

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

- **City Finance and Governance 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, 16 APRIL 2019
at 7.00pm

Terry Buss PSM
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 2 April 2019 be confirmed as a true and correct record.

6 MAYORS REPORT**(Preliminary report for the agenda to be distributed Friday, 12 April 2019)**

In the two weeks since the last Council Meeting of 2 April 2019 functions and meetings involving the Mayor have included:

3 April

6.00pm Conducted a tour of the City of West Torrens Civic Centre for a group from the Camden Park Scouts.

4 April

9.10am Participated in the regular Coast FM Radio interview with David Hearn.
10.30am Met with representatives from the Airport Over 50's Club to discuss lease arrangements for the Club.
11.00am Met with Jim Papanikolau from the Greek Pensioners of Thebarton.
2.00pm Met with City of Charles Sturt Mayor, Angela Evans.
6.00pm Participated in the City of West Torrens Road Safety Group Meeting.

5 April

10.30am Met with staff from the Information Services department.
12.00pm Attended a meeting with Steve Maras and Theo Maras from Maras Group to discuss a main street proposal for Henley Beach Road.
3.00pm Attended a briefing on the *Planning, Development and Infrastructure Act 2016* with General Manager Business and Community Services, Pauline Koritsa in the Mayors Reception Room.

6 April

1.00pm Attended the North Adelaide vs West Adelaide match at Prospect Oval as a guest of Mayor David O'Loughlin.

7 April

3.30pm Attended the South Asian Multicultural Association of SA Inc. Festival 2019 held at the Soldier's Memorial Garden at Prospect Oval.

8 April

1.30pm Met with staff from the Property Services department.
3.00pm Met with staff from the Financial Services department.
3.30pm Met with the Administration to discuss a Youth Council proposal.
4.00pm Participated in a meeting to discuss the proposed Philip Street Celebration.

9 April

10.30am Met with Simon Panayi to discuss Weigall Oval and the Adelaide Cobras FC.
2.00pm Attended a meeting with General Manager Urban Services, Angelo Catinari to discuss the Governance Review for River Torrens Management.
7.00pm Participated in the Special Budget Meeting for the ongoing consideration of the 2019/20 budget in the Council Chambers.

10 April

10.00am Visited the Italian Pensioners at Thebarton Community Centre.
12.00pm Visited the 10th Annual Youth Expo Adelaide in the Titanium Security Arena, Findon.
4.00pm With CEO Terry Buss, met with John Kernahan, from the South Australian Amateur Football League to discuss a funding proposal for Thebarton Oval.
6.45pm Attended the Thebarton Theatre where representatives of the Illuminating Engineering Society were talking about the lighting upgrade that was carried out by Inlite SA.

11 April

11.00am Conducted a Citizenship Ceremony in the Council Chambers for a small number of applicants.
12.30pm Attended the Local Government Association Best Practice Showcase at the Adelaide Entertainment Centre.
7.00pm Attended the Lockleys Bowling Club Presentation Night at their Clubrooms in Lockleys.

In addition, after the compilation of this report on Thursday as part of the Agenda to be distributed on Friday, I anticipate having attended or participated in the following:

12 April

9.00am Attending the Local Government Association Ordinary General Meeting at the Adelaide Entertainment Centre.
3.00pm Along with CEO Terry Buss, meeting with Jake Parkinson from the SANFL to discuss funding for Thebarton Oval.

13 April

11.00am Attending the pre-match luncheon as a guest of City of Playford Mayor Glenn Docherty, followed by the Central Districts vs West Adelaide match at Elizabeth Oval.

14 April

11.00am Attending the City of West Torrens 'Fire & Spice' Festival in the West Torrens Memorial Gardens.
6.00pm Attending the South Australian Bangladeshi Community Association 15th Anniversary and Bangla New Year celebration at Woodville Town Hall.

15 April

10.30am Meeting with Roger Drake.

2.00pm Meeting with Grant Mayer, CEO of the South Australian Jockey Club in Morphettville.

16 April

12.00pm Meeting with staff from the Strategy and Business department.

6.00pm Council dinner

7.00pm Council meeting and Special Budget meeting to finalise the draft budget for community consultation.

RECOMMENDATION

That the Mayor's Report be noted.

7 ELECTED MEMBERS REPORTS**8 PETITIONS**

Nil

9 DEPUTATIONS**9.1 Plympton Residential DPA****Reason for Confidentiality**

The Council is satisfied that, pursuant to Section 90(3)(m) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this agenda item is:

- (m) information relating to a proposed amendment to a Development Plan under the Development Act 1993 before a Plan Amendment Report relating to the amendment is released for public consultation under that Act.

RECOMMENDATION

It is recommended to Council that:

1. Pursuant to Section 90(2) of the *Local Government Act 1999*, Council orders, that the public, with the exception of the Chief Executive Officer, members of the Executive and Management Teams in attendance at the meeting, meeting secretariat staff, and Holmes Dyer Consultants, be excluded from attendance at so much of the meeting as is necessary to receive, discuss and consider in confidence, information contained within the confidential report Item 9.1 Plympton Residential DPA, attachments and any associated documentation submitted by the Chief Executive Officer, specifically on the basis of the provisions of Section 90(3)(m) because the deputation will present information relating to a proposed amendment to a Development Plan under the Development Act 1993 before a Development Plan Amendment proposal relating to the amendment is released for public consultation under that Act.
2. At the completion of the confidential session the meeting be re-opened to the public.

10 ADJOURN TO STANDING COMMITTEE**RECOMMENDATION**

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

11 ADOPTION OF STANDING COMMITTEE RECOMMENDATIONS**11.1 City Finance and Governance Standing Committee Meeting****RECOMMENDATION**

That the recommendations of the City Finance and Governance Standing Committee held on 16 April 2019 be adopted.

12 ADOPTION OF GENERAL COMMITTEE RECOMMENDATIONS

Nil

13 QUESTIONS WITH NOTICE

Nil

14 QUESTIONS WITHOUT NOTICE**15 MOTIONS WITH NOTICE**

Nil

16 MOTIONS WITHOUT NOTICE

17 REPORTS OF THE CHIEF EXECUTIVE OFFICER

17.1 Rescission of Land Management Agreement at Ayliffe Place and Stanford Avenue, Novar Gardens

Brief

This report presents the results of the community consultation on the rescission of the Land Management Agreement (dealing number 8566879) at Ayliffe Place and Stanford Avenue, Novar Gardens and seeks consideration of options for the rescission of the Land Management Agreement.

RECOMMENDATION

It is recommended to Council that:

1. Council resolves to support the rescission of the Land Management Agreement (dealing number 8566879) at 1-9 Ayliffe Place and 2A-2D Stanford Avenue, Novar Gardens.
2. Any future requests to rescind the Land Management Agreement (dealing number 8566879) by individual property owners are to be dealt with on a case by case basis with all costs to be borne by the owners.
3. The Administration writes to the landowners of the properties at 1-9 Ayliffe Place and 2A-2D Stanford Avenue, Novar Gardens which are subject to the Land Management Agreement (dealing number 8566879) advising of Council's support of the rescission of the Land Management Agreement subject to all costs being borne by individual property owners and provide information on the process of rescinding the Land Management Agreement.
4. The Mayor and Chief Executive Officer be authorised to execute and affix the Common Seal of the City of West Torrens to all documents necessary to finalise the rescission of the Land Management Agreement (dealing number 8566879).

Introduction

At its meeting held on 2 October 2018 Council considered a waiver of the Owners Obligations of a Land Management Agreement (LMA) for a gabion wall at 9 Ayliffe Place, Novar Gardens and resolved that:

1. *Council waives the Owners Obligations of the Land Management Agreement (dealing number 8566879) relating to the gabion wall proposed as part of Development Application no. 211/887/2018 at 9 Ayliffe Place, Novar Gardens; and*
2. *Council writes to the landowners of the properties subject to the Land Management Agreement (dealing number 8566879) consulting on whether to rescind the Land Management Agreement from all affected titles.*
3. *A further detailed report be presented to a future meeting of Council.*

A copy of the agenda report and minutes is contained within **Attachment 1**.

Discussion

On 6 November 2018 a letter was sent to affected property owners at 1-9 Ayliffe Place and 2A-2D Stanford Avenue, Novar Gardens, inviting feedback on the rescission of the LMA before 20 February 2019. A copy of the letter is contained in **Attachment 2**.

During the consultation period, the Administration only received one telephone enquiry from a property owner who sought to obtain a copy of the LMA.

In considering the most suitable way forward for Council, the following factors are contemplated:

- The properties have been developed some time ago and future development will be assessed in accordance with the West Torrens (Council) Development Plan. Also, Council has previously determined to waive the LMA. As a result, this is indicative of the LMA having no further work to do.
- The LMA is registered over 13 properties, and the costs of rescinding the LMA is approximated at \$500 + GST per property title including lodgement fees – i.e. around \$6,500 + GST.
- It is in the interests of the property owners to seek formal rescission of the LMA from their property titles more so than the Council.
- The lack of feedback from affected property owners indicates that there is no urgent desire to rescind the LMA.
- Other similar LMAs exist over other properties in Novar Gardens and other suburbs and if Council were to bear the costs associated with the rescission of this LMA, it would likely set a precedent of Council to resolve to rescind other similar LMAs in the future.

The Administration have considered the following three options:

- Rescind the LMA completely from all affected titles with Council to bear all associated costs.
- The LMA remains on the titles, however Council resolves to support the rescinding of the LMA and any future requests to rescind the LMA by individual property owners are dealt with on a case by case basis with all costs to be borne by the owners.
- The LMA remains on the title and individual requests for waiver are dealt with on a case by case basis.

Based on the above, the Administration recommends that Council considers to support the rescission of the LMA at Ayliffe Place and Stanford Avenue, Novar Gardens with the formal rescission process to be initiated by the property owners in their own time and the costs to be borne by each individual property owner.

It is also recommended that the Administration write to the property owners advising them of Council's decision.

Conclusion

Following the outcome of community consultation, the Administration recommends that Council considers to support the rescission of the Land Management Agreement (dealing number 8566879) from the affected properties at 1-9 Ayliffe Place and 2A-2D Stanford Avenue, Novar Gardens with the costs to be borne by each individual property owner. The formal rescission of the LMA from individual Certificates of Title will be dealt with on a case by case basis and initiated at the request of the property owner. After a resolution is made, the Administration will inform affected property owners of this decision.

Attachments

- 1. Previous agenda report and minutes**
- 2. Letter sent to affected property owners**

11 URBAN SERVICES DIVISION REPORTS

11.1 Waiver of Land Management Agreement at 9 Ayliffe Place, Novar Gardens

Brief

This report seeks Council's endorsement, as a party to a Land Management Agreement (LMA), to waive the Owners Obligations of the LMA for a gabion wall at 9 Ayliffe Place, Novar Gardens and consider consulting landowners on its rescission.

RECOMMENDATION

The Committee recommends to Council that:

1. Council waives the Owners Obligations of the Land Management Agreement (dealing number 8566879) relating to the gabion wall proposed as part of Development Application no. 211/887/2018 at 9 Ayliffe Place, Novar Gardens; and
2. Council writes to the landowners of the properties subject to the Land Management Agreement (dealing number 8566879) consulting on whether to rescind the Land Management Agreement from all affected titles.
3. A further detailed report be presented to a future meeting of Council.

Introduction

In 1998, the City of West Torrens entered into a LMA with the Residential Property Group Pty Ltd (dealing number 8566879) relating to the future development of the land subject to the LMA. The LMA was registered as part of a 13 allotment land division to achieve consistent development outcomes on the allotments created. The allotments subject to the LMA are located in Novar Gardens, bound to the east by Morphett Road, bound to the south by Stanford Avenue and bound to the north and west by adjoining private properties. The subject allotments are indicated on the location map overleaf and the LMA is noted on each of their certificate of titles.

The Owner's Obligations section of the LMA specify that:

- The Owner hereby agrees that all development upon the land the subject of the Application shall be undertaken in accordance with the provisions set out in the Novar Gardens (The Avenue Stage 3) Residential Guidelines.
- The owner hereby agrees not to cause, suffer or permit any act or activity to occur upon the land the subject of the Application in contravention of the provisions and requirements contained within Novar Gardens Residential Guidelines.

The LMA and Novar Gardens Residential Guidelines set requirements relating to building envelopes, setbacks, site coverage, building height, vehicle parking, private open space, privacy, roof form, building materials, energy conservation, fencing, domestic outbuildings and landscaping.

A copy of the LMA and Novar Gardens Residential Guidelines is contained within **Attachment 1**.



Figure 1: Location Map

A Development Application for a gabion wall proposed at 9 Ayliffe Place, Novar Gardens has been submitted to Council and is currently under assessment under staff delegation. The gabion wall is proposed to be located on an allotment where the subject LMA is registered. The proposed development is in contravention of the subject LMA as it is not a fence type specifically listed within the Novar Gardens Residential Guidelines. A plan of the proposed gabion wall is contained within **Attachment 2**.

Section 57(12) of the *Development Act 1993*, prescribes that an LMA may be taken into account when assessing a Development Application. In order to make a determination on the Development Application and to avoid breaching the LMA, the applicant is seeking Council waive the requirements of the LMA in this instance only.

Clause 3.6 of the LMA specifies that the Council may waive compliance by the Owner with the whole or any part of the obligations on the Owner’s Obligations. The decision to waive any requirements of an LMA or to rescind an LMA must be made by Council and may not be made under staff delegation.

Discussion

Waiver for proposed gabion wall at 9 Ayliffe Place, Novar Gardens

The provisions of the Novar Gardens Residential Guidelines applicable to the proposed gabion wall are contained in section 11.0 Fencing and are as follows:

- All fencing shall be constructed from either roll top or colour coated capped brush fencing or rendered masonry.
- No fencing is permitted forward of the building line.
- All fencing shall be a minimum height of 1800mm above the ground level or on top of retaining walls.

The proposed gabion wall meets all provisions apart from the first point as it is not a brush or rendered masonry fence. In accordance with current legislation, a brush fence must not be constructed within 3 metres of a dwelling. This leaves a rendered masonry fence as the only viable option in order to comply with the LMA. The property owner has expressed that they do not wish to construct a rendered masonry fence as it will attract graffiti as the wall will be located adjacent to a main road (Morphett Road).

Despite being in contravention of the LMA, the proposed gabion wall is considered to be a suitable form of development. Fencing within the locality is not consistent (refer to **Attachment 3**) and ranges from brush, rendered masonry, colorbond metal sheeting, tubular, timber slats etc. The proposed gabion wall will be a positive addition to the streetscape, and given the inconsistency of fencing, will not detract from existing fences and walls within the locality.

A gabion wall is not a typical rendered masonry fence, however, it is still constructed of masonry materials and is of a height sought by the Novar Gardens Residential Guidelines. 1.8 metres is a standard height for side fencing and will provide privacy and a noise buffer for residents. The gabion wall will be less susceptible to graffiti and will provide greater visual appeal and visual interest in comparison to a standard sheet metal or rendered masonry fence. It provides a natural finish which will blend in well with the surrounding environment and vegetation buffer adjoining the site.

Rescinding the LMA

All allotments subject to the LMA were developed almost 20 years ago. As such, the purpose of the LMA is considered to be fulfilled. The provisions of the Novar Gardens Residential Guidelines correlate strongly with the provisions of the Development Plan which can be used to guide development outcomes in the future. In addition, the provisions of the residential guidelines are outdated and some do not meet current legislation (i.e. brush fencing).

Taking into consideration the above, Council may wish to rescind the LMA completely from all affected titles. This process involves Council resolving to rescind the LMA and submitting an application to rescind the LMA to the Lands Titles Office. Community consultation and the formal consent of all affected parties does not need to be obtained. However, Council may choose to consult with affected property owners prior to deciding whether to rescind the LMA.

Conclusion

An applicant is seeking Council to waive the Owners Obligations of an LMA for the construction of a gabion wall. The gabion wall contravenes the LMA as it is not a type of fencing listed within the Novar Gardens Residential Guidelines. In spite of this, the gabion wall is considered to be an appropriate form of development within the locality and will contribute positively to the streetscape.


Given that the LMA purpose is fulfilled and some provisions are outdated, Council may wish to pursue rescinding the LMA from all affected titles. Given that the provisions of the West Torrens Council Development Plan aligns with the Novar Gardens Residential Guidelines, Council can be confident that consistent development outcomes can be achieved in the absence of the LMA.

Attachments

- 1. Land Management Agreement and the Novar Gardens Residential Guidelines**
- 2. Proposed Plan of Gabion Wall**
- 3. Photos of subject site and locality**

MIDLAND C/M B

8566879



LANDS TITLES REGISTRATION OFFICE SOUTH AUSTRALIA

FORM APPROVED BY THE REGISTRAR-GENERAL

Received 09 NOV 2006
Customer Service
City of West Torrens

CERTIFIED CORRECT FOR THE PURPOSES OF THE REAL PROPERTY ACT 1989

R. G. HAMMOND
R. G. HAMMOND

NOTES
1. This form may be used only when no panel form is suitable.

BELOW THIS LINE FOR OFFICE USE ONLY

Date - 9 OCT 1999	Time 11:40		
FEES			
RGO	POSTAGE	ADVERT	NEW CT
\$80			

EXAMINATION

CORRECTION	PASSED
	<i>NS</i>

BELOW THIS LINE FOR AGENT USE ONLY

AGENT CODE

Lodged by: *Norman Waterhouse NWAM*

Correction to: **NORMAN WATERHOUSE NWAM**

TITLES, CROWN LEASES, DECLARATIONS ETC. LODGED WITH INSTRUMENT (TO BE FILLED IN BY PERSON LODGING)

1. *CT 5256/140* ✓
2. *CT 5256/140* ✓
3.
4.
5.

NS
Assessor

PLEASE ISSUE NEW CERTIFICATES OF TITLE AS FOLLOWS

1.
2.
3.
4.
5.

DELIVERY INSTRUCTIONS (Agent to complete)
PLEASE DELIVER THE FOLLOWING ITEM(S) TO THE UNDERMENTIONED AGENT(S)

ITEM CT/CL REF.	AGENT CODE
<i>CT 5256/140</i>	<i>GDS 1</i>
<i>CT 5256/618</i>	<i>NATB SR.</i>


30*02 990CT1998 8100323252L.1*0.

CORPORATE FORMS PTY Lic No.1 Oct 1993

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G. Sorrells PRO  GENERAL

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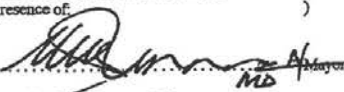

Form B.2 Insert type of document here **APPLICATION TO NOTE - DEVELOPMENT ACT, 1993 LAND MANAGEMENT AGREEMENT**


TO: **THE REGISTRAR GENERAL**

~~THE~~ **CITY OF WEST TORRENS** of 165 Burbridge Road Hilton 5033 **HEREBY APPLIES** pursuant to the provisions of Section 57(5) of the Development Act, 1993 for the noting of the attached Deed dated the 18th day of September 1998 and made between ~~THE~~ **CITY OF WEST TORRENS** aforesaid as the Council of the one part and **RESIDENTIAL PROPERTY GROUP PTY. LTD.** of 7/259 Glen Osmond Road Frewville 5063 as the Owner of the other part as a Land Management Agreement pursuant to Section 57(2) of the said Act. The said Deed binds WHOLE of the land comprised in Certificates of Title Register Book VOLUME 5256 FOLIO 140 and VOLUME 5378 FOLIO 618 and operates to control the future development of the said land.

DATED the 18th day of September 1998


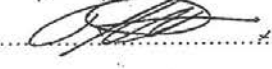
THE COMMON SEAL of ~~THE~~ **CITY OF WEST TORRENS** was hereunto affixed in the presence of:


 Mayor
 City Manager



The Owner **HEREBY CONSENTS** to the noting of the attached Land Management Deed.

THE COMMON SEAL of **RESIDENTIAL PROPERTY GROUP PTY. LTD.** was hereunto affixed in the presence of:

 Director
 Secretary



THIS DEED is made the 15th day of September 1998

BETWEEN: THE CITY OF WEST TORRENS of 165 Burbridge Road Hilton SA 5033 (hereinafter with its successors and assigns called "the Council") of the one part
COMMISSIONER OF STATE TAXATION

AND: RESIDENTIAL PROPERTY GROUP PTY. LTD. of 7/23 Glen Osmond Road Frewville SA 5063 (hereinafter with his or its executors administrators successors and assigns as the case may be called "the Owner") of the other part
S.A. STAMP DUTY DATA ORIGINAL FILE / 21/03/98 19*59406 FE2770,1 \$10.00

RECITALS:

- A. The Owner is the proprietor of an estate in fee simple in WHOLE of the land comprised in Certificates of Title Register Book VOLUME 5256 FOLIO 140 and VOLUME 5378 FOLIO 618 (hereinafter called "the Land");
- B. By a Development Application numbered 211/297/98 (hereinafter called "the Application") the Owner sought development authorisation pursuant to the provisions of the Development Act, 1993 (hereinafter called "the Act"), from the Council, to develop the Land by dividing the Land involving the creation of thirteen (13) allotments (hereinafter called "the proposed Development");
- C. Pursuant to the provisions of Section 57(2) of the Act the Owner has agreed with the Council to enter into this Deed relating to the management preservation and conservation of the Land subject to the terms and conditions hereinafter mentioned.

NOW THIS DEED WITNESSES as follows:

1. Interpretation

- 1.1 The parties acknowledge that the matters hereinbefore recited are true and accurate and agree that they shall form part of the terms of this Deed.
- 1.2 In the interpretation of this Deed unless the context shall otherwise require or admit:
 - 1.2.1 Words and phrases used in this Deed which are defined in the Development Act 1993 shall have the meanings ascribed to them by that Act;
 - 1.2.2 References to any statute or subordinate legislation shall include all statutes and subordinate legislation amending consolidating or replacing the statute or subordinate legislation referred to;
 - 1.2.3 The term "the Owner" where the Owner is a company includes its successors, assigns and transferees and where the Owner is a person,

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includes his heirs, executors, administrators and transferees and where the Owner consists of more than one person or company the term includes each and every one or more of such persons or companies jointly and each of them severally and their respective successors, assigns, heirs, executors, administrators and transferees of the companies or persons being registered or entitled to be registered as the proprietor of an estate in fee simple to the Land or to each and every one of all separate allotments into which the Land may be divided after the date of this Deed subject however to such encumbrances, liens and interests as are registered and notified by memoranda endorsed on the Title thereof;

- 1.2.4 The term "person" shall include a corporate body;
- 1.2.5 The term "the Land" shall include any part or parts of the Land;
- 1.2.6 Words importing the singular number or plural number shall be deemed to include the plural number and the singular number respectively;
- 1.2.7 Words importing any gender shall include every gender;
- 1.2.8 Where two or more persons are bound hereunder to observe or perform any obligation or agreement whether express or implied then they shall be bound jointly and each of them severally;
- 1.2.9 Any clause headings or marginal notes are for reference purposes only and shall not be resorted to in the interpretation of this Deed.
- 1.3 If any provision of this Deed shall be found by a court of competent jurisdiction to be invalid or unenforceable in law THEN and in such case the parties hereby request and direct such court to sever such provision from this Deed.
- 1.4 The law governing the interpretation and implementation of the provisions of this Deed shall be the law of South Australia.
- 2. The Owner's Obligations**
- 2.1 The Owner hereby agrees that all development upon the land the subject of the Application shall be undertaken in accordance with the provisions set out in the Novar Gardens (The Avenue Stage 3) Residential Guidelines (attached hereto and marked "Annexure A")
- 2.2 The owner hereby agrees not to cause, suffer or permit any act or activity to occur upon the land the subject of the Application in contravention of the provisions and requirements contained within Novar Gardens Residential Guidelines.

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3. Miscellaneous Provisions

- 3.1 The Owner shall not grant any lease or licence easement or other right of any nature whatsoever which may give any person the right to possession or control or entry upon the Land upon any terms whatsoever unless such grant shall be expressed in writing and shall contain as an essential term thereof a covenant by the grantee not to do or omit to do or suffer or permit any other person to do or omit to do any act matter or thing upon the Land which would constitute a breach of the provisions of this Deed if such act matter or thing were done or omitted to be done by the Owner.
- 3.2 The Council and any employee or agent of the Council authorised by the Council may at any reasonable time enter the Land for the purpose of:
 - 3.2.1 inspecting the Land and any building or structure thereupon;
 - 3.2.2 exercising any other powers of the Council under this Deed or pursuant to law.
- 3.3 If the Owner is in breach of any provision of this Deed, the Council may, by notice in writing served on the Owner, specify the nature of the breach and require the Owner to remedy the breach within such time as may be nominated by the Council in the notice (being not less than twenty eight (28) days from the date of service of the notice) and if the Owner fails so to remedy the breach, the Council or its servants or agents may carry out the requirements of the notice and in doing so may enter and perform any necessary works upon the Land and recover any costs thereby incurred from the Owner.
- 3.4 If in a notice referred to in Clause 3.3 hereof the Council requires the removal of the building or structure from the Land the Council and its servants or agents are hereby authorised and empowered by the Owner to enter and remove the building or structure from the Land and to dispose of it in any manner determined by the Council provided that if the building or structure shall have any monetary value then the Council shall use its best endeavours to realise that monetary value and shall after the disposal account to the Owner and pay to him the realised value less all expenses incurred.
- 3.5 This Deed may not be varied except by a Supplementary Deed signed by the Council and the Owner.
- 3.6 The Council may waive compliance by the Owner with the whole or any part of the obligations on the Owner's part herein contained provided that no such waiver shall be effective unless expressed in writing and signed by the Council.
- 3.7 This Deed contains the whole agreement between the parties in respect of the matters referred to herein.
- 3.8 Notice shall for the purposes of this Deed be properly served on the Owner if it is:
 - 3.8.1 posted to the Owner's last address known to the Council; or
 - 3.8.2 affixed in a prominent position on the Land.

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- 3.9 The Council may delegate any of its powers under this Deed to any person.
- 3.10 The Owner hereby indemnifies the Council and agrees to keep it forever indemnified in respect of the whole of its costs and expenses of and incidental to the negotiation preparation stamping and registration of this Deed and the implementation including the enforcement of its terms.
- 3.11 The requirements of this Deed are at all times to be construed as additional to the requirements of the Development Act, 1993 and any other legislation affecting the Land.
- 3.12 Each party shall do and execute all such acts documents and things as shall be necessary to ensure that as soon as is possible after the execution of this Deed by all necessary parties this Deed is registered and a memorial thereof entered on the Certificate of Title for the Land pursuant to the provisions of Section 57(5) of the Development Act 1993 in priority to any other registrable interest in the Land save and except for the estate and interest of the Owner therein.

IN WITNESS WHEREOF the parties hereto have executed this Deed

THE COMMON SEAL of THE CITY)
OF WEST TORRENS was)
hereunto affixed in the presence of:)



[Signature]) Mayor
[Signature]) City Manager

THE COMMON SEAL of)
RESIDENTIAL PROPERTY GROUP)
PTY. LTD. was hereunto affixed)
in the presence of:)



[Signature]) Director
[Signature]) Secretary

[226567&at0012]

-5-


NATIONAL AUSTRALIA BANK LIMITED A.C.N. 004 044 897 AS
MORTGAGEE UNDER AND BY VIRTUE OF MEMORANDUM OF
MORTGAGE REGISTERED No. 8355 101 CONSENTS HERETO.

NATIONAL AUSTRALIA BANK LIMITED
By its Attorney SALLY JANE PORTER
22-28 KING WILLIAM STREET
ADELAIDE PHN 407 6137



Manager Securities
In the State of South Australia
P/A No. 7075481

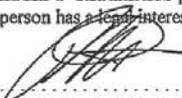
In The Presence of:-



AMANDA JAYNE STEGMEYER
22-28 KING WILLIAM STREET
ADELAIDE PHN 407 6137

See Annexure B.

The owner **HEREBY CERTIFIES** pursuant to Section 57(4) of the Development Act 1993
that no other person has a legal interest in the Land.



X
RESIDENTIAL PROPERTY GROUP PTY. LTD.

[226567kat0012]

ANNEXURE B


ETSA CORPORATION having a legal interest in the Land pursuant to an easement for electricity supply purposes over the land marked C (T/F) HEREBY CONSENTS to the Owner entering into this Deed.

ETSA CORPORATION by its duly constituted Attornies:
Peter Theodore Greeneklee and Sean Michael Kelly
who certifies that he is the who certifies that he is the
Manager, Corporate Affairs Group Secretary


MANAGER CORPORATE AFFAIRS


GROUP SECRETARY

ETSA Corporation pursuant to Power of Attorney Registered
No. 7969419 in the presence of:


Angela Jayne Clark
1 Anzac Highway
Keswick SA 5035
8404 5897

[226567\kjb0018]

ANNEXURE A

**NOVAR GARDENS
(THE AVENUE STAGE 3)
RESIDENTIAL GUIDELINES**

[226567KAT0011]

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12.0 DOMESTIC OUTBUILDINGS

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APPENDIX 1

1.0 BUILDING ENVELOPES AND LAND DIVISION

- The Building envelope for each single house allotment is shown on the detailed Building Envelope Plan - See Appendix 1. This plan forms part of the guidelines and gives effect to them. A dwelling must be sited within the building envelope subject to site coverage (refer Section 3.0) and other requirements set out in this document. Buildings which encroach outside the building envelope will only be approved if it can be shown that the encroachment will not result in a reduction of the amenity of the streetscape or to the amenity of surrounding property owners.
- Only one dwelling will be permitted on each allotment.
- No further land division of allotments specified in the Building Envelope Plan - See Appendix 1 - which would increase the number of dwellings able to be accommodated on the land should occur, unless it is with the prior written consent of the Council, and the Council's approval pursuant to the Development Act, 1993. In the context of this clause, "land division" does not include minor allotment boundary adjustments.

2.0 SETBACKS

2.1 Front Boundary Setbacks

Front boundary setbacks should be in accordance with Table 1.

Table 1

BUILDING COMPONENT	SETBACK (M)
Main Face of Dwelling (Lots 1-6 incl & 10-13 incl).	3.0
Main face of dwelling (Lots 7-9 incl.)	4.0
Unenclosed Verandah/Portico etc	AS ABOVE
Single Garage/Carport	5.5
Double Garage/Carport	3.0

As a general design principle, garages and carports are preferred to be set back behind the main face of the dwelling by a minimum of 0.5 metres. However, in order to encourage housing diversity, variations to this principle are allowed.

2.2 Side Boundary Setbacks

- For dwellings (other than dwellings on corner allotments or zero lot line houses), a wall (excluding eaves) of a building (other than a wall of a garage or carport) must not be nearer to any side boundary than 1.0 metre.
- A minimum 2.0 metre setback is required for any part of the building from the side boundary on a corner allotment.
- Garages and carports may be constructed to the side boundary where shown on the Building Envelope Plan (refer Appendix 1).

2.3 Rear Boundary Setbacks

Rear boundary setbacks for dwellings should not be less than 1 metre, and such that the minimum criteria for garden areas is maintained in accordance with Section 6.0.

2.4 Zero Lot-line Houses

A zero lot-line house is a detached dwelling where one side wall of the dwelling (including a garage) is built on the allotment boundary in order to increase the amount of useable internal living space and external open space surrounding the dwelling. The zero lot line designations (refer Appendix 1) are not mandatory but are the preferred locations where they can occur.

3.0 SITE COVERAGE

- Maximum site coverage of dwellings, excluding unenclosed verandahs, pergolas, balconies and driveways, but including carports, garages and domestic outbuildings shall not exceed 70% of an allotments total area. The provisions of Section 6.0 of this document regarding Private Open Space must also be maintained.

4.0 BUILDING HEIGHT

- Houses must not exceed two storeys in height.
- The total height of a single and two storey dwelling (as measured from the natural ground level to the highest point of the roof, excluding chimneys etc) must not exceed 7.0 and 9.0 metres respectively.
- An attic storey can be constructed within the roof line provided that it does not diminish the amenity of neighbouring houses.

5.0 VEHICLE PARKING

5.1 Minimum Number of Spaces

On-site vehicular parking shall be provided at a rate of at least two carports per dwelling. At least one of these carports shall be covered.

5.2 Recreation/Commercial Vehicles

Recreational vehicles (e.g. caravans, boats etc) and commercial vehicles must not be parked on a regular basis on properties forward of any part of the building.

The Council does not permit the parking of any private or commercial vehicles of 3 tonnes or more on any residential allotment.

5.3 Design of Garages and Carports

Garages and carports must be provided either under the main roof, or if freestanding, the roof form and materials must match those of the associated dwelling.

6.0 PRIVATE OPEN SPACE

A private garden area shall be provided for every dwelling, which:

- has a minimum area, in one contiguous area, of forty square metres with the exception of Allotments 10-13 inclusive to be 35 square metres (an area of less than 2 metres in width should not be included in this minimum area).
- does not incorporate driveways or parking areas.
- is capable of containing a rectangle measuring 6.0 by 4.0 metres.
- incorporates appropriate screen fencing to maintain privacy
- where practical is located on the northern or eastern side and adjoins and is directly accessible from the living areas of the dwelling.
- is not covered in any way by a verandah, balcony, carport or the like excluding the eave overhand of the building.

7.0 PRIVACY

To reduce the potential of overlooking of adjoining dwellings, upper storey windows of habitable rooms (e.g. bedrooms, lounges, dining rooms and studies) and balconies should:

- be located where direct views of the habitable rooms and private garden areas of adjoining dwellings are already obscured and will remain obscured; or
- be located in walls which have the furthest separation from adjoining dwellings or the boundaries of the development site.

Where direct overlooking of the habitable rooms or private gardens areas of adjoining dwellings is unavoidable, alternative methods of providing daylight to habitable rooms should be adopted such as:

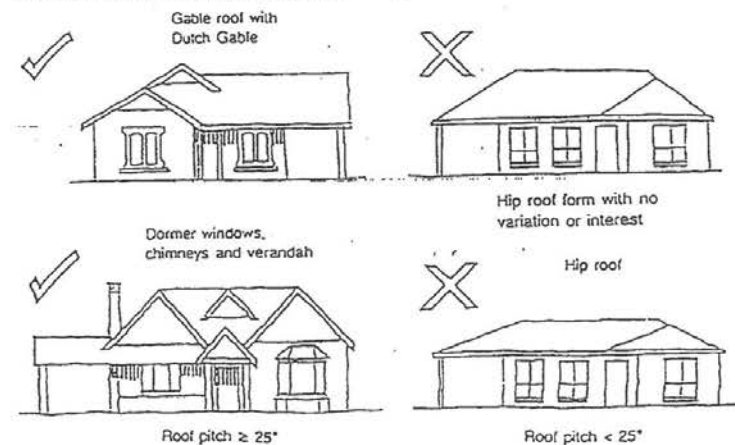
- the use of skylights
- the use of windows with sills which are a minimum of 1.7 metres above the upper storey floor level; or
- fixed opaque glazing to a height of 1.7 metres above the upper storey floor.

The potential for overlooking of adjoining dwellings from upper storey windows to habitable rooms or private garden areas from balconies should be minimised through measures such as the construction of screens, fencing and the planting of screen landscaping.

8.0 ROOF FORM

A roof form providing articulated shapes with hips, gables and other forms, and, where appropriate, the use of dormers, verandahs, balconies or other decorative architectural elements, is encouraged.

Roofs shall have a minimum roof pitch of 25 degrees.



9.0 BUILDING MATERIALS

9.1 Walls

External walls of dwellings shall be constructed from the following range of building materials:

- Exposed, bagged or rendered brick
- Cement rendered concrete or cement rendered block wall
- Stone

Infill area of walls, utilising painted or coated weatherboard, cement sheet, timber panelling and stucco, may be approved subject to design merit. These materials should not be used for complete wall areas.

9.2 Roof

- Roof materials shall be selected from either tiles, pre-painted galvanised steel, slate or cement shingles (flat)
- White (not including off white) roofs are not permitted
- Galvanised iron or steel roofing is not permitted.

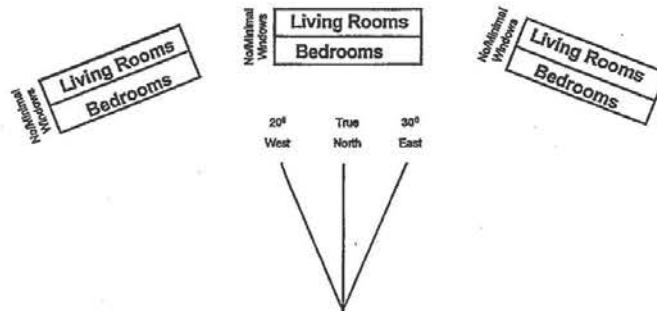
10.0 ENERGY CONSERVATION

10.1 Principles

- When designing a home there are many elements that can be included which will make living in the home more pleasant and will also save money on energy bills. The simplest way to achieve this is to take advantage of the sun's free energy in the winter and to protect the home from it in the summer.
- The orientation of the house on the allotment can increase the ability to heat, or cool, the dwelling with minimum use of other forms of energy.
- Adopting energy efficient practices therefore benefits two groups - the householders, through reduced operating costs and higher levels of natural comfort and light; and the community, through reduced environmental impact.

10.2 Orientation of Living Areas and Private Open Space

- The desired orientation of the living zones within houses is shown in Figure 2, that is, dwellings should have a north-facing (i.e. between 30 degrees east and 20 degrees west) room capable of being used as a living area.
- The degree to which living areas can achieve the desired orientation depends on the orientation of its allotment relative to the road layout.



In the above principle, northward, southward, westward should be interpreted as meaning between 20° anti-clockwise and 30° clockwise of the true direction

Preferred orientation range for dwellings in temperate climate zones.

Dwellings should generally:

- have living areas orientated northward
- have bedrooms orientated southward and
- minimise the number and size of west-facing windows

11.0 FENCING

All fencing shall be constructed from either roll top or colour coated capped brush fencing or rendered masonry.

No fencing is permitted forward of the building line.

All fencing shall be a minimum height of 1800mm above the ground level or on top of retaining walls.

11.1 Retaining Walls

Any build-up of the site level above existing natural ground level is to be retained at the boundaries of the site by a suitable retaining wall. Such retaining wall is to be designed to accepted engineering standards, and not of timber construction if retaining a difference in ground level exceeding 200mm.

12.0 DOMESTIC OUTBUILDINGS

Domestic outbuildings shall:

- be setback at least 0.6 metres from the side and rear boundaries to ensure continuity of boundary fencing.
- not overshadow or block light from the windows of an adjoining dwelling.
- be finished in materials and colours to march the associated dwelling, or be finished in colorbond or pre-painted galvanised steel cladding.
- Not impinge on the maximum site coverage requirements (see Section 2.0) or the minimum area private open space for the dwelling (see Section 6.0).
- Not have a total height exceeding 2.4 metres.

13.0 LANDSCAPING

Landscaping forward of the home (including side verges on corner allotments) should be established to the kerb alignment no more than 6 months from the completion date of the dwelling.

