found in Government Gazette Issue No. 11 - Published on 28 February 2017.

Housing Improvement Act 2016

The *Housing Improvement Act 2016* (Act) commences operation on 3 April 2017. As a result councils will no longer have a compliance role under the Act so will not be able to appoint authorised officers under the new Act. Appointment of authorised officers will be made by the Minister for Social Housing.

The Housing Improvement Branch will no longer send councils copies of orders made under the new Act. Instead, access to all orders will be available through the register of orders. The register will be available, currently at no cost to councils, from 3 April 2017 through the South Australian Government website, www.sa.gov.au.

Further information can be found Government Gazette Issue No. 13 - Published on 7 March 2017.

Appointment of State Planning Commission Chairperson

Pursuant to the provisions of the *Planning, Development and Infrastructure Act 2016* and section 14C of the *Acts Interpretation Act 1915*, his Excellency the Governor in Executive Council has appointed Timothy Anderson QC as the Chairperson of the State Planning Commission for a term of three years commencing on 7 March 2017 and expiring on 6 March 2020 inclusive.

Further information can be found Government Gazette Issue No. 13 - Published on 7 March 2017.

Bills previously reported on where status remains unchanged

- *Public Interest Disclosure Bill 2016* was passed in the Legislative Council on 15 February 2017 with amendments. The Bill will now be returned to the House of Assembly for consideration.
- *Whistleblowers Protection (Miscellaneous) Amendment Bill 2016* was received by the House of Assembly on 22 September 2016 however, the *Whistleblowers Protection Act 1993* will be repealed once the *Public Interest Disclosure Bill 2016* comes into effect.
- *Liquor Licencing (Small Venue Licence) Amendment Bill 2016* was adjourned in the Legislative Council at its 2nd reading on 27 July 2016.
- *Local Government (Mobile Food Vendors) Amendment Bill 2016* was adjourned in the Legislative Council at its 2nd reading on 1 March 2017.
- *Local Government (Boundary Adjustment) Amendment Bill* was adjourned in the House of Assembly at its 2nd reading on 2 March 2017.
- *Road Traffic (Roadworks) Amendment Bill 2016* was adjourned in the Legislative Council at its 2nd reading on 29 November 2016.

Acts Assented to but Not Yet Commenced

- *Statutes Amendment (Planning, Development and Infrastructure) Bill 2017* has passed both Houses of Parliament. Gazettal and confirmation of precise implementation times are pending.
- *Planning, Development and Infrastructure Act 2016* - Received assent on 17 May 2016 - staged commencement of the Act is expected to commence in 2017.
- *Dog and Cat Management (Miscellaneous) Amendment Act 2016* - Received assent on 6 July 2016 and is yet to commence.
- *Local Nuisance and Litter Control Act 2016* - Proclaimed on Thursday 21 July 2016 for staged commencement; the litter provisions came into effect of 1 February 2017 and the local nuisance provisions will come into effect on 1 July 2017.
- *Independent Commissioner Against Corruption (Miscellaneous) Amendment Act 2016* proclaimed on 15 December 2016 for commencement on 1 April 2017.

Conclusion

This report on legislative amendments is current as at 24 March 2017.

Attachments

Nil

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