Urban/Plan/Susan/Res/ma

DATED 1998

BETWEEN:

THE CITY OF WEST TORRENS

of the one part

AND

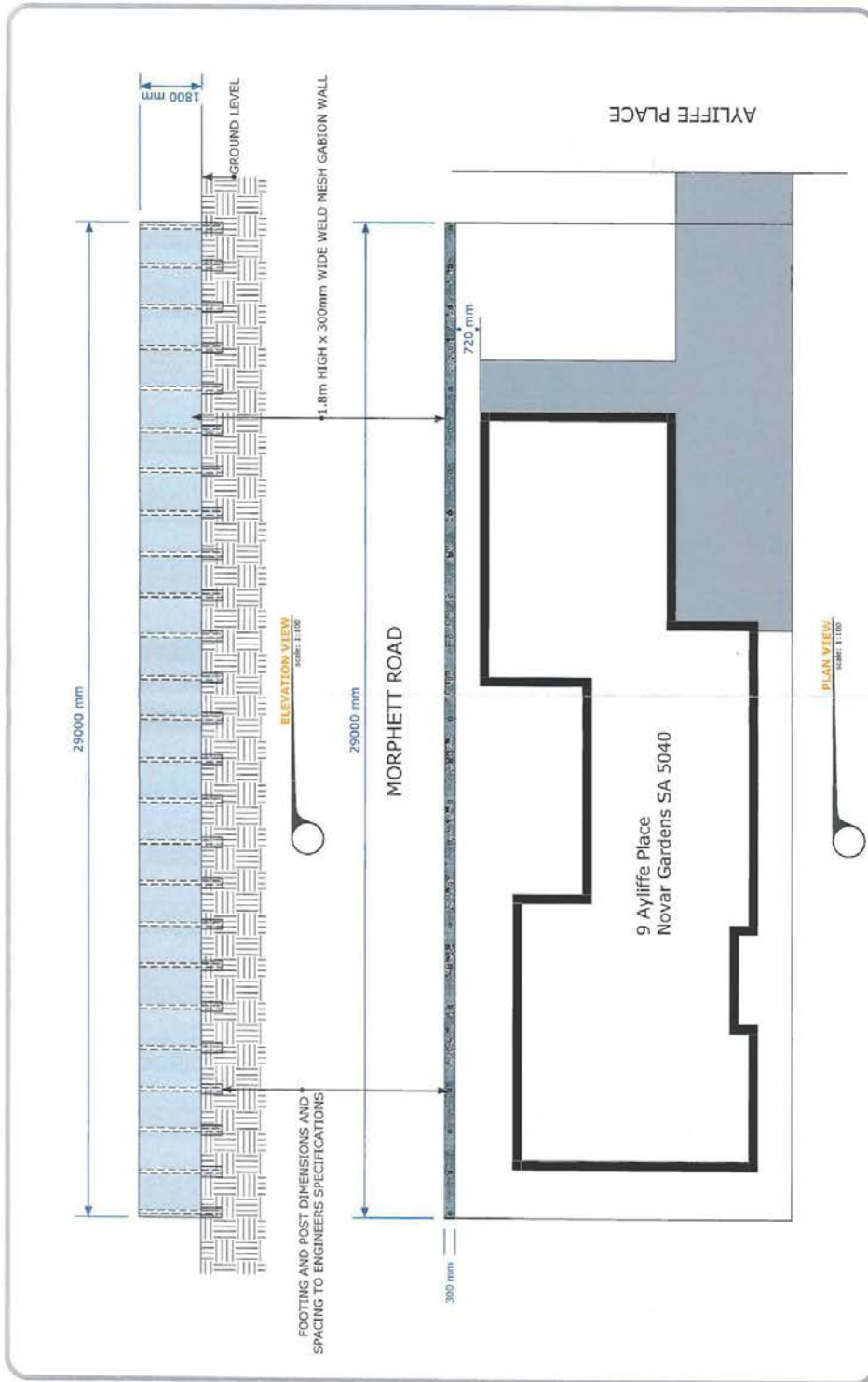
**RESIDENTIAL PROPERTY GROUP PTY.
LTD.**

of the other part

**LAND MANAGEMENT AGREEMENT
BY DEED**

NORMAN WATERHOUSE
Lawyers
Level 15
45 Pirie Street
ADELAIDE SA 5000
Telephone: 8210 1200

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Marilyn Tregligas
9 Ayliffe Place
Novar Gardens SA, 5040





Figure 1: Fencing within the locality - 9 Ayliffe Place, Novar Gardens (subject site)



Figure 2: Fencing within the locality - 2D Stanford Place (side)



Figure 3: Fencing within the locality - 2D Stanford Place (front)



Figure 4: Fencing within the locality - 55 & 57 Morphett Road

11 URBAN SERVICES DIVISION REPORTS

11.1 Waiver of Land Management Agreement at 9 Ayliffe Place, Novar Gardens

This report sought Council's endorsement, as a party to a Land Management Agreement (LMA), to waive the Owners Obligations of the LMA for a gabion wall at 9 Ayliffe Place, Novar Gardens and consider consulting landowners on its rescission.

RECOMMENDATION

The Committee recommends to Council that:

1. Council waives the Owners Obligations of the Land Management Agreement (dealing number 8566879) relating to the gabion wall proposed as part of Development Application no. 211/887/2018 at 9 Ayliffe Place, Novar Gardens; and
2. Council writes to the landowners of the properties subject to the Land Management Agreement (dealing number 8566879) consulting on whether to rescind the Land Management Agreement from all affected titles.
3. A further detailed report be presented to a future meeting of Council.

COMMITTEE RESOLUTION

Moved: Cr George Demetriou

Seconded: Cr Kym McKay

That the recommendation be adopted.

Discussion took place in relation to the Waiver of Land Management Agreement at 9 Ayliffe Place, Novar Gardens. Cr Arthur Mangos suggested that Point 2 be changed to include consultation with other parties on whether to rescind the Land Management Agreement from all affected titles. The mover, Cr George Demetriou and seconder, Cr Kym McKay consented to the change and accordingly, the motion was changed as follows:

Moved: Cr George Demetriou

Seconded: Cr Kym McKay

That:

1. Council waives the Owners Obligations of the Land Management Agreement (dealing number 8566879) relating to the gabion wall proposed as part of Development Application no. 211/887/2018 at 9 Ayliffe Place, Novar Gardens; and
2. Council writes to the landowners and other parties of the properties subject to the Land Management Agreement (dealing number 8566879) consulting on whether to rescind the Land Management Agreement from all affected titles.
3. A further detailed report be presented to a future meeting of Council.

CARRIED



6 November 2018

XXXX
X Ayliffe Place
NOVAR GARDENS SA 5040

Dear Sir/Madam,

**RE: Feedback sought in relation to rescission of Land Management Agreement
(dealing number 8566879)**

I refer to the abovementioned Land Management Agreement (LMA) which is registered over your property at X Ayliffe Place Novar Gardens.

This particular LMA covers 13 properties in Ayliffe Place and Stanford Street, Novar Gardens and was put in place in 1998 to achieve consistent development outcomes. Aspects of development such as setbacks, building heights, external materials and finishes, domestic outbuildings and fencing are restricted by the LMA.

It was identified as part of a recent investigation undertaken by Council that the LMA may have fulfilled its purpose as a method of development control. The LMA may no longer be required as properties subject to the LMA are developed and Council's Development Plan contains provisions to achieve desired development outcomes, similar to those contained within the LMA.

Council is considering whether to rescind the LMA from the affected properties. Rescinding the LMA effectively involves formally removing the document from the Certificate of Title. In this case, you will no longer be required to abide the requirements of the LMA. If the LMA is not rescinded and remains in place, you must abide by all requirements of the LMA at all times.

Council invites you to provide feedback on the rescission of the LMA from your property. Please provide a response by no later than Friday 20 February 2019. Responses can be provided in writing via email at development@wtcc.sa.gov.au or post at 165 Sir Donald Bradman Drive, Hilton.

If you would like a copy of the LMA (approx. 20 pages), it can be provided in paper or electronically via email.

Please contact Ebony Cetinich (Development Officer - Planning) on 8416 6333 should you require clarification.

Yours faithfully,

**Terry Buss PSM
Chief Executive Officer
City of West Torrens**

17.2 Murray Darling Association Region 7 Committee - Nominations for Regional Chair and Committee Members

Brief

The Murray Darling Association Inc. is seeking nominations for the positions of chair and committee members of its Region 7 Executive Committee.

RECOMMENDATION(S)

It is recommended to Council that:

1. Cr be nominated for the position of Regional Chair on the Murray Darling Association Region 7 Executive Committee; and
2. Cr/s be nominated as a committee member on the Murray Darling Association Region 7 Executive Committee;

or

This report be received.

Introduction

The Acting Chair of the Murray Darling Association Region 7 has written to Council seeking nominations for the position of Region 7 Regional Chair and Committee Members (**Attachment 1**).

Discussion

The Murray Darling Association Inc. (MDA) is a membership-based peak representative organisation, representing local government and communities across the Murray Darling Basin. There are 179 local government organisations across the Basin whose communities derive their wellbeing from the resources contained within it.

The MDA has had a successful year of achievements as outlined in the extract from their 2017-18 Annual Report (**Attachment 2**).

As an independent, non-government body, the MDA provides local government with the means and opportunity to actively participate in informing water policy and liaise with all levels of government as a representative of the region.

The role of Regional Chair is also considered to be a Board Member. Board Members (Region Chairs) of the MDA have a number of different roles that must incorporate the interests of the organisation as a legal entity, the basin community, and the interests of the members and other stakeholders in their Region.

Duties include determining the allocation of financial resources via the MDA's annual budget, facilitating community participation and supporting and promoting the purpose of the MDA across the Region. The full list of duties is outlined in **Attachment 3** and the Code of Conduct in **Attachment 4**.

The term of office for Board Members is one (1) year, beginning from the date of the Region Annual General Meeting which is being held on Thursday 16 May 2019 at the City of Playford. The positions of Region Chairs and Committee members are not remunerated positions.

The constitution of the MDA provides that Council is able to nominate up to 5 members (Elected Members or Officers).

Nominations will be submitted to the Returning Officer no later than close of business on Friday 3 May 2019 (**Attachment 5**).

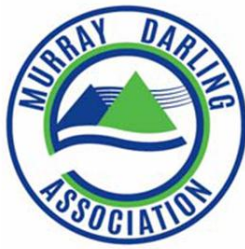
Applications for Region 7 Chair must include a brief CV and statement addressing the skills and attributes of the nominee. This information will be distributed to members of the MDA and posted on the MDA website.

Conclusion

The Acting Chair of the Murray Darling Association Region 7 has written to Council seeking nominations for the position of Region 7 Regional Chair and Committee Members. As requested by the MDA, Council's nominations will be submitted by Friday 3 May 2019.

Attachments

1. **Murray Darling Association Region 7 - Invitation to nominate for Regional Chair and Committee Members**
2. **Extract from the MDA 2017-18 Annual Report - Performance Highlights and Region 7 Annual Report**
3. **Murray Darling Association Duty Statement**
4. **Murray Darling Association Board Member Code of Conduct**
5. **Murray Darling Association Nomination Form**



Murray Darling Association Inc

admin@mda.asn.au
www.mda.asn.au
T (03) 5480 3805
ABN: 64 636 490 493

463 High Street
PO Box 1268
Echuca Vic 3564

4 April 2019

TO MEMBERS OF MURRAY DARLING ASSOCIATION REGION 7

NOTICE OF ANNUAL GENERAL MEETING

The Murray Darling Association (MDA) Region 7 Annual General Meeting (AGM) will be held on **Thursday 16 May 2019** at the City of Playford, commencing at 6.30 pm. Please note the AGM will be followed immediately by an Ordinary Meeting.

Nominations are now invited for the position of Chair and Executive Committee Members for those wishing to serve on the Region 7 Executive Committee.

Nominations should include:

- a completed [Nomination Form](#);
- a copy of the extract of council minutes including the resolution of council acknowledging their commitment to and endorsement of their delegate's nomination;
- a brief biography or curriculum vitae of the nominating delegate;
- a statement of commitment from council acknowledging the obligations of the Region Chair under Part 5, 16(5) of the [Murray Darling Association Constitution](#) (for nominations to Regional Chair).

Nominations must be lodged with the Returning Officer by email to ceo@mda.asn.au no later than 5.00 pm on Friday 3 May 2019.

All nominations will be distributed to member councils with the meeting papers and agenda on Thursday 9 May 2019 for your consideration in advance of the election at the AGM.

All councils within MDA Region 7 are warmly invited and encouraged to consider the importance of your council's active participation.

For further information please contact:

- Ms Emma Bradbury, MDA CEO on 03 5480 3805 or e.bradbury@mda.asn.au; or
- Cr Andrew Tilley, Acting Chair on 0411 158 882 or atilley@mitchamcouncil.sa.gov.au; or
- Visit www.mda.asn.au

Kind regards

A handwritten signature in blue ink, appearing to read "A Tilley", is written over a light blue horizontal line.

CR ANDREW TILLEY
ACTING CHAIR, MURRAY DARLING ASSOCIATION REGION 7

PERFORMANCE HIGHLIGHTS

PRODUCTIVITY COMMISSION

The Productivity commission this year made inquiry into the implementation of the Murray Darling Basin Plan and water resource plans.

The Murray Darling Association was appointed to the stakeholder working group. The working group has an advisory role. Its purpose is to exchange information and views on progress towards implementing the actions required under the Basin Plan.

The working group is an important component of the Commission's consultation processes for this inquiry, with the MDA ensuring strong representation for the interests of local government. The working group has met three times since its establishment and will remain in place until the completion of the inquiry.

NATIONAL CARP CONTROL PLAN

The Murray Darling Association sits on the National Carp Control Plan communications working group. The National Carp Control Plan is tasked to investigate options for carp control in Australian waterways, including the possible release of a biological control, the carp herpes virus.

The communications working group is one of four teams working with National Carp Control Plan staff to identify a smart, safe, effective and integrated suite of measures to control carp impacts.

Matt Barwick, the plan's co-ordinator, has presented updates during region meetings held throughout the year.

MDA's participation in the group provides a conduit for current information, pathways for consultation and ensures the role and interests of local government across the Basin footprint is actively considered in the development of the Plan.

NATURAL RESOURCE ACCESS REGULATOR

Established by the NSW Government in February this year in response to recommendations in Ken Matthews' report into water management and compliance in NSW, and following allegations of illegal water extraction aired on the Four Corners report Pumped.

At the first meeting of the board of the NRAR, MDA was invited to provide a briefing on the perspectives and expectations of stakeholders across the Basin.

The MDA provided representative content to ensure that the views of local government inform and influence the operation of the NRAR, followed by a detailed submission via the public consultation process.

INCLUSION OF LOCAL GOVERNMENT IN INSTITUTIONAL AND GOVERNANCE ARRANGEMENTS OF BASIN-RELATED PLANS AND POLICIES

The MDA continued to advocate for a formal role for local government in the institutional and governance arrangements underpinning plans and policies of regional and national significance including the Murray-Darling Basin Plan.

NATURAL RESOURCE ACCESS REGULATOR

The NRAR is an independent regulator established on the recommendation of Ken Matthews to take over the enforcement of water regulation in NSW.

The MDA provided the Regulator with a detailed briefing on a range of actions our members believe should be taken to improve compliance and build trust. ALGA

DEFINING SOCIO-ECONOMIC NEUTRALITY IN THE CONTEXT OF THE MURRAY-DARLING BASIN PLAN

THE MDA'S CONTINUING ADVOCACY

The Water Act 2007 provides for the recovery of an additional 450 gigalitres of water within the Murray-Darling Basin by 2024.

The Basin Plan sets a higher bar or threshold in relation to socio-economic impacts for the 450 GL of upwater as compared with other elements of water recovery.

Unlike the 2750 GL, recovery of the 450GL can only be achieved by means that are socio-economically neutral.

The issue has been the subject of many costly and often conflicting studies, analyses and reports often undertaken at great financial and emotional cost to communities only to be ignored. Or worse.

Our members argue that the problem lies not in whether or how the 450GL can be recovered, or even the impact of that recovery, although this is a major challenge for our state and federal governments and agencies.

The problem arises from the absence of a fair and equitable, agreed definition of socio-economic neutrality, and community confidence in the process of assessing it.

Socio-economic neutrality as it is currently defined in the Murray-Darling Basin Plan is inconsistent with accepted definitions of socio-economic impacts and is also inconsistent with Commonwealth guidelines on socio-economic impact assessment.

It does not meet the overarching intent of the Basin Plan to consider the socio-economic impacts of upwater.

In order for all parties to remain committed and for the Basin Plan to be delivered on time and in full, confidence must be restored in governments' commitment to a triple-bottom line outcome. Trust and good faith must be restored in the process underpinning the SDLAM, and there must be agreement on the veracity of any definition or assessment of socio-economic neutrality.

In 2018, the MDA advocated strongly for the establishment of an agreed definition for socio-economic neutrality and a fair, equitable and agreed framework for assessing it on the context of the Murray Darling Basin Plan.

The association partnered with the CSIRO and the University of Canberra to develop a project proposal to establish an agreed definition for socio-economic neutrality, and a fair, equitable and agreed framework for assessing it.

Following strong advocacy from the Murray Darling Association, including briefing departments and the Basin officials committee, Basin ministers agreed at ministerial council to develop agreed additional program criteria, establishing a pathway to achieving the remaining water recovery of 450 gigalitres through efficiency measures with neutral or beneficial socio-economic outcomes.

NATIONAL GENERAL ASSEMBLY

The MDA exhibited at the Australian Local Government Association's National General Assembly in Canberra in mid-June, engaging with mayors and delegates from across the Basin to exchange local perspectives and expertise.

The event was a valuable opportunity for our members to engage face-to-face with colleagues across the Murray-Darling Basin, providing a better understanding of Basin-related issues to councils right across Australia.

NATIONAL PEAK BODIES STAKEHOLDER GROUP – MURRAY-DARLING BASIN

The MDA continued to participate in peak body briefings provided by the Murray-Darling Basin Authority, ensuring members have direct access to accurate, relevant and timely information.

NATIONAL CONFERENCE 2017

Widely recognised as an outstanding event a record number of voting delegates attended the 73rd National Conference and Annual General Meeting, held at Renmark, South Australia, October 2017.

More than 140 mayors, councillors, officers and community members from the MDA's 12 regions gathered to engage with lead agencies, authorities and community leaders from across the Basin.

South Australian Water Minister Ian Hunter and Federal Assistant Minister for Agriculture and Water Resources Anne Ruston were joined by high calibre presentations from water authorities, technical experts, and industry leaders.

The conference, themed *Our Plan, Our Future* also provided updates on projects such as the National Carp Control Plan and Snowy 2.0, and panel discussions on opportunities for structural adjustment to local economies, and the role of the barrages in achieving Basin Plan targets.

MURRAY-DARLING BASIN ROYAL COMMISSION

The MDA made submission to the Murray-Darling Basin Royal Commission, and was invited to testify to the submission.

NEW SOUTH WALES ENVIRONMENTAL TRUST AQUATIC SUB-COMMITTEE

Created to assess applications to the New South Wales Environmental Trust's River Connections program, the sub-committee first met in February 2018, with subsequent gatherings to occur annually.

The Murray Darling Association is one of four non-government organisations represented on the sub-committee, which also includes representation from the Australian Floodplain Association, Charles Sturt University and the Murray Darling Wetlands Working Group.

WATER COMPLIANCE REVIEW

MDA members support numerous measures proposed under the Murray Darling Basin Water Compliance Review, including a no meter, no pump policy, improving clarity when pumping is permitted, restrictions on pumping when environmental water is released, and publishing enforcement activities undertaken by the regulator.

PRODUCTIVITY COMMISSION'S MURRAY-DARLING BASIN PLAN: FIVE-YEAR ASSESSMENT

The Murray Darling Association is one of eight organisations, forming the Productivity Commission's stakeholder working group.

Formed in accordance with section 89 of the Water Act 2007, the working group provides a forum to exchange information and views on issues relevant to this inquiry.

Input from the working group will help the Productivity Commission develop a draft report, scheduled for release in August 2018.

The final version of the document will be presented to Parliament, December 2018.

ANNUAL REPORT: REGION 7

The Adelaide Metro Region comprises 12 councils, two life members and four individual members. The committee is made up of:

Cr David Shetliffe (Chair)	<i>Town of Walkerville</i>
Cr Lynda Yates, (Secretary)	<i>City of Holdfast Bay</i>
Cr Arthur Mangos	<i>City of West Torrens</i>
Cr Shirley Halls	<i>City of Playford</i>
Ms Pauline Frost	<i>(Life Member)</i>
Mr Frank Verrall	<i>Private Member</i>

Four meetings were held during the year.

24 August 2017	<i>Town of Walkerville</i>
23 November 2017	<i>City of Campbelltown</i>
22 February 2018	<i>City of Holdfast Bay</i>
24 May 2018	<i>City of Norwood Payneham and St Peters</i>

Two speakers addressed members at each meeting. Topics covered were a mixture of activities by local government in managing water use, including water sensitive urban design and storm water recharge schemes, together with broader issues relating to the Murray Darling system itself.

Speakers were:

- Ms Kiki Magro, CEO,
Town of Walkerville and
Mr Nathan Silby, Director,
Walbridge, Gilbert Aztec – *ERA Water*
- Mr Matthew Barwick,
National Carp Control Coordinator
- Mr Henry Haarvisto, Manager Urban Trees,
City of Campbelltown
- Ms Monique White, Regional Engagement
Officer, *MDBA*
- Dr Anne Jensen, Environmental Consultant
– *rehabilitating wetlands in the Basin*
- Ms Melissa Bradley, Program Manager,
Water Sensitive SA

MEMBER COUNCILS

Adelaide City Council
City of Burnside
Campbelltown City Council
City of Holdfast Bay
City of Mitcham
City of Norwood Payneham & St Peters
City of Onkaparinga
City of Playford
City of Port Adelaide Enfield
City of Tea Tree Gully
Town of Walkerville
City of West Torrens

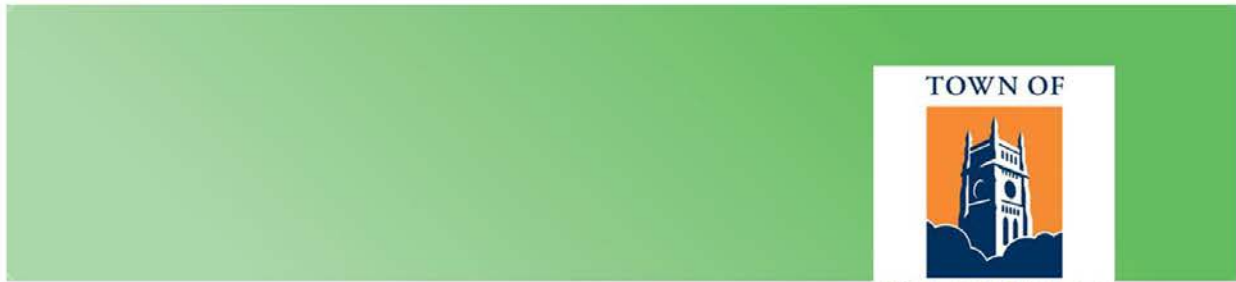
OTHER ELIGIBLE COUNCILS

City of Charles Sturt
Town of Gawler
City of Marion
The District Council of Mount Barker
City of Prospect
City of Salisbury
City of Unley
District Council of Yankalilla
Adelaide Hills Council

- Professor Sarah Wheeler, University of
Adelaide – *research into farm exits*
- Mr Brenton Gear, Regional Director
Adelaide and Mt Lofty Ranges NRM.

Our thanks go to all the member councils which hosted meetings and especially to our speakers who willingly gave their time and expertise to help inform our members about key issues affecting water supply and security for the Adelaide metropolitan area.

The region also developed and adopted three significant documents.



An 11 point outline of the role of the region was adopted. In summary, the document set out priorities for adopting water saving measures and sharing experiences across Adelaide and the Basin. It suggested there should be a process for greater understanding of Adelaide’s water supply and water use and management across all regions. It called for promotion and understanding of the economic importance of the river Murray in SA and the broader Murray Darling Basin.

A report was adopted outlining Adelaide’s water use over time and the amount of water derived from each of the five major sources of water for Adelaide – the Mt Lofty Ranges catchments, the River Murray, the desalination plant, storm water recharge schemes and waste water recycling. This overview highlighted significantly lower water usage in Adelaide since the millennial drought, that around 60% of Adelaide’s water comes from the Murray on average, but this represent only around 1% of the overall offtake from the Murray Darling system.

The Region also made a written submission to the SA Royal Commission enquiry into the Murray Darling Basin.

The Region put forward a motion to the MDA AGM in September calling for independent auditing of compliance across the Basin. This was passed unanimously.

Finally, I thank our member councils for their involvement and participation in our activities. I thank our committee for their support, particularly Cr Lynda Yates for her work in taking minutes, sending out agendas etc. I also acknowledge the support I have received from the CEO of my own Council, Ms Kiki Magro.

Cr David Shetliffe
Chair, Adelaide Metro Region.



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06-1617-25_18



Board Member Duty Statement

INTRODUCTION

The Murray Darling Association Inc is a not for profit organisation incorporated under the Association's Incorporation Act 1984 NSW. (Registered No: Y 40317-47)

The Constitution of the Murray Darling Association sets out that the Board of Management is comprised of the Chairs of the Regions.

The Chair of the Region is an elected position. As such, a Chair of the Region is a Board Member by extension, with all the duties and obligations that implies.

It is important that any council nominating a delegate to stand as the chair of the Region is aware of what the position requires.

This policy seeks to ensure that member councils and delegates holding positions on the MDA Board of Management are aware of their respective duties and obligations.

POSITION

Board Members of the Murray Darling Association have a number of different roles that must incorporate the interests of the organisation as a legal entity, the whole of basin community, and the interests of the members and other stakeholders in their Region.

Board Members play a vital leadership role in creating and implementing their Association's vision, strategic direction and values.

BOARD MEMBER ACCOUNTABILITY AND REPRESENTATION

Board Members are accountable to the council and the Region they represent; to the whole of basin community; and to the Murray Darling Association.

As Board Members, where the focus is necessarily on governing in the best interests of the entire Murray Darling Association, Board Members are accountable in multiple ways. These include acting in their roles as directors, policy makers, strategists and financial overseers

Board Members as Regional Chairs also have to represent their Regions on a wide range of issues. In doing so, board members must obey the law, including the principle of natural justice, and their obligations to their councils as councilors and elected representatives of their

For conservation and sustainable development

immediate community. Board Members may often have to deal with a range of requests, perspectives and sometimes competing priorities on basin related outcomes - which they need to find ways to deal with, preferably in collaboration with the MDA board and the executive.

All these types of accountability are equally important and need to be accommodated.

DUTY STATEMENT

The Board Member will

- support the Murray Darling Association's purpose;
- act in accordance with the Constitution of the MDA
- adhere to the Board Members' Code of Conduct; and
- commit to the Vision and the Values to the Board, the Regions and the ordinary members at all times.
- undertake the duties and responsibilities set out in this duty statement

DUTIES

- To determine the financial strategy and allocation of resources via the annual budget
- To develop a strategic plan for the Murray Darling Association in pursuit of and a sustainable future for the organization, seeking social, economic and environmental benefits for the whole of Basin community.
- To manage the relationship with, and employment of, the chief executive officer.
- To facilitating community participation
- To support and promote the purpose of the organization across the Region.
- To report to the Board on matters of Regional significance.
- To understand and manage the different roles as Regional Chair, and board member
- To liaise and coordinate with other levels of government, non-government, community groups, the private sector and other members.
- If elected by the Board to a specific role then please refer to that Duty Statement for further details.
- To represent the interests of your Region, local councils and community stakeholders.
- To properly inform and liaise with the member council of whom you are a delegate.
- To conduct regular Region meetings.
- To adhere to all other requirements laid down in the Constitution of the Murray Darling Association.
- The term of office is 1 years from the Region AGM.

PERSONAL ATTRIBUTES

The following personal attributes will contribute to the effective performance of a high functioning Board of Management.

Board Members will

- Prepare for meetings by reading agendas, reports and briefing content
- Actively participate and contribute to discussions in a constructive manner
- Make decisions based on accurate information
- Faithfully represent the position of the council or LGA they represent
- Carefully consider arguments and opinions before making judgement

For conservation and sustainable development

- Present clear and logical arguments
- Strive for continuous improvement
- Take advantage of new and emerging opportunities
- Identify and exploit opportunities for training and self-development
- Remain member focused, acknowledging and representing the views and vision of members
- Comply at all times with the Board Member's Code of Conduct

GOVERNANCE

The following attributes will contribute to ensure compliance with the principals of good governance.

Board Members will

- Demonstrate understanding of, and commitment to, the primary purpose of the organisation
- Contribute to the development and implementation of a sound strategic plan
- Strive to identify emerging issues that will impact the organisation
- Read board papers prior to meetings and obtains good information to actively participate in discussion and effective decision-making
- Plan for organisational sustainability and financial viability
- Attract and develop new members with relevant and diverse skills and experience
- Support induction; undertake Board reviews and participate in Board meetings and training
- Works together with fellow Board members to prioritise the Board's work
- Focus on outcomes and address issues that impact on the organisational sustainability
- Ensure solvency of the organisation and that the organisation is protected against fraud and theft
- Contribute to the development and ongoing implementation of the MDA's risk management framework;
- Regularly attend meetings, and ensure constructive contribution, and provide relevant and succinct contributions that assist the meeting to efficiently work through the agenda
- Build and maintain relationships that will ensure decisions are informed by community's /members' best interests
- Promote the MDA through various networks; and support effective communication initiatives
- Ensure Board independence
- Act in the best interests of the organisation
- Identify and declare any conflicts of interest
- Ensure that the requirements and obligations of the Constitution are met
- Maintain confidentiality about decision-making and ensure that information is not misused

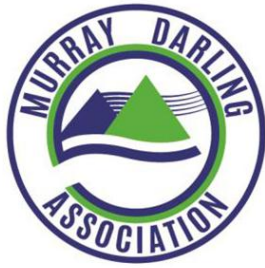
This Board Member Duty Statement was adopted by the Board of the Murray Darling Association

Date [insert date]

Meeting No. [xxx]

Review date [insert date]

For conservation and sustainable development



Board Members Code of Conduct

In all our operations and relationships we value honesty, integrity and collaborative communication based in mutual respect and regard for our organisation, the environment and the communities we serve.

Personal behaviour

It is expected that board members will:

- act ethically, with honesty and integrity, in the best interests of the Murray Darling Association at all times;
- take individual responsibility to contribute actively to all aspects of the board's role according to the board member duty statement
- attend a minimum of 75% of board meetings;
- make decisions fairly, impartially and promptly, considering all available information, legislation, policies and procedures;
- treat colleagues with respect, courtesy, honesty and fairness, and have proper regard for their interests, rights, safety and welfare;
- not harass, bully or discriminate against colleagues, members of the public and/or employees;
- contribute to a harmonious, safe and productive board environment/culture through professional workplace relationships; and
- not make improper use of their position as board members to gain advantage for themselves or for any other person.

Communication and official information

It is expected that board members will:

- channel all communication between board and staff on business matters through the Chairperson and the CEO/Manager;
- not disclose official information or documents acquired through membership of the board, other than as required by law or where agreed by decision of the board;
- not make any unauthorised public statements regarding the business of the Murray Darling Association;
- support, adhere to and not contradict the formal decisions of the Board made in its meetings;
- respect the confidentiality and privacy of all information as it pertains to individuals.

Conflicts of interest

It is expected that board members will:

- disclose any personal or business interests which may give rise to actual or perceived conflicts of interest;
- ensure personal or financial interests do not conflict with their ability to perform official duties in an impartial manner;
- not allow personal or financial interests, or the interests of any associated person, to conflict with the interests of Murray Darling Association;
- manage and declare any conflict between their personal and public duty; and
- where conflicts of interest do arise, ensure they are managed in the public interest.

Use of public resources

It is expected that board members will:

- act in a financially responsible manner, applying due diligence to the scrutiny of financial reports, audit reports and other financial material that comes before the board; and
- ensure the efficient use of publicly-funded resources, including office facilities and equipment, vehicles, cab charge vouchers, corporate credit cards.

In addition, Board members commit to:

- taking responsibility for reporting improper conduct or misconduct which has been, or may be occurring in the workplace, reporting the details to the relevant people or agency; and
- taking responsibility for contributing in a constructive, courteous and positive way to enhance good governance and the reputation of the board of Murray Darling Association.

This Code of Conduct was adopted by the Board of the Murray Darling Association

Date 1st of May 2015

Meeting No. 346

Review date 1st of May 2016



NOMINATION FORM
FOR POSITION ON the
MURRAY DARLING ASSOCIATION INC.
REGIONAL EXECUTIVE

I, (name of nominee) _____
 Of: (postal address) _____

 Ph: _____
 Email: _____

Hereby nominate for the following position on the executive of Region _____ (please indicate the region for which you are standing)

Region Chair* Committee member

**** I am aware that under the Constitution, the Board of the MDA comprises the Chairs of each Region, and as such a Regional Chair becomes a Board Member by extension.***

Proposed by Name _____
 Signed _____

Seconded by Name _____
 Signed _____

Nominee and nominator must be members or a council delegate of the Murray Darling Association Inc.

All nominations to the chair by serving councilors must be accompanied by a resolution of the member council for which the nominee is a delegate. The resolution must reflect that the delegate's nomination has been endorsed by the council they represent.

Please attach a brief bio and statement (not more than 500 words) addressing the skills and attributes you feel you have that will make a positive contribution to your region and to the MDA. This information will be distributed to members and posted on the MDA website.

DECLARATION

I _____ (the nominee) accept this nomination and declare that if elected I accept the responsibilities and obligations of the Murray Darling Association Inc. I declare that I have read and understood the Constitution, the Region Chair/ Board Member Duty Statement and the Board Member Code of Conduct.

Signed _____ Date: _____

NOMINATION FORMS must be forwarded seven days prior to the date set down for the AGM TO:

The Returning Officer
Murray Darling Association
PO Box 1268, Echuca. 3564
Or email: ceo@mda.asn.au

17.3 Invitation to participate in a River Torrens governance review

Brief

The Adelaide and Mt Lofty Ranges Natural Resources Management Board has invited the City of West Torrens to nominate a representative (Elected Member or Officer) to participate in a series of workshops during May and June designed to develop a new river management governance model.

RECOMMENDATION

It is recommended to Council that Mayor Michael Coxon be nominated as the City of West Torrens representative to a series of workshops designed to develop a good governance model as part of the River Torrens governance review.

Introduction

The Manager Water Projects at the Adelaide and Mt Lofty Ranges Natural Resources Management Board has written to Council to seek a representative (Elected Member or Officer) to participate in a series of workshops during May and June designed to develop a new river management governance model. (**Attachment 1**)

Discussion

The Adelaide and Mt Lofty Ranges Natural Resources Management Board (NRM Board) is responsible for the regional NRM plan for the Adelaide and Mt Lofty Ranges region. This plan sets targets for the environment in that region. The River Torrens catchment is a key feature of this region.

The River Torrens is the major urban waterway in Adelaide. It has multiple functions, and the changing land uses throughout the catchment make the management of the river and catchment a complex process.

Currently, there are numerous state government agencies, statutory authorities and local government bodies which hold some level of responsibility for the River Torrens. As well as this, there are thousands of residents and land owners who have an impact on and duty of care to the river and its tributaries.

The NRM Board is proposing a different governance model which will clearly define the roles and responsibilities of all of the stakeholders in the River Torrens catchment area.

democracyCo has been commissioned by the NRM Board to bring together all of the stakeholders to develop a new governance model which will support shared ownership of the catchment.

On 9 April the Mayor, the Chief Executive Officer and the General Manager Urban Services met with Emma Lawson from democracyCo to discuss the project and the initial challenges and gaps which have been identified prior to commencements of the workshops. These are:

- Good governance;
- Management of the River Torrens under the auspices of many organisations, governments, Councils and individuals. The current management is a patchwork quilt of small areas under the auspices of different management authorities.
- A lack of clarity from the authorities about who is responsible for what within the catchment area.
- The health of the river is suffering and the quality of the water is poor year around.
- There are visual amenity issues for visitors and residents.

Workshops

Attendance at the workshops is not remunerated, and it is anticipated that there will be 3 or 4 workshops throughout May and June.

Mayor Coxon has expressed his interest to be nominated as the City of West Torrens representative to a series of workshops designed to develop a good governance model as part of the River Torrens governance review.

Conclusion

The Adelaide and Mt Lofty Ranges Natural Resources Board has invited Council to nominate a representative (Elected Member or Officer) to participate in workshops relating to the River Torrens Governance Model.

Attachments

1. **Letter Inviting the City of West Torrens to participate in a River Torrens governance review**



Natural Resources
Adelaide and Mt Lofty Ranges

Natural Resources Centre

205 Greenhill Road
Eastwood SA 5063

Tel 08 8273 9100
Fax 08 8271 9585

dew.amlr@sa.gov.au
www.naturalresources.sa.gov.au/
adelaidentloftyranges

Our reference: F0002265401

Date: 08/04/2019

Invitation to participate in a River Torrens governance review

As a key stakeholder in the River Torrens catchment I invite you to nominate a representative of your organisation to participate in a series of workshops during May and June designed to develop a new river management governance model.

As the major urban waterway in Adelaide, the River Torrens serves many civil, environmental, ecological, recreational, health and cultural functions. These multiple functions and changing land use throughout the catchment make managing the river and its catchment inherently complex.

Currently, numerous state government agencies, statutory authorities and local councils all have some river management responsibilities for the Torrens and its catchment. In addition, thousands of private land owners have a legislated duty of care for the river and its tributaries on their property.

A different governance model, with clearly defined roles and responsibilities, is needed to improve the management of, and outcomes for, the River Torrens, its tributaries and catchment. A good, effective governance model not only has clearly defined roles and responsibilities, but has shared ownership and buy-in.

democracyCo has been commissioned by the Adelaide and Mt Lofty Natural Resources Management Board to bring together the diverse and various stakeholders involved in the catchment to develop a governance model which has shared ownership.

Please send details of your nominated representative to Ellen Watson at DEW.AMLR@sa.gov.au by no later than COB Wednesday 1st May 2019.

Should you require further information on this matter, please contact me on 8273 9100.

Yours sincerely

Katharine Ward
MANAGER WATER PROJECTS



Government of
South Australia

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

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 13 and 14.

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 13 and 14



Local Government Association of South Australia

11.11 Waste Essentials training for elected members, Thursday, 2 May 2019 – call for registrations

Do you understand the changing world of waste and recycling? Can you bring about positive change in your community? Come along to our Waste Essentials training session for elected members and find out! This session is filling up quickly so register now to make sure you don't miss out!

13.1 Opportunity to respond to the Native Vegetation Guidelines

The Department for Water and Environment (DEW) and the Native Vegetation Council (NVC) have made amendments to the Interim Guidelines for the Management of Roadside Native Vegetation. The Interim Guidelines are open for council consultation until 1 July 2019.

13.2 Get the recognition you deserve, apply for the South Australian Training Awards

Are you excelling in staff development? This is your opportunity to be recognised as such.

13.3 Local Government Reform Ideas — LGA Discussion Paper

The LGA is seeking feedback from members on local government reform ideas to inform a sector-wide submission to the State Government on the sensible and effective changes that are supported by the local government sector.

13.4 Registration closing - Elected Member Designed Training

Training specifically designed for Elected Members is imminent and detailed within this circular.

13.5 State Government's Disability Inclusion Plan consultation process has now commenced

The State Government and councils will be required to develop Disability Access and Inclusion Plans (DAIPs) as per the requirements of the Disability Inclusion Act 2018. The State Government must produce their DAIP by October 2019 and councils by October 2020.

13.6 Enrolments closing soon for 'Tenders and Specifications for Local Government' training

The LGA's Education and Training Service in collaboration with LGA Procurement has scheduled a half day 'Tenders and Specifications for Local Government' training session on Tuesday, 2 April 2019. This training is designed for all staff who are involved in the procurement of goods and services for Local Government. Further information can be found in this circular.

13.7 Last call for: Deeper dive into early engagement seminar

A seminar that will involve a deeper dive into early engagement for staff involved in their council's Annual Business Plan and Budget processes.

13.8 Last chance to register - 2019 Council Best Practice Showcase and LGA OGM

The final program including registration links can be found in this Circular. Online registrations close Friday 5 April.

13.9 Invitations now open to comment on revisions to wastes, sediments and contaminated soils standards, and nominate to join the Technical Committee

Standards Australia is seeking feedback regarding the AS4439 series and seeking representatives to join the Technical Committee, CH-035 Examination of Wastes, which will consolidate feedback.

14.1 Local Government Road Safety Strategy and Action Plan

The LGA is drafting a Local Government Road Safety Strategy and Action Plan. Councils are invited to nominate for the Road Safety Steering Committee and share information regarding local initiatives on road safety. Councils are also encouraged to promote National Road Safety Week, 6-12 May 2019, using the materials supplied.

14.2 ECSA evaluation of 2018 local government elections - feedback sought

ECSA is undertaking a comprehensive evaluation of the 2018 local government elections and has invited the LGA to provide a submission. The LGA asks members to provide feedback to inform the LGA submission by 26 April 2019.



Local Government Association of South Australia

- 14.3 Powerline-friendly list of species for planting in urban areas**
SA Power Networks has prepared a guide to assist councils in selecting and planting appropriate trees under powerlines to improve tree management.
- 14.4 Local Government Emergency Management Framework - feedback sought**
The LGA is seeking feedback on a draft update to the Local Government Emergency Management Framework.
- 14.5 Skilling South Australia Projects**
Expressions of interest for Skilling South Australia Projects are open for creative project ideas that can be collaboratively developed, resulting in apprenticeships or higher apprenticeships at the Diploma and Advanced Diploma level.
- 14.6 Consultation Draft Model Financial Statements 2019**
Consultation Draft Model Financial Statements for 2019 have been released for review and comment. Comments are sought by Wednesday 1 May 2019.
- 14.7 Consultation on the Greater Adelaide Region Organisation of Councils (GAROC) and the South Australian Region Organisation of Councils (SAROC) draft Strategic Plans and draft Annual Business Plans**
Councils are invited to provide comments on the draft Strategic Plans and draft Annual Business Plans for GAROC and SAROC.
- 14.8 Salary Packaging / Benefits Program for Local Government**
Through an LGA Procurement preferred supplier arrangement, all South Australian councils and their subsidiaries are able to access a dedicated Maxxia Relationship Manager to provide staff with salary packaging options for certain non-cash benefits as part of their remuneration package.
- 14.9 Public Interest Disclosure Act – update on LGA resources for councils**
The LGA is developing guidelines, model policy, model procedures and training program for councils for the purposes of the Public Interest Disclosure Act 2018. All resources, including a training session, will be provided to members free of charge and will be made available when sufficient information is available to properly inform those resources.
- 14.10 Registrations are now open: Local Government Volunteer Management Forum**
The LGA's Education and Training Service has scheduled a full day Volunteer Management Forum for Volunteer Managers and Coordinators on Friday 2 August 2019. Registrations are now open. Fees have been drastically reduced to encourage attendance. Further information can be found in this circular.
- 15.1 Reminder - Nominations for IPWEA SA Excellence Awards**
A reminder that nominations for the annual Institute of Public Works Engineering Australasia, South Australian Division (IPWEA SA) Excellence Awards are open and will close on 12 April (extended from 29 March 2019).
- 15.2 Reminder - Applications for the Special Local Roads Program 2019/20**
A reminder that the Local Government Transport Advisory Panel is calling for applications for the 2019/20 Special Local Roads Program. This circular provides deadlines for applications and further information.

15.3 Records Management Fundamentals Training: Enrol Now

The LGA's Education and Training Service has scheduled a two day 'Records Management Fundamentals' training program on Monday & Tuesday 8th & 9th July 2019 at Local Government House, Adelaide for staff responsible for records management practices within councils. Registrations are now open. Further information can be found in this circular.

15.4 Enrolments Closing Soon: Section 7 Statements Managing Enquiries Training

The LGA's Education and Training Service has scheduled a 'Section 7 Statements Managing Enquiries' on the 15th April 2019 at Local Government House Adelaide. This training will be available face to face and via webinar. Further information can be found in this circular.

15.5 The Australian Institute for Disaster Resilience invites submissions for the 2019 Resilient Australia Awards.

The Australian Institute for Disaster Resilience (AIDR) invites submissions for the 2019 Resilient Australia Awards. The awards celebrate and promote initiatives that make communities safer and better prepared for hazards and emergencies. A new category for local government has now been introduced and entries from local councils are strongly encouraged. The AIDR has contacted the LGA and invites submissions by Friday 17 May.

19 MEMBER'S BOOKSHELF

- SA Property Landscape Report, Land Services SA

RECOMMENDATION

That the additions to Members' bookshelf be noted.

20 CORRESPONDENCE

20.1 West Torrens resident concerns regarding land sub-division

Email correspondence has been received from West Torrens resident, Marion Eckert, regarding her concerns with the land sub-divisions occurring across Camden Park and the merits of retaining the homestead at 12-14 Mooringe Ave, North Plympton (**Attachment 1**).

20.2 Australian Government's 2019-20 Budget Road Safety Announcement

Correspondence has been received from the Hon Michael McCormack MP, Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development, and the Hon Scott Buchholz MP, Assistant Minister for Roads and Transport, about the 2019 Budget Night announcement to increase funding for Roads to Recovery under the Local and State Government Road Safety Package (**Attachment 2**). Included also are the Roads to Recovery Funding Conditions 2019, as determined on 19 March 2019.

RECOMMENDATION

That the correspondence be received.

Attachments

20.1 West Torrens resident concerns regarding land sub-division

20.2 Australian Government's 2019-20 Budget Road Safety Announcement

From: Marion Eckert
Sent: Wednesday, 20 March 2019 10:25 PM
To: Caitlin Rorke-Wickins
Cc: stephen.patterson@parliament.sa.gov.au
Subject: Re: Land sub-division customer query requires response

Thank you for responding.
I would like to seek that my concerns are escalated.
Please advise how this is achieved? I would like these matters raised at Council.

Thank you,

Marion Eckert

From: Caitlin Rorke-Wickins
Date: Tuesday, 12 March 2019 12:37 pm
To: FMC
Subject: Land sub-division customer query requires response

Dear Marion,

Thank you for your email and your interest in raising awareness of the merits of retaining the homestead at 12-14 Mooringe Ave, North Plympton and land divisions that have occurred across Camden Park. I understand, that you have been in contact with Council previously regarding land division and I offer the same commentary, the West Torrens Council Development Plan is not a rule book per se. It contains a large number of policy provisions against which development proposals are assessed and the key requirement of any decision making authority is to undertake an on-balance assessment of such proposals. While a development proposal may not adhere to all of the provisions, it may still merit approval because it complies with a sufficient number of the provisions. There is rigour to the assessment process and decisions to grant an approval are not taken lightly.

Turning to 12-14 Mooringe Ave, North Plympton, it is advised that the property is not currently listed as a heritage item. This means council's ability to influence the built form outcomes at the site are limited to assessing any development application received against the provisions of the Development Plan. This also means that *the property owner has the right to develop their property in accordance with the policy set for the area.*

One way of providing greater protection for such homesteads is for the property to be nominated for, and achieve, heritage-listed status. There are various types of heritage protection or recognition that may be applied to properties, areas, places and related objects. Relevant heritage types that occur at a local level include: State Heritage, Local Heritage and Contributory Items. Further details of the rigorous heritage listing processes are included in the information attached.

While Council is not currently actively seeking to list additional items in any heritage category (pending advice on the new planning system), council does advocate to other levels of government during policy setting and recently, successfully advocated the community position to protect the Mile End Heritage Conservation Area from policy the State Government was looking to enact through a Development Plan Amendment in which it was proposed to change the type of development allowed adjacent Mile End Heritage Conservation Area.

Council also supports owners of heritage places through offering heritage advisor services and heritage conservation grants to owners of contributory items and local heritage items, while the Department of Environment and Water offers grants for owners of state heritage places.

Council is actively engaging in the State Government's planning reform process. The consultation is open to the public, and as a citizen with firm views on the built form (and in particular heritage protections) you may be interested to join the conversation. To join the Planning Reform consultation underway by the State Government you are encouraged to join the discussion through: https://www.saplanningportal.sa.gov.au/have_your_say

Appendix/ Extra Info

Should you wish to consider pursuing a heritage listing for this property, the following information may assist:

State Heritage

State Heritage items are those which are considered to be of State significance. The Register is administered by the South Australia Heritage Council under the *Heritage Places Act 1993*.

There are over 2,295 confirmed State heritage places entered in the Register and 17 State heritage areas have been designated. Anyone can nominate a place for consideration, and I have included the link to nominating a heritage place as per Department for Environment and Water website: https://www.environment.sa.gov.au/topics/heritage/sa-heritage-register/listing-a-heritage-place/Nominating_a_heritage_place

Local Heritage

To be considered as a Local Heritage listing, a property must meet one, or more, of heritage criteria outlined in section 25 (4) of The Development Act 1993.

- a - it displays historical, economic or social themes that are of importance to the local area; or*
- b - it represents customs or ways of life that are characteristic of the local area; or*
- c - it has played an important part in the lives of local residents; or*
- d - it displays aesthetic merit, design characteristics or construction techniques of significance to the local area; or*
- e - it is associated with a notable local personality or event; or*
- f - it is a notable landmark in the area; or*
- g - in the case of a tree (without limiting a preceding paragraph)—it is of special historical or social significance or importance within the local area.*

Contributory Items

Contributory Items are also identified through Development Plans. The City of West Torrens has been proactive in identifying Contributory Items and historic conservation areas, however, the Minister and DPTI have not allowed any new additions to this heritage type since 2012. As part of the planning reforms the future of contributory items is unresolved, and it is currently the subject of a private-members Bill introduced to the Parliament.

Below is an excerpt from www.sa.gov.au regarding heritage and contributory items:

"Some development plans contain contributory items. They are listed in development plans as part of historic conservation areas, zones or policy areas, however, they are not defined by the Development Act. As such, since 2012, no new contributory items have been added to development plans.

Contributory items are legacies of earlier approaches to development plan policy. They were identified as examples of particular forms of development, representing a defined period and its built-form character."

The National Trust may be able to identify further information about heritage properties. The National Trust of SA can be contacted at the following number: (08) 8202 9200

Kind regards,

Caitlin Rorke-Wickins
Senior Land Use Policy Planner
City Of West Torrens
165 Sir Donald Bradman Drive

From: Marion Eckert
Sent: Sunday, 24 February 2019 9:40 PM
To: Council Enquiries <csu@wtcc.sa.gov.au>
Subject: Land sub-division
Importance: High

TO WHOM IT MAY CONCERN,

I have previously raised concerns regarding the land sub-divisions occurring across Camden Park, many of which are not in accordance with the rules and outlines provided by the Council, such as 10 metre frontage for example: Bourlang, Fiscom, Whelan Ave, Morphett Road, just to name a few recent approvals. Not one approval that has transpired lately does actually conform to 10 metre frontage as a minimum. Whilst this may seem like a nuisance to you, to have to respond, I am raising this concern given the number of houses being demolished across the suburb to make way for higher density housing. Sandstone homesteads that shaped the suburb and determined the footprint of the area are being knocked over, without hesitation.

There appears to be little consideration for the impact this has on the community, the history and identity of the suburb and the consideration of high density housing has on street congestion etc. I have growing concerns that further homes that have been pioneering homesteads in the area will be knocked over. For example 12-14 Mooringe Ave, Plympton, has now just sold. This stately early settler homestead was built 27 years after colonisation. When the state was in its infancy and would have to be one of the original homesteads in the district if not the whole council area, with horse stables, hay loft, tack room remaining and features to the homestead that are a reflection of the time. The home itself with 5 bedrooms, 5 fireplaces, a cellar and ornate features has been sold to a developer. Its appeal 3000 square metres on a corner block. The developer that will potentially live there for 12 months then bulldoze and develop for a mighty profit and a loss to our community fabric and soul. Of course they will move on, and the community and suburbs' historical homestead that has been a great pride will be gone. A faceless decision made by people of the Council will carry significant loss to the local history. I would like to know what the West Torrens Council will do to protect this original homestead in the district?

Regards,

Marion Eckert

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The Hon Michael McCormack MP

Deputy Prime Minister
Minister for Infrastructure, Transport and
Regional Development

The Hon Scott Buchholz MP

Assistant Minister for Roads and Transport
Federal Member for Wright

Mayor Michael Coxon
City of West Torrens
165 Sir Donald Bradman Drive
HILTON SA 5033

Dear Mayor

**AUSTRALIAN GOVERNMENT'S 2019-20 BUDGET ROAD SAFETY
ANNOUNCEMENT**

We are writing to you in relation to the recently announced Local and State Government Road Safety Package and the Australian Government's focus on reducing the burden of road trauma on the community.

Road safety is everyone's responsibility and all levels of Government have a key role to play in delivering safer roads and vehicles. That is why the Australian Government will deliver an additional \$2.2 billion in road safety funding from 2019-20 through the Local and State Government Road Safety Package.

Local governments are the primary beneficiaries of this initiative, with \$1.1 billion of the additional funding being provided directly to councils under the Roads to Recovery Program. Councils were advised of their original Roads to Recovery allocation for the 2019-20 to 2023-24 period in December 2018 and the additional funding means that your council's allocation for this period will increase by \$617,419 to \$3,087,093.

The Government's Statement of Expectations for the Roads to Recovery Program, which was released by the then Minister for Infrastructure and Transport, the Hon Darren Chester MP, urged local councils to focus on improving road safety outcomes when undertaking local road upgrades, whilst maintaining each council's discretion to select projects according to local priorities. We take this opportunity to reiterate the Government's strong desire that, when selecting projects, councils consider the likelihood they will reduce fatalities and serious injuries. A copy of the Statement of Expectations, a Fact Sheet on the Government's road safety initiatives and of the recently determined Funding Conditions for the 2019-20 to 2023-24 period are attached.

The Government's Road Safety Package also includes an additional \$550 million for the Black Spot Program, \$275 million for the Heavy Vehicle Safety and Productivity Program, \$275 million for the Bridges Renewal Program and new funding under the Heavy Vehicle Safety Initiative. Local government has already benefitted significantly from funding under these programs and we look forward to continuing to work together with councils to improve road safety through these successful existing programs.

Parliament House, Canberra ACT 2600. Tel: (02) 6277 7520 Fax: (02) 6277 4120

The Government is also taking action to deliver safer roads through a variety of other initiatives, including establishing a new Office of Road Safety, which will work closely with states, territories, local government, and road safety stakeholders on key road safety priorities.

There is a continuing commitment to improving the safety of new drivers through the Keys2drive program, continuing funding to the Australasian New Car Assessment Program to encourage the purchase of safer vehicles and an ongoing commitment to safer vehicle design through rigorous and globally harmonised Australian Design Rules.

In the 2019-20 Budget, the Australian Government is providing \$2.6 million to the Australian Road Research Board (ARRB) and \$8 million over two years to the National Heavy Vehicle Regulator, to make professional expertise more readily available to local governments, helping them better understand and assess their road assets. Specific guidance material will be provided to local governments free of charge, and specialist tools will be made available for road assessments. This will support local governments to improve overall road asset management, predictive maintenance and network planning, leading to improved safety and productivity outcomes.

In addition, to provide broader support for the important work councils do, the 2019-20 Budget also allocates \$2.6 billion to local councils through the Financial Assistance Grant program. The Government's Budget proposes to bring forward fifty per cent of this funding for early payment in the 2018-19 financial year. This cash injection of \$1.3 billion will give councils immediate use of these funds in the 2018-19 financial year.

Should you require any further information, the relevant contact officers in my Department are Ms Nicole Spencer (nicole.spencer@infrastructure.gov.au) in relation to AARB and the National Heavy Vehicle Regulator or Mr Greg Moxon (greg.moxon@infrastructure.gov.au) in relation to the Local and State Government Road Safety Package.

By partnering with local councils we are harnessing the best available local knowledge to fix the local roads which need it and help people get home sooner and safer

Yours sincerely


Michael McCormack


Scott Buchholz

Enc



Australian Government

National Land Transport Act 2014

ROADS TO RECOVERY FUNDING CONDITIONS 2019

I, **MICHAEL MCCORMACK**, Minister for Infrastructure, Transport and Regional Development, determine the following conditions under section 90(1) of the *National Land Transport Act 2014*.

Dated: 19 March 2019

Michael McCormack
Minister for Infrastructure, Transport and Regional Development

Part 1: Preliminary**Name of Determination**

- 1.1 This Determination is the *Roads to Recovery Funding Conditions 2019*.

Commencement

- 1.2 This Determination commences on the day after registration.

Application

- 1.3 The conditions in this Determination apply to payments under Part 8 of the Act for the Roads to Recovery funding period.

Note: The term 'Roads to Recovery funding period' in this Determination refers to the period commencing on 1 July 2019 and ending on 30 June 2024.

Definitions

- 1.4 In this Determination, unless the contrary intention appears:
- Chief Executive Officer**, in relation to a funding recipient, means the Chief Executive Officer or equivalent office holder of the funding recipient;
- funded project** means a project in respect of which a Roads to Recovery payment has been received;
- funding recipient** means a person or body that is to receive or has received a Roads to Recovery payment;
- old conditions** means the conditions determined under section 90(1) of the Act that apply to payments under Part 8 of the Act for the funding period starting on 1 July 2014 and ending on 30 June 2019;
- own source funds**, in respect of a funding recipient, means funds available to the funding recipient other than funds provided by the Commonwealth, a State or Territory government or by the private sector for specific projects;
- own source expenditure** means the amount spent from a funding recipient's own source funds;
- relevant documents** means, in relation to a funding recipient, documents relating to Roads to Recovery payments received by the funding recipient, including documents relating to projects in respect of which Roads to Recovery payments were spent and documents relating to expenditure by the funding recipient on the construction and/or maintenance of roads, whether out of Roads to Recovery payments or otherwise;
- reference amount applicable to a funding recipient** means the reference amount applicable to the funding recipient on 30 June 2019 under the old conditions;

Roads to Recovery funding period means the Roads to Recovery funding period specified in the *Roads to Recovery List 2019*;

Note: The Roads to Recovery funding period specified in the *Roads to Recovery List 2019* is the period commencing on 1 July 2019 and ending on 30 June 2024.

Roads to Recovery List means the *Roads to Recovery List 2019* determined under subsection 87(1) of the Act on 31 October 2018;

Roads to Recovery payment means a payment of Commonwealth funds provided under Part 8 of the Act for the Roads to Recovery funding period;

Signage Guidelines means the document entitled 'Signage Guidelines', which has been made available to funding recipients by the Department, and any later amendment or replacement of that document by the Department;

small funded project means a project relating to the construction and/or maintenance of roads, the total cost of which is, or is expected to be, less than \$10,000;

the Act means the *National Land Transport Act 2014*.

- 1.5 Terms that are defined in the Act have the same meaning in this Determination.

Part 2: Conditions relating to expenditure of payments

- 2.1 A funding recipient must ensure that Roads to Recovery payments are:
- (a) spent only on the construction and/or maintenance of roads; and
 - (b) spent only on projects which are identified in the works schedule submitted by the funding recipient in accordance with Part 5; and
 - (c) spent only on work on projects which are in progress on or after 1 July 2019 and for which payment is required on or after 1 July 2019; and
 - (d) not spent on meeting any part of a price paid by the funding recipient for a supply acquired by the funding recipient where:
 - (i) the supply is a supply within the meaning of the *A New Tax System (Goods and Services Tax) Act 1999*; and
 - (ii) the part of the price represents the amount of GST payable on the supply by the entity which is making or which made, the supply.

Note: The terms 'road', 'construction' and 'maintenance' are defined in section 4 of the Act. The Department has issued Guidelines which give a more detailed explanation of these terms.

- 2.2 If:
- (a) the Commonwealth has specified that a Roads to Recovery payment is to be spent in relation to:
 - (i) a particular project in Western Australia involving the construction and/or maintenance of bridges; or
 - (ii) a particular project in Western Australia involving the construction and/or maintenance of Aboriginal access roads; and
 - (b) the project does not proceed or the project costs the funding recipient less than the amount of the Roads to Recovery payment; and
 - (c) the funding recipient wishes to spend the unspent amount of the Roads to Recovery payment on another project relating to the construction and/or maintenance of roads;

then the funding recipient must first obtain the approval of the Department for the expenditure of the unspent amount on the other project, and the other project must be included in the funding recipient's works schedule.

- 2.3 A funding recipient must ensure that each Roads to Recovery payment is spent within six months of receipt of the payment.

Note: The Minister has the power under section 91 of the Act to exempt a funding recipient from a condition.

- 2.4 A funding recipient must spend all Roads to Recovery payments it receives by 31 December 2024.
- 2.5 If a funding recipient receives an amount as interest in respect of a Roads to Recovery payment in one financial year, the recipient must spend an amount equal to that amount on the construction and/or maintenance of

roads in the next financial year and must be able to demonstrate that it has done so. This condition does not apply to funding recipients which are to receive total funding of less than \$1.25 million according to the Roads to Recovery List.

Note: Interest earned in respect of a Roads to Recovery payment is own source funds for the purposes of Part 3.

- 2.6 If a funding recipient distributes Roads to Recovery payments which it receives to local government authorities for expenditure by those authorities on the construction and/or maintenance of roads, the funding recipient must ensure that the authorities are subject to the same obligations in respect of those payments as those to which the funding recipient is subject under clause 5.8 and Part 6.

Part 3: Own source roads expenditure obligation

- 3.1 Subject to clause 3.2, for each financial year in which a funding recipient receives, spends or retains any amount of a Roads to Recovery payment, the funding recipient must spend on the construction and/or maintenance of roads an amount of own source funds equal to or greater than the reference amount applicable to the funding recipient.
- 3.2 If a funding recipient does not fulfil the condition in clause 3.1 for a financial year, but the average expenditure of its own source funds in that year and the previous financial year, or in that year and the two previous financial years, exceeds the reference amount applicable to the funding recipient, the funding recipient is taken to have fulfilled the condition in clause 3.1 in respect of the first-mentioned financial year.

Part 4: Public information conditions

- 4.1 In all formal public statements, media releases or statements, displays, publications and advertising generated by a funding recipient relating to a funded project, the funding recipient must acknowledge and give appropriate recognition to the contribution of the Australian Government to that project.
- 4.2 If a funding recipient proposes to issue any media release relating to a funded project, the funding recipient must consult with and obtain approval of the proposed release from the Department.
- 4.3 Subject to clause 4.4, a funding recipient must ensure that signs are erected for each funded project, other than small funded projects, at the time work on the project commences, as follows:
- (a) except where the funded project relates to a cul-de-sac or a one-way road, one sign must be erected at the place where the funded project starts, and one sign must be erected at the place where the funded project ends. Where the funded project relates to a cul-de-sac, one sign must be erected at the entrance to the cul-de-sac. Where the funded project relates to a one-way road, one sign must be erected at the place where the project begins.
 - (b) all signs must be erected in a prominent but safe position facing oncoming traffic, in any event so that they are plainly visible to passing motorists;

- (c) signs erected as required by this clause must have greater prominence, in size and frequency and visibility, than any other signs which relate to the funded project or which are erected in the immediate vicinity of the funded project.
- 4.4 The signs erected for a funded project must be in the form (including size and content) specified in the Signage Guidelines.
 - 4.5 A funding recipient must ensure that all signs erected as required by these conditions remain in place for the duration of the project to which they relate and for a minimum period of one year commencing on the day on which the project is completed.
 - 4.6 If a funding recipient proposes to hold an opening ceremony in relation to a funded project, the funding recipient must inform the Department of the proposed ceremony at least two weeks before the proposed ceremony is to be held, and provide details of the proposed ceremony, including proposed invitees and order of proceedings. If requested by the Department, the funding recipient must arrange a joint Australian Government/funding recipient opening ceremony.
 - 4.7 If requested by the Minister, a member of the Minister's staff or the Department, a funding recipient must invite and, if the invitation is accepted, arrange for an Australian Government representative (nominated by the Minister or a member of the Minister's staff) to participate in any opening ceremony which the funding recipient proposes to hold in relation to a funded project.

Part 5: Conditions relating to planning and reporting

Works schedule

- 5.1 A funding recipient must prepare and submit, as soon as practical after 1 July 2019, but in any event prior to the time the recipient submits its first quarterly report under clause 5.7 or clause 5.8, a works schedule to the Department in the manner and form specified by the Department.
- 5.2 Subject to clause 5.3, a funding recipient must ensure that its works schedule:
 - (a) specifies each project on which the funding recipient proposes to spend, on or after 1 July 2019, Roads to Recovery payments received by the funding recipient;
 - (b) specifies each project which has been completed and for which Roads to Recovery payments were received;
 - (c) specifies the location of each project (other than small funded projects) specified in the works schedule by means including data for use in a Geographical Information System in the manner and form required by the Department;
 - (d) includes a description of each project specified in the works schedule and the funding recipient's reason for undertaking the project;
 - (e) specifies the estimated start and completion date for each project specified in the works schedule;
 - (f) specifies the estimated total amount of Roads to Recovery payments to be spent on each project specified in the works schedule;

- (g) in relation to projects specified in the works schedule not funded wholly from Roads to Recovery payments or other Australian Government payments, specifies the estimated total cost of the project, excluding GST;
 - (h) specifies the main expected outcome from each project; and
 - (i) for a completed project, specifies whether or not the expected outcome was achieved.
- 5.3 Funding recipients may group a series of small funded projects of the same or similar nature in their works schedules as one 'group project'. In these circumstances, the funding recipient must ensure that its works schedule includes the following details:
- (a) a general description of each group project;
 - (b) the location and cost (excluding GST) of each small funded project in each group;
 - (c) the amount of Roads to Recovery payments to be expended on each group project;
 - (d) in relation to each group project, the estimated start date of the first of the small funded projects in the group project to begin and the scheduled completion date of the small funded project in the group expected to be completed last;
 - (e) specifies the main expected outcome from each group project; and
 - (f) for a completed group project, specifies whether or not the expected outcome was achieved.
- 5.4 Only projects in respect of which the funding recipient proposes to expend Roads to Recovery payments on or after 1 July 2019 may be included in the works schedule.
- 5.5 If the Department provides details of, and access to, the Department's secure Roads to Recovery website, a funding recipient must submit its works schedule to the Department electronically by using that website. However, if a funding recipient is not able to access the website, it may submit its works schedule in some other form agreed by the Department.
- 5.6 A funding recipient must keep its works schedule current and submit an updated works schedule to the Department immediately prior to preparing each quarterly report.

Quarterly reports

- 5.7 A funding recipient may, for each project in its works schedule, submit a report by 31 July 2019, in the form specified by the Department, which specifies the amount of Roads to Recovery payments which the funding recipient intends to spend on the project in the quarter 1 July 2019 to 30 September 2019.
- 5.8 Where a funding recipient wishes to receive a Roads to Recovery payment in a particular quarter (other than the first quarter in the Roads to Recovery funding period), it must submit a quarterly report in the form specified by the Department:
- (a) in respect of the quarter 1 January to 31 March: by the following 30 April;

- (b) in respect of the quarter 1 April to 30 June: by the following 31 July;
- (c) in respect of the quarter 1 July to 30 September: by the following 31 October;
- (d) in respect of the quarter 1 October to 31 December : by the following 15 February.

Example: Where a funding recipient wants to receive a Roads to Recovery payment in the quarter 1 October to 31 December 2019, it must submit a quarterly report in respect of the previous quarter (1 July to 30 September 2019) and that report must be submitted by 31 October 2019.

Note: Where a funding recipient does not wish to receive a Roads to Recovery payment during a particular quarter, it is not required to provide a quarterly report in respect of the previous quarter. However, it is strongly encouraged to do so, to enable the Department to monitor progress on individual projects.

- 5.9 The funding recipient must in each quarterly report submitted specify in respect of each project:
- (a) the amount of Roads to Recovery payments spent during the period commencing on 1 July 2019 and ending on the last day of the quarter to which the quarterly report relates; and
 - (b) the amount of Roads to Recovery payments which the funding recipient intends to spend on that project in the following quarter.
- Note: The figures in the quarterly reports should be prepared on an accrual basis.

Part 6:Accountability

- 6.1 A funding recipient must properly account for Roads to Recovery payments.

Annual report

- 6.2 For each financial year in the Roads to Recovery funding period, the Chief Executive Officer of the funding recipient must give to the Department by 31 October after the end of the financial year:
- (a) a written financial statement of the Chief Executive Officer in the form specified by the Department as to:
 - (i) the amount of Roads to Recovery payments which remained unspent from the previous financial year;

Note: This amount is to be shown in column 1 of the Chief Executive Officer's financial statement as 'Amount brought forward from previous financial year'.

 - (ii) the amount of Roads to Recovery payments received by the funding recipient in the financial year to which the statement relates;
 - (iii) the amount of Roads to Recovery payments available for expenditure by the funding recipient on the construction and/or maintenance of roads in that year;

- (iv) the amount spent by the funding recipient during that year out of Roads to Recovery payments available for expenditure by the funding recipient during that year;
- (v) the amount (if any) retained at the end of that year by the funding recipient out of Roads to Recovery payments available for expenditure by the funding recipient during that year and which remained unspent at the end of that year; and

Note: This amount is to be shown in column 5 of the Chief Executive Officer's financial statement as 'Amount carried forward to next financial year'.

- (vi) the amount of own source expenditure on roads expended by the funding recipient during the year to which the statement relates.

Note: The figures in the Chief Executive Officer's financial statement should be calculated on an accrual basis.

- (b) a report in writing and signed by an appropriate auditor stating whether, in the auditor's opinion:
 - (i) the Chief Executive Officer's financial statement is based on proper accounts and records; and
 - (ii) the Chief Executive Officer's financial statement is in agreement with the accounts and records; and
 - (iii) the expenditure referred to in subparagraph (a)(iv) has been on the construction and/or maintenance of roads; and
 - (iv) the amount certified by the Chief Executive Officer in the Chief Executive Officer's financial statement as the funding recipient's own source expenditure is based on, and in agreement with, proper accounts and records.

Note: The term 'appropriate auditor' is defined in the Act.

Other annual report requirements

- 6.3 For each financial year in which a funding recipient receives, spends or retains any Roads to Recovery payment, the Chief Executive Officer of the funding recipient must give to the Department by 31 October after the end of the financial year a report in the form specified by the Department which includes a statement as to whether:
- (a) Roads to Recovery payments received during the financial year which have been spent by the funding recipient have been spent on the construction and/or maintenance of roads;
 - (b) the funding recipient has fulfilled its obligation under Part 3 for the financial year (the own source roads expenditure obligation);
 - (c) the funding recipient has fulfilled its obligations under Part 4 during the financial year (the public information conditions);
 - (d) the funding recipient has otherwise fulfilled the conditions in this Determination during the financial year; and
 - (e) summarises and describes the outcomes achieved during the financial year with those Roads to Recovery payments received during the financial year.

Note: Where a funding recipient does not receive, spend or retain any Roads to Recovery payments in a financial year, the funding recipient must still provide a report in the form set out in Part 1 of the annual report.

- 6.4 Despite paragraphs (b), (c) and (d) of clause 6.3, the report referred to in that clause is not required to state whether the funding recipient complied with a condition in this Determination from which the funding recipient was exempt during the financial year.

Note: The Minister has the power under section 91 of the Act to exempt a funding recipient from a condition and, if considered appropriate, to impose a replacement condition on the funding recipient.

- 6.5 If the funding recipient was exempt from a condition in this Determination during the financial year, the report referred to in clause 6.3 must:
- (a) identify the condition from which the funding recipient was exempt;
 - (b) set out any replacement condition that the funding recipient was required to fulfil during the financial year; and
 - (c) state whether the funding recipient fulfilled the replacement condition.

Part 7: Other accountability requirements

- 7.1 A funding recipient must create and keep accurate and comprehensive records relating to Roads to Recovery payments it has received after 1 July 2019 and retain those records for a minimum of seven years.
- 7.2 A funding recipient must allow Australian Public Service employees or persons nominated by the Commonwealth to inspect, on request:
- (a) work on projects being undertaken by the funding recipient which are funded by Roads to Recovery payments; and
 - (b) any or all of the records referred to in clause 7.1.
- 7.3 A funding recipient must, when requested to do so by the Department, provide, in the manner and form requested by the Department:
- (a) copies of any or all of the records referred to in clause 7.1; and
 - (b) photographs of projects completed using Roads to Recovery payments.

Part 8: Non-compliance with conditions

- 8.1 If the Secretary or a delegate of the Secretary notifies a funding recipient in writing that the Secretary is satisfied that the funding recipient has, in relation to a Roads to Recovery payment, failed to comply with the Act or to fulfil any of the conditions in this Determination, the funding recipient must repay to the Commonwealth an amount equal to so much of the payment as the Secretary or delegate specifies in the notice.
- 8.2 Clause 8.1 does not apply in relation to a failure to fulfil a condition during a period when the funding recipient was exempt from the condition.
- Note: The Minister has the power under section 91 of the Act to exempt a funding recipient from a condition and, if considered appropriate, to impose a replacement condition on the funding recipient.
- 8.3 If the Secretary or a delegate of the Secretary notifies a funding recipient in writing that the Secretary is satisfied that the funding recipient has, in

relation to a Roads to Recovery payment, failed to fulfil any replacement condition that the funding recipient was required to fulfil, the funding recipient must repay to the Commonwealth an amount equal to so much of the payment as the Secretary or delegate specifies in the notice.

Part 9: Compliance with other laws

Building Code

- 9.1 A funding recipient that spends a Roads to Recovery Payment on building work described in Schedule 1 to the Building Code must:
- (a) if the building work is carried out by the funding recipient—comply with the Building Code to the extent that the Building Code binds the funding recipient; and
 - (b) if the building work is carried out by a building contractor—take all reasonable measures to ensure that the building contractor complies with the Building Code.

- 9.2 In clause 9.1:

Building Code means the *Code for the Tendering and Performance of Building Work 2016*, as in force from time to time;

building contractor has the same meaning as in the *Building Code*;

building work has the meaning given by section 6 of the *Building and Construction Industry (Improving Productivity) Act 2016*.

Note: The Building Code applies to construction projects indirectly funded by the Australian Government through grant or other programs where:

- the Australian Government funding contribution to the project is at least \$5 million and represents at least 50 per cent of the total construction project value; or
- the Australian Government funding contribution to the project is \$10 million or more.

For further information on the Building Code, refer to:
<https://www.abcc.gov.au/building-code> or contact the Building Code Hotline on 1800 003 338.

Australian Government Building and Construction OHS Accreditation Scheme

- 9.3 A funding recipient that spends a Roads to Recovery Payment on building work to which subsection 43(4) of the *Building and Construction Industry (Improving Productivity) Act 2016* applies must not enter into a contract for the building work with a builder who is not an accredited person.

- 9.4 In clause 9.3:

accredited person has the meaning given by section 5 of the *Building and Construction Industry (Improving Productivity) Act 2016*;

builder has the meaning given by subsection 43(8) of the *Building and Construction Industry (Improving Productivity) Act 2016*;

building work has the meaning given by section 6 of the *Building and Construction Industry (Improving Productivity) Act 2016*;

Note: Under the *Building and Construction Industry (Improving Productivity) Act 2016* and the *Building and Construction Industry (Consequential and Transitional Provisions) Act 2016*, Australian Government agencies can only fund building work when, subject to certain value thresholds, an accredited builder is engaged as the head contractor. This scheme, known as the Australian Government Building and Construction OHS Accreditation Scheme (the Scheme), extends to building work that is indirectly funded by the Australian Government.

For further information on the Scheme, refer to:
<http://www.fsc.gov.au/sites/fsc/needaccredited/accreditationscheme/pages/theaccreditationscheme> or contact the Federal Safety Commissioner Assist Line on 1800 652 500.

9.5 Funding recipients are required to comply with all other relevant laws.

Note: For example, projects on which Roads to Recovery payments are spent must adhere to Australian Government environment and heritage legislation including the *Environment Protection and Biodiversity Conservation Act 1999*. Construction cannot start unless the relevant obligations are met.

The Department strongly recommends that, before starting an environmental study for a project, proponents contact the Australian Government Department of the Environment (<http://www.environment.gov.au/epbc/index.html>). They can provide advice about Australian Government requirements and ensure that the Australian Government's legislative requirements are properly addressed by the study. This will reduce the likelihood of cost and time delays before construction can commence.

Funding recipients must also meet other statutory requirements where relevant. These may include, but are not limited to:

- Native title legislation;
- State government legislation - for example, environment and heritage; and
- Local government planning approvals.

Part 10: Transitional provisions

10.1 A funding recipient that received a payment under Part 8 of the Act for the funding period starting on 1 July 2014 and ending on 30 June 2019 is not eligible to receive any Roads to Recovery payment after 31 October 2019 if the funding recipient has not given to the Department all of the annual reports that the funding recipient is required to give under the old conditions.



The Hon Darren Chester MP
Minister for Infrastructure and Transport
A/g Minister for Regional Development
A/g Minister for Local Government and Territories
Deputy Leader of the House
Member for Gippsland

ROADS TO RECOVERY STATEMENT OF EXPECTATIONS

The Roads to Recovery (R2R) Program makes a valuable contribution to safety, economic and social outcomes in communities through supporting maintenance of the nation's local roads.

In the 2016-17 Budget, the Australian Government took a decision to provide an additional \$50 million on an ongoing basis to the R2R Program from 2019-20, to bring the annual allocation to \$400 million across all councils in Australia.

The Government also ensured that the R2R Program did not contain a sunset clause under the *National Land Transport Act 2014*, safeguarding the continuation of this important program.

1,300 people died on Australian roads last year and the Australian Government has been working closely with all levels of government to develop a strategy to reduce fatalities and serious injuries on our roads.

The current National Road Safety Strategy 2011-2020 sets out a plan using the safe system approach, safer vehicles, safer speeds, safer people and safer roads to reduce fatal and serious injury crashes by at least 30 per cent. This approach calls for a holistic view of the road transport system and the interactions among roads and roadsides, travel speeds, vehicles and road users.

Unfortunately, after a decade of good results, the trend over the last two years has been going in the wrong direction.

In reviewing the outcomes of the R2R Program, I am pleased to see that 27 per cent of funding received by councils has been spent on road safety across the life of the current program. A further 34 per cent of spending has been to maintain the road asset, which also has safety benefits.

There is a considerable body of knowledge that indicates that well-designed road improvements reduce the rate of road crashes and serious injuries.

Parliament House Canberra ACT 2600 Telephone: (02) 6277 7680

A study of the Australian Government's Black Spot Program in 2012 examined the crash reduction benefits of a variety of road treatments based on a sample of 1,599 projects across the country.

The Bureau of Infrastructure, Transport and Regional Economics estimated that the Black Spot Program is reducing fatal and casualty crashes in total at treated sites by 30 per cent.

The study found that roundabouts are the most effective treatment, reducing casualty crashes by over 70 per cent. Providing new traffic signals and altering the traffic flow direction are the next most highly effective treatments for most severity levels, reducing crashes by more than 50 per cent.

We do not have the same level of information to be able to assess the benefits of the R2R Program.

I would like to work with local councils to ensure that the R2R Program is delivering the best possible outcomes in the area of road safety. When selecting projects, I would urge councils to consider the likelihood that the selected project will reduce fatalities and serious injuries in crashes.

It may be that projects that may not have been able to be funded under State or Federal Black Spot programs could be delivered under the R2R Program.

In terms of road maintenance projects, improving the quality of the road asset through re-sheeting and resealing will have stronger safety outcomes than simply maintaining the quality through routine road maintenance.

I note that pedestrian and cycling facilities associated with a road can be funded under R2R. I do not propose to change the eligibility criteria, but ask that such projects are only prioritised if their specific aim is to improve safety for vulnerable road users.

Councils could consider pooling R2R funding or Financial Assistance Grants to prioritise and jointly improve the quality of roads in a region with a known crash record. Similar to the greater adoption of asset management plans, councils could draw up road safety plans on a network basis in conjunction with neighbouring councils.

I have asked my Department to improve the reporting of safety and other outcomes from the R2R Program and I would like councils to provide additional information on the benefits and outcomes of each project. I encourage you to evaluate the projects completed and how they have benefitted the local network and community (for example, crash reductions or travel efficiencies), to assist us to better monitor and evaluate the program. I ask that this information be provided as part of the annual reporting from councils. My Department will inform councils of new reporting templates that will need to be completed as a condition of funding release for future years.

I am also requesting councils provide the Department with more regular updates on the status of projects which are receiving funding under R2R. I know previously some councils have informed us once works have been completed rather than before they have begun. I would like councils to inform us of every project which will receive R2R funding before they commence work on them and update us on their progress each quarter. A higher level of

engagement than we have previously requested will allow both of us to benefit by keeping the local community informed of works underway.

The Commonwealth Government is committed to using Federal funding to improve employment opportunities for Indigenous Australians and I ask for this consideration to be applied to projects using R2R funding.

Lastly, I invite councils to write to me with ideas of how all levels of government could be improving road safety and the outcomes from the considerable investment we all make in the country's roads.

DARREN CHESTER

7 November 2017



Australian Government
Department of Infrastructure, Regional Development and Cities

BUDGET 2019: Factsheet

FACTSHEET

Road Safety Package

The Australian Government is determined to improve the safety of people on our roads by introducing new national initiatives and investing an additional \$2.2 billion through a package of road safety measures:

- establishing an Office of Road Safety to provide a national point of leadership on key road safety priorities and deliver new programs such as a \$12 million Road Safety Innovation Fund and \$4 million Road Safety Awareness and Enablers Fund providing grants for road safety awareness, education and collaboration initiatives;
- a Local and State Government Road Safety Package, including:
 - an additional \$1.1 billion for the Roads to Recovery Program, which supports investment in road maintenance and safety
 - an additional \$550 million for the Black Spot Program, which targets known high-risk locations and reduces on average serious crashes by 30 per cent
 - an additional \$275 million for the Heavy Vehicle Safety and Productivity Program to improve the safety and efficiency of heavy vehicle operations
 - an additional \$275 million for the Bridges Renewal Program to fund the replacement of bridges to make roads safer by reducing travel times
- \$2.6 million to support local governments to better manage the safety and maintenance of their road infrastructure networks;
- an additional \$6 million for National Heavy Vehicle Safety Initiatives, funding more projects to improve the safety of heavy vehicles on our roads; and
- an additional \$8 million to the successful Keys2drive program, which provides a free theory and practical lesson to learner drivers and their supervisors.

Why is this important?

- Road crashes cost the national economy about \$30 billion a year, but this is nothing compared to the immeasurable impact on families, friends, first responders and the wider community.



Who will benefit?

- The package will deliver significant benefits to the Australian community through reducing road trauma and serious injury. The Government is continuing its support for councils to invest in the safety and quality of local roads, especially in regional areas.

How much will this cost?

- With this additional investment, the Australian Government will spend \$3.1 billion per year on safety related infrastructure investments and other initiatives over the next four years.

For more information contact:

   Sophie Beeton – 0439 448 321

21 CONFIDENTIAL

21.1 Future of Cummins House

Reason for Confidentiality

The Council is satisfied that, pursuant to Section 90(3)(j)(i) and (j)(ii) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this agenda item is:

- (j)(i) information the disclosure of which - would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the Council, or a person engaged by the Council).
- (j)(ii) information the disclosure of which - would, on balance, be contrary to the public interest.

RECOMMENDATION

It is recommended to Council that:

1. Pursuant to Section 90(2) of the *Local Government Act 1999*, Council orders, that the public, with the exception of the Chief Executive Officer, members of the Executive and Management Teams in attendance at the meeting, and meeting secretariat staff, be excluded from attendance at so much of the meeting as is necessary to receive, discuss and consider in confidence, information contained within the confidential report Item 21.1 Future of Cummins House, attachments and any associated documentation submitted by the Chief Executive Officer, specifically on the basis of the provisions of Section 90(3)(j)(i) and (j)(ii) because the disclosure of this information as requested could materially impact on negotiations between the parties and as such the request by the Public Official to maintain confidence is required to be upheld until such times as matters are finalised and Council has considered its position.
2. At the completion of the confidential session the meeting be re-opened to the public.

22 ADJOURN TO SPECIAL CITY FINANCE AND GOVERNANCE STANDING COMMITTEE**RECOMMENDATION**

That the meeting be adjourned, move into Standing Committee and reconvene at the conclusion of the Special City Finance and Governance Standing Committee.

23 ADOPTION OF SPECIAL CITY FINANCE AND GOVERNANCE STANDING COMMITTEE RECOMMENDATIONS**23.1 Special City Finance and Governance Standing Committee Meeting****RECOMMENDATION**

That the recommendations of the Special City Finance and Governance Standing Committee held on 2 April 2019, 9 April 2019 and 16 April 2019 be adopted.

24 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**

Nil

Note: The Minutes of the City Finance and Governance Committee held on 19 March 2019 were confirmed at the Special City Finance and Governance Committee meeting that commenced on 2 April 2018.

6 COMMUNICATIONS BY THE CHAIRPERSON**7 QUESTIONS WITH NOTICE**

Nil

8 QUESTIONS WITHOUT NOTICE**9 MOTIONS WITH NOTICE**

Nil

10 MOTIONS WITHOUT NOTICE

11 CITY FINANCE & GOVERNANCE REPORT

11.1 Creditor Payments

Brief

This report tables a schedule of creditor payments for March 2019.

RECOMMENDATION

The Committee recommends to Council that the schedule of creditor payments for March 2019 be received.

Discussion

A schedule of creditor payments totalling \$7,205,219.35 (\$6,376,172.88 in February 2019) is attached for the information of Elected Members. Notable items include:

- A payment to Camco SA Pty Ltd of \$1,979,527.45 for various road and drainage works and the Apex Park redevelopment (refer ref. no. 96);
- A payment to Blubuilt Constructions Pty Ltd of \$965,392.72 for the Camden Oval upgrade (refer ref. no. 72);
- A payment to Solo Resource Recovery of \$473,944.78 for both waste collection and disposal for January 2019 (refer ref. no. 396);
- A payment to the Department of Environment, Water and Natural Resources of \$368,110.00 for the quarterly NRM levy (refer ref. no. 152);
- A payment to Downer EDI Works Pty Ltd of \$336,406.74 for various road treatments (refer ref. no. 163);
- A payment to Romaldi Constructions Pty Ltd of \$235,194.58 for the Lockleys Oval redevelopment (refer ref. no. 363);
- A payment to Knox Constructions Pty Ltd of \$190,159.22 for road reconstruction works (refer ref. no. 245);
- A payment to City of Charles Sturt of \$183,945.40 for the share of costs associated with West Beach Road upgrade (refer ref. no. 114);
- Payments to G-Force Building & Consulting totalling \$276,085.70 for upgrade works at both Satterley Hall and Star Theatre (refer ref. nos. 186 to 188);
- A payment to M & B Civil Engineering Pty Ltd of \$117,488.82 for kerbing works in various locations (refer ref. no. 274);
- A payment to Peter Kittle Holden of \$115,157.70 for the purchase of three vehicles (refer ref. no. 335).

Conclusion

A schedule of creditor payments for March 2019 is provided for Elected Members' information and review.

Attachments

1. Creditor payments for the month of March 2019

**ACCOUNTS DUE AND SUBMITTED TO THE FINANCE AND GOVERNANCE STANDING COMMITTEE MEETING
16 APRIL 2019**

Ref No.	Cheque/ EFT No.	Payee	Invoice Description	Payment Total
1	EFT55591	A & A Castellano	Refund Overpaid Rates	466.55
2	EFT55777	A Noble & Son Ltd	Depot Supplies	94.31
3	EFT55686	AB & LN Harris	Refund Overpaid Rates	354.85
4	EFT55557	ABCorp Australasia Pty Ltd	Stationery	583.00
5	EFT55596	Able Access Design	Professional Fees	825.00
6	EFT55703	Ace Rent a Car	Vehicle Hire	792.00
7	EFT55702	Adami's Sand & Metal	Depot Supplies	421.14
8	EFT55834	Adelaide Airport Limited	Depot Rent	46,923.89
9	EFT55969	Adelaide Bangladeshi Club	Plympton Community Centre Bond Return	500.00
10	EFT55695	Adelaide Bangladeshi Cultural Club	Sponsorship	5,000.00
11	EFT55526	Adelaide Chainwire & Domestic Fencing Pty Ltd	Fencing	1,305.70
12	EFT55698	Adelaide Chainwire & Domestic Fencing Pty Ltd	Fencing	1,149.50
13	EFT55842	Adelaide Chainwire & Domestic Fencing Pty Ltd	Fencing	37,544.93
14	EFT55689	Adelaide Merchandising	Depot Supplies	2,303.10
15	EFT55832	Adelaide Merchandising	Depot Supplies	2,740.21
16	EFT55527	Adelaide Pest Control	Pest Control	586.33
17	EFT55839	Adelaide Sewing Centre	Purchase Sewing Machines	1,307.00
18	EFT55696	Adelaide Signs Group Pty Ltd	Depot Supplies	2,082.78
19	EFT55705	Adelaide Tilt Services	Transportation	275.00
20	EFT55835	Adelaide Unique Surrounds & Distinguished Gardens	Landscaping	2,359.50
21	EFT55706	Adelaide University Judo Club	Community Grant	4,800.00
22	EFT55843	Adelaide Waste & Recycling Centre	Rubbish Disposal	19,133.92
23	EFT55699	Adtrade Industrial Supplies	Depot Supplies	1,826.25
24	EFT55594	Advam Pty Ltd	Transaction Fees	265.12
25	EFT55599	Advanced Plastic Recycling	Depot Supplies	2,109.25
26	EFT55700	AE Mechanics	Vehicle Maintenance	2,475.00
27	EFT55837	AECOM Australia Pty Ltd	Professional Fees	2,983.20
28	EFT55697	Aerometrex Pty Ltd	Aerial photography	4,950.00
29	060893	AGL South Australia Pty Ltd	Power	3,098.19
30	EFT55688	Air Filter Cleaners	Vehicle Maintenance	294.62
31	EFT55595	Aish Solutions Pty Ltd	Stationery	1,270.40
32	EFT55562	AJ & CA Mackintosh	Weed Spraying	2,359.50
33	EFT55641	AJ & CA Mackintosh	Weed Spraying	5,578.10
34	EFT55844	Alexander and Symonds Pty Ltd	Surveying	1,771.00
35	EFT55831	All Laundry & Linen Pty Ltd	Contract Linen	149.73
36	EFT55690	Allen Press Pty Ltd	Business Cards	512.60
37	EFT55845	AMC Commercial Cleaning	Cleaning	605.00
38	EFT55524	Animal Management Services Pty Ltd	Doggy Bags	957.00
39	EFT55836	Animal Management Services Pty Ltd	Doggy Bags	957.00
40	EFT55523	Animal Welfare League SA	Impound Dogs	3,780.00
41	EFT55830	Animal Welfare League SA	Impound Dogs	2,835.00
42	EFT55525	Apple Pty Ltd	Computer Equipment	1,375.00
43	EFT55840	Apple Pty Ltd	Computer Equipment	629.20
44	EFT55704	Aquarium Aid	Library Aquarium Maintenance	153.00
45	EFT55598	Arborgreen Landscape Products	Depot Supplies	2,427.80
46	EFT55838	Aroma Fresh SA Coffee	Tea & Coffee Supplies	156.00
47	EFT55833	Artcraft Pty Ltd	Depot Supplies	735.44
48	060899	Ashdown Ingram Thebarton	Depot Supplies	753.78
49	EFT55693	Asset Engineering Pty Ltd	Professional Fees	10,312.50
50	EFT55597	ATF Services Pty Ltd	Fencing	569.25
51	EFT55841	Auscontact Association	Staff Training	80.00
52	EFT55829	Australia Post	Postage	5,482.00
53	EFT55601	Australia Post	Agency Collection Fees	7,253.28
54	EFT55694	Australian Refugee Association	Sponsorship	5,500.00
55	EFT55972	Australian Society for Music Education	Thebarton Community Centre Bond Return	455.00

ACCOUNTS DUE AND SUBMITTED TO THE FINANCE AND GOVERNANCE STANDING COMMITTEE MEETING
16 APRIL 2019

Ref No.	Cheque/ EFT No.	Payee	Invoice Description	Payment Total
56	EFT55713	B & H Australia Pty Ltd	Audio Visual Equipment	154.00
57	060878	Backpacks for SA Kids	Staff Casual Day Donations	216.95
58	EFT55709	Badge A Minit	Name Badges	1,270.01
59	EFT55846	Badge A Minit	Name Badges	231.00
60	EFT55710	Badminton SA	Sponsorship	5,000.00
61	EFT55717	Battery World Hilton	Batteries	299.00
62	EFT55851	BCE & CJ Electrical	Electrical	73,404.17
63	EFT55553	Beau Hordacre	Reimburse Volunteer Expenses	52.36
64	EFT55529	Belair Turf Management Pty Ltd	Depot Supplies	1,020.80
65	EFT55712	Belair Turf Management Pty Ltd	Depot Supplies	3,492.50
66	EFT55708	Best Signs	Signage	396.00
67	060886	Bettawood	Refund Development Fees	120.00
68	EFT55827	BHA Central Region	Plympton Community Centre Bond Return	500.00
69	EFT55716	Bianco Hiring Service Pty Ltd	Hire Change rooms	2,877.16
70	EFT55721	Bianco Walling Pty Ltd	Depot Supplies	3,041.50
71	EFT55795	BL Shipway & Co Pty Ltd	Depot Supplies	258.74
72	EFT55848	Blubuilt Constructions Pty Ltd	Camden Oval Upgrade	965,392.72
73	EFT55612	Bob Cannan	Reimburse Volunteer Expenses	21.76
74	EFT55853	Bob Jane T Mart - Brooklyn Park	Tyres	1,078.00
75	EFT55707	BOC Limited	Depot Supplies	428.53
76	EFT55718	Body Corporate Physiotherapy Pty Ltd	Professional Fees	744.70
77	EFT55850	Bolinda Publishing Pty Ltd	Library Supplies	1,835.22
78	EFT55606	Bolzen Vehicle Equipment	Vehicle Maintenance	1,176.00
79	EFT55532	Bowden Print Group Pty Ltd	Printing	797.50
80	EFT55602	BPF Equipment	Depot Supplies	1,402.50
81	EFT55533	Brendan Fewster Planning and Development	Professional Fees	2,326.50
82	EFT55720	Brendan Fewster Planning and Development	Professional Fees	1,485.00
83	EFT55621	Brenton Gill	Reimburse Volunteer Expenses	31.96
84	EFT55904	Bucher Municipal Pty Ltd	Vehicle Maintenance	2,804.76
85	EFT55528	Budget Rent a Car Australia	Car Rental	142.45
86	EFT55530	Bundaleer Apiaries	Wasp Removal	176.00
87	EFT55603	Bundaleer Apiaries	Wasp Removal	352.00
88	EFT55715	Bundaleer Apiaries	Wasp Removal	754.00
89	EFT55847	Bundaleer Apiaries	Wasp Removal	352.00
90	EFT55711	Burson Automotive Pty Ltd	Depot Supplies	168.08
91	EFT55723	Cabcharge Australia Pty Ltd	Cab Fares	73.16
92	060903	Caitlin Shepperd	Junior Development Grant	500.00
93	060905	Calhn - Eastern Mental Health Services	Thebarton Community Centre Bond Return	500.00
94	060906	Calisthenics Assoc of South Aust	Thebarton Community Centre Bond Return	500.00
95	EFT55729	Calypto Tree Co Pty Ltd	Tree Maintenance	2,200.00
96	EFT55854	Camco SA Pty Ltd	Apex Park Redevelopment / Roadworks	1,979,527.45
97	EFT55864	Cameron Irrigation Consulting Pty Ltd	Irrigation	9,240.00
98	060881	Cancelled		
99	060882	Cancelled		
100	EFT55975	Carla Ciccone	Thebarton Community Centre Bond Return	500.00
101	EFT55728	Carvosso Constructions & Building Services	Building Maintenance	3,364.90
102	EFT55857	Carvosso Constructions & Building Services	Office Modifications	62,175.30
103	EFT55724	Cash Security Services Pty Ltd	Banking	592.90
104	EFT55727	Castellorizian Brotherhood of SA Inc	Community Grant	5,000.00
105	EFT55976	Cedrent Vehicle Hire Pty Ltd	Thebarton Community Centre Bond Return	500.00
106	EFT55679	Century 21 Holdfast Property Management	Refund Overpaid Rates	234.40
107	EFT55537	Chris Sale Consulting Pty Ltd	Professional Fees	2,475.00
108	EFT55613	Chubb Fire & Security Ltd	Security	7,722.75
109	EFT55865	Chubb Fire & Security Ltd	Security	7,188.64
110	EFT55977	Churchill Fellowship Assoc of SA	Thebarton Community Centre Bond Return	120.00

**ACCOUNTS DUE AND SUBMITTED TO THE FINANCE AND GOVERNANCE STANDING COMMITTEE MEETING
16 APRIL 2019**

Ref No.	Cheque/ EFT No.	Payee	Invoice Description	Payment Total
111	EFT55610	CircoBats Community Circus	Summer Festival Performance	800.00
112	EFT55536	City Circle Newsagents	Library Magazines	28.44
113	EFT55726	City Circle Newsagents	Library Magazines	53.35
114	060900	City of Charles Sturt	Council Share of West Beach Road Upgrade	183,945.40
115	060896	City of Unley	Reimbursement	132.40
116	060879	City of West Torrens Petty Cash	Petty Cash	3,711.35
117	EFT55538	Civil & Environmental Solutions Pty Ltd	Detailed Design	9,345.60
118	EFT55730	Civil & Environmental Solutions Pty Ltd	Detailed Design	1,120.90
119	EFT55736	Civil Train SA	Staff Training	732.00
120	EFT55731	Cleanaway Operations Pty Ltd	Waste Removal	704.08
121	EFT55861	Cleanaway Pty Ltd	Rubbish Disposal	505.23
122	EFT55862	Cleanaway Pty Ltd	Rubbish Disposal	530.31
123	EFT55859	Cleanaway Pty Ltd	Rubbish Disposal	504.64
124	EFT55860	Cleanaway Pty Ltd	Rubbish Disposal	676.72
125	EFT55539	Click Promos	Promotional Products	2,785.75
126	EFT55737	Click Promos	Promotional Products	588.50
127	EFT55867	Click Promos	Promotional Products	2,158.75
128	EFT55607	CMI Toyota	Vehicle Maintenance	295.66
129	EFT55722	Coca-Cola Amatil (SA) Pty Ltd	Refreshments	489.62
130	EFT55863	Combe Pearson Reynolds Consulting Engineers	Professional Fees	1,897.50
131	EFT55856	Combined Fire Systems Pty Ltd	Fire Safety	171.60
132	EFT55609	Combo Industries	New Truck Modifications	24,662.00
133	EFT55855	Combo Industries	New Truck Modifications	92,208.63
134	EFT55608	Consolidated Bearing Co	Depot Supplies	44.00
135	EFT55611	Continuum Care Australia Pty Ltd	Home Support Services	731.48
136	EFT55732	Cook SA Pty Ltd	Fire & Spice Festival	500.00
137	EFT55866	Coptic Orthodox Church SA Aust Inc	Community Grant	5,000.00
138	EFT55725	Cornes Toyota	Vehicle Maintenance	4,126.15
139	EFT55734	Corporate Health Group Pty Ltd	Medical	330.00
140	EFT55735	Corporate Platters	Catering	468.00
141	EFT55615	Courtesy Driving School	Staff Training	934.00
142	EFT55920	Cr Elisabeth Papanikolaou	Reimburse Expenses	99.90
143	EFT55909	Cr Graham Nitschke	Reimburse Expenses	62.00
144	EFT55869	Daimler Trucks Adelaide	Vehicle Maintenance	242.01
145	EFT55541	Dallas Equipment	Contractor	3,795.00
146	EFT55616	Dallas Equipment	Contractor	1,958.00
147	EFT55740	Dallas Equipment	Contractor	3,289.00
148	EFT55875	Dallas Equipment	Contractor	4,229.50
149	EFT55852	Daniel Berry	Reimburse Expenses	150.00
150	EFT55938	Daniels Health Services Pty Ltd	Sharps Containers	219.52
151	EFT55622	David Giersch	Reimburse Volunteer Expenses	21.76
152	EFT55872	Department of Environ, Water & Natural Resources	NRM Levy	368,110.00
153	EFT55581	Department of Planning, Transport and Infrastructure	Vehicle Searches	4,585.00
154	EFT55870	Design Flow Consulting Pty Ltd	Professional Fees	19,629.50
155	EFT55874	Dial Before You Dig SA/NT Inc	Referral Fees	207.90
156	EFT55871	Direct Mix Concrete Sales	Concrete	19,194.18
157	EFT55540	Disa Landscapes	Landscaping	485.91
158	EFT55873	Disa Landscapes	Landscaping	485.91
159	EFT55868	Diverse Australia	Library DVD's	477.50
160	EFT55683	Divyesh Gheravada	Thebarton Community Centre Bond Return	231.60
161	EFT55739	Donna Ferretti & Associates Pty Ltd	Assessment Management	7,700.00
162	EFT55973	Dorothy Margaret Gee	Refund Overpaid Rates	342.10
163	EFT55967	Downer EDI Works Pty Ltd	Roadworks	336,406.74
164	EFT55808	DWS Advanced Business Solutions	DBA Support	1,650.00
165	EFT55692	E & S Athanasiadis	Depot Supplies	1,280.64

**ACCOUNTS DUE AND SUBMITTED TO THE FINANCE AND GOVERNANCE STANDING COMMITTEE MEETING
16 APRIL 2019**

Ref No.	Cheque/ EFT No.	Payee	Invoice Description	Payment Total
166	EFT55742	EMA Legal (Lawyers)	Legal Fees	1,205.60
167	060898	Emanuella Michalantos	Junior Development Grant	200.00
168	EFT55741	Equipment Solutions Pty Ltd	Purchase Mower	33,284.90
169	EFT55593	Erin Carter	Refund Venue Hire Fee	129.00
170	EFT55617	Esar Home Care	Home Support Services	488.71
171	EFT55543	Express Signlab	Signage	3,217.50
172	EFT55547	Family Friendly Adelaide	Summer Festival Promotion	500.00
173	EFT55878	Feriwalla	Library Books	44.00
174	EFT55544	Festival Hire	Summer Festival Pavilion Hire	1,268.00
175	EFT55743	Finsbury Green	Printing	1,764.51
176	EFT55545	Fleet Complete Australia Pty Ltd	Support	545.93
177	EFT55877	Flightpath Architects Pty Ltd	Heritage Advisory Services	2,842.13
178	EFT55546	Fragglerocc Pty Ltd	Roadworks	2,165.68
179	EFT55744	Fragglerocc Pty Ltd	Roadworks	2,997.50
180	EFT55619	Frank Siow Management Pty Ltd	Traffic Management Consultants	5,480.75
181	EFT55620	Frontier Software Pty Ltd	Software	24,750.00
182	EFT55876	Fry Library & School Supplies	Library Supplies	236.50
183	060891	Gail Miller	Thebarton Community Centre Bond Return	500.00
184	EFT55549	Genpower Australia Pty Ltd	Generator Service	647.54
185	EFT55881	Genpower Australia Pty Ltd	Generator Service	704.00
186	EFT55548	G-Force Building & Consulting	Building Maintenance / Star Theatre Upgrade	88,411.40
187	EFT55746	G-Force Building & Consulting	Building Maintenance	4,284.50
188	EFT55880	G-Force Building & Consulting	Star Theatre Upgrade	183,389.80
189	EFT55883	Gleam Team Domestic Services	Home Support Services	318.85
190	EFT55684	Glimmer of Hope	Plympton Community Centre Bond Return	580.00
191	EFT55948	Gordon J Tregoning Pty Ltd	Depot Supplies	364.00
192	EFT55624	Grace Records Management (Aust) Pty Ltd	Records Storage	3,798.02
193	EFT55534	Grant Brown	Reimburse Expenses	250.00
194	EFT55748	Greek Book Importer	Library Books	605.00
195	EFT55749	Green Steel Supplies Pty Ltd	Depot Supplies	184.20
196	EFT55623	Green Team Shred-Safe	Paper Recycling	286.00
197	EFT55747	Green Team Shred-Safe	Paper Recycling	385.00
198	EFT55550	Greenan Painters	Painting	1,314.50
199	EFT55750	Greenway Turf Solutions	Depot Supplies	704.00
200	EFT55882	GRH Supplies	Depot Supplies	3,002.99
201	EFT55604	Hannah Bateman	Reimburse Expenses	629.91
202	EFT55629	Houghton Power Equipment	Depot Supplies	90.00
203	EFT55884	HDS Australia Pty Ltd	Detailed Design	9,154.20
204	EFT55753	Health & Immunisation Management Services	Immunisation	9,016.40
205	EFT55560	Helen Lawry	Library Storytelling	200.00
206	EFT55628	Hendry Group Pty Ltd	Building Certification	4,929.00
207	EFT55627	Hi-Line Hardware Distributors Pty Ltd	Home Support Services	674.50
208	EFT55552	Hoban Recruitment	Temp Staff	139.23
209	EFT55626	Hoban Recruitment	Temp Staff	139.23
210	EFT55752	Hoban Recruitment	Temp Staff	139.23
211	EFT55886	Hoban Recruitment	Temp Staff	139.23
212	EFT55631	Hypernet Computer Distribution	Computer Equipment	240.00
213	EFT55889	I Am Worthmore	Library Presentation	2,000.00
214	EFT55754	Independent Fuels Australia Pty Ltd	Fuel	7,651.27
215	EFT55887	Independent Fuels Australia Pty Ltd	Fuel	5,432.68
216	EFT55905	Innova Group Pty Ltd	Furniture	5,864.10
217	EFT55890	Inspiration Paints Seaton	Paint	2,255.50
218	EFT55756	Institute of Public Works Engineering Aust Ltd	Publications	286.00
219	EFT55633	Intermethod Pty Ltd	Professional Fees	9,150.90
220	EFT55632	Internode Pty Ltd	Internet Connection	325.37

ACCOUNTS DUE AND SUBMITTED TO THE FINANCE AND GOVERNANCE STANDING COMMITTEE MEETING
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Ref No.	Cheque/ EFT No.	Payee	Invoice Description	Payment Total
221	EFT55755	Internode Pty Ltd	Internet Connection	409.60
222	EFT55888	iSentia Pty Ltd	Media Monitoring	753.50
223	EFT55949	ISS Facility Services Aust Limited	Cleaning	3,811.92
224	EFT55891	Jac Comrie Pty Ltd	Professional Fees	1,100.00
225	EFT55551	James Hay	Reimburse Expenses	60.00
226	EFT55885	James Hay	Reimburse Expenses	60.00
227	EFT55940	Jane Strange	CAP Member Allowance	1,547.25
228	EFT55714	Jason Bury	Reimburse Expenses	60.00
229	EFT55757	Jeffries Garden Soils	Mulch	1,085.28
230	EFT55634	Jet Couriers (Adelaide) Pty Ltd	Couriers	134.67
231	EFT55893	Jet Couriers (Adelaide) Pty Ltd	Couriers	239.94
232	EFT55555	JF Mobile Catering	Catering	2,112.00
233	EFT55892	JF Mobile Catering	Catering	352.00
234	EFT55971	JL & RG Davies	Refund Overpaid Rates	565.00
235	EFT55764	John Kruger	Photography	250.00
236	EFT55898	John Kruger	Photography	187.50
237	EFT55556	Jones Lang LaSalle Infrastructure Advisory Pt Ltd	Professional Fees	759.60
238	EFT55554	JPE Design Studio Pty Ltd	Professional Fees	7,746.75
239	EFT55635	Julian Craig Training	Staff Training	5,606.70
240	EFT55763	Kellogg Brown & Root Pty Ltd	Professional Fees	33,354.31
241	EFT55897	Kellogg Brown & Root Pty Ltd	Professional Fees	20,165.20
242	EFT55636	Kemps Credit Solutions	Debt Collection	2,477.00
243	EFT55582	Kerry Taylor	Reimburse Volunteer Expenses	131.40
244	EFT55952	Kerry Taylor	Reimburse Volunteer Expenses	160.34
245	EFT55896	Knox Constructions Pty Ltd	Roadworks	190,159.22
246	EFT55760	Kone Elevators	Lift Maintenance	2,524.14
247	EFT55761	Kresta Curtains and Blinds	Furnishings	172.00
248	EFT55895	Kubpower Earthmoving & Construction Equipment Co	Depot Supplies	42,394.00
249	EFT55762	Kwik Kopy	Printing	130.28
250	EFT55531	Kym Strelan	Home Advantage Program	746.00
251	EFT55605	Kym Strelan	Home Advantage Program	569.00
252	EFT55719	Kym Strelan	Home Advantage Program	700.50
253	EFT55849	Kym Strelan	Home Advantage Program	1,297.00
254	EFT55768	L&H Lawrence & Hanson	Electrical Supplies	45.65
255	EFT55640	Lakeside Building Solutions	Roadworks	9,075.00
256	EFT55902	Lakeside Building Solutions	Roadworks	2,695.00
257	EFT55903	Land Services Group	Property Searches	1,127.25
258	EFT55558	Lane Bros Printers Pty Ltd	Printing	10,696.40
259	EFT55559	Lane Print & Post	Printing	898.69
260	EFT55561	Lazy Eye	Summer Festival Performance	1,000.00
261	EFT55766	LCS Landscapes	Landscaping	1,970.39
262	EFT55639	Learning Discovery Pty Ltd	Library Books	300.00
263	EFT55767	LGA Asset Mutual Fund	Insurance Excess	1,000.00
264	060902	Lisa Cook Kleeman & Gerald Kleeman	Compost Bin Rebate	50.00
265	EFT55769	Living Turf	Depot Supplies	7,128.00
266	EFT55685	LJ Hooker West Lakes	Refund Overpaid Rates	233.90
267	EFT55899	Local Government Association of SA	Tenders & Contact Usages	264.00
268	EFT55638	Local Government Professionals SA Inc	Staff Training	14,100.00
269	EFT55765	Local Government Professionals SA Inc	Staff Training	9,680.00
270	EFT55900	Local Government Professionals SA Inc	Staff Training	650.00
271	EFT55637	Local Govt Authorised Persons Assoc Inc	Staff Training	200.00
272	060880	Lockleys North Primary School	Donation	420.00
273	EFT55901	Lost Pets of South Australia Inc	Animal Microchipping	440.00
274	EFT55907	M & B Civil Engineering Pty Ltd	Roadworks	117,488.82
275	060904	M Catalano	Refund Overpaid Rates	198.70

**ACCOUNTS DUE AND SUBMITTED TO THE FINANCE AND GOVERNANCE STANDING COMMITTEE MEETING
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Ref No.	Cheque/ EFT No.	Payee	Invoice Description	Payment Total
276	EFT55906	M2 Technology Pty Ltd	Message on Hold	402.60
277	EFT55773	Major Carpet & Tile	Carpet Cleaning	1,518.00
278	EFT55564	Maps Consulting Services Pty Ltd	Professional Fees	6,864.00
279	060887	Mario & Marie Industrial Rag	Depot Supplies	396.00
280	EFT55535	Mario Ciardiello	Reimburse Volunteer Expenses	16.32
281	EFT55775	MASE Agency	Equipment Hire	544.50
282	EFT55563	Maxima Group Training	Temp Staff	4,365.21
283	EFT55642	Maxima Group Training	Temp Staff	4,624.26
284	EFT55771	Maxima Group Training	Temp Staff	1,870.42
285	EFT55585	Maxima Tempskill	Temp Staff	27,096.73
286	EFT55818	Maxima Tempskill	Temp Staff	12,748.23
287	EFT55957	Maxima Tempskill	Temp Staff	12,291.03
288	EFT55614	Mayor Michael Coxon	Mayoral Allowance	6,877.00
289	EFT55787	Mel Rymill-Butcher	Reimburse Expenses	150.00
290	EFT55572	Melvyn Roberts	Reimburse Volunteer Expenses	34.00
291	EFT55644	Message4U Pty Ltd	Software	736.21
292	EFT55772	Metal Fabricators Pty Ltd	Depot Supplies	5,589.10
293	EFT55682	Michael Chrisohoou	Thebarton Community Centre Bond Return	420.00
294	060907	Mohit Sangwan	Thebarton Community Centre Bond Return	1,380.00
295	EFT55770	Momar Australia Pty Ltd	Depot Supplies	2,344.38
296	EFT55565	MOSH Australia Ltd	Community Grant	2,574.00
297	EFT55774	Moto Adelaide	Depot Supplies	69.90
298	EFT55643	Municipal Association of Victoria	Staff Training	990.00
299	EFT55645	Murray Street Metro Pty Ltd	Rubbish Disposal	441.10
300	EFT55978	Natalie Elwin	Thebarton Community Centre Bond Return	500.00
301	EFT55647	Nature Education Centre	Library Program	46.00
302	EFT55908	Nelson Locksmiths Pty Ltd	Locks	2,048.30
303	EFT55858	Nemelita I Christensen	Reimburse Volunteer Expenses	108.80
304	EFT55776	Nerissa Nicholson	Reimburse Expenses	625.00
305	EFT55778	Neverfail Springwater Ltd	Spring Water	159.16
306	EFT55910	News Limited	Advertising	8,565.63
307	EFT55681	Nick Lagos	Thebarton Community Centre Bond Return	1,000.00
308	EFT55650	Nicky O'Broin	Reimburse Expenses	320.00
309	EFT55970	NJ & AC Griffin	Refund Overpaid Rates	557.55
310	060890	NJ Wiese	Refund Development Fees	39.75
311	EFT55779	Norman Waterhouse Lawyers	Legal Fees	13,514.70
312	EFT55911	Norman Waterhouse Lawyers	Legal Fees	18,443.05
313	EFT55912	Oaklands Road Mower Centre	Mower Repairs / Purchases	985.30
314	EFT55567	Ollie English	Summer Festival Performance	1,200.00
315	EFT55568	On Architecture	Professional Fees	1,155.00
316	EFT55652	One Perfect Circle	Library Program	550.00
317	EFT55648	Orana Australia Ltd	Home Advantage Program	4,426.71
318	EFT55913	Orana Australia Ltd	Home Advantage Program	2,200.28
319	EFT55566	Order-In Pty Ltd	Milk	53.95
320	EFT55651	Order-In Pty Ltd	Milk	53.95
321	EFT55780	Order-In Pty Ltd	Milk	53.95
322	EFT55916	Order-In Pty Ltd	Milk	53.95
323	EFT55649	Origin Energy Electricity Limited	Power	42,142.24
324	EFT55915	Origin Energy Electricity Limited	Power	37,163.28
325	060894	Origin Energy Services Ltd	Gas Supply	160.71
326	EFT55914	Our Earth Pest Control	Pest Control	385.00
327	EFT55653	Ovato Residential Distribution	Distribution	1,654.87
328	EFT55571	P & J Sons Building Maintenance	Home Support Services	397.40
329	EFT55656	P & J Sons Building Maintenance	Home Support Services	1,211.00
330	EFT55922	P & J Sons Building Maintenance	Home Support Services	1,242.36

**ACCOUNTS DUE AND SUBMITTED TO THE FINANCE AND GOVERNANCE STANDING COMMITTEE MEETING
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Ref No.	Cheque/ EFT No.	Payee	Invoice Description	Payment Total
331	EFT55759	Pauline Koritsa	Reimburse Expenses	420.00
332	EFT55646	PayTec Technology That Counts	Support	438.68
333	EFT55674	Pegi Williams Book Shop	Library Books	1,586.42
334	EFT55919	PelicanCorp (AU) Pty Ltd	Licence Fee	15,070.00
335	EFT55592	Peter Kittle Holden	Purchase Vehicles	115,157.70
336	EFT55654	Pipeline Technology Services	Drainage	572.00
337	EFT55921	Planning Institute of Australia	Membership	178.64
338	EFT55784	Platters Plus Catering Pty Ltd	Catering	1,102.30
339	EFT55924	Platters Plus Catering Pty Ltd	Catering	2,056.00
340	EFT55691	ProAV Solutions	Computer Equipment	1,309.00
341	EFT55569	Professional Linemarking Pty Ltd	Linemarking	1,931.60
342	EFT55781	Professional Linemarking Pty Ltd	Linemarking	17,454.80
343	EFT55657	Programmed Property Services Pty Ltd	Verge Mowing	13,212.34
344	EFT55782	Property & Advisory Pty Ltd	Professional Fees	6,534.00
345	EFT55655	PSN Events Pty Ltd	Staff Training	209.00
346	EFT55570	Pump Technology Services (SA) Pty Ltd	Pump Maintenance	327.25
347	EFT55918	Pump Technology Services (SA) Pty Ltd	Pump Maintenance	544.50
348	EFT55929	Rate It Australia Pty Ltd	Service Hire	594.00
349	EFT55575	Rawlinsons Publishing	Publications	725.00
350	EFT55789	RE:MEMBER Software Pty Ltd	Advertising	242.00
351	EFT55590	Real Time Enhancements	Thebarton Community Centre Bond Return	500.00
352	EFT55661	Rent A Fence Pty Ltd	Fencing	1,762.75
353	EFT55792	Rentokil Initial Pty Ltd	Pest Control	643.50
354	EFT55925	Rentokil Tropical Plants	Indoor Plant Hire	637.16
355	EFT55659	Resource Furniture	Office Furniture	20,726.24
356	EFT55785	Resource Furniture	Office Furniture	27,505.99
357	EFT55790	Ricoh Australia Ltd	Copy Charges	3,810.20
358	EFT55573	Rider Levett Bucknall SA Pty Ltd	Professional Fees	5,555.00
359	EFT55793	Rio Coffee Pty Ltd	Tea & Coffee Supplies	170.34
360	EFT55930	Rio Coffee Pty Ltd	Tea & Coffee Supplies	154.65
361	EFT55786	Roadside Services & Solution	Depot Supplies	74.36
362	060885	Robert Ernst	Refund Permit Fee	20.00
363	EFT55791	Romaldi Constructions Pty Ltd	Lockleys Oval Redevelopment	235,194.58
364	EFT55926	Roof Rack City	Vehicle Maintenance	75.00
365	EFT55660	Roofsafe Industrial Safety	Building Maintenance	14,474.90
366	EFT55658	Royal Wolf Trading Australia Pty Ltd	Hire Storage Containers	1,093.95
367	EFT55662	Rundle Mall Plaza Newsagency	Library Magazines	226.25
368	EFT55788	Rundle Mall Plaza Newsagency	Library Magazines	449.56
369	EFT55927	Rundle Mall Plaza Newsagency	Library Magazines	255.07
370	EFT55928	RWA Pty Ltd	Depot Supplies	17,820.00
371	EFT55798	S & P Graphics	Stationery	286.00
372	EFT55934	SA Local Govt Financial Management Group	Staff Training	395.00
373	EFT55801	SA Pathology	Water Testing	169.40
374	EFT55577	SA Power Networks	Power	32,977.65
375	060883	SA Water	Water	1,304.00
376	060888	SA Water	Water	4,219.00
377	EFT55807	SA Window Cleaning Pty Ltd	Window Cleaning	627.00
378	EFT55946	SA Window Cleaning Pty Ltd	Window Cleaning	742.50
379	EFT55944	SAGE Automation Pty Ltd	Depot Electrical Works	37,050.00
380	EFT55578	Saggese Transport & Crane Services Pty Ltd	Plant Maintenance	418.00
381	EFT55796	Saggese Transport & Crane Services Pty Ltd	Plant Maintenance	757.63
382	EFT55939	Saggese Transport & Crane Services Pty Ltd	Plant Maintenance	1,639.00
383	EFT55932	SAI Global Limited	Standards	6,296.39
384	EFT55586	Samia Tawadros	Reimburse Volunteer Expenses	70.08
385	EFT55676	Samir Wasif	Reimburse Volunteer Expenses	65.28

**ACCOUNTS DUE AND SUBMITTED TO THE FINANCE AND GOVERNANCE STANDING COMMITTEE MEETING
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Ref No.	Cheque/ EFT No.	Payee	Invoice Description	Payment Total
386	EFT55825	Samir Wasif	Reimburse Volunteer Expenses	65.28
387	EFT55966	Samir Wasif	Reimburse Volunteer Expenses	65.28
388	EFT55935	Sassafras Agencies Pty Ltd	Depot Supplies	241.43
389	EFT55672	Schneider Electric Buildings	Building Maintenance	3,172.40
390	EFT55806	Seek Limited	Advertising	391.40
391	EFT55828	Sids and Kids SA	Thebarton Community Centre Bond Return	1,000.00
392	EFT55666	Sine Group Pty Ltd	Computer Equipment	778.80
393	EFT55580	SL Tanks & Equipment Pty Ltd	Depot Fuel Tank	11,099.00
394	EFT55945	Snake Aways	Snake Removal	200.00
395	EFT55794	Solo Resource Recovery	Rubbish Removal	300.96
396	EFT55933	Solo Resource Recovery	Garbage Collection & Waste Disposal	473,944.78
397	060884	Sonia Cherian	Refund Permit Fee	15.00
398	EFT55751	Sonia Gallarello	Reimburse Expenses	150.00
399	EFT55680	South Australian Hazara Behsood Assoc	Thebarton Community Centre Bond Return	500.00
400	EFT55665	South Central Trucks	Vehicle Maintenance	877.09
401	EFT55668	Southern Cross Protection	Patrol Service	6,135.86
402	EFT55802	Southern Cross Protection	Patrol Service	73.54
403	EFT55669	Southern Screen Scene Pty Ltd	Building Maintenance	220.00
404	EFT55936	Southfront	Professional Fees	16,390.00
405	EFT55941	Specialty Fasteners	Depot Supplies	255.85
406	EFT55576	Speld (SA) Inc	Library Books	209.04
407	EFT55809	Spray Shop	Depot Supplies	85.02
408	EFT55664	St John Ambulance Australia SA Inc	First Aid Training	640.00
409	EFT55942	Staysafe (SA) Pty Ltd	Security	129.48
410	EFT55625	Steffen Helgerod	Reimburse Expenses	80.00
411	EFT55943	Streamline Plumbing SA Pty Ltd	Plumbing	33,304.17
412	EFT55579	Streamscape Pty Ltd	Domain Name	53.90
413	EFT55670	Stumpy Stumps	Grind Stumps	400.00
414	EFT55805	Stumpy Stumps	Grind Stumps	500.00
415	EFT55799	Suburban Transport Services	Taxi Fares	1,307.78
416	EFT55797	SUEZ Recycling & Recovery Pty Ltd	Rubbish Removal	631.53
417	EFT55804	SuperChoice Services Pty Ltd	Software Maintenance	985.60
418	EFT55937	Surfacing Contractors Australia Pty Ltd	Repair Softfall Surfacing	4,512.20
419	EFT55667	Susan Bates Consulting	Professional Fees	1,490.50
420	EFT55800	Susan Bates Consulting	Professional Fees	1,166.00
421	EFT55816	Taking Care of Trees	Tree Maintenance	26,100.00
422	EFT55955	Taking Care of Trees	Tree Maintenance	2,739.75
423	EFT55587	Technico Coffee Services	Repairs	294.07
424	EFT55584	Telelink Business Systems Pty Ltd	Phone Equipment	527.07
425	EFT55954	Telelink Business Systems Pty Ltd	Phone Equipment	3,274.30
426	060889	Telstra	Asset Relocation / Telephone	48,699.53
427	060895	Telstra	Telephone	4,314.26
428	EFT55974	Teresa Piscioneri	Refund Overpaid Rates	131.25
429	EFT55600	The Adelaide Tree Surgery	Tree Maintenance	1,865.35
430	EFT55701	The Adelaide Tree Surgery	Tree Maintenance	1,390.00
431	060901	The Commonwealth Club of Adelaide	Luncheon	45.00
432	EFT55738	The Department for Correctional Services	Litter Collection	1,320.00
433	EFT55542	The Ergo Centre	Furniture	5,565.00
434	EFT55618	The Ergo Centre	Furniture	310.00
435	EFT55879	The Foundation for Hellenic Studies	Sponsorship	5,000.00
436	EFT55630	The Heggarties	Summer Festival Entertainment	700.00
437	EFT55923	The Paper Bahn	Stationery	8,648.82
438	EFT55917	The Personnel Risk Management Group	Security Checks	330.00
439	EFT55663	The Reskill Project	Library Workshop	340.00
440	060892	Thebarton Senior College	Thebarton Community Centre Bond Return	500.00

ACCOUNTS DUE AND SUBMITTED TO THE FINANCE AND GOVERNANCE STANDING COMMITTEE MEETING
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Ref No.	Cheque/ EFT No.	Payee	Invoice Description	Payment Total
441	EFT55815	Thomson Geer	Legal Fees	1,023.55
442	EFT55960	TMK Consulting Engineers	Engineering Services	1,670.90
443	EFT55811	TMK Engineering Services	Engineering Services	6,667.38
444	EFT55951	TMK Engineering Services	Engineering Services	3,320.63
445	EFT55673	TNPK Staff Pty Ltd	Temp Compliance Staff	9,850.50
446	EFT55812	Tom's Car Wash	Vehicle Maintenance	2,360.00
447	EFT55671	Tonkin Consulting	Professional Fees	9,847.64
448	EFT55810	Tonkin Consulting	Professional Fees	9,878.00
449	EFT55947	Toro Australia Pty Ltd	Purchase Mower	38,860.00
450	EFT55956	Torrens Safety	Depot Supplies	9,497.78
451	EFT55950	Total Construction Surveys Pty Ltd	Survey and Setout	4,738.25
452	EFT55813	Total Tools Thebarton	Depot Supplies	337.05
453	EFT55745	Totally Workwear Richmond	Clothing	10,044.10
454	EFT55958	TPG Telecom	Internet Connection	2,035.00
455	EFT55758	Tracey Beaumont	Catering	850.50
456	EFT55894	Tracey Beaumont	Catering	866.25
457	EFT55817	Tradies Workwear	Safety Clothing	1,500.00
458	EFT55583	Tree Care Machinery	Purchase Chipper	99,346.05
459	EFT55953	Tree Care Machinery	Depot Supplies	478.60
460	EFT55814	Triple Cherry Coffee	Coffee Supplies	250.00
461	EFT55959	Tynbell Sheetmetal Pty Ltd	Repair Gates	3,410.00
462	EFT55819	UrbanVirons Group Pty Ltd	Tree Maintenance	2,860.00
463	EFT55820	Valspar Paint (Australia) Pty Ltd	Paint	185.72
464	EFT55588	Veolia Environmental Services	Rubbish Removal	377.91
465	EFT55574	VicRoads	Vehicle Searches	389.50
466	EFT55931	VicRoads	Vehicle Searches	85.50
467	EFT55803	Vinita Sutrale	Reimburse Volunteer Expenses	21.97
468	EFT55979	Vinu Xavier	Thebarton Community Centre Bond Return	500.00
469	EFT55821	VIP Lawn Mowing Services	Block Slashing	1,750.00
470	EFT55687	Vivian Ma Conveyancer	Refund Overpaid Rates	437.15
471	EFT55962	Walter Brooke & Associates Pty Ltd	Professional Fees	16,802.50
472	EFT55964	Waterpro Pty Ltd	Irrigation	5,033.36
473	EFT55733	Watersource Pty Ltd	Flow Meters	1,817.19
474	060908	Wayne & Julie Sutton	Reimburse Insurance Premium	175.00
475	EFT55677	WC Convenience Management Pty Ltd	Cleaning	4,177.46
476	EFT55826	WC Convenience Management Pty Ltd	Cleaning	3,062.42
477	EFT55963	Web Safety Pty Ltd	Clothing	964.39
478	EFT55824	Well Done International	After Hours Contact Centre	834.79
479	EFT55675	Western Youth Centre	Partnership Agreement	12,921.50
480	EFT55823	Westside Services (SA) Pty Ltd	Airconditioner Maintenance	8,793.90
481	EFT55965	Winc Australia Pty Limited	Stationery	404.06
482	EFT55980	Winston Churchill Fellows Assoc	Thebarton Community Centre Bond Return	1,000.00
483	EFT55822	Worcomp Pty Ltd	Recruitment	242.00
484	EFT55589	Worlds Best Specialised Cleaning	Graffiti Removal	7,832.00
485	EFT55961	Wurth Australia	Depot Supplies	2,210.20
486	EFT55678	X-Treme Towing Service Pty Ltd	Vehicle Tow	220.00
487	EFT55968	X-Treme Towing Service Pty Ltd	Vehicle Tow	110.00
488	060897	Yianna Michalantos	Junior Development Grant	200.00
489	EFT55783	Zagarine Paxinos	Reimburse Volunteer Expenses	66.64
				\$ 7,205,219.35

11.2 Property Leases

Brief

This report provides information on overdue property lease payments that are greater than \$2,000.

RECOMMENDATION

The Committee recommends to Council that the report be received.

Introduction

This report provides information on the property lease payments that are overdue, pursuant to the requirements of a Council resolution of 21 June 2016.

Discussion

The following lease amounts have been invoiced and were overdue as at 31 March 2019. A comparison is provided with the situation as at 31 December 2018 and 30 June 2018.

Debtor	As at 30 Jun 2018	As at 31 Dec 2018	As at 31 Mar 2019	Variance
Lockleys Bowling Club Inc	0.00	3,746.60	5,070.16	1,323.56
Weslo Holdings	33,714.63	0.00	22,518.10	22,518.10
West Torrens Birkalla Soccer Club	2,043.74	3,082.93	3,082.93	0.00
Total	\$35,758.37	\$6,829.53	\$30,671.19	\$23,841.66

Lockleys Bowling Club Inc.

The outstanding amount includes three electricity reimbursements and a late payment penalty.

Weslo Holdings

The outstanding amount involves two lease instalments for the property at 164-166 South Road.

West Torrens Birkalla Soccer Club

The balance outstanding represents two SA Water reimbursements, the lease fees for 2018/19 and late payment penalties.

Conclusion

The report provides information on the property lease payments that are overdue, in response to a Council resolution on 21 June 2016.

Attachments

Nil

11.3 Mendelson Financial Report March 2019

Brief

This report provides information on the financial performance of the Mendelson Foundation as at 31 March 2019.

RECOMMENDATION

The Committee recommends to Council that the report be received.

Discussion

The following financial reports as at 31 March 2019 are attached for Elected Member information:

- Financial Position (Attachment 1);
- FMD Financial Pty Ltd Investment Portfolio Report (Attachment 2);
- Cash Movement Report (Attachment 3).

For the nine month period ended 31 March 2019, FMD Financial Pty Ltd is reporting a net return on investments of 5.7 per cent, as follows:

	Mar 2019	Jun 2018
	9 Months To 31 Mar 2019	12 Months To 30 June 2018
Market Movement on Equities	\$ 38,770.65	\$ 105,731.84
Add Dividends	\$ 51,439.26	\$ 61,282.64
Add Interest	\$ 2,125.59	\$ 3,203.24
	<hr/>	<hr/>
	\$ 92,335.50	\$ 170,217.72
Less Trustee Charges	\$ 9,462.15	\$ 12,245.94
	<hr/>	<hr/>
Net Return	\$ 82,873.35	\$ 157,971.78
	<hr/>	<hr/>
Fund Balance @ 1 July	\$ 1,453,975.35	\$ 1,338,688.58
Net Return on Investments	5.7%	11.8%

Attachment 2 shows defensive (or income) assets and growth assets separately, to highlight the weighting between the two as a way of monitoring compliance with investment policy targets.

The weighting at 31 March 2019 is 24.1 per cent for income assets and 75.9 per cent for growth assets and our policy targets as shown below:

	Target Weightings	Actual Weightings
Income Assets	No Less Than 25%	24.1%
Growth Assets	No Greater Than 75%	75.9%

Conclusion

Information is provided in this report on the financial performance of the Mendelson Foundation as at 31 March 2019.

Attachments

- 1. Mendelson Foundation Financial Position as at 31 March 2019**
- 2. Mendelson Foundation Financial Portfolio Report as at 31 March 2019**
- 3. Mendelson Foundation Bank Reconciliation as at 31 March 2019**

**CITY OF WEST TORRENS
MAX AND BETTE MENDELSON FOUNDATION
FINANCIAL POSITION AS AT 31 MARCH 2019**

	\$ Final at 30/06/18	\$ Current at 31/03/19	\$ Variance
CURRENT ASSETS			
Cash held at Council	44,330	8,981	(35,349)
Investments - FMD Financial Pty Ltd	1,239,994	1,329,006	89,012
Cash & Term Deposit	158,320	151,235	(7,085)
GST Refunds/Imputation Credits Due	303	317	13
Dividend Income due not yet received	11,029	11,029	0
Total Current Assets	1,453,975	1,500,567	46,592
Non-Current Assets	0	0	0
TOTAL ASSETS	1,453,975	1,500,567	46,592
Less Liabilities	0	0	0
NET ASSETS	1,453,975	1,500,567	46,592
FOUNDATION WEALTH			
Accumulated Funds **	1,453,975	1,500,567	46,592
TOTAL FOUNDATION WEALTH	1,453,975	1,500,567	46,592
** Accumulated Funds - Opening		1,453,975	
Plus Revenue		112,336	
Less YTD Expenditure		65,744	
Accumulated Funds - Closing		1,500,567	

**CITY OF WEST TORRENS
MAX AND BETTE MENDELSON FOUNDATION
FMD FINANCIAL PTY LTD PORTFOLIO INTERIM REPORT AS AT 31/03/2019**

	Balance at 30/06/2018	Weight at 30/06/2018	Balance at 31/03/2019	Weight at 31/03/2019	Variance	Variance
	\$	%	\$	%	\$	%
ANZ Convertible Pref Cap Note2	34,211	2.4%	34,197	2.3%	(14)	0.0%
ANZ Banking Grp Ltd (ANZPG)	30,967	2.2%	30,973	2.1%	6	0.0%
CBAPD PERSP VII	28,950	2.1%	29,295	2.0%	345	1.2%
NAB Income Securities	42,380	3.0%	44,840	3.0%	2,460	5.8%
Westpac Non-Cum Converting Perp Cap Note II	57,525	4.1%	58,090	3.9%	566	1.0%
Term Deposit	125,000	8.9%	75,000	5.0%	(50,000)	-40.0%
Cash	33,320	2.4%	76,235	5.1%	42,915	128.8%
Dividends due not yet received	11,029	0.8%	11,029	0.7%	0	0.0%
Total for Defensive Assets:	363,381	25.8%	359,659	24.1%	(3,721)	-1.0%
Argo	27,736	2.0%	26,552	1.8%	(1,183)	-4.3%
BHP Billiton	49,000	3.5%	55,618	3.7%	6,618	13.5%
CSL	68,573	4.9%	54,583	3.7%	(13,990)	-20.4%
MFG	29,987	2.1%	31,366	2.1%	1,379	4.6%
CBA	34,103	2.4%	33,060	2.2%	(1,044)	-3.1%
NAB	32,974	2.3%	44,298	3.0%	11,324	34.3%
Origin Energy Limited	17,934	1.3%	22,932	1.5%	4,998	27.9%
Qube Holdings Ltd	20,569	1.5%	35,580	2.4%	15,010	73.0%
Ramsay Health Care	24,183	1.7%	28,829	1.9%	4,646	19.2%
ResMed Inc	33,868	2.4%	34,709	2.3%	841	2.5%
Rio Tinto	42,221	3.0%	49,542	3.3%	7,322	17.3%
Sydney Airport	36,201	2.6%	37,566	2.5%	1,365	3.8%
Westpac Corporation Deferred Ex St George	38,002	2.7%	33,618	2.3%	(4,384)	-11.5%
Woodside Petroleum Ltd Ord	38,190	2.7%	37,544	2.5%	(647)	-1.7%
Woolworths	23,104	1.6%	23,013	1.5%	(91)	-0.4%
Magellan Global Fund	101,102	7.2%	115,845	7.8%	14,743	14.6%
Walter Scott Global Equity Fund	98,634	7.0%	107,590	7.2%	8,957	9.1%
Mcp Master Income	51,750	3.7%	51,250	3.4%	(500)	-1.0%
RARE Infrastructure Ltd	70,256	5.0%	74,034	5.0%	3,778	5.4%
Antipodes Partners - Antipodes Global Fund	101,583	7.2%	105,105	7.0%	3,522	3.5%
Bennelong ex-20 Australian Equities Fund	56,229	4.0%	59,167	4.0%	2,938	5.2%
INVESCO Wholesale Global Targeted Returns Fund	49,763	3.5%	69,808	4.7%	20,045	40.3%
Total for Growth Assets:	1,045,962	74.2%	1,131,610	75.9%	85,649	8.2%
Total Investments	1,409,342	100.0%	1,491,270	100.0%	81,927	5.8%

**MENDELSON RECONCILIATION
CASH HELD BY FMD FINANCIAL PTY LTD
AS AT 31/03/2019**

	\$	\$
Balance at 30/06/2018		158,319.73
Macquarie Cash Management Account - opening balance		33,319.73
Term Deposit - opening balance		125,000.00
Add <u>Sales Equities</u>		
Magellan Global Fund	14,931.04	
CSL	14,871.08	
Members Equity Term Deposit	125,000.00	
		154,802.12
Less <u>Equities - Purchases</u>		
National Aust. Bank (NAB)	9,990.86	
Origin Energy (ORG)	10,016.05	
Qube Holdings Ltd (QUB)	10,036.65	
Members Equity Term Deposit	75,000.00	
Magellan	10,000.00	
Invesco	20,000.00	
Antipodes	10,000.00	
Benex20	10,000.00	
		155,043.56
Add <u>Dividends/Interest/Income</u>		
Interest Received in July 2018	46.89	
Dividend Income Received in July 2018	21,050.50	
Interest Received in August 2018	54.22	
Dividend Income Received in August 2018	3,218.94	
Interest Received in September 2018	55.53	
Dividend Income Received in September 2018	7,060.25	
Interest Received in October 2018	1,747.81	
Dividend Income Received in October 2018	2,364.78	
Interest Received in November 2018	71.50	
Dividend Income Received in November 2018	629.35	
Interest Received in December 2018	32.96	
Dividend Income Due Received in December 2018	4,284.36	
Interest Received in January 2019	35.76	
Dividend Income Due Received in January 2019	3,593.66	
Interest Received in February 2019	34.42	
Dividend Income Received in February 2019	2,583.28	
Interest Received in March 2019	46.50	
Dividend Income Received in March 2019	6,654.14	
		53,564.85
Less <u>Fees</u>		
FMD Financial Pty Ltd Administration Fee inc. GST (June)	1,117.10	
FMD Financial Pty Ltd Administration Fee inc. GST (July)	1,099.86	
FMD Financial Pty Ltd Administration Fee inc. GST (August)	1,201.77	
FMD Financial Pty Ltd Administration Fee inc. GST (September)	1,202.56	
FMD Financial Pty Ltd Administration Fee inc. GST (October)	1,187.64	
FMD Financial Pty Ltd Administration Fee inc. GST (November)	1,105.27	
FMD Financial Pty Ltd Administration Fee inc. GST (December)	1,104.42	
FMD Financial Pty Ltd Administration Fee inc. GST (January)	1,169.93	
FMD Financial Pty Ltd Administration Fee inc. GST (February)	1,219.80	
		10,408.35
Macquarie Cash Management Account - closing balance		76,234.79
Term Deposit - closing balance		75,000.00
Less Macquarie Cash Mgt Acct and Term Deposit		\$151,234.79
Imbalance		\$0.00

11.4 Council Budget Report - NINE Months to 31 March 2019

Brief

This report provides information to Council on budget results for the nine months ended 31 March 2019.

RECOMMENDATION

The Committee recommends to Council that the report be received.

Introduction

The report provides year to date (YTD) budget results for March 2019.

Discussion

Budget variances are summarised in the financial report which is included as **Attachment 1**, with key variances explained below in terms of:

- Operational Income
- Operational Expenditure
- Capital Expenditure
- Capital Income
- Capital Works Expenditure

Operational Income

Key variances include:

- Rates are on target to achieving budget YTD.
- Statutory Charges are on target to achieving budget collectively. Individual variances include parking fines and dog related income both above budget by \$14,634 and \$25,182 respectively. Development Act fees are however below budget by \$50,353 due to reduced activity.
- User charges are below budget YTD by \$54,445, largely due to the timing of property lease income, but some income has been lost due to the impact of community development projects. Additionally, waste royalty income is \$21,571 under budget for timing reasons.
- Grant income is above budget YTD by \$599,019, predominantly due to the timing of road grant receipts.
- Reimbursement and other income is \$147,716 above budget YTD, largely due to better than expected investment performance by the Mendelson Foundation (\$49,710) and the timing of tree removal and LGAMLS risk payments (\$68,290).

The end of year (EOY) forecast for operational income is not expected to show a significant change, however this is being reviewed in the March budget review process.

Operational Expenditure

Key variances include:

- Staff and related costs are \$132,473 below budget YTD, largely due to the timing of payments for training (\$44,370) and workers compensation premiums (\$51,665).
- Buildings, furniture, plant and equipment costs are \$198,978 below budget YTD, largely due to the timing of software related computer expenditure.
- General expenses are below YTD budgets by \$618,023, largely due to delays in expenditure on professional fees (\$316,021) and the timing of expenditure on advertising and promotion (\$97,238), publications and stationery (\$64,183), and the costing of on-charges (\$68,640). A summary of variances for selected key general expenses is attached.
- Council related expenditure is \$316,111 below budget YTD, predominantly due to the timing of grant expenditure (\$255,863), donations (\$49,717) and street lighting payments (\$89,966). These variances are partially offset by an unfavourable timing variance for levies and charges (\$93,055).
- Contract and material expenditure is \$250,567 less than budget largely for timing reasons associated with Council's waste contract (\$31,788), material purchases (\$134,323), and contractor payments (\$84,456).
- Occupancy and property costs are \$91,279 below budget YTD, largely due to the timing of payments for light, power, gas and fuel (\$100,448), the emergency services levy (\$15,405) and cleaning expense (\$10,679). This has been partially offset by an unfavourable timing variance of \$53,285 involving AAL rental payments.

The EOY forecast for operational expenditure is for a reduction to occur, the magnitude of which is being assessed in the March budget review which is currently underway.

Capital Expenditure

Key variances include:

- Motor vehicles are \$216,434 below budget largely due to timing reasons, with significant commitments made.
- Computer expenditure is \$57,225 below budget for timing reasons.
- Other plant and equipment expenditure is below YTD budget by \$196,147, for timing reasons with significant commitments made.
- Land and building costs are \$2,877,737 below budget YTD, largely due to delayed spending associated with community facility developments. Large commitments have been made which will reduce this in the coming months.

The EOY forecast for capital expenditure is for an unchanged budget position, but this is being reviewed in the March budget review.

Capital Works Expenditure

Expenditure on capital works YTD is \$21,094,411.

A capital works expenditure summary for YTD March 2019 is attached with appropriate comments provided on the status of individual budget lines. 84.0 per cent of the capital works budget has been spent or committed by way of purchase orders as at 31 March 2019.

It is estimated that 100 per cent of the forecast budget of \$39,628,096 is required to complete the program of works and that 88 per cent will be completed by 30 June 2019.

The EOY forecast for capital works expenditure is being reviewed in the March budget review process.

Conclusion

Information is provided in this report on budget results for the nine months ended 31 March 2019.

Attachments

1. **March Budget v Actual**
2. **Capital Works - Budget vs Actual**
3. **General Expenses**

<p align="center">City of West Torrens Finance Budget Report for the 9 Months Ended 31 March 2019 Operational Income and Expenditure (\$'000's)</p>							
Adopted Budget Original	Adopted Budget Revised	Income & Expenditure	YTD Budgets	YTD Actuals	YTD Variance	YTD Variance %	Budget Remaining
		Income					
58,172	58,575	Rates	58,307	58,310	3	0%	265
2,346	2,337	Statutory Charges	1,825	1,822	(2)	(0%)	514
1,588	1,528	User Charges	1,206	1,152	(54)	(5%)	377
3,226	2,545	Grants & Subsidies	1,647	2,246	599	36%	299
1,027	1,093	Reimbursements & Other Income	878	1,024	148	17%	69
66,360	66,079	Total Income	63,863	64,555	693	1%	1,524
		Expenditure					
23,164	23,099	Staff & Related Costs	16,148	16,014	132	1%	7,084
4,988	5,221	Buildings, Furniture, Plant & Equipment	4,153	3,954	199	5%	1,267
8,480	8,480	Community Asset Costs	6,366	6,366	0	0%	2,114
4,550	5,173	General Expenses	4,042	3,404	618	15%	1,769
404	395	Bank & Finance Charges	101	100	2	2%	295
4,695	5,013	Council Related Expenditure	3,990	3,674	316	8%	1,339
8,871	9,061	Contract & Material Expenditure	6,376	6,126	251	4%	2,935
2,601	2,607	Occupancy & Property Costs	1,888	1,796	91	5%	811
(206)	(190)	Expenditure Recovered	(138)	(66)	(73)	52%	(124)
57,546	58,857	Total Expenditure	42,925	41,368	1,538	4%	17,490
8,813	7,222	Operating Surplus/Deficit	20,938	23,187			

<p align="center">City of West Torrens Finance Budget Report for the 9 Months Ended 31 March 2019 Capital Income and Expenditure (\$'000's)</p>									
Adopted Budget Original	Adopted Budget Revised	Capital Expenditure and Sales	YTD Budgets	YTD Actuals	YTD Variance	YTD Variance %	Budget Remaining		
91	91	Motor Vehicles	67	(149)	216	323%	240		
485	565	Computer Equipment	565	508	57	10%	57		
1,144	1,677	Other Plant & Equipment	1,146	950	196	17%	728		
1,085	23,590	Land & Buildings	13,377	10,499	2,878	22%	13,090		
325	326	Library Resources	291	274	17	6%	52		
3,130	26,249	Total Expenditure	15,445	12,082	3,364	22%	14,167		
Adopted Budget Original	Adopted Budget Revised	Capital Income	YTD Budgets	YTD Actuals	YTD Variance	YTD Variance %	Budget Remaining		
0	3,822	Grants & Subsidies - Capital Income	117	121	(4)	(3%)	3,701		
0	3,822	Total Income	117	121	(4)	(3%)	3,701		
Adopted Budget Original	Adopted Budget Revised	Capital Works Expenditure	YTD Budgets	YTD Actuals	YTD Variance	YTD Variance %	Budget Remaining		
5,204	8,764	Environment Program	6,573	5,967	606	9%	2,797		
2,015	4,363	Recreation Program	3,273	1,677	1,595	49%	2,686		
12,000	26,501	Transport Program	19,876	13,450	6,426	32%	13,051		
19,219	39,628	Total Expenditure	29,720	21,094	8,627	29%	18,534		

CITY OF WEST TORRENS
BUDGET 2018/19 - AS AT 31 March 2019
CAPITAL WORKS EXPENDITURE

ADOPTED BUDGET ORIGINAL	ADOPTED BUDGET REVISED	FUNCTION	YTD ACTUALS	COMMITTED OR CONTRACTED	ACTUALS AND COMMITTED	% SPENT OR COMMITTED	FORECAST EXPENDITURE TO COMPLETE	EOY FORECAST PERCENTAGE COMPLETE	COMMENT / EXPLANATION
ENVIRONMENT PROGRAM									
Stormwater & Drainage									
400,000	400,000	Minor Drainage Upgrades and Replacement Work	100,138	196,156	296,295	74.1%	400,000	100%	Minor Works / Program upgrade - continuing.
1,404,168	4,611,713	Lockleys Catchment	3,790,031	476,112	4,266,144	92.5%	4,611,713	100%	Works to cross Henley Beach Road at May Tce, and along Douglas St & Rowells Rd is complete. The construction of underground drainage in Stage 5B has commenced and is scheduled to be completed by mid April 2019. Detailed design for the Rutland Avenue secondary drainage works is progressing with works scheduled to commence in the last quarter.
0	96,502	Ashley St (West St to Hayward Ave)	0	0	0	0.0%	96,502	100%	Design is complete and is being reviewed in consideration of adjacent traffic management works in Ashley St and Hayward Ave. Concept plans have been developed for consultation with affected residents during April 2019.
0	148,875	BHKC- Down stream South Rd and Gray St Bend	0	80,000	80,000	53.7%	148,875	100%	Construction works are underway and are scheduled to be completed by mid May 2019.
0	50,000	Plympton Green	0	0	0	0.0%	50,000	100%	Detailed design is being developed.
900,000	900,000	Shannon Ave Pump Station	20,165	608,135	628,300	69.8%	900,000	85%	Project in progress; refer Urban Services Report 2 April 2019 for an update.
0	0	Maria Street Drainage	0	0	0	0.0%	0	100%	These works are complete (project merged with George Street reconstruction).
Other Environment									
2,500,000	2,500,000	Brown Hill and Keswick Creeks	2,050,000	0	2,050,000	82.0%	2,500,000	100%	Approval for 1st stage of Greater Management Plan has been confirmed by all necessary stake holders. Project for design concept upgrade of Brown Hill Creek through West Torrens area is nearing draft report stage.
0	56,932	Glenelg Adelaide Pipeline (GAP)	7,004	3,966	10,970	19.3%	56,932	50%	The budget funds to undertake a review of the current staged implementation plan and design on the next stage of the pipeline network.
5,204,168	8,764,022	Program Total	5,967,339	1,364,369	7,331,709	83.7%	8,764,022	98%	
RECREATION PROGRAM									
Parks & Gardens									
445,000	1,082,642	Playground Upgrade	666,181	100,100	766,282	70.8%	1,082,642	85%	Project in progress; refer Urban Services Report 2 April 2019 for an update.
500,000	624,272	Reserve Developments - Various	523,720	100,220	623,939	99.9%	624,272	100%	Project in progress; refer Urban Services Report 2 April 2019 for an update.
310,000	467,809	River Torrens Upgrade	107,305	84,558	191,863	41.0%	467,809	100%	Project in progress; refer Urban Services Report 2 April 2019 for an update.
30,000	48,664	River Torrens Path Upgrades	0	6,745	6,745	13.9%	48,664	100%	Works for 2018/2019 to be scheduled
595,000	1,224,918	Reserve Irrigation Upgrades	252,443	133,705	386,148	31.5%	1,224,918	70%	Project in progress; refer Urban Services Report 2 April 2019 for an update.
0	19,449	Additional Open Space Amenity Initiatives	0	16,198	16,198	83.3%	19,449	100%	Project in progress; refer Urban Services Report 2 April 2019 for an update.
60,000	113,329	Bikeway Path Upgrade and Reseal	56,362	44,000	100,362	88.6%	113,329	100%	Works for 2018/2019 to be scheduled

CITY OF WEST TORRENS BUDGET 2018/19 - AS AT 31 March 2019 CAPITAL WORKS EXPENDITURE
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ADOPTED BUDGET ORIGINAL	ADOPTED BUDGET REVISED	FUNCTION	YTD ACTUALS	COMMITTED OR CONTRACTED	ACTUALS AND COMMITTED	% SPENT OR COMMITTED	FORECAST EXPENDITURE TO COMPLETE	EOY FORECAST PERCENTAGE COMPLETE	COMMENT / EXPLANATION
		Sports Facilities							
75,000	206,704	Tennis Court Upgrades	69,906	3,500	73,406	35.5%	206,704	80%	Works for 2018/2019 to be scheduled
0	0	Apex Park	0	0	0	#DIV/0!	0	0%	
0	45,600	Airport Road	0	600	600	1.3%	45,600	0%	Project development on hold
0	0	Memorial Gardens	0	0	0	0.0%	0	0%	
0	530,014	Thebarton Oval Kings Reserve	1,456	25,124	26,580	5.0%	530,014	15%	Projects in progress; refer Community Facilities General Committee 24 July 2018 / Urban Services Report 4 September 2018.
2,015,000	4,363,401	Program Total	1,677,373	514,750	2,192,122	50.2%	4,363,401	76%	
		TRANSPORT PROGRAM							
		Roads Sealed							
8,799,358	22,881,003	City Funds/ULRG Funds/Carryovers	12,700,034	9,274,079	21,974,113	96.0%	22,881,003	85%	Project in progress; refer Urban Services Report 2 April 2019 for an update.
873,376	873,376	Roads to Recovery Grant Funds	0	0	0	0.0%	873,376	85%	Project in progress; refer Urban Services Report 2 April 2019 for an update.
		Other Transport							
250,000	259,750	Roundabouts / Minor Road Rehabilitation	121,484	17,795	139,280	53.6%		100%	Projects in progress
300,000	366,280	Bus Shelters	159,103	41,262	200,365	54.7%	366,280	100%	Upgrade works to hard stand area are in progress.
440,000	530,071	Traffic Management	64,972	836	65,808	12.4%	530,071	100%	Minor Traffic Management & LATM related installation works completed. Resident consultation for Maria Street traffic calming has been undertaken. Consultation for the removal of the bus only device located west of West Street and concept design for complete for new traffic calming at Hayward Avenue is scheduled for April 2019. Ashley Street/Sherrif Street upgrade design is complete and scheduled to commencement mid April 2019.
200,000	200,000	Bicycle Management Schemes	53,085	0	53,085	26.5%	200,000	100%	Scope of works is currently being undertaken.
580,000	663,756	Public Lighting	112,959	668,059	781,017	117.7%	663,756	100%	Project in progress; refer Urban Services Report 2 April 2019 for an update.
0	107,489	Bio-Science Precinct Works	19,642	0	19,642	18.3%	107,489	100%	Currently undertaking design development for the balance of Holland Street.
		Bridges							
0	61,462	Bridge Ancillary Works (as per Bridge Audit)	12,958	10,175	23,133	37.6%	61,462	100%	Design and documentation is underway.
		Footways & Cycle Tracks							
147,964	147,964	Footpath Renewal Program	50,061	97,952	148,013	100.0%	147,964	100%	Project in progress; refer Urban Services Report 2 April 2019 for an update.
209,522	209,522	Footpath Construction Program	2,750	141,905	144,655	69.0%	209,522	100%	Project in progress; refer Urban Services Report 2 April 2019 for an update.
200,000	200,000	Footpath Remediation Program	152,650	76,433	229,084	114.5%	200,000	100%	Project in progress; refer Urban Services Report 2 April 2019 for an update.
12,000,220	26,500,673	Program Total	13,449,699	10,328,496	23,778,195	89.7%	26,240,923	86%	
19,219,388	39,628,096	TOTAL - ALL CAPITAL WORKS	21,094,411	12,207,615	33,302,026	84.0%	39,368,345	88%	

**City of West Torrens
Budget 2018/19 - Year to 30 June 2019
(Interim Results - Selected Accounts)**

2017/18 Actuals	Account	Annual		2018/19 Budget				YTD % Variance
		Original Budget	Revised Budget	YTD Revised Budget	YTD Actuals	YTD \$ Variance	YTD % Variance	
227,402	131 Training & Conference Costs	296,990	281,990	211,266	166,896	44,370	21.0	
55,999	213 Catering & Entertainment	59,920	57,520	44,616	25,212	19,404	43.5	
80,148	215 Catering/Entertain-Elected Members/others	75,450	65,450	48,917	35,930	12,987	26.5	
270,699	225 Subscriptions & Associations	271,205	271,718	246,184	231,076	15,108	6.1	
33,225	229 Elected Member Travel & Training	40,000	33,000	23,000	11,169	11,831	51.4	
430,001	241 Professional Fees - Legal	347,250	387,250	305,497	306,682	-1,185	-0.4	
9,844	243 Professional Fees - Medical	12,000	12,000	9,000	8,012	988	11.0	
815,620	245 Professional Fees - Consultants	606,600	829,600	662,844	474,168	188,676	28.5	
23,909	247 Professional Fees - Recruitment	10,000	10,000	7,500	0	7,500	100.0	
431,985	249 Professional Fees - General	587,550	924,940	736,097	616,055	120,042	16.3	
2,378,834	Total	2,306,965	2,873,468	2,294,921	1,875,201	419,720	18.3	

11.5 Local Government Reform - Local Government Association Discussion Paper Feedback

Brief

This report presents proposed feedback on the *Local Government Reform Discussion Paper* released for consultation by the Local Government Association.

RECOMMENDATION

It is recommended to Council that the feedback on the *Local Government Reform Discussion Paper*, contained in this Agenda report, be approved and submitted to the Local Government Association and the Minister for Local Government.

Introduction

The Local Government Association (LGA) has been invited by the South Australian Parliament to provide feedback and guidance on the proposed local government reforms.

The Government's reform program will focus on changes to the *Local Government Act 1999* (Act) and the *Local Government Elections Act 1999* (Elections Act) across four theme areas, being:

- Strong council member capacity and better conduct;
- Efficient and transparent local government representation;
- Lower costs and enhanced financial accountability; and
- Simpler regulations.

Discussion

The LGA has drafted a discussion paper (**Attachment 1**) on its positions across these four areas, and are seeking feedback from member councils.

Stronger Council Member Capacity and Better Conduct

Strengthening the Code of Conduct for Council Members

The LGA is advocating for a review of the code of conduct framework for council members, including amendments to the statutory Code of Conduct for Council Members (Code) that would result in "*meaningful changes to the way complaints against councillors are considered, investigated, determined and prosecuted*".

The LGA seeks to increase councils' ability to handle behavioural matters internally, broadening the range of penalties available to prosecute councillors and providing clearer classifications of misconduct, particularly when they relate to bullying and harassment.

Administration Comment

Clause 2.19 of the Code (contained in Part 3 - Misconduct) empowers Council to investigate and resolve a complaint in any manner which the Council deems appropriate. As such, while some of the proposals have merit, the LGA's proposal to increase the options available to a Council to deal with complaints against an Elected Member should be approached with caution.

Exclusion powers and suspension powers are significant penalties and so clarity surrounding when they are to be applied should be sought. Some of the recommendations by the LGA would be appropriate to be taken on by council administrations, whereas others would be more appropriately administered by the ICAC or another independent body.

To ensure procedural fairness, the ability for an oversight body, other than the Minister or SACAT, to dismiss individual councillors following an investigation by that entity should not be supported.

Proposed Feedback

The Code of Conduct - Behavioural Code states that:

1. **"A complaint may be investigated and resolved in any manner which that Council deems appropriate in its process for handling alleged breaches of this Part. This can include, but is not limited to: a mediator or conciliator, the Local Government Governance Panel, a regional governance panel or an independent investigator."** (Emphasis added). Therefore, further devolution of responsibility under this section does not appear possible.
2. The LGA should be clear on a process as to where higher penalties are to be applied, and an appeals process for when they are applied unjustly. There are no appeal provisions available under the Code of Conduct, which would be inequitable with the proposed higher penalties.
3. Council supports the ability for a presiding member to temporarily exclude a member from a meeting, Council or Committee when their behaviour is called into question however, there needs to be clarity detailing in what instances this could occur and the penalties for a member who refuses to leave a meeting.
4. Council welcomes a clear definition of bullying, intimidation and sexual and other harassment and associated mandatory education of all new councillors as part of their induction program.
5. Council supports suspension or exclusion mechanisms to protect the health and safety of council members and employees while serious misconduct allegations are investigated but only when a potential and/or on-going threat is identified.
6. Council does not support the provision of powers to an oversight body to dismiss council members following an investigation but rather that this power be only via the SACAT.
7. Council supports the establishment of effective deterrents for frivolous and vexatious complaints that abuse the processes available and waste public resources but not only with regard to complaints against council members but also with regard to internal review of council decisions and S270 complaints.

Prevention to Intervention

The LGA states that councillors' behaviour and morality cannot only be managed by the Code and would like the legislative reform to include clear and consistent processes that assist communication between parties and the rapid resolution of disagreements to promote healthy elected body dynamics.

Administration Comment

The issues raised by the LGA are able to be managed internally within a Council via policy and training administered by either the administration or external bodies.

Proposed Feedback

These issues are currently managed in house by councils by way of policy. Therefore Council considers that legislating and creating further red-tape and obligations is unnecessary and contrary to the purpose of these reforms.

General duties of council members (Section 62 of the Local Government Act 1999)

The LGA proposes that the general duties of a council member, contained in section 62 of the Act, should be reinforced with clear and proportionate mechanisms for addressing council member actions that breach these expectations. The LGA states that one possible solution would be to provide for enforcement within the statutory Code of Conduct for Council Members.

Administration Comment

Section 62 of the Act contains a number of available penalties for a member who is in breach of the provisions. The LGA is advocating for the inclusion of the provisions of s62 of the Act in the Code. This would work towards consolidating the behavioural and conduct expectations of council members within one document with the required enforcement procedures. As such, it should be supported particularly given there are enforcement procedures detailed in Part 3 - Misconduct of the Code

Proposed Feedback

Council supports the inclusion of all the provisions of s62 of the Act in the Code along with associated enforcement procedures and penalties.

Mandatory Training Requirements

The LGA proposes that failure to meet the mandatory training requirements should be treated as misconduct under the Code. This would enable enforcement where training requirements are not met by a council member.

Administration Comment

Mandatory training modules are to be approved by the Minister at the conclusion of each local government election. It would be reasonable that a failure to meet these mandatory minimum training requirements would amount to a breach of the Code of Conduct.

There is a lack of clarity over what constitutes refresher mandatory training for continuing councillors in the current LGA Training Standards. It would be useful to define not only which modules continuing members must complete but also the content, which one would expect would be different to newly elected councillors.

Proposed Feedback

1. Council requests that the LGA Training Standard very clearly detail what constitutes refresher mandatory training for continuing councillors including the module(s) and content.
2. Council supports the inclusion of mandatory training participation, including refresher training, requirements in statute.

Efficient and Transparent Local Government Representation

2014 Elections Review & the Local Government (Elections) Amendment Bill 2017

The LGA participated in a review of the *Local Government (Elections) Act 1999* (Elections Act) following the 2014 local government elections. The outcome of that review was the *Local Government (Elections) Amendment Bill 2017*. This Bill did not pass parliament prior to the 2018 State Government Elections but the LGA is advocating for its reintroduction

Administration Comment

The Bill proposed reasonable changes to the Elections Act, however the amendment which would cause nominees to use their residential address to authorise elections material could be prohibitive to those with suppressed addresses. In addition, business participation in elections has significantly reduced since the automatic inclusion of business owners on a council's voters roll was revoked several years ago. This revocation resulted in the need for councils to approach all businesses, at a significant cost, advising them that they had been purged from a voters roll on 1 January of an election year and that to vote in an upcoming election, they need to complete a form requesting inclusion on the voters roll. Many businesses don't take that option.

Proposed Feedback

1. Council seeks the removal of Clause 8 - Amendment of section 27 - Publication of Election from any reintroduction of this Bill.
2. Council continues to advocate for the provision of the voters roll to candidates in electronic form.
3. Council seeks the re-instatement of automatic inclusion of business owners on a council's voters roll.

2018 Elections Review

The LGA again rallied ahead of the 2018 State Government Elections for reforms to the Elections Act. This included requirements for candidates to disclose political interests at the time of nomination, and disclosing whether or not they reside in the council area. The review conducted at the end of the 2018 elections also include a suggestion for mechanisms to deal with the withdrawal of a candidate after nominations, a requirement for unsuccessful candidates to remove social media accounts relating to the election, and alternatives to voters roll purging to increase non-residential ratepayer participation.

Administration Comment

These proposed changes by the LGA are an attempt to assist the legislation to keep up with rapidly changing technology and community expectations. There is scope for some of these requirements to be managed through regulation i.e. making the regulations more agile to keep up with changing technological trends e.g. authorisation requirements on social media posts.

Proposed Feedback

Council supports these recommendations, however clear and direct guidance should be provided to the State Government (i.e. "simplification of the process" does not provide any clear and concise direction as to what changes the sector would like to see implemented).

Representation Reviews

The Act requires councils to carry out "representation reviews" approximately every 8 years which must consider the composition of the council, the number of council members, whether or not the council should be divided into wards and the size and boundary areas of wards. The LGA understands that some councils have experienced difficulty in obtaining services of appropriately qualified consultants to assist with the workloads. The LGA suggests that the procedural and decision making processes should be revised during this reform process.

Administration Comment

The LGA has suggested that the "*procedural and decision making processes should be revised*" but have fallen short of providing guidance about what this revision should involve.

Proposed Feedback

Council recommends that:

1. The LGA be more prescriptive in its guidance to the State Government. Seeking only a "review" could result in an outcome which is a greater burden to the sector.
2. Given the complexity of representation reviews, criteria be developed and an accreditation scheme be established that ensures consultants are suitably qualified to undertake representation reviews.
3. Through its procurement arm, and in partnership with ECSA, the LGA creates a procurement panel of consultants who are suitably qualified to undertake representation reviews.

Electronic voting in local government elections

The LGA has been advocating for electronic voting for local government elections for a number of years. The matter has been investigated, and it was established by both the LGA and ECSA that a cost-effective and feasible model is not yet available. The LGA has noted that recommendation 4 of ECSA's 2018 State Election Report recommends electronic delivery and return of ballot papers for overseas, interstate or remote South Australian voters in State Elections and so recommends that consultation should be undertaken with ECSA to see if the same procedures can be applied to local government elections.

Administration Comment

Although there is a large societal push to move all local government election procedures to online platforms, there are not currently any systems available and developed which are deemed sufficiently reliable and secure enough to conduct an election. It is possible to use these reforms to amend the legislation so that if and when these systems are available, they can be immediately implemented, potentially via regulations.

Proposed Feedback

Council recommends that the LGA continues to seek amendments to the legislation that will allow for the implementation of electronic voting if, and when, a reliable and secure system is available. This could be achieved by legislating that ECSA has the authority to determine the method of voting in local government elections.

Supplementary Elections

Except in certain circumstance, the Elections Act requires a council to undertake a supplementary election, for which the council bears the cost. The LGA notes that other Australian local government jurisdictions have other types of arrangements for the filling of casual vacancies, and these should be investigated.

Administration Comment

While changes to the arrangements for the filling of casual vacancies is supported in principle, changes that allow for political parties to make appointments to casual vacancies is abhorrent to the principles of apolitical local government in South Australia and would be egregious to democracy in South Australia.

Proposed Feedback

Council advises that while changes to the arrangements for the filling of casual vacancies is supported in principle, changes that allow for political parties to make appointments to casual vacancies is abhorrent to the principles of apolitical local government in South Australia and would be egregious to local government democracy in South Australia.

Possible examples that could be given with any feedback to the State Government are:

Vacancy in the first six months following an election

Next runner up appointed, to be determined by ECSA (if no runner up - a supplementary election be undertaken)

Six months after the close of the periodic election to December 31 the year prior to a periodic election

Supplementary election

1 January year of periodic election until the election

Casual vacancy maintained until periodic election as is currently the case.

Caretaker Policy and Code of Conduct

The LGA recommends that the wording surrounding the caretaker policy requirements in the Elections Act are updated to reflect in the changes in the code of conduct regulations, including that the code of conduct regulations for employees now only discuss gifts and benefits.

Administration Comment

As it only deals with gifts and benefits, the current legislated employee code of conduct does not contemplate behaviour, however this should not be relevant to the implementation of a caretaker policy. Including the caretaker policy as part of the code of conduct is a simple and effective method to ensure its enforceability.

Proposed Feedback

Council recommends that:

1. The wording of s91(A)7 of the *Local Government (Elections) Act 1999* be amended to better reflect the Codes of Conduct as prescribed by regulation.
2. Council officer behavioural standards be specified and included at s91(A) of the *Local Government (Elections) Act 1999*.

Lower Costs and Enhanced Financial Accountability

Audit Committees

The LGA is recommending that the role of audit committees can be strengthened by the use of a best practice model which codifies what many councils have already done to voluntarily expand the role of their audit committees. This includes requiring a majority of independent members, diversifying the skill sets and knowledge of audit committee members, appointing an independent chair, expanding responsibilities to include greater oversight of strategic management plans, rating practices, performance monitoring, quality of financial management, the council's use of public funds and empowering the Chair to make public statements on the audit committee's work and findings.

Administration Comment

Local Government currently operates under a system where only the Mayor and the Chief Executive Officer (CEO) are able to act as public spokespeople for the Council. By allowing independent members of an audit committee, appointed by Council to speak on behalf of Council, their role would be elevated to that of the Mayor or CEO and higher than that of an elected member, elected by the electors to be their representative through a rigorous and democratic election process. As such, this is egregious to democracy as it stands in South Australia.

Proposed Feedback

1. Given the many tiers of oversight it is subjected to, the transparency of process by which it operates and the additional cost to ratepayers that such measures would result in, Council does not support:
 - a. The mandatory appointment of an independent chair to local government audit committees.
 - b. The mandating of a majority of independent members.
 - c. The increase of responsibilities of the audit committee to include greater oversight of strategic management plans, rating practices, performance monitoring, use of public resources and quality of financial management.
2. The level of advisory role proposed by the LGA goes far beyond the scope of an audit committee, begins to dilute and is egregious to democracy.
3. Audit committees should retain their role as that of review and not become a link in the decision making process.
4. Independent audit committee members should only be able to be appointed to one local government audit committee per Council term.
5. Council does not support the empowering of an audit committee chair to make public statements on the audit committee's work and findings on the basis that this is egregious to democracy and the defined roles of the Mayor and CEO.
6. In line with the LGA's position, Council does not support the 'heavy handed' prescription of audit committees.

Standardising external audits

All councils must appoint an external auditor to review and provide an opinion on the council's financial statements. In some other states, the external auditing of councils falls within the remit of the state's Auditor-General. The LGA has consulted with councils about the option of adopting this model, but ultimately do not think that the benefit would outweigh the significant cost to ratepayers. The alternative approach to achieve standardisation would be to allow or require the Auditor-General to issue binding interpretations of auditing standards applicable to local government.

Administration Comment

Despite the Auditor-General being involved with local government audits in other states, it would not be either advantageous or appropriate in South Australia. In addition, experience in other states suggests that the costs applicable to the Auditor-General undertaking audits is significant and not cost effective. In addition, and based on previous experience, the Auditor-General has limited knowledge of local government and the legislative framework in which it operates. External auditors which work with councils are currently bound by all legislation and code of conducts relevant to operating within their industry. In addition, they are obliged to report to the Minister a range of breaches and qualified audits. However, mandating the model financial statements, which this Council has adopted, ensures a consistency across the sector so is supported in principle.

Proposed Feedback

Standardisation should be achieved within the audit industry and via the mandating of model financial statements and not by adding a level of compliance and red tape to the local government industry via the undertaking of audits by the Auditor General.

Fee for lodgement of a section 270 complaint

Section 270 of the Act requires Council's to develop and maintain policies, practices and procedures for dealing with complaints about the actions of the council, employees of the council or other persons acting on behalf of the council. Currently, s270(3) proscribes that a Council is not entitled to charge a fee upon application for review. The LGA maintains that the application of a reasonable fee may provide an effective deterrent to frivolous or vexatious complaints.

Administration Comment

S270 reviews take an inordinate amount of time and resources to undertake which come at a cost to ratepayers. Sometimes, depending on the nature of the review, legal counsel is required at an additional cost. As such, a nominal fee for lodgement of a section 270 review would be advantageous to councils to discourage vexatious and/or frivolous reviews as well as reviews that have no merit. This fee would be subject to waiver for concession card holders, to ensure no person is prevented from requesting a review, as is the case for Freedom of Information requests

Proposed Feedback

A fee upon application for an internal review of a council decision would assist councils in the administration of these requests and act as a deterrent to frivolous, vexatious complaints or requests for review. However, waiver criteria should be considered to ensure those that are on low incomes are not financially inhibited from requesting a review or lodging a complaint.

Increasing the maximum penalty for breach of by-law

The Act currently provides councils with a power to fix a maximum penalty for any breach of a by-law, provided that this penalty does not exceed \$750. This amount has not been increased since the commencement of the Act in 1999. Section 246(5) of the Act provides councils with the power to fix an expiation fee for alleged offences against by-laws at no more than 25% of the maximum fine, or \$187.50. The LGA argues that this expiation fee may not be a commensurate penalty or cause sufficient deterrent and should be that contained within the *Expiation of Offences Act 1999* which provides the power to set an expiation fee at \$315 or 25% of the maximum fine prescribed for the offence.

Administration Comment

An increase in maximum penalties does not mean that the administration will increase expiation fees in all circumstances however, Council supports the proposed increase in the allowed maximum penalty to allow more flexibility for councils when setting their expiation fees.

Proposed Feedback

Council supports the proposed increase in the allowed maximum penalty to allow more flexibility for councils when setting their expiation fees and ensure consistency between the Local Government Act 1999 and the *Expiation of Offences Act 1999*

Benchmarking

The LGA proposes the development of a sophisticated online platform for councils to share and compare meaningful data about their performance, and enhance the transparency and accessibility of council data for the community. It also recommends developing a benchmarking framework that reflects the differing diversity of councils and their communities. The framework should still aim to be able to meaningfully compare the performances of different councils.

Administration Comment

These platforms would be beneficial for the community, although it is unclear as to how it would be effectively legislated. Without having a platform developed and ready to be implemented, legislating these provisions could create problems with the sector being able to comply with their obligations particularly in rural areas. One of the problems with benchmarking is that the needs of communities vary which mean that the services provided by individual councils differ significantly. As such, previous benchmarking programs of the LGA and other agencies have faltered and expired.

Proposed Feedback

1. While council supports a benchmarking program in principle, it is concerned about the lack of success of its previous benchmarking projects. As such, a benchmarking program needs to provide meaningful data that can be used by councils and others and one that takes into account the significant differences of each council in the services it offers to its community, which are based on community needs as articulated in its strategic plans.
2. A benchmarking platform should be developed and rolled out in conjunction with councils prior to any obligations being legislated.
3. The introduction of legislative requirements before an effective framework has been developed almost ensures that councils will be unable to comply or able to achieve the required benchmark.

Prescribed format for Asset Management Plans and Long-Term Financial Plans

There is currently no standard format prescribed in the Act or regulations that provide for a consistent approach to asset management planning and long-term financial planning. A prescribed format would make it easier to synthesise information from different councils or apply a minimum standard to these documents.

Administration Comment

It is not uncommon for forms to be prescribed in regulations. A prescribed format would provide clarity to the community should they wish to compare plans and performances of different councils. However, it should be noted that each council's asset management plan will contain different information dependent on their assets and the associated maintenance regime.

Proposed Feedback

Any prescribed format should be developed in conjunction with councils and a preferred format should be provided to the State Government along with any other feedback.

Simpler Regulations*Informal Gatherings*

The LGA is of the position that there is difficulty distinguishing between an informal gathering and a 'designated informal gathering', and whether the rules are intended to apply to informal gatherings of a few councillors or only all councillors. The LGA recommends that this part of the legislation should be simplified for clarity.

Administration Comment

The legislation is quite clear in that councils are able to hold informal gatherings, such as supper after a Council meeting, but if there is an informal gathering of members to discuss or receive information on a matter that will, or is intended to be, presented to Council for a decision then that is a designated informal gathering. As such, there appears no rationale for further clarifying the matter.

A review of this section should also include legislative authority for a presiding member to remove disruptive members of the public from an informal gathering/designated informal gathering in the same manner which they are able to in a prescribed meeting.

Proposed Feedback

1. Council does not see any need for further clarification of informal gatherings however does not oppose such clarification if it assists those councils that are having difficulties in the application of the legislation.
2. Council seeks the inclusion of a legislative provision to enable the Mayor, Presiding Member, CEO or his/her delegates to remove disruptive members of the public from an informal gathering/designated informal gathering in the same manner as a council meeting.

Conflict of Interest

The conflict of interest provisions were introduced to the Act in 2016 and are based on provisions that operate in Queensland. There were a number of issues when the provisions were brought in, which lead to amendments to the regulations. The LGA continues to receive feedback from the councillors about the complexity of the rules and the difficulties they face in ensuring adherence to the complicated rules. There is also a continuing concern that application of the conflict of interest rules to council committees is prohibitive to community participation, especially by local business owners. The LGA states that this reform provides an opportunity for the sector to consider a new and contemporary approach that is both simple for council members to apply and reinforces transparency and integrity within the sector.

Administration Comment

The current conflict of interest provisions were copied exactly from a piece of Queensland legislation, without consideration for the differing operation of the local government sector in that state. Queensland have since amended these regulations. Many jurisdictions have encountered difficulties surrounding the application of conflict of interest provisions as it is impossible to anticipate every circumstance where they may apply.

In addition, the application of the provisions is very complicated, confusing, causes disruption in a Council meeting and inhibits the participation of business owners.

With particular regard to the application of the material conflict of interest provisions are two matters that are vexing to Council. One of these relates to the provision of information to which a Council Member has a material conflict of interest.

An example of this is a business owner, or an employee of a business, that is seeking to tender for a contract with a council but who is also a Council Member. That Council Member would, quite rightly, declare a material conflict of interest when the tender results and/or budget associated with that particular tender project came before Council and recuse themselves from participating in the debate and vote on the matter.

However, regardless of the material conflict of interest, that Council Member is entitled to the agenda and associated papers to be presented to Council, five clear days before the Council meeting, which would contain information and/or the price Council would expect to pay for the project and/or the tendered price from other tenderers.

This places the Council Member in an untenable position given they would not know they had a material conflict of interest until they had seen the agenda and as such would be party to the information that gives rise to the material conflict of interest even though they would have recused themselves from the matter when it came up for discussion at a Council meeting. As such, they would inadvertently be exposed to a report to the OPI and subsequent investigation at worst or a perception that they would use the information for their benefit. Therefore, the reform agenda should consider this matter and seek to remedy this eventuality via amendments to statute.

The second matter relates to the application of material conflict of interest provision with regard to a Council Member seeking approval from Council to attend a conference or training. The ICAC and Ombudsman have both publicly stated differing views on whether such a request invokes the material conflict of interest provisions, the ICAC stating that he does not consider that such a request does give rise to the provisions while the Ombudsman has stated in a report that he does. This needs to be clarified. Conferences and training that Council Members seek to attend, where a cost is incurred by Council, are specifically related to their role as Council Members and enhances their ability to carry out their official roles effectively and in an informed way. As they are unlikely to derive benefit in their personal or work lives from the learnings from conferences and training, conferences and training should be incorporated as an 'ordinary business matters' in regulation 8AAA of the *Local Government (General) Regulations 2013* thus exempting requests to attend conferences and training from material conflict of interest provisions.

The LGA seeks to establish a 'new and contemporary approach' to the handling of material conflicts of interest but does not clarify what this approach comprises. As such, it is difficult to provide comment on this proposal.

Proposed Feedback

1. The ICAC and Ombudsman have both stated differing views on whether a material conflict of interest applies to Council Members seeking Council approval to attend a conference. As such, this needs to be clarified in statute by regulating that such a request is an 'ordinary business matter' in regulation 8AAA of the *Local Government (General) Regulations 2013* thus exempting requests to attend conferences and training from material conflict of interest provisions.

2. The material conflict of interest provisions only apply when a Council Member is participating in a meeting of Council or Committee and not to the agenda and associated papers provided to the Council Member five days prior to the meeting. As such, this can inadvertently provide information to a Council Member which exposes them to information, such as tender price information, that provides a potential material benefit to them. Therefore, review of the material conflict of interest provisions is sought to:
 - a. protect a Council Member from the inadvertent exposure to papers on a matter to which they have a material conflict of interest.
 - b. protect the Council and community from the inadvertent, potential prejudicing of the sale/purchase process in the public interest.
3. The conflict of interest provisions are very complicated and confusing to many. As such, any efforts to simplify the legislation, and its application, is supported however, it is unclear how the LGA intends to simplify the provisions and application of the legislation.

Suspension of allowances during state or federal elections

The LGA supports a requirement that any councillor campaigning for state or federal election is forced to take leave from their council duties, including the suspension of allowances, subject to councils being permitted to meet inquorate where it is a consequence of the enforced leave.

Administration Comment

There are currently no official mechanisms for a Council Member to refuse an allowance during an approved leave of absence. Similarly, Council cannot require a Council Member to forgo their allowance during a leave of absence, even to campaign during a State or Federal election. If a leave of absence and suspension of salary is to be enforced when an elected member campaigns for state or federal elections, there needs to be a clear and agreed upon date as to when this is applied. It would appear that the issuing of writs to the conclusion of a State or Federal election would be the standardised period to which an enforced leave of absence and suspension of allowance would apply.

Proposed Feedback

1. Council supports the imposition of an enforced leave of absence and suspension of allowance with regard to any Council Member standing for State or Federal elections.
2. It would appear that the optimum standardised period to which an enforced leave of absence and suspension of allowances would apply would be from the issuing of the writs to the conclusion of a State or Federal election.
3. If no changes eventuate with regard to an enforced leave of absence during a State or Federal election then it would be beneficial to amend the regulation to enable a Council Member to refuse their allowance when they stand for State or Federal election.

Mobile food vendors (food trucks)

The LGA believes that the state-wide requirements for mobile food vendors fail to recognise the unique situations of different council areas, and that a one size fits all approach is not appropriate. The LGA suggests that a review of the legislation governing mobile food vendors is required to ensure that councils have flexibility to provide support to both bricks and mortar businesses and catering for temporary seasonal demand and events held in council areas.

Administration Comment

Flexibility surrounding mobile food vendor requirements would be advantageous to enable councils to balance the needs of mobile vendors and brick and mortar stores which can vary from suburb to suburb and council to council.

Proposed Feedback

Council supports the LGA's endeavours in seeking a review of the legislation governing mobile food vendors to provide greater support to bricks and mortar businesses while catering to demands for mobile food vendors.

Public consultation requirements in the Local Government Act 1999

The LGA has taken the position that the public consultation requirements in the Act are inconsistent and unclear and as such, recommends that the approach to public consultation be reviewed to provide the best outcomes for councils and communities.

Administration Comment

Public consultation requirements differ across the Act, *Development Act 1993* and the *Planning, Development and Infrastructure Act 2016*.

Proposed Feedback

Council supports consistent public consultation requirements across the *Local Government Act 1999*, *Development Act 1993* and the *Planning, Development and Infrastructure Act 2016* to allow for greater consistency through Council departments. However, in reviewing these requirements, the LGA should give regard to the judicial review ruling of s50 - Public consultation policies of the Act that was handed down in the Supreme Court by Justice Blue *Coastal Ecology Protection Group Inc. & ORS and City of Charles Sturt 2017 SASC 136* (Coast Park Decision).

Requirements to publish in newspapers

The LGA's position that the review of public consultation should include a review of the requirements for notices to be published in newspapers. They state that publication is expensive, and does not reflect a contemporary approach to community engagement that is seeing communities increasingly rely on internet-based and/or social media communication.

Administration Comment

Although the public sentiment is to move away from print media, the Advertiser and Messenger still play a vital role in ensuring that proper notification is conducted by local governments. However, given such notices are expensive and costly to ratepayers, for apparent little benefit, the local government sector would benefit from the development of a centralised online portal for all local government notices, to be implemented and trialled prior to legislating changes to notice requirements.

Proposed Feedback

1. Council supports the proposal to include a review of the requirements to publish various notices in the newspapers and for this review to form part of the public consultation requirements review.
2. Before any changes to notice requirements are legislated, online notice periods should be trialled, and the LGA should develop a central notification portal.

3. Removing notification requirements before these alternatives are prepared and tested will create inequitable outcomes for the community.

Public Consultation requirements for permits under sections 221 and 222 of the Local Government Act 1999

The Act empowers councils to evaluate and issue permits for applications to close public roads and footpaths for a 'business purpose'. A common basis for which an application is received is to enable construction companies to undertake concrete pours or receive deliveries of large building materials via crane. The LGA is advocating for clarity surrounding the public consultation requirements in relation to the issue of a permit that authorises the use of a public road for a business purpose.

Administration Comment

As there is no common legal consensus relating to the application of these sections, the State Government should take this opportunity to clarify the intention of the sections and when they are to apply.

Proposed Feedback

Council supports the LGA's efforts to seek legislative changes to require public consultation to be undertaken prior to the issuing of permits for the use of a road for business purposes.

Developer Contributed Assets

There is a perception that councils are required to accept an asset, such as a road or open space, when it is offered for free from a developer. Accepting an asset has long-term financial implications for a council and prudential management issues should be considered prior to council accepting the asset to ensure that it is of a standard and financially viable for Council to maintain. The LGA is advocating for clarity surrounding s48 of the Act, allowing a council to undertake a prudential report and/or decline an asset when it is offered.

Administration Comment

It is unclear why the LGA is seeking further clarification given s48 of the Act is very prescriptive. S48 states that a council may obtain a prudential report in any circumstances where the council considers that it is necessary or appropriate. A clear reading of this section already gives council the option of preparing a report prior to accepting an asset if they believe it is required.

Proposed Feedback

Council is of the view that 'project' is defined under the Act as any form of activity or enterprise, the provision of facilities or services or any form of scheme, work or undertaking. Accepting a new asset would fall within this definition of a project, as it would require changes to the Asset Management Plan. Councils have the option of preparing a prudential report on any project that they deem necessary and any clarity around this section should not be in the form of amendment to the legislation.

Rating equity for commercial and/or industrial land uses

The LGA believes that there is an inequity in the way that Councils are able to apply rates to electricity generators (wind farms and solar farms) and other types of commercial and industrial lands. A report was issued by the Legatus Group and highlights the differences between the ways that properties are valued and categorised, and comparisons to other mainland States. The LGA recommends that councils be able to recover appropriate payments directly from electricity generators and have additional flexibility in the categorisation of different land uses for differential rating purposes.

Administration Comment

The intention of rating restrictions on wind and solar farms is to increase their proclivity across the state. The majority of the recommendations from the report are not relevant to the City of West Torrens.

Proposed Feedback

The LGA should be specific as to which of the recommendations from the report it is advocating, as they are long and varied.

Regulations for section 245A of the Local Government Act 1999 (Development Bonds)

This section of the Act was inserted with the intention of enabling a council to require a developer to enter into an agreement to cover the cost of potential damage to council infrastructure. It is apparent that section 245A cannot be properly enforced. The LGA is advocating that appropriate regulations be issued to allow for the proper operation of this section.

Administration Comment

This section of the Act has caused frequent issues to all councils as it was not drafted with consideration towards its implementation. It has been an ongoing issue for the administration, and Council as the regulations that allow for proper application of the section would be advantageous.

Proposed Feedback

Council strongly advocates for amendments to s245A of the Act and the establishment of regulations to enable councils to enforce the requirement for developers to enter into an agreement (security bond).

Regulation 21 of the Local Government (Procedures at meetings) Regulations 2013

This regulation allows a Chief Executive Officer to submit a report to the council recommending the revocation or amendment of a resolution passed since the last general election of council.

It is believed that the intention of the drafters was to provide an alternative process to requiring a council member to place a written notice of motion to amend or revoke a council resolution.

These two sections are conflicting, as regulation 12(3) states that any motion which has the effect of amending a previous resolution of Council *must* be brought by a written notice of motion. The LGA request an amendment to regulation 21 to ensure proper integration between regulation 21 and regulation 12(3) so that a written notice of motion by a council member (and therefore a second meeting) is not required.

Administration Comment

Interpretation of the meeting procedures as a whole would allow for any recommended motion included in the Chief Executive Officer's report under regulation 21 to be deemed a written notice of motion in the same manner that most if not all reports from the Chief Executive Officer included a recommendation to Council.

Regulation 21 is to be varied at the discretion of the council. Therefore, a legislative amendment is not required, as the operation of the section can be clarified in each council's meeting procedures.

Proposed Feedback

The LGA should supply the sector with their recommended wording for this section.

Other Reform Issues*Management of unmade roads*

The LGA is of the position that the Act does not give councils appropriate powers to manage unmade public roads, particularly in rural areas. The LGA is advocating for clearer statutory provisions for a council to effectively close a road to all or certain classes of vehicles and be able to effectively enforce the road closures.

Administration Comment

This section is generally not relevant for the City of West Torrens.

Proposed Feedback

Nil.

Community housing

The State Government is transferring public housing properties to Community Housing Providers to facilitate their upgrade and renewal. This transfer makes properties eligible for a mandatory 75% rebate on council rates, whereas the State Government paid full rates. As public housing is a State Government responsibility, applying the mandatory rebate leads to an inequitable burden on other ratepayers in affected councils, often in lower socio economic communities that can least afford the additional cost. The LGA is advocating for legislative change to remove the 75% rebate on council rates for community housing providers.

Administration Comment

Although this rate rebate creates a burden on council and other rate payers, it is vital for the survival of community housing providers.

Proposed Feedback

Rather than removing the 75% rebate available to community housing providers, the LGA should recommend that this portion of the rates be paid for in full by the State Government even when they shift management of the properties to external providers. This is in line with the recommendations in the Legatus report which is mentioned under the recommendation for "*Rating equity for commercial and/or industrial land uses.*"

Fees and charges

Cost shifting occurs when councils are required by legislation or an agreement with the State Government to provide a service, but the regulated fee for providing that service falls well below costs. The LGA advocates for review of local government fees and charges regulated by the State Government to establish modern price setting principles which promote efficiency, flexibility and fairness in service delivery.

Administration Comment

The gap between the cost of administering services and the legislated value to be charged is at times significant, particularly under the new *Planning, Development and Infrastructure Act 2016*. However, cost shifting is not exclusive to either this Act or the local government sector. Taxpayers are effectively charged twice when cost shifting occurs i.e. the part of their tax paid to State Government that went towards a particular service, is still being paid by the taxpayer but when the service is 'cost- shifted' to local government, the cost then forms part of their council rates with no associated reduction in the tax they pay to State Government.

Proposed Feedback

The amendment of fees and charges is a wide ranging reform, and recommended price setting principles should be provided to the State Government, rather than just a request for review.

Petitions

This isn't contained within the Paper but is a vexed issue for many councils given the provisions around petitions in regulation 10 of the *Local Government (Procedures at Meetings) Regulations 2013* are not contemporary and don't take into account the increase in on-line petitions.

Regulation 10 prescribes the requirements for a petition to be eligible for presentation to Council and when a petition does not contain one of the required provisions, such as an incomplete address a person who signed the petition, the petition cannot be considered by Council. This appears to be contrary to democracy albeit the provisions are intended to ensure integrity in the petition process. Council had adopted a procedure that enables the Council to see a petition, but not act on it, when the petition does not fulfil the requirements of regulation 10 however, this is not a consistent application across the sector.

Therefore, it would be useful if the LGA gave regard to petitions in its Paper and seek a review of regulation 10 - Petitions to provide a more contemporary and transparent approach.

Proposed Feedback

1. Council seeks a review of regulation 10 - Petitions of the *Local Government (Procedures at Meetings) Regulations 2013*
2. The review to consider the increasing use of on-line petitions and a process for accepting and presenting petitions, both hard copy and on-line, to a council when they don't meet the requirements of regulation 10.

Conclusion

This report presents proposed feedback, for Council's consideration, on the Local Government Association's Discussion Paper on Local Government Reform.

Attachments

1. **Local Government Reform - Local Government Association Discussion Paper - March 2019**



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Local Government Reform

Discussion Paper

March 2019

Note: This Discussion Paper has been prepared by the LGA Secretariat for consultation purposes only. The content of this paper has not been endorsed by the LGA Board of Directors.



Local Government Association
of South Australia

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About the LGA

The LGA is a membership organisation for all councils in South Australia and is the voice of local government in this State. All 68 councils are members of the Association.

The LGA is recognised by the South Australian Parliament through the *Local Government Act 1999*.

The mission of the LGA is to provide leadership to councils for the benefit of the South Australian community.

The LGA provides representation, quality service and leadership relevant to the needs of member councils. The LGA also operates specific units/entities providing:

- All public liability and professional indemnity cover for all South Australian councils;
- All workers compensation cover for all South Australian council employees and associated local government bodies;
- Asset cover for South Australian councils; and
- Extensive education and training; procurement; online services and a research and development scheme.

The LGA is a constituent member of the Australian Local Government Association.

Introduction

The Local Government Association welcomes the opportunity to partner with the South Australian Parliament to progress sensible and effective reform within local government. This is a pivotal time for the local government sector to work in collaboration with the State Government and the Parliament on robust and meaningful reform that will deliver lasting benefits to the community and drive downward pressure on council rates.

The Government's reform program will focus on changes to the *Local Government Act 1999* and the *Local Government (Elections) Act 1999* across four theme areas, being:

- strong council member capacity and better conduct
- efficient and transparent local government representation
- lower costs and enhanced financial accountability, and
- simpler regulation



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The LGA has its own ideas for change that have been developed in consultation with members, as well as a range of issues and ideas raised and supported by members at previous LGA general meetings. These reform ideas are outlined within this Discussion Paper.

The purpose of this Paper is for the LGA to continue the reform discussion with member councils. The paper shares some preliminary reform ideas and seeks feedback from members on these ideas and other reform opportunities that members would like to see further explored. This is an opportunity for you to tell your Association what change you want to see, what that change should look like and what it should achieve for councils and communities.

While the LGA acknowledges the State Government has placed parameters on its review, the LGA invites feedback from councils on local government reform issues that fall outside the *Local Government Act 1999* and the *Local Government (Elections) Act 1999*, which could form part of the LGA's broader advocacy agenda.

Feedback on reform issues is requested **by 5pm on Friday 26 April 2019**. All feedback received will be carefully considered by the LGA Board of Directors and the positions that have high levels of support from members will be put forward to the State Government as part of a sector-wide submission. To ensure that all member views are considered, we would also appreciate a copy of any submissions made directly to the State Government.

The LGA looks forward to working with members and representing the views of the sector throughout all stages of the reform program.



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Timeline and Reform Process

The LGA will use best endeavours to provide as much opportunity as possible for councils to contribute ideas, feedback and influence to the reform process. However, we will be working within the ambitious timelines that have been set by the Government, which may not always be best suited to council meeting cycles, and may be subject to change. The chart below provides a broad outline of the LGA's reform program, including consultation with councils highlighted in green.

	March 19	April 19	May 19	June	Jul 19	Aug 19	Sept 19	Oct 19	Nov 19	Dec 19	Q1 2020	Q2 2020
Release LGA Reform Discussion Paper												
Call for feedback and ideas from members												
Further investigations and research on the sector's ideas												
Advocacy and representation - State Government Reform Discussion Papers and Potential Reform Bill 1												
Consult members on potential Reform Bill 1												
Consultation with members on Reform Discussion Papers – workshops, focus groups, submissions												
Advocacy and representation – Development of Reform Bill 2												
Consult members on Reform Bill 2												
Advocacy and representation – parliamentary process												



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Preliminary Reform Ideas

Reform issue	LGA's preliminary comments
<p>Strengthening the Code of Conduct for Council Members</p>	<p>STRONGER COUNCIL MEMBER CAPACITY AND BETTER CONDUCT</p> <p>For a number of years the LGA has advocated for a review of the conduct framework for council members, including amendments to the statutory Code of Conduct for Council Members that would result in meaningful changes to the way complaints against councillors are considered, investigated, determined, and prosecuted. The LGA has also advocated for a clear and uncomplicated framework that makes it easier for councillors to understand their obligations and avoid offending conduct.</p> <p>It is important the Code of Conduct for Council Members produces timely and effective outcomes through cost-efficient and transparent processes that are fair and reasonable, and reflect councillors' status as democratically elected representatives. It is also important that local government is empowered to self-determine the expectations of acceptable behaviour that align with community expectations.</p> <p>Proposals marked in earlier LGA advocacy included: (1) increased devolution of responsibility to councils to handle behaviour matters internally, with expedient ways to escalate serious misconduct matters as appropriate, (2) broadening the range of penalties so that effective action can be taken commensurate with the circumstances of each case, and (3) clearer classifications of misconduct, in particular a specific definition of bullying and harassment.</p> <p>Other reform proposals could include, for example:</p> <ul style="list-style-type: none"> • Temporary exclusion powers of the presiding member to enable better management of council member behaviour at meetings (with associated accountability measures for how those powers may be used) • Clear classification of sexual harassment • Suspension or exclusion mechanisms to protect the health and safety of council members and council employees while serious misconduct allegations are investigated, where a potential ongoing threat is identified



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Reform issue	LGA's preliminary comments
	<ul style="list-style-type: none"> • Powers for an appropriate oversight body to dismiss individual council members following an investigation into serious misconduct • Effective deterrents for frivolous and vexatious complaints that abuse the processes available and waste public resources.
<p>Prevention to Intervention</p>	<p>While it is important to have a strong ethical framework to address instances of inappropriate behaviour and serious misconduct by elected members, it is also important to recognise that council behaviour and morale cannot be solely managed through intervention mechanisms like a Code of Conduct.</p> <p>In accordance with the LGA's <i>Prevention to Intervention</i> strategies, it is important that behaviour strategies are seen as a continuum beginning with prevention and ending with intervention. Prevention strategies should be focused on policies and procedures that councils and council members can use to promote good governance and avoid non-constructive behaviour and/or fractured relationships within council or the wider community.</p> <p>Statistics show that approximately half of all Code of Conduct complaints are lodged by a council member against another council member. Some behaviour or conduct of a council member may make a complaint unavoidable, but in other instances there is merit in (1) strengthening the skills of councillors to deal with conflict, de-escalate disagreement and find ways to work constructively and respectfully with each other, and (2) providing access to early-intervention mechanisms, such as internal conciliation.</p> <p>Clear and consistent processes that assist communication between parties and the rapid resolution of disagreements could assist in maintaining healthy council dynamics.</p>
<p>General duties of council members (section 62 Local Government Act 1999)</p>	<p>There are a number of general duties prescribed in section 62 of the <i>Local Government Act 1999</i> with which council members must comply. These are based on the principle that council members should at all times behave in a way that generates community trust and confidence in them as individuals, which will in turn reflect positively on the council and help to maintain and enhance the role and image of council.</p> <p>In summary, the general duties in section 62 of the Act include:</p> <ul style="list-style-type: none"> • A council member must at all times act honestly and with reasonable care and diligence in the performance and discharge of official functions and duties



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Reform issue	LGA's preliminary comments
<p>Mandatory Training Requirements</p>	<ul style="list-style-type: none"> A council member, or former council member, must not make improper use of information acquired by virtue of their position to gain directly or indirectly an advantage for them or another person or to cause detriment to the council A council member must not make improper use of their position to gain directly or indirectly an advantage for them or another person or to cause detriment to council A council member, or former council member, must not disclose information or a document to which a confidentiality order applies (unless required by law). <p>While the prescribed general duties are reasonable expectations of a council member, enforcement of breaches of the general duties is in some instances unclear, and in other cases, requires court intervention. If these duties are to truly be a general expectation of council members, there should be clear and proportionate mechanisms for addressing council member actions that breach these general expectations. One possible solution is to provide for enforcement within the statutory Code of Conduct for Council Members.</p>
<p>Mandatory Training Requirements</p>	<p>Currently, the <i>Local Government Act 1999</i> and the <i>Local Government (General) Regulations 2013</i> require councils to have a training and development policy that complies with <i>LGA training standards for council members</i> approved by the Minister. The LGA training standards for council members includes mandatory training requirements for council members. The imposition of mandatory requirements via a training standard that must be adopted into a council policy, makes enforcement against non-participating council members difficult for councils. Provision of minimum mandatory requirements in the regulations would simplify and solidify the expectations on council members to participate in certain mandatory training. The elevation of minimum mandatory training requirements to statute would be reflective of the value the local government sector places on ongoing training and development for council members.</p> <p>Previous LGA advocacy on Code of Conduct reform also included a proposal for a failure to comply with mandatory training requirements to be treated as misconduct under the Code of Conduct for Council Members, to enable enforcement where training requirements were not met by a council member.</p>
<p>EFFICIENT AND TRANSPARENT LOCAL GOVERNMENT REPRESENTATION</p>	
<p>2014 Elections Review &</p>	<p>Local government participated in a lengthy review of the <i>Local Government (Elections) Act 1999</i> following the 2014 local government elections, but the resulting amendment bill was not passed by Parliament prior to the 2018 State Government election. The LGA supports the reintroduction and passage of the reforms outlined in</p>



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Reform issue	LGA's preliminary comments
<p>the Local Government (Elections) Amendment Bill 2017</p>	<p>the <i>Local Government (Elections) Amendment Bill 2017</i>, which mostly provides for technical changes that will simplify processes and provide relief from some of the frustrations again felt at the 2018 elections, such as allowing all candidates to access an electronic copy of the voters roll. A copy of the bill can be found on www.legislation.sa.gov.au, here: Local Government (Elections) Amendment Bill 2017</p>
<p>2018 Elections Review</p>	<p>In the LGA's <i>delivering the LGA 2018 State Election Agenda: Local Government Reform Package</i>, which was provided to all parties and independent members prior to the 2018 State Government elections, a number of reforms to local government elections were proposed including requirements for all candidates to disclose:</p> <ul style="list-style-type: none"> • certain information, such as political interests, which is currently required to be disclosed by sitting councillors on primary and ordinary returns • whether or not the candidate resides in the council area of the council for which he or she is standing. <p>The 2018 local government elections, raised a number of new policy and technical difficulties that could be remedied through legislative change. Some of the issues the LGA has identified through its own elections experience, and preliminary feedback from councils, are the need for the:</p> <ul style="list-style-type: none"> • simplification of the process for the submission of candidate statements, by allowing candidates to provide a website/social media link as part of their nomination • simplification of the process for enrolment on the supplementary roll with a view to providing a full online option • simplification of the process for nomination with a view to providing a full online option for candidates • incorporation of a provision to deal with the death or withdrawal of a candidate after nominations close • requirement for unsuccessful candidates to remove social media accounts related to the election • reconsidering how the deadline for close of votes is calculated to minimise receipt of late votes • alternatives to voters roll purging to increase non-residential ratepayer participation • improvements to the presentation and useability of the supplementary roll supplied to councils.
<p>Representation Reviews</p>	<p>The <i>Local Government Act 1999</i> requires councils to carry out "representation reviews" as scheduled by the Minister under the regulations (approximately every 8 years). During these reviews councils must consider</p>



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Reform issue	LGA's preliminary comments
	<p>options relating to (1) the composition of the council, including the number of council members, (2) whether or not the council should be divided into wards, and (3) the size and boundary areas of wards, if they exist. A council may also use this process to change its name or change the name of a ward.</p> <p>Based on advice from the Electoral Commission of South Australia (ECSA), the LGA understands that some councils have experienced difficulty obtaining the services of appropriately qualified consultants to assist them with the workload. Some councils have had to undertake multiple public consultation processes as a result of community feedback and changing options. Council members also face the challenge of having to make controversial decisions on potential changes to the composition of a council that might affect their own positions.</p> <p>Most councils required assistance from ECSA to comply with the extensive technical requirements set out in section 12 of the <i>Local Government Act 1999</i> in order to enable them to achieve certification by the deadline date.</p> <p>Representation reviews are an important feature of local democracy. ECSA has been reviewing the efficacy of current processes and its role in supporting councils to undertake representation reviews, and the LGA considers it prudent to use this reform program as a vehicle for revising the procedural and decision-making processes prescribed in the <i>Local Government Act 1999</i> for representation reviews.</p>
<p>Electronic voting in local government elections</p>	<p>The LGA will continue to advocate for electronic voting for local government elections. It is considered that the legal framework should enable electronic voting in anticipation of a secure and cost effective technical solution being available in the future.</p> <p>At the LGA's 2017 OGM members asked the Association to investigate trialling electronic voting in local government elections. Following consultation with ECSA it was determined that a cost-effective and feasible model is not yet available (with commercially available solutions presenting a number of risks that make them unsuitable at this time). In 2017 the Electoral Council of Australia and New Zealand (ECANZ) (comprising electoral commissioners of Aus, NZ, and each state and territory) established a national electronic voting working group, which has committed to creating a purpose-built internet voting system for federal, state, territory and local government elections. Development of the government-specific internet voting model is considered a 4-5 year project and the LGA Board determined to keep a 'watching brief' on its progress. The LGA has recently asked the Electoral Commissioner for an update on the working group and will advise members of his response when received.</p>



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Reform issue	LGA's preliminary comments
<p>Supplementary Elections</p>	<p>The LGA notes with interest recommendation 4 of the ECSA's 2018 State Election Report, which recommends the electronic delivery and return of ballot papers for overseas, interstate or remote South Australian voters in State elections. Consultation can be undertaken with ECSA to determine if a similar procedure can be applied to local government elections. A copy of ECSA's State Election Report is available on its website at https://ecsa.sa.gov.au</p> <p>Where a council is unable to carry a casual vacancy, the <i>Local Government (Elections) Act 1999</i> requires a council to undertake a supplementary election. Supplementary elections must be funded by council and can involve substantial expense. Where a supplementary election is required more than once during a term of the council, costs for a council can be significant.</p> <p>The LGA is aware that other Australian local government jurisdictions have other types of arrangements for filling casual vacancies and these could be investigated, with necessary changes made to the <i>Local Government (Elections) Act 1999</i> to accommodate more cost-effective and efficient measures for replacing council members who leave office during the course of their term.</p>
<p>Caretaker Policy and Code of Conduct</p>	<p>Section 91A(7) of the <i>Local Government (Elections) Act 1999</i> says "the caretaker policy of a council is to be taken to form part of each code of conduct required to be prepared and adopted in relation to council members and staff under the <i>Local Government Act 1999</i> or the <i>City of Adelaide Act 1998</i>."</p> <p>Firstly, the language 'required to be prepared and adopted' no longer accurately reflects that Codes of Conduct are prescribed by regulation. If prescribed codes of conduct are to remain, the language should be changed to refer to their prescription.</p> <p>Secondly, the Code of Conduct for Council Employees was changed on 2 April 2018 to deal solely with gifts and benefits and no longer deals with general workplace behaviour of employees. A link to the behaviour-type issues to arise in relation to a caretaker policy seem to no longer be an appropriate fit within the Code of Conduct for Council Employees and consideration should be given to changing this section.</p>
<p>LOWER COSTS AND ENHANCED FINANCIAL ACCOUNTABILITY</p>	
<p>Audit Committees</p>	<p>The <i>Local Government Act 1999</i> requires a council to have an audit committee to review the financial statements of the council, provide advice on council's Strategic Management Plan and Annual Business Plan and review the adequacy of council's internal controls and financial management systems. Audit committees</p>



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Reform issue	LGA's preliminary comments
	<p>have become embedded as an important part of local government's financial and governance performance measurement framework.</p> <p>Many councils have voluntarily expanded the role of their audit committee beyond what is legally required. Each audit committee must have at least one independent member and it is widely acknowledged within the sector that having more than one independent member, including an independent Chair is best practice. The role of audit committees can be strengthened by use of a best practice model that includes:</p> <ul style="list-style-type: none"> • requiring a majority of independent members • diversifying the skill sets and knowledge of audit committee members • appointing an independent chair • expanding responsibilities to include greater oversight of strategic management plans, rating practices, performance monitoring, quality of financial management, and the council's use of public resources • empowering the Chair to make public statements on the audit committee's work and findings. <p>Contemplation of legislative change should include review of the availability and costs of attracting qualified and skilled members to council audit committees, particularly in country areas, and to propose solutions that assist all councils to achieve best practice standards. This might include the option of a 'shared service' approach to establishing audit committees in regional areas, or providing exclusions from some requirements for regional or remote councils.</p> <p>The way in which many councils have established their audit committees demonstrates that a heavy-handed legislative response is not always required to achieve positive change within local government. The legislative framework should enable a best practice approach without unnecessary heavy prescription, and provide appropriate exemptions to assist regional councils.</p>
<p>Standardising external audits</p>	<p>All councils must appoint an external auditor to review and provide an opinion on the council's financial statements and a separate opinion on the adequacy of internal controls to provide reasonable assurance that the financial transactions of the council have been conducted properly and in accordance with law.</p> <p>In some other states, the external auditing of councils falls within the remit of the state's Auditor General. The LGA has commissioned research and consulted with councils about the option of adopting this model in</p>



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Reform issue	LGA's preliminary comments
	<p>South Australia. We have found that while it may lead to some greater degree of consistency, the benefits would not outweigh the considerable additional costs to ratepayers.</p> <p>An alternative approach to achieving greater standardisation would be allowing or requiring the Auditor-General to issue binding interpretations of auditing standards applicable to local government. This would ensure consistency between private sector auditors. The LGA provides interpretation of accounting standards to the sector through the Model Financial Statements, the use of which are mandated in Regulations. However these standards apply to local governments, not to auditors, who have their own professional standards to observe.</p>
<p>Fee for lodgement of a section 270 complaint</p>	<p>At the LGA Annual General Meeting on 26 October 2018 members asked the LGA to request the Government consider placement of a small 'lodgement fee' on all section 270 complaints made to various councils. Should a complaint be upheld then the fee would be refunded in full.</p> <p>Section 270 of the Local Government Act 1999 requires a council to develop and maintain policies, practices and procedures for dealing with complaints about the actions of the council, employees of the council, or other persons acting on behalf of council. Currently, section 270(3) of the Act provides that a council is not entitled to charge a fee on an application for review. The operation of section 270 furthers council commitment to open, responsive and accountable government by providing a process by which persons adversely affected by a decision or action of council can have their grievances considered. That said, an investigation of complaints can be costly and require the reallocation of administrative resources and a reasonable fee may provide an effective deterrent to frivolous or vexatious complaints.</p>
<p>Increasing the maximum penalty for breach of a by-law</p>	<p>At the LGA Annual General Meeting on 26 October 2018 members requested the LGA to advocate for an amendment to section 246(3)(g) of the Local Government Act 1999 to increase the maximum penalty that can be fixed for any breach of a by-law and by extension the maximum expiation fee that can be fixed under section 246(5) of the Act.</p> <p>Section 246(3)(g) of the Act provides councils with a power to fix a maximum penalty for any breach of a by-law provided that the maximum penalty does not exceed \$750. The prescribed \$750 maximum has not been amended since commencement of the Act in 1999. Section 246(5) of the Act provides councils with the power to fix an expiation fee for alleged offences against by-laws provided that the expiation fee for alleged offences against by-laws does not exceed 25 per cent of the maximum fine for the offence to which it relates. As the maximum penalty for a breach of a by-law is set at \$750, the maximum expiation fee is \$187.50. For</p>



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Reform issue	LGA's preliminary comments
<p>Benchmarking</p>	<p>particular by-law offences this maximum expiation fee may not be a commensurate penalty or cause sufficient deterrent.</p> <p>A proposal to increase the maximum penalty for a by-law, thereby allowing a higher expiation fee, will need to consider the relationship between the <i>Local Government Act 1999</i> and the <i>Expiation of Offences Act 1999</i>. If the expiation fee is to be expiated in accordance with the <i>Expiation of Offences Act 1999</i>, section 5(3) of that Act provides power to fix an expiation fee in a by-law that does not exceed \$315 or 25 per cent of the maximum fine prescribed for the offence, whichever is lesser.</p> <p>While there is a considerable amount of information already available to communities about what their council is doing, this information is often spread across multiple documents and platforms, can be difficult to find, and is not easy to compare with other councils.</p> <p>There is merit in developing a sophisticated online platform for councils to share and compare meaningful data about their performance, and enhance the transparency and accessibility of council data for the community.</p> <p>Having access to up to date, consistent and reliable data from across the sector will enable local government to monitor trends, identify future challenges and make evidence-based decisions about reform and practice improvement.</p> <p>Gathering information about councils and how they are operating is beneficial for a number of reasons, including:</p> <ul style="list-style-type: none"> • determining if councils are performing well, being fiscally responsible and are financially sustainable • assessing the relative efficiency of the sector and the value for money being delivered to communities • measuring and evaluating the outcomes that are being achieved and whether the community is satisfied with what councils are delivering • identifying opportunities for continuous improvement and reform programs to strengthen the sector. <p>In developing a benchmarking framework, care needs to be taken to reflect that councils are as diverse as the communities they serve. Not all measures will be comparable across all councils and financial information will tell only one side of the story. It is important that there be a suite of meaningful performance measures that build a more complete picture of the financial and governance health of the sector and the public value of the services and programs delivered by councils.</p>



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Reform issue	LGA's preliminary comments
<p>Prescribed format for Asset Management Plans and Long-Term Financial Plans</p>	<p>There is currently no standard format prescribed in the Local Government Act or in regulations that provide for a consistent approach to asset management planning and long-term financial planning. This makes it difficult to synthesise information from different councils or to apply a minimum standard for these documents. A prescribed format in regulations that sets minimum standards could be considered.</p>
<p>Simpler Regulation</p>	
<p>Informal gatherings</p>	<p>The LGA is aware the legislative requirements regarding informal gatherings are a cause of frustration for many councils and that legislative change could result in more practical mechanisms for council discussions on projects, services and other matters involving council.</p> <p>Section 90(8) of the <i>Local Government Act 1999</i> allows informal gatherings or discussions to be held provided that the gathering or discussion does not obtain, or effectively obtain, a decision on a matter outside a formally constituted meeting of the Council or Council committee.</p> <p>Informal gatherings provide a valuable opportunity to enhance council decision making processes, by providing opportunity for council members to become better informed on issues and seek further clarification, and increase community opportunity for participation. Open and transparent council activities underpin representative democracy and ensure public confidence in council decision-making. Thus, the argument isn't that gatherings outside formal council meetings should be prohibited, but that the statutory requirements provide for their effective operation.</p> <p>The common areas of frustration that members communicate to the LGA include the difficulty in distinguishing between an informal gathering and a 'designated informal gathering' as well as whether the rules are intended to apply to informal gatherings of a few councillors or only all councillors (with the LGA receiving differing legal advice from the stated intentions of the previous State Government).</p>
<p>Conflict of interest</p>	<p>The conflict of interest provisions were introduced to the <i>Local Government Act 1999</i> as part of the <i>Local Government (Governance and Accountability) Amendment Act 2015</i>, and commenced on 31 March 2016. The provisions are based on provisions that operate in Queensland. There were a number of immediate teething problems with the provisions that the previous State Government attempted to rectify via amendment to the regulations following strong LGA advocacy. However, the overall complexity and rigidity of the rules in the Act continue to cause problems for council members.</p>



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Reform issue	LGA's preliminary comments
<p>Suspension of allowances during state or federal elections</p>	<p>The LGA wrote to the previous State Government consistently following the introduction of the provisions in 2016 to raise various concerns on behalf of members. The LGA continues to receive feedback from councillors about the complexity of the rules and the difficulties they face in ensuring adherence to the complicated rules. There is also continuing concern that application of the conflict of interest rules to council committees is prohibitive to community participation, especially by local business owners.</p> <p>This reform process provides an opportunity for the sector to consider a new and contemporary approach that is both simple for council members to apply and reinforces transparency and integrity within our sector. Reform could include simpler prescribed exclusion, or an ability for council or committee members to declare a material conflict of interest and stay in a meeting and debate/vote where it is in the public interest.</p> <p>The suspension of an elected member from council while campaigning for state or federal election has featured in a number of notices of motion at recent LGA general meetings, and members have strongly supported LGA advocacy on this issue.</p> <p>Thus the policy position of the LGA is to support enforced leave for council members standing for state or federal election, including the suspension of allowances, subject to councils being permitted to meet in quorate where it is a consequence of the enforced leave. The proposal was included in the LGA's <i>delivering the LGA 2018 State Election Agenda: Local Government Reform package</i>, which was provided to members of the government, opposition, minor party and independent candidates prior to the 2018 State Government Election.</p>
<p>Mobile food vendors (food trucks)</p>	<p>In 2017, the previous State Government introduced mobile food vendor rules, which imposed state-wide requirements upon all South Australian councils irrespective of their local circumstances. The mobile food vendor rules prescribe that a council:</p> <ul style="list-style-type: none"> • Must establish guidelines around approved locations for mobile food vendors ('location rules') • Must approve all permit applications that comply with the local rule guidelines • Restrict the maximum amount a council may charge for a mobile food vendor permit. <p>The Small Business Commissioner has been given the role of umpire where there are disputes between vendors and councils.</p>



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Reform issue	LGA's preliminary comments
<p>Public consultation requirements in the Local Government Act 1999</p>	<p>Implementation of the rules has been a prime example of the difficulties and pitfalls in prescribing a one-size-fits all legislative approach for all councils.</p> <p>Councils in regional South Australia are rate income dependant for the majority of their revenue. Councils are required to balance the needs of their bricks and mortar "fixed" established rate paying businesses against the flexibility and vibrancy of pop-up mobile food vendors.</p> <p>In some areas that experience a large temporary population, such as seasonal high tourism, mobile food vendors are able to enhance the supply offering and satisfy the unusually high consumer demand. However, in other regional areas the business profile is one of fixed micro type businesses that rely on the high season for the majority of their cash flow and are at extreme risk due to pop up competitors that are perceived to have an unfair advantage.</p> <p>At its meeting in May 2018, the South Australian Regional Organisation of Councils (SAROC) Committee asked the LGA to advocate to the State Government for a review of the legislation governing mobile food vendors (<i>Local Government Mobile Food Vendors Amendment Act 2017</i>) particularly in regard to regional impact.</p> <p>The LGA consulted councils and was told:</p> <ul style="list-style-type: none"> • Flexibility is required to allow councils to balance support for both bricks and mortar business and catering for temporary seasonal demand and events held in council areas • Consideration should be given to allowing regional South Australia to have a more flexible regime than metropolitan Adelaide.
<p>Requirements to publish in newspapers</p>	<p>In general, public consultation requirements throughout the <i>Local Government Act 1999</i> lack consistency and clarity. There is opportunity to review the approach to public consultation throughout the Act to remove uncertainty, and in turn, provide the best outcomes for both councils and the communities they consult. In particular, there is an opportunity to review and clarify the requirements set out in section 50 of the <i>Local Government Act 1999</i> following judicial interpretation of section 50 in the decision of <i>Coastal Ecology Protection Group Inc & Ors v City of Charles Sturt [2017] SASC 136</i> (Coast Park decision).</p> <p>A review of public consultation requirements should be broadened to also consider requirements throughout the <i>Local Government Act 1999</i> to publish various notices in newspapers. Not only is publication in</p>



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Reform issue	LGA's preliminary comments
<p>Public consultation requirements for permits under sections 221 and 222 of the Local Government Act 1999</p>	<p>newspapers very expensive for councils, it doesn't necessarily reflect a contemporary approach to community engagement that is seeing communities increasingly rely on internet-based and/or social media communication. Each community is different so it may be a matter of providing councils with greater flexibility to determine the communication methods that suit their community and the context of the matter at hand.</p> <p>The <i>Local Government Act 1999</i> empowers councils to evaluate and where appropriate issue permits for applications received to close public roads and footpath areas for a 'business purpose' to enable commercial activities to be undertaken pursuant to sections 221 and 222 of the Act. Examples of what may be considered a 'business purpose' are prescribed in section 222(1) of the <i>Local Government Act 1999</i>, but this is not an exhaustive list; a common basis for receiving an application to close roads, which is not prescribed on that list, is to enable construction companies to undertake concrete pours or receive deliveries of large building materials via crane. A council has faced challenge by a ratepayer regarding the requirement to undertake public consultation, in accordance with section 223 of the Act and regulation 25(1) of the Local Government (General) Regulations 2013, in relation to any proposal to issue a permit that authorises the use of a public road for a business purpose, where any part of the road is to be fenced, enclosed or partitioned so as to impede passage of traffic to a material degree.</p> <p>Competing legal opinions have been received regarding the meaning of impeding the passage of traffic to a material degree. If the complete enclosure of a public road for an extended period of time, that prevents vehicle and/or pedestrian traffic from travelling through the road, was found to impede the passage of traffic to a material degree, public consultation would be required to be undertaken for a period of 21 days in relation to every such permit application.</p> <p>This issue was presented to the State Local Government Red Tape Reduction Taskforce, and the Office of Local Government committed to seeking Crown legal advice on the matter (which is pending). Notwithstanding what the Crown advice may say, the fact there are differing legal opinions is sufficient reason to seek legislative change to place the public consultation requirements in relation to permits for the purposes of section 221 and 222 of the <i>Local Government Act 1999</i> beyond doubt.</p>
<p>Developer contributed assets</p>	<p>There is a perception that councils have to accept an asset when it is offered for free from a developer, but councils do not have to accept an asset and may undertake a prudential report to ensure it is up to standard and financially viable for council to maintain. Accepting an asset has long-term financial implications for a council and prudential management issues should be considered prior to a council accepting an asset.</p>



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Reform issue	LGA's preliminary comments
<p>Rating equity for commercial and/or industrial land uses</p>	<p>Section 48 of the <i>Local Government Act 1999</i> could clarify the right of council to undertake a prudential report and/or decline an asset.</p> <p>Council rates are generally considered a proportional land tax in terms of social 'fairness', in that tax payers contribute proportionally based on the value of their property. Currently South Australian councils face considerable rating constraints for selected major developments (e.g. wind farms, feedlots, solar farms and mines) and exempt properties, resulting in local communities paying more than their fair share to subsidise the cost of servicing certain land uses. These constraints include:</p> <ul style="list-style-type: none"> the inability to levy appropriate and equitable rates on electricity generators (including wind farms and solar farms) as a result of the exclusion of improvements such as electricity generating plant and equipment from capital valuations under legislation; and the inability to effectively categorise intensive land uses for differential rating purposes given the limited permitted rating categories available under legislation. <p>A report on this issue, commissioned by the Legatus Group, highlights considerable differences in the manner in which properties are valued and categorised, and in which rates are able to be levied in other mainland States. SA councils are significantly disadvantaged when compared to the approaches adopted in Queensland, WA and NSW with respect to the rating of resources sector (mining) properties. SA councils are also disadvantaged when compared to the approaches adopted in Queensland and Victoria with respect to the rating of electricity generation sites (including wind and solar farms).</p> <p>The report can be found on the Legatus Group website at: https://legatus.sa.gov.au/wp-content/uploads/2018/07/Final-Report-Rating-Equity-for-Commercial-Industrial-Land-Uses-Outside-Towns-in-SA-1.pdf</p> <p>The following changes in legislation could be considered to address these constraints and ensure equity between ratepayers:</p> <ul style="list-style-type: none"> allow councils to recover appropriate payments in lieu of rates directly from electricity generators – rather than landowners – under a regulated formula subject to indexation (a similar system currently exists in Victoria where Councils receive payments based on a methodology under State legislation); and



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Reform issue	LGA's preliminary comments
<p>Regulations for section 245A of the Local Government Act 1999 (Development Bonds)</p>	<ul style="list-style-type: none"> enable additional flexibility in the categorisation of different land uses for differential rating purposes to provide councils with greater capacity to levy appropriate rates based on intensity of land use (e.g. mining/resources, feedlots). <p>As outlined in the Report, the resulting additional revenue would allow the redistribution of the tax rating burden on a broader ratepayer base. In other words, case studies show that addressing this issue could put downward pressure on the rates paid by households.</p> <p>These changes would likely require consequential change to Acts outside the responsibility of the Minister for Local Government (e.g. the <i>Electricity Corporations Restructuring and Disposal Act 1999</i> is the responsibility of the Treasurer), so further consultation will be required with other Ministers as necessary.</p> <p>In 2009, section 245A was inserted into the <i>Local Government Act 1999</i> with the intention of enabling a council to require a developer to enter into an agreement - that complies with any requirements prescribed by regulations - to cover the cost of potential damage to council infrastructure. This agreement could take the form of a bond or other security, which would be called upon only if damage occurred during development works. Shortly after insertion of section 245A it became apparent that without the development of regulations section 245A could not be enforced. Thus, should damage occur, there is no security to councils to oblige developers to pay for damage caused to infrastructure without court action.</p> <p>Since this time, the LGA has been seeking to have relevant regulations made but this has previously been met with opposition by both industry and the previous State Government. The LGA proposes to continue to seek the making of appropriate regulations, to safeguard council's infrastructure and enable councils to recoup the cost or repairing related to development damage.</p>
<p>Regulation 21 of the Local Government (Procedures at Meetings) Regulations 2013 (CEO may submit report recommending revocation or amendment of council decision)</p>	<p>Regulation 21 of the Local Government (Procedures at Meetings) Regulations 2013 allows a CEO to submit a report to the council recommending the revocation or amendment of a resolution passed since the last general election of the council. It is believed the intention of the drafters of regulation 21 was to provide an alternative process to regulation 12(3) which requires a council member to place a notice of motion to amend or revoke a council resolution passed since the last general election. However, regulation 21 has not been integrated appropriately with regulation 12(3) and the requirement for a council member to place a written notice of motion remains in force in relation to a CEO recommendation for revocation or amendment of a resolution. Thus, at present the CEO report recommendation needs to be brought back to council at the next meeting through a notice of motion put forward by a council member under regulation 12(3). This means, at</p>



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Reform issue	LGA's preliminary comments
	<p>best regulation 21 empowers the CEO to draw a council's attention that he/she considers a revocation or amendment would be appropriate, after which a written notice of motion must be lodged by a council member at a second meeting before the council could pass a rescission motion based on the recommendation of the CEO.</p> <p>The LGA has previously requested amendment to regulation 21 to ensure proper integration between regulation 21 and regulation 12(3) so that a written notice of motion by a council member (therefore necessary to wait for a second meeting) is not required. Amendment has not yet occurred and the LGA recommends continued advocacy to remedy the anomaly.</p>
OTHER REFORM ISSUES	
Management of unmade roads	<p>The <i>Local Government Act 1999</i> and the <i>Road Traffic Act 1961</i> do not give councils appropriate powers to manage unmade public roads, especially in rural areas. There are many 'public roads' laid out in old rural subdivisions which have never been formed, or are no longer used, and over time have been occupied by adjacent landowners. In some cases, there is remnant public infrastructure in place, including culverts and bridges. While some are required/used as fire trails, many are purely used for private access or private purposes. The increase in four wheel drive enthusiasts has seen an increase in complaints from adjacent landowners, and exposes council to a potential liability for the use or misuse, and damage to either the user's vehicle or the road and road infrastructure. Clearer statutory provisions are needed so council can effectively close a road to all, or certain classes of vehicles, and be able to effectively enforce the road closures.</p>
Community housing	<p>The State Government is transferring public housing properties to Community Housing Providers to facilitate their upgrade and renewal. This transfer makes properties eligible for a mandatory 75% rebate on council rates, whereas the State Government previously paid full rates on these properties.</p> <p>The State Government transferred 4,000 public housing properties to CHPs in September 2017. This followed the transfer of 1,100 properties in 2015. The approximate annual revenue loss across the 17 councils impacted is approximate \$4.4 million for every 5,000 properties that are transferred through a long-term lease to community housing providers.</p> <p>Public housing is a State Government responsibility. Applying the mandatory rebate to the transferred properties leads to an inequitable burden on other ratepayers in affected councils, often in lower socio economic communities that can least afford the additional impost.</p>



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Reform issue	LGA's preliminary comments
<p>Fees and charges</p>	<p>The LGA advocates for legislative change to remove the 75% rebate on council rates for community housing providers.</p> <p>Cost shifting also occurs when councils are required by legislation or an agreement with the state government to provide a service, but the regulated fee for providing that service falls well below costs.</p> <p>Many of the fees and charges that council can raise are set in Regulations. Some are set at cost recovery, others are not. Some are indexed annually, others are not. There are some activities for which councils are not permitted to charge any fee. Councils and community need more clarity and certainty about fees and charges.</p> <p>The LGA advocates for review of local government fees and charges regulated by the state government to establish modern price setting principles which promote efficiency, flexibility and fairness in service delivery. This will cover a number of Acts outside the <i>Local Government Act 1999</i> and the <i>Local Government (Elections) Act 1999</i> and will require consultation with other Ministers.</p>

Member Feedback

Members are invited to provide feedback on these preliminary ideas, which have been identified through previous member feedback. We also welcome the submission of further ideas for positive reform based on the expertise and experiences of member councils. As a guide, the following key questions may be considered in providing feedback.

Will these ideas contribute positively to local government and provide benefits to the community?

What would be the barriers or issues that would need to be overcome in order to successfully implement these ideas?

Are there alternative solutions to the problems that have been identified that should be further explored?

What are the other issues that should be addressed through this reform program, and what are the potential solutions?

What are the areas of the Local Government Act and Local Government (Elections) Act that are working well and should not be altered through this reform program?



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Feedback on reform issues is requested by **5pm on Friday 26 April 2019** in order for your ideas to be considered by the LGA and form part of the Association's initial response to the State Government. However, we appreciate that some councils may require additional time and we would gratefully accept your feedback at any stage as will continue to submit ideas and issues to the Government and all members of Parliament throughout the entire reform process.



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11.6 Draft Strategic Plan and draft Annual Business Plan for GAROC

Brief

The Local Government Association has asked for comment on the draft Strategic Plan and draft Annual Business Plan for GAROC.

RECOMMENDATION

The Committee recommends to Council that the feedback on the draft Strategic Plan and draft Annual Business Plan for GAROC, contained within the Agenda report, be approved and submitted to the Local Government Association.

Introduction

The GAROC committee is consulting member councils on their draft Strategic Plan 2019-2023 and the draft Annual Business Plan 2019-2020.

Discussion

The draft Strategic Plan (**Attachment 1**) and draft Annual Business Plan (**Attachment 2**) are the first of their kind prepared by GAROC under the new constitutional arrangements established by the Local Government Association (LGA) in 2018.

The four year Strategic Plan identifies the key objectives that GAROC is seeking to progress on behalf of their member councils, while the Annual Business Plan identifies the key actions that they will be seeking to progress in the 2019-2020 financial year.

GAROC Strategic Plan

GAROC has identified three strategic themes that will guide their work over the next four years. These are:

1. Built Environment and Planning;
2. Economic Development and Jobs; and
3. Best practice and continuous improvement.

The Strategic Plan is intended to be supported by annual business plans which will identify the key actions that GAROC will undertake in that year to address the themes and objectives in the Strategic Plan.

Theme 1: Built Environment and Planning

GAROC recognises the importance of well-considered planning decisions and processes in achieving good design outcomes and the preservation of character and local heritage.

Objective: Advocate to the State Government to ensure that South Australia's planning system reflects leading practice and that the Planning and Design Code and associated resources delivers quality design outcomes that complement and preserve the special qualities of local communities.

Administration Comment

For a four year theme, the specification of "character and local heritage" seems too narrow. Character and local heritage may be the sole priority for some councils, but not all, and GAROC should be conscious of urban infill, open space and greening. These are all important factors which need to be considered as part of the planning system reform.

Proposed Feedback

The theme should be broadened to consider the other areas of planning reform which are of great concern to councils, including urban infill, open space and greening.

Theme 2: Economic Development and Jobs

GAROC recognises the important role of councils as local place makers. With the right policy settings and partnerships, councils can help to create the best conditions for local businesses to grow and thrive.

Objective: Enable advocacy and partnership opportunities that recognise the specific needs of metropolitan Adelaide; and assist councils to contribute to creating conditions that support increased and sustainable employment in the region.

Administration Comment

An increased focus on partnerships would be beneficial to the City of West Torrens, and would continue to develop on our pre-existing relationships. However, it is worth noting that the media and an increasing number of the public do not support local government being involved in economic development and job creation.

Proposed Feedback

Council supports Theme 2: Economic Development and Jobs.

Theme 3: Best practice & continuous improvement

GAROC recognises the opportunity to work with metropolitan councils to develop best practice and continuous improvement for an integrated and coordinated local government.

Objective: Assist councils to drive best practice and continuous improvement through innovations in systems thinking, data management and processes to enhance governance and operations.

Administration Comment

Having a standard best practice across the sector is advantageous for the community, however it is important that these are developed in strong consultation with member councils.

Proposed Feedback

Nil.

GAROC Annual Business Plan

The Annual Business Plan links the key activities that GAROC will undertake in 2019-20 to support the implementation of the Strategic Plan. The Annual Business Plan is required to be presented to the LGA Board of Directors for approval by June each year.

Theme 1: Built Environment and Planning - Actions

Advocate to the State Government on behalf of metropolitan councils on the implementation of the *Planning Development and Infrastructure Act 2016* and the Planning and Design Code, particularly they relate to good design practices and the impact on our local communities.

Administration Comment

The terminology used between the LGA and DPTI don't always align. Design standards are being used by DPTI to refer to the public realm and infrastructure.

Proposed Feedback

This focus should go beyond design standards that are used in the public realm and include good design practices for the private realm.

Consult and engage with councils to prepare guides to assist with the new Planning code through increased understanding and awareness. GAROC hosted workshop discussions

Administration Comment

Consistent information on implementation and interpretation of the new design code would be beneficial, however this work may overlap with the services already provided by DPTI.

Proposed Feedback

This work should be done in conjunction with DPTI to ensure there is minimal overlap and effective information can be supplied to councils.

Theme 2: Economic Development and Jobs- Actions

Identify best practice economic grant programs and job creation initiatives undertaken by South Australian councils.

Administration Comment

The overarching theme talks about partnerships, whereas the 12 month plan only talks about identifying previous programs.

Proposed Feedback

This should be shifted to focus on new partnerships, rather than simply reviewing what has been in place in the past.

This theme should be put towards a longer term milestone. Even though this is an "annual" plan, projects are able to continue for longer than 12 months.

Lead the conclusion of the Economic Development 'themed' projects commenced by the MLGG in 2018-19.

Administration Comment

The previous programs conducted will be concluding in the 2019-2020 financial year. There is no intention stated in this draft Annual Business Plan to begin any new projects during this period.

Proposed Feedback

GAROC should also focus on scoping future plans, rather than simply concluding previous initiatives.

Theme 3: Best practice and continuous improvement - Actions

Survey metropolitan councils to identify and make an assessment of service reviews, data management, and new processes.

Establish a common expenditure framework to facilitate sector-wide benchmarking.

Administration Comment

This action from GAROC is inconsistent with the recommendations given by the LGA in their legislative reform. In the reform they are advocating for these requirements to be legislated, which will stifle any ability to develop an effective system which is equitable for all councils.

Proposed Feedback

This should be the focus of GAROC, and not part of the legislative reform advocacy.

Conclusion

The Local Government Association is seeking feedback on the draft GAROC Strategic Plan and Annual Business Plan.

Attachments

1. **GAROC Strategic Plan 2019-2023**
2. **GAROC Annual Business Plan 2019-2020**



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Greater Adelaide Region Organisation of Councils

Strategic Plan 2019-2023

This draft has been prepared for consultation purposes.
This Strategic Plans does not have effect unless endorsed by the LGA Board of Directors.

Document Set ID: 671987
Version: 6, Version Date: 28/03/2019



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Chair's forward

Draft

I have pleasure in presenting the Greater Adelaide Regional Organisation of Councils (GAROC) Committee's Strategic Plan 2019-23.

This Strategic Plan is the first plan developed by GAROC under the new constitutional arrangements established by the Local Government Association of South Australia's (LGA) member councils in 2018.

As a committee of the LGA, GAROC will play a key role in regional advocacy, policy initiation and review, leadership, engagement and capacity building on behalf of the 19 member councils within the metropolitan region.

We will work in close partnership with metropolitan councils, in addition to regional councils, State and Federal Governments and their departments, and other sector and industry bodies as the need arises.

GAROC has identified three strategic themes that will guide our work over the next four years. These are:

1. Built Environment and Planning
2. Economic Development and Jobs
3. Best practice & continuous improvement

GAROC will work hard to influence outcomes on issues that are common across the metropolitan region. We aim to be nimble, to carefully consider and respond to councils' needs, and to always be community focused in our decision making.

On an annual basis GAROC will prepare a business plan which will identify the key actions it will undertake in that year to address the themes and objectives in the Strategic Plan

I look forward to working with our members and key stakeholders on implementing this plan over the next four years.

Mayor Karen Redman
Chair
Greater Adelaide Regional Organisation of Councils



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GAROC's Vision

Draft

For every South Australian to have the best local government experience

GAROC's Mission

To provide advocacy, policy initiation and review, leadership, engagement and capacity building for the benefit of metropolitan South Australian councils and their communities



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About the LGA

The Local Government Association of South Australia (LGA) is a peak membership body that provides leadership, support and services to member councils.

Membership of the LGA is voluntary, but all 68 of South Australia's councils are members. The value of LGA membership has been independently verified by UHY Haines Norton as being worth – on average - \$2 million per council per year.

The LGA is governed by a Board of Directors comprised of mayors and councillors, which provides oversight of the Association's corporate governance.

Two separate bodies – the Greater Adelaide Region Organisation of Councils (GAROC) and the South Australian Region Organisation of Councils (SAROC) – are established under the LGA's Constitution to review and develop policy positions for the sector and provide strategic advice to the LGA Board.

Member councils have the opportunity to provide input into LGA policies and advocacy through two general meetings every year.

The LGA has also established separate commercial entities to provide services to members, which include LGASA Mutual, LGASA Commercial, and LGA Procurement.

The Local Government Act 1999 specifies that:

The LGA is constituted as a public authority for the purpose of promoting and advancing the interests of local government and has the objects prescribed by its constitution.

The object of the LGA is to achieve public value through the promotion and advancement of the interests of local government by:

- **advocating** to achieve greater influence for local government in matters affecting councils and communities;
- **assisting** Members to build capacity and increase sustainability through integrated and coordinated local government; and
- **advancing** local government through best practice and continuous improvement.

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About GAROC – what we do

The Greater Adelaide Region Organisation of Councils (GAROC) is a committee of the LGA, established under its Constitution. The member councils of GAROC are listed at **Appendix 1**.

We are responsible to the LGA Board of Directors for the discharge of our functions.

Under the Terms of Reference, adopted by the LGA membership, GAROC has a key role in regional advocacy, policy initiation and review, leadership, engagement and capacity building.

The GAROC Committee supports the LGA to 'advocate, assist, and advance' the interests of local government by:

1. Supporting the activities of the LGA at a regional level;
2. Promoting communication between Members and between Members and the LGA;
3. Advocating in respect of matters which affect the GAROC Regional Group;
4. Encouraging engagement of Members within the GAROC Regional Group with GAROC and the LGASA; and
5. Participating in policy development and implementation.

Our guiding principles

As an organisation working to promote and deliver on behalf of metropolitan South Australia, GAROC has developed the following guiding principles we will operate under.

We will:

1. Be community centered and put people first in our decision making.
2. Prioritise and address issues that are common across the metropolitan region.
3. Carefully consider items of business from any member of the metropolitan area or items raised independently by GAROC members, for consideration by the LGA Board of Directors or at a General Meeting.
4. Collaborate closely with the LGA and SAROC on issues that matter to metropolitan councils.
5. To be nimble, agile and responsive to the needs of metropolitan councils.

Our stakeholders & partners

GAROC recognises that to be successful and deliver value for metropolitan councils we need to work in close collaboration and engagement with our key stakeholders and partners. These are:

- Metropolitan councils.
- The South Australian Regional Organisation of Councils (SAROC) Committee.
- State Government
- Federal Government
- Member of Parliament
- Other peak bodies, associations and statutory authorities

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Strategic themes and objectives

This Strategic Plan identifies three themes and objectives for GAROC to deliver on over the next four years. They have been identified giving consideration to LGA member surveys (2018), a broad ranging environmental scan and developed in consultation with metropolitan councils.

These themes and objectives will form the basis of GAROC's Annual Business Plans, which will be developed each year to guide the activities and actions of GAROC.

Theme 1: Built Environment and Planning

GAROC recognises the importance of well-considered planning decisions and processes in achieving good design outcomes and the preservation of character and local heritage

Objective: Advocate to the State Government to ensure that South Australia's planning system reflects leading practice and that the Planning and Design Code and associated resources delivers quality design outcomes that complement and preserve the special qualities of local communities.

Theme 2: Economic Development and Jobs

GAROC recognises the important role of councils as local place makers. With the right policy settings and partnerships, councils can help to create the best conditions for local businesses to grow and thrive.

Objective: Enable advocacy and partnership opportunities that recognise the specific needs of metropolitan Adelaide; and assist councils to contribute to creating conditions that support increased and sustainable employment in the region.

Theme 3: Best practice & continuous improvement

GAROC recognises the opportunity to work with metropolitan councils to develop best practice and continuous improvement for an integrated and coordinated local government.

Objective: Assist councils to drive best practice and continuous improvement through innovations in systems thinking, data management and processes to enhance governance and operations.

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Strategic Plan Implementation and Review

Under GAROC's Terms of Reference, the Committee is required to:

- develop an Annual Business Plan which supports the delivery of the Strategic Plan;
- present its Strategic Plan and Annual Business Plan to the Board of Directors for approval by June each year;
- assess its performance against this Strategic Plan and the Annual Business Plan each quarter; and
- provide an Annual Report to the Board of Directors by September each year summarising its performance against the Strategic Plan and Annual Business Plan.

The GAROC 2019-20 Annual Business Plan provides the specific actions against which the activities of GAROC may be monitored.

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Appendix 1

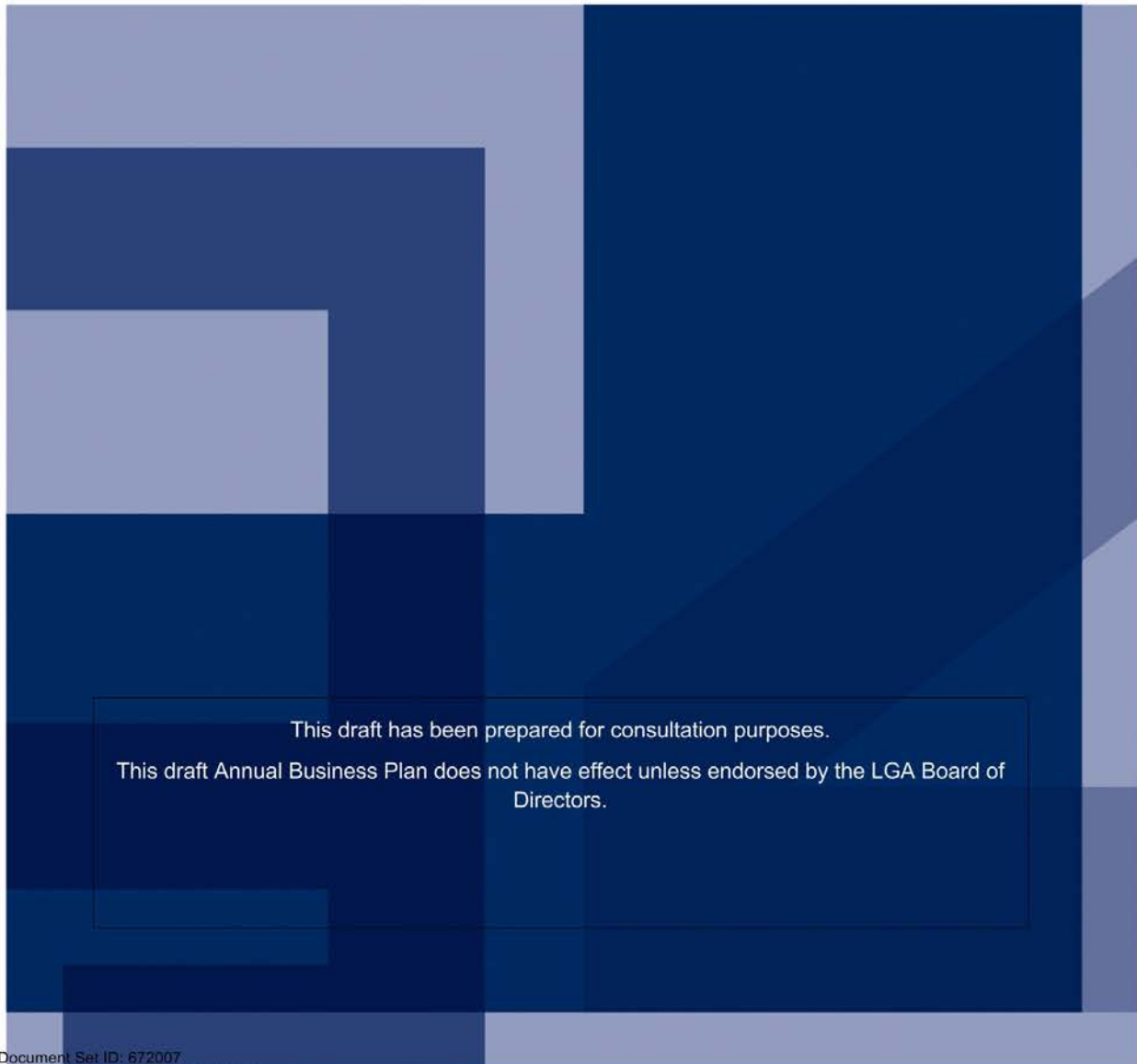
GAROC member councils

GAROC Regional Grouping	Members
Metropolitan Region	Adelaide Adelaide Hills Burnside Campbelltown Charles Sturt Gawler Holdfast Bay Marion Mitcham Norwood Payneham & St Peters Onkaparinga Playford Port Adelaide Enfield Prospect Salisbury Tea Tree Gully Unley Walkerville West Torrens



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GAROC Annual Business Plan 2019-2020



This draft has been prepared for consultation purposes.
This draft Annual Business Plan does not have effect unless endorsed by the LGA Board of Directors.

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Draft

Introduction

The Greater Adelaide Region Organisation of Councils (GAROC) is a committee established by the Local Government Association of South Australia (LGA). It is responsible to the LGA Board of Directors for the discharge of its functions.

One of the functions of GAROC is to develop a four year Strategic Plan in consultation with metropolitan councils. GAROC's Strategic Plan for the period 2019-2023 should be read in-conjunction with this Annual Business Plan.

This Annual Business Plan links the key activities that GAROC will undertake in 2019-20 to support the implementation of the Strategic Plan. The Annual Business Plan is required to be presented to the LGA Board of Directors for approval by June each year.

The Strategic Plan 2019-23 identifies four strategic themes and objectives. These are:

Theme 1: Built Environment and Planning

GAROC recognises the importance of well-considered planning decisions and processes in achieving good design outcomes and the preservation of character and local heritage

Objective: Advocate to the State Government to ensure that South Australia's planning system reflects leading practice and that the Planning and Design Code and associated resources delivers quality design outcomes that complement and preserve the special qualities of local communities.

Theme 2: Economic Development and Jobs

GAROC recognises the important role of councils as local place makers. With the right policy settings and partnerships, councils can help to create the best conditions for local businesses to grow and thrive.

Objective: Enable advocacy and partnership opportunities that recognise the specific needs of metropolitan Adelaide; and assist councils to contribute to creating conditions that support increased and sustainable employment in the region.

Theme 3: Best practice & continuous improvement

GAROC recognises the opportunity to work with metropolitan councils to develop best practice and continuous improvement for an integrated and coordinated local government.

Objective: Assist councils to drive best practice and continuous improvement through innovations in systems thinking, data management and processes to enhance governance and operations.

GAROC Annual Business Plan 2019-2020

Theme 1: Built Environment and Planning					
<i>Objective: Advocate to the State Government to ensure that South Australia's planning system reflects leading practice and that the Planning and Design Code and associated resources delivers quality design outcomes that complement and preserve the special qualities of local communities.</i>					
Action	Milestone	Measurement	Budget	Link to GAROC role	
Advocate to the State Government on behalf of metropolitan councils on the implementation of the Planning Development and Infrastructure Act 2016 and the Planning and Design Code, particularly they relate to good design practices and the impact on our local communities.	June 2020	State Government recognition of the quality planning and design standards expected by local government and our residents that complement and preserve the fabric of local communities		Regional advocacy Leadership	
Consult and engage with councils to prepare guides to assist with the new Planning code through increased understanding and awareness. GAROC hosted workshop discussions	June 2020	Councils activated to consider issue across metropolitan region and provided with guides and tools they can use in planning processes and decision making		Policy initiation and review Engagement and capacity building.	



The voice of local government.

Draft

Theme 2: Economic Development and Jobs

Objective: Enable advocacy and partnership opportunities that recognise the specific needs of metropolitan Adelaide; and assist councils to contribute to creating conditions that support increased and sustainable employment in the region.

Action	Milestone	Measurement	Budget	Link to GAROC role
Identify best practice economic grant programs and job creation initiatives undertaken by South Australian councils.	June 2020	Review effectiveness of MLGG activities under the Economic Development priority and investigate best practice in councils Increased understanding and awareness of outcomes of MLGG initiated activities.		Policy initiation and review Leadership
Lead the conclusion of the Economic Development 'themed' projects commenced by the MLGG in 2018-19.	June 2020	Conclusion of <ul style="list-style-type: none"> • South Australian Local Government Smart Cities Strategy • Exploration of Innovation and Investment in Commercial Activities • Essential Services Property Reinstatement Policy and Agreement 		



The voice of local government.

Draft

Theme 3: Best practice & continuous improvement

Objective: Assist councils to drive best practice and continuous improvement through innovations in systems thinking, data management and processes to enhance governance and operations.

Action	Milestone	Measurement	Budget	Link to GAROC role
<p>Survey metropolitan councils to identify and make an assessment of service reviews, data management, and new processes.</p> <p>Establish a common expenditure framework to facilitate sector-wide benchmarking.</p>	June 2020	<p>Increased council collaboration on activities and promotion of tools for systems thinking, data management and processes.</p> <p>Input towards a contained suite of meaningful performance measures that build a more complete picture of the financial health of councils, and the public value of the services and programs delivered by councils.</p>		Engagement and capacity building Leadership

11.7 Update on the Planning Reform Implementation

Brief

This report presents an update on the implementation of the *Planning, Development and Infrastructure Act 2016* and subsequent instruments.

RECOMMENDATION

The Committee recommends to Council that it notes the *Update on the Planning Reform Implementation* report.

Introduction

Planning reform in South Australia is being introduced progressively via the *Planning, Development and Infrastructure Act 2016* and associated regulations and instruments.

Discussion

While the work program is subject to iterative change, the key deadlines are largely being met by the Department of Planning, Transport and Infrastructure (DPTI).

An updated DPTI schedule (**Attachment 1**) and State Planning Commission (SPC) work plan (**Attachment 2**) have been released and include mention of the Morphettville Racecourse DPA, as well as two new scoping activities regarding *managing impacts of urban infill* and *metro growth*. Little is known about the scoping workshop or the actions moving forward and further information has not yet been made available to the Administration.

Accredited Professional Scheme Discussion Paper

Following a period of consultation, the *Accredited Professionals Scheme* became operational on 1 April 2019. It is worth noting that any decision-maker in the planning system, who is involved in assessing development applications, can now apply online to become an accredited professional under the new scheme.

Planning and Design Code Phase 1 (Outback)

Phase 1 of the *Planning and Design Code* (the Code) was released on 5 February 2019. While the title indicates it only applies in "outback" areas, it will apply to land not within Council areas, including coastal waters located off the metropolitan coastline.

One of the key objects of the PDI Act 2016 is that, "...*policies, processes and practices... are designed to be simple and easily understood...*" The Administration reviewed the document and provided general comments regarding the ease of interpretation and perceived gaps that could be improved upon in the next Phase of the Code.

SA Councils- Community Consultation Tools & Preferences

DPTI initiated a survey to seek council feedback on community engagement practices which is intended to help inform Code consultation that is to occur in mid and late 2019. In particular, the Administration relayed Council's practices when undertaking community consultation on planning matters particularly around rezoning.

Current and Upcoming

Ministerial building standards consultation closes Friday 26 April 2019. The new *Planning, Development and Infrastructure Act 2016* has introduced a number of changes to the way that building and construction is to be undertaken in South Australia, including the conversion of Ministerial Building Specifications to Ministerial Building Standards, there are currently 5 on consultation.

SPC has postponed the release of the *People and Neighbourhoods Discussion Paper*. This paper will be released at a future point in time and will focus on the next generation of the Planning and Design Code (after July 2020). A suite of materials that explains how our neighbourhoods will be addressed in the new planning system, including heritage and character, in the coming weeks. These materials will form the basis of targeted discussions with councils and practitioners and will be explored more broadly with the community when Phase Two and Phase Three of the Code are released on statutory consultation (mid-2019 and late-2019, respectively).

With regard to regional planning, indications are that consultation on planning regions will occur during May 2019. A Toolkit and templates have been made available to Council through SA Planning Portal while the Regulations and code of conduct are expected by June 2019.

Design Standards are also expected to be subjected to public engagement around August 2019. Current information available to the Administration is that project scoping is expected to be complete by June 2019. The design standards are supplementary to the Code and relate to public realm or infrastructure

By way of the Planning and Design Code, Phase 2 and Phase 3 iterations of the Code are currently under/ Phase 2 consultation will run for 10 weeks, expected to commence in July 2019, and likewise, Phase 3 of the Planning and Design Code, which relates directly to the City of West Torrens and other metro councils, will also run for 10 weeks with an anticipated start date in September 2019.

The Minister has written to Council advising that any Development Plan Amendments that have not been subjected to consultation by September 2019 will be rolled over into the Code process.

Conclusion

This report presents an update on current and recent planning reform activities as at 5 April 2019.

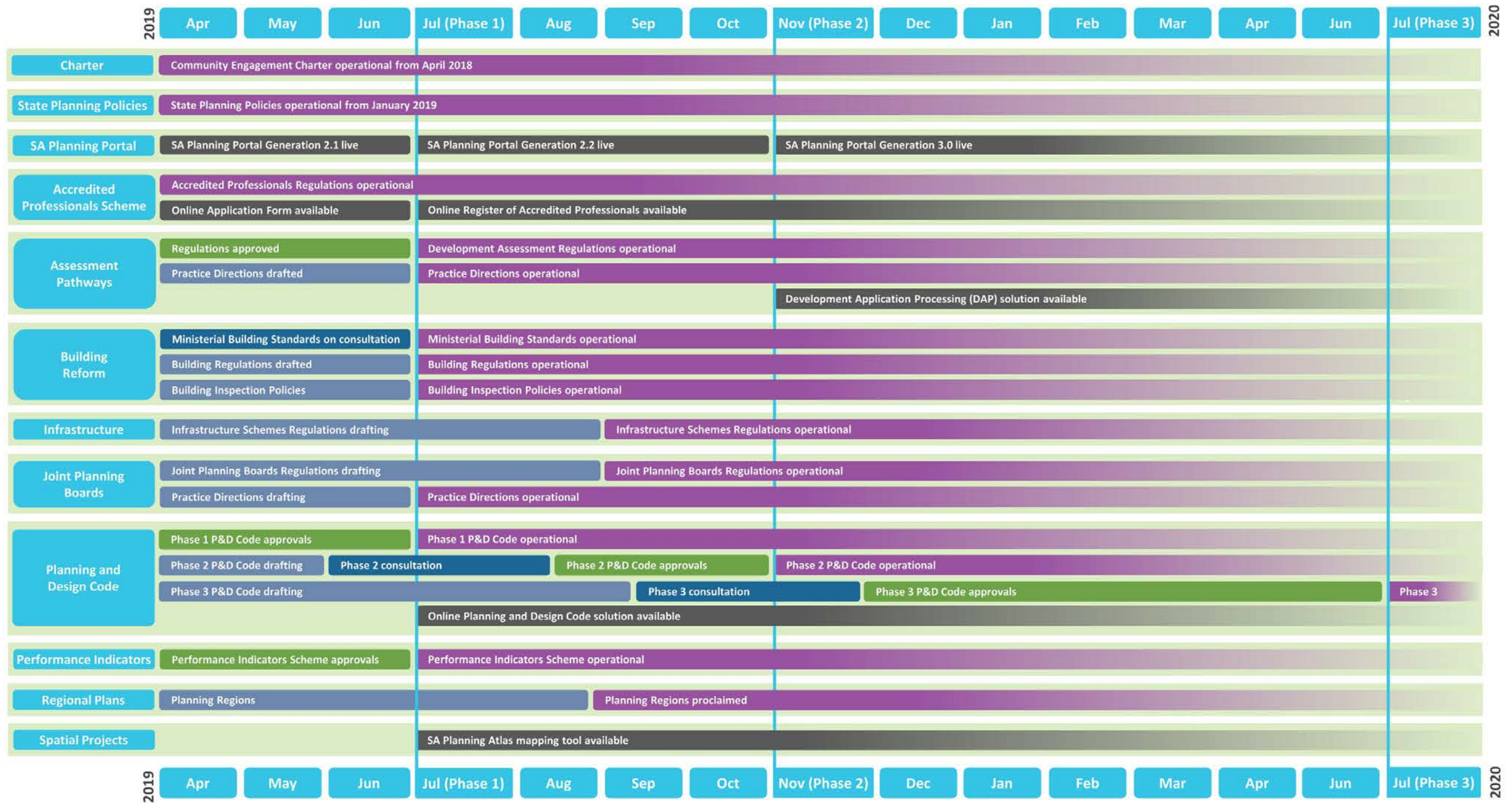
Attachments

- 1. DPTI Schedule April 2019**
- 2. SPC Work Plan March 2019**



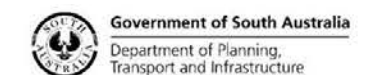
PLANNING REFORM CALENDAR

as at April 2019



LEGEND

- Drafting
- Consultation
- Approvals
- Operational
- ePlanning

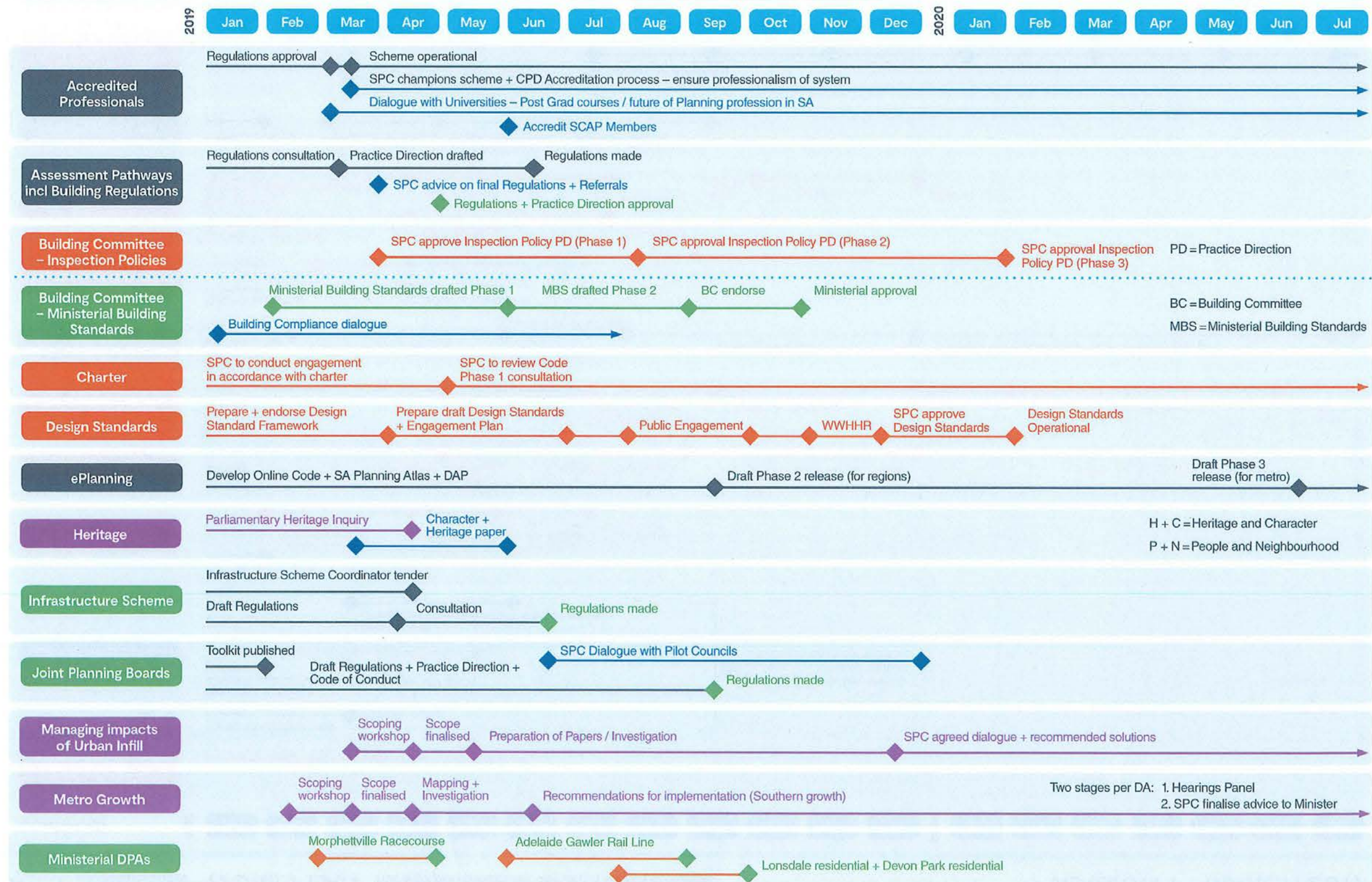


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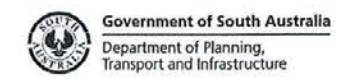


WORK PLAN This work plan is indicative only and is subject to change

VERSION 1 – MARCH 2019



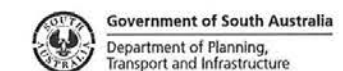
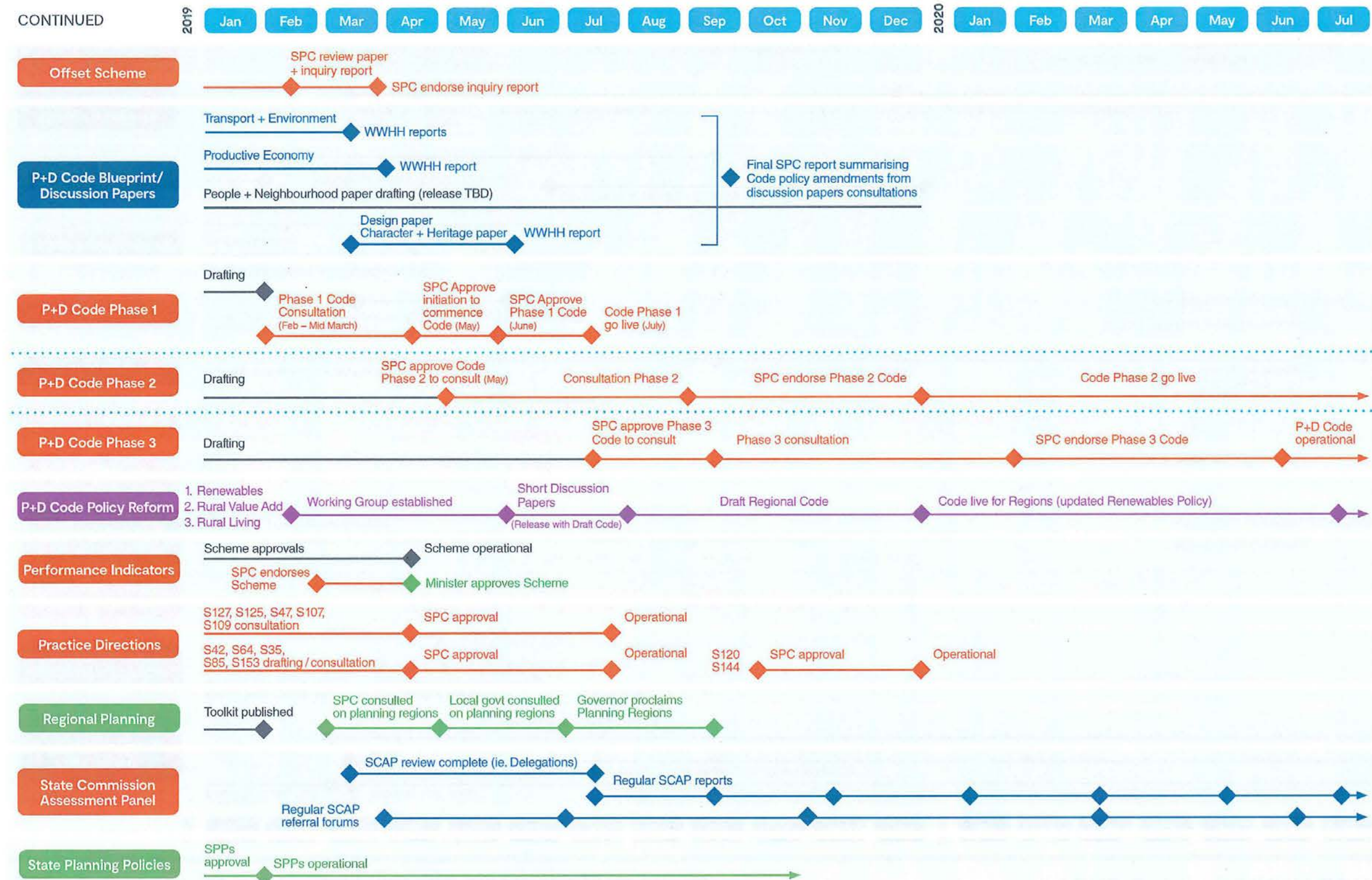
■ Planning Reform Milestone
 ■ SPC Statutory
 ■ SPC Non Statutory
 ■ SPC Project/Govt Direction
 ■ Minister Statutory Responsibility Under Acts





WORK PLAN This work plan is indicative only and is subject to change

VERSION 1 – MARCH 2019



11.8 Legislative Progress Report - March-April 2019

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

The Committee recommends to Council that the 'Legislative Progress Report - March-April 2019' 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.

Information on the status of all Bills and Acts is available on the South Australian Legislative Tracking and the Federal Register of Legislation websites at:

<https://www.parliament.sa.gov.au/Legislation/BillsMotions/SALT/Pages/default.aspx> and/or <https://www.legislation.gov.au/>

Discussion

Recent Amendments to Legislation
<i>Nil</i>
Summary of Proposed Amendments to Legislation
<i>Landscape South Australia Bill 2019</i>
<p>The <i>Landscape South Australia Bill 2019</i> (Bill) is a Bill to repeal and replace the <i>Natural Resources Management Act 2004</i> (NRM Act). The Bill in essence aims to decentralise decision making relating to the environment, and recognise the impact of climate change and other factors not recognised in the NRM Act.</p> <p>The Bill establishes a new framework for how the state's natural resources are managed, and intends to create a simpler and more accessible system.</p> <p>The key elements of the reform are:</p> <ul style="list-style-type: none"> • Replacing regional natural resource management boards with new arms-length regional landscape boards and giving communities and landholders a greater voice in how natural resources are managed; • A new Green Adelaide board focused on seven priorities that will help Adelaide become the most ecologically vibrant city in the world. These are: <ul style="list-style-type: none"> ○ Coastal management ○ Urban rivers and wetlands; ○ Water-sensitive urban design; ○ Green streets and flourishing parklands; ○ Fauna and flora in the urban environment; ○ Controlling pests, animals and plants; and ○ Nature education.

- A cap on increases to land and water levies to reduce cost of living pressures for all South Australians; and
- More action on ground, with a focus on partnerships, a simpler approach to planning and creating opportunities for natural resources management focused on programs and initiatives in regional communities.

Boards

Section 12 of the Bill provides that, "Green Adelaide" or the "Green Adelaide Board" (GAB) will be established as a landscape management region covering metropolitan Adelaide. The GAB will be able to raise levies to support residents to live more sustainably and invest in community development.

Section 13(5) of the Bill establishes the GAB to make Adelaide the "most ecologically vibrant city in the world".

The GAB will have between 6 and 10 members, all of whom will be appointed by the minister. The only current guidelines for eligibility to sit on the GAB is under section 17 of the Bill which states that a person must be on the relevant Council electoral roll to be considered. There is no specific consideration allowing for elected members to sit on the board. Section 16 of the Bill directs the selection criteria to be more focused on environmental expertise vs representatives (i.e. Elected Members).

Section 67 of the Bill outlines that land levies will be collected in the same manner as the NRM levies by Councils. These levies will be to reimburse Council for their contributions to the scheme. It will be known as the ***regional landscape levy***.

The Bill has been adjourned at second reading.

Further information can be found on the South Australian Legislative Tracking website.

Bills previously reported on where the status has changed

Independent Commissioner Against Corruption (Investigation Powers) No 2 Amendment Bill 2018

This is a Bill to amend the *Independent Commissioner Against Corruption Act 2012 (Act)*. It is the second Bill introduced in this parliamentary session which intends to amend the Act.

The Bill seeks to amend the functions of the Independent Commissioner Against Corruption (ICAC) with broad sweeping reforms, including allowing the Commissioner to conduct a public inquiry, investigators being able to arrest individuals without warrants in certain circumstances and other broad changes.

The Bill was introduced to the Legislative Council, read a first time, and adjourned at second reading on 15 November 2018. The Bill passed the Legislative Council with amendments on 21 March 2019 and has been adjourned at second reading in the House of Assembly.

Further information can be found on the South Australian Legislative Tracking website.

Bills previously reported on where the status remains unchanged

Labour Hire Licensing Repeal Bill 2018

This is a Bill to repeal the *Labour Hire Licensing Act 2017*.

It was introduced and read on 28 November 2018. It was debated frequently throughout February, and referred to Committee on 14 February 2019. A third reading was called on 27 February 2019, and was adjourned in the Legislative Council on 28 February 2019.

Further information can be found on the South Australian Legislative Tracking website.

Development (Site Contamination) Variation Regulations 2018

The Department of Planning, Transport and Infrastructure (DPTI) has released the draft *Development (Site Contamination) Variation Regulations 2018*, along with an explanatory statement. These draft regulations are designed to ensure site contamination is considered in an appropriate way, commensurate with the nature of the development, the potential risk and stage in the planning process. They also aim to facilitate timely and appropriate consideration of contamination issues and will encourage clarity of evaluation by planning authorities.

Planning authorities, developers and other stakeholders have an important role in managing site contamination by ensuring good planning and development doesn't exacerbate risk.

Stakeholders are encouraged to make submissions relating to the draft regulations to the Environmental Protection Agency and/or DPTI prior to noon on 15 May 2019.

Further Information can be found in LGA Circular 9.7

Planning, Development and Infrastructure (Code Amendments) Amendment Bill 2019

This Bill was introduced to the Legislative Council on 27 February 2019. The Bill affects the heritage places provisions of the PDI Act and intends to remove the requirement for 51% of relevant owners to approve of a property or area being designated as a heritage character for preservation zone or subzone.

The Bill was adjourned at second reading on 27 February 2019.

Further information can be found on the South Australian Legislative Tracking website

Valuation of Land (Separate Valuations) Amendment Bill 2018.

This Bill was introduced to the Legislative Council and proposes amendments to clarify that separate assessments should only be made in circumstances where it is required by law or when a property has been separately occupied since 1967 or under a shack site lease and is situated on land where formal subdivision is prohibited.

The Bill was introduced to the Legislative Council and read a first time on 17 October 2018. It has been adjourned at second reading.

Further information can be found on the South Australian Legislative Tracking website

Local Government (Fixed Charges) Amendment Bill 2018

This Bill seeks to amend s152 of the Local Government Act 1999.

The amendment seeks to include each residence in a retirement village (within the meaning of the *Retirement Villages Act 1987*) as a type of allotment to which a fixed charge for rates cannot be applied.

The Bill was introduced to the Legislative Council and read a first time on 17 October 2018. It has been adjourned at second reading.

Further information can be found on the South Australian Legislative Tracking website

Local Government (Rate Oversight) Amendment Bill 2018

The Bill seeks to amend the *Local Government Act 1999* to introduce rate capping in South Australia and had its first reading in June 2018.

The Bill also provides that the Essential Services Commission of South Australia (ESCOSA) will be responsible for making rate cap determinations, assessing applications from councils for variations to the rate cap and reporting on the outcomes of the system. ESCOSA may charge councils a fee for assessing a variation application and applications will need to be lodged by 31 March for the following financial year.

ESCOSA will determine the basis of the rate cap, e.g. whether it will relate to a price or particular index (CPI, LGPI etc.) and whether the cap will include any efficiency or productivity component.

The details of how the rate cap will be determined will be subject to ESCOSA guidelines that are yet to be developed.

It intends that the cap be applied to a 'base standard rate', which is a nominal rate that is arrived at by dividing the total annualised general rate revenue for a council area by the number of rateable properties in that area at the end of a base year (30 June). This model accounts for growth in the number of rateable properties over the course of a year.

A council may apply to ESCOSA for a variation from the rate cap for a maximum period of up to 5 years. In applying for a variation, councils will need to provide the reasons for the variation application, evidence of community consultation and an assessment of the likely impact on ratepayers. Councils will be expected to make efficiencies across their operations before applying for a rate cap variation and will need to demonstrate they have considered funding priorities and alternative sources of revenue.

Consistency with long term financial plans and infrastructure and asset management plans will be a critical component of an application for a variation.

Separate rates and service rates and charges are excluded from the rate cap calculation, but a council must inform ESCOSA if they proposed to introduce a separate rate or service rate or charge as this will be taken into consideration when they set the primary rate cap for that council.

ESCOSA will be required to monitor and review each council's compliance with the system and prepare reports on the effects of rate capping on councils and any trends that may arise as a result of the rate capping scheme.

The Minister may take action in relation to a council under Section 273 on the basis of a report by ESCOSA. Currently this provision includes ICAC, the Auditor-General and/or the Ombudsman.

The Bill passed the House of Assembly on 24 July 2018, and was received in the Legislative Council on 25 July 2018. It was adjourned at its second reading on 26 July 2018.

The Bill was moved at second reading by the Hon D W Ridgway, and debated on 6 September 2018 by the Hon I Pnevmatikos.

The Bill has been adjourned.

Further information can be found on the South Australian Legislative Tracking website, and the Local Government Association website.

South Australian Productivity Commission Bill 2018

The Bill seeks to establish the South Australian Productivity Commission.

The main objective of the Commission will be to improve the rate of economic growth and productivity of the South Australian economy in order to achieve higher living standards for South Australians.

The Bill was returned with amendments from the Legislative Council on 1 August 2018. The House of Assembly returned the Bill to the Legislative Council on 2 August 2018, agreeing and disagreeing to amendments and making alternative amendments and consequential amendments. The Legislative Council responded by insisting on its proposed amendments.

Further information can be found on the South Australian Legislative Tracking website.

Single Use and Other Plastics (Waste Avoidance) Bill 2018

This Bill seeks to regulate the sale and supply of single use and other plastics.

The Bill provides that retailers must provide alternatives to prohibited plastics before 1 July 2023 and creates an offence for releasing helium-filled balloons into the open. It also creates a requirement to provide disposal instructions for fishing tackle and personal hygiene products.

The Bill was introduced to the Legislative Council and read a first time on 25 July 2018.

Further information can be found on the South Australian Legislative Tracking website.

Local Government (Ratepayer Protection and Related Measures) Amendment Bill 2018

This Bill, introduced in the Legislative Council, seeks to amend the *Local Government Act 1999* in a number of ways.

The key aspects of the Bill include:

- Expanding the role of the Local Government Grants Commission to include a new 'Local Government Commission' with responsibility for monitoring council performance and dealing with code of conduct complaints.
- Introduction of standardised annual performance measures for councils, and the potential for a Local Government Commission to refer any areas of concern to the State Productivity Commission for further review.
- Requiring councils to publish details of certain travel, gifts, credit card expenditure and salaries online, including on social media.
- Changes to the rules about dealing with matters in confidence, including recording how each member voted on a motion to move into confidence.

- New powers for a presiding member to regulate improper or disorderly conduct at council meetings.
- Introducing stronger penalties for breaches of the Code of Conduct, including financial penalties.
- Limiting CEO remuneration packages to salary, super, vehicle and information and communication technology, and requiring CEO contracts to be published online.
- Requiring annual budgets to include forward estimates over the following three financial years, and introducing additional reporting requirements for projects and services that exceed the allocated budget.
- Additional reporting requirements about how new services and projects over a prescribed limit will be funded.
- Fully independent Audit Committees comprised only of people drawn from a list approved by the Auditor General.
- Requiring a Local Government Commission to undertake a full review of the Local Government Act 1999 and Local Government (Elections) Act 1999 to address a broad range of listed matters, and provide a report to the Minister on the outcomes of the review.

The Bill was introduced and read a first time on 24 October 2018. It passed the Legislative Council on 14 November 2018. It was first read in the House of Assembly on 14 November 2018, and was adjourned at second reading on 28 November 2018.

Further information can be found on the South Australian Legislative Tracking website.

Freedom of Information (Miscellaneous) Amendment Bill 2018

This Bill seeks to change the definition of Public Interest, amend the processes for determining that a document does not exist and changes definitions relating to the nature and scope of an application. It also changes the processes for determination of an application.

The Bill passed the Legislative Council with amendments on 18 October 2018. It was adjourned a second time in the House of Assembly on 7 November 2018.

Further information can be found on the South Australian Legislative Tracking website.

Acts Assented

Nil

Regulations Amended

Planning, Development and Infrastructure Act 2016 - Code of Conduct for Accredited Professionals

On 28 March 2019 the Minister for Planning gave notice by way of Gazettal that he has adopted the Code of Conduct to be observed by accredited professionals under the *Planning, Development and Infrastructure Act 2016*.

Further information can be found in the SA planning portal at SAplanningportal.sa.gov.au

Relevant Common Law

Nil

Parliamentary Inquiries

Select Committee on Moratorium on the Cultivation of Genetically Modified Crops in South Australia

A Select Committee of the Legislative Council has been established to inquire into and report on the moratorium on the cultivation of Genetically Modified (GM) crops in South Australia, with specific reference to -

- (a) The benefits and costs of South Australia being GM-free for the state, its industries and people;
- (b) The effect of the moratorium on marketing South Australian products both nationally and internationally including:
 - i. Costs and benefits to South Australian industries and markets of remaining GM-free;
 - ii. Costs and benefits to South Australian industries and markets from lifting the moratorium on cultivating GM crops in South Australia;
 - iii. Current or potential reputational impacts, both positive and negative, on other South Australian food and wine producers, that may result from retaining or lifting the moratorium;
 - iv. Consideration of global trends and consumer demands for GM crops/foods versus non GM-crops/foods;
- (c) The difference between GM and non-GM crops in relation to yield, chemical use and other agricultural and environmental factors;
- (d) Any long term environmental effects of growing GM crops including soil health;
- (e) The potential for contamination of non-GM or organic crops by GM crops, including:
 - i. Consideration of matters relating to the segregation of GM and non GM crops in the paddock, in storage and during transportation;
 - ii. The potential impacts of crop contamination on non-GM and organic farmers;
 - iii. Consideration of GM contamination cases interstate and internationally; and
- (f) Any other matters that the Committee considers relevant.

The Committee met on 12 December 2018, and the matter is ongoing.

Further information can be found on the South Australian Committees website.

Overabundant and Pest Species Inquiry

The Natural Resources Committee resolved to inquire into the management of overabundant and pest species in South Australia with particular reference to:

1. Efficacy of existing or novel regulatory, policy and partnering frameworks used to manage overabundant and pest species
2. Costs of managing overabundant and pest species
3. Impacts of overabundant and pest species on agricultural outputs, environmental values, tourism, road safety, and amenity
4. Any other related matters.

The Committee met on 10 December 2018 and the matter is ongoing.

Further Information can be found in LGA Circular 39.1

Conclusion

This report on legislative amendments is current as at 5 April 2019.

Attachments

Nil

12 MEETING CLOSE

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4	Communications by the Chairperson	1
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6	Motions without Notice	1
7	Reports of General Manager	1
	7.1 Resumption of Item 9.1 - Budget and Annual Business Plan 2019/20	1
8	Meeting Adjourn or Meeting Close	1

1 MEETING OPENED

1.1 Evacuation Procedures

2 PRESENT

3 APOLOGIES

4 COMMUNICATIONS BY THE CHAIRPERSON

5 QUESTIONS WITHOUT NOTICE

6 MOTIONS WITHOUT NOTICE

7 REPORTS OF GENERAL MANAGER

7.1 Resumption of Item 9.1 - Budget and Annual Business Plan 2019/20

Proceedings will resume to finalise budget deliberations of the 2019/20 Draft Budget and Annual Business Plan document.

8 MEETING ADJOURN OR MEETING CLOSE

CITY OF WEST TORRENS



Late Agenda Items

Council Meeting

16 APRIL 2019

Item 17.4 Proposed NRM Levies for 2019/20

Item 21.2 Weigall Oval Masterplan and Facilities Upgrade (**Confidential**)

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21 Confidential..... 8
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17 REPORTS OF THE CHIEF EXECUTIVE OFFICER

17.4 Proposed NRM Levies for 2019/20

Brief

Council has been invited to comment on NRM levies proposed for constituent councils in 2019/20, pursuant to Section 92(4) of the *Natural Resources Management Act 2004*.

RECOMMENDATION

It is recommended to Council that the Chief Executive Officer advise the NRM Board that:

1. Council opposes NRM levy increases of the magnitude proposed, being an average of 2.7 per cent for all constituent councils and 4.8 per cent for the City of West Torrens.
2. Council strongly recommends an increase for all constituent councils in the order of 1.6 per cent, in line with the consumer price index figures over the past year and in recognition of the tough financial times our communities are facing.

Introduction

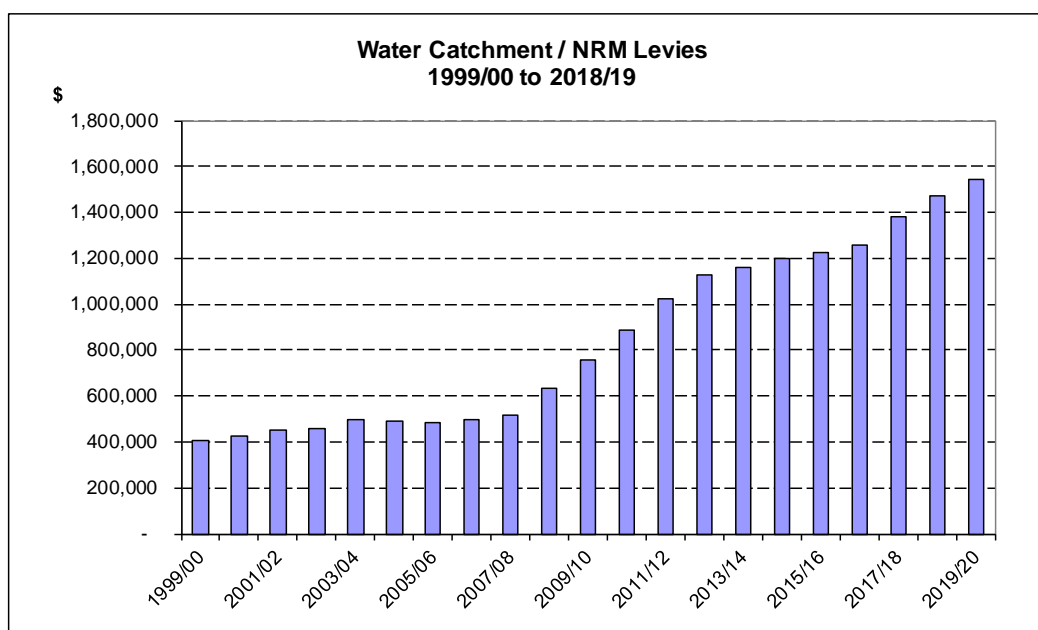
Council has been invited to comment on NRM levies proposed for constituent councils in 2019/20, pursuant to Section 92(4) of the *Natural Resources Management Act 2004*.

Discussion

Correspondence has been received (**Attachment 1**) from the Adelaide and Mt Lofty NRM Region (NRM) proposing:

- An NRM levy amount of \$31,545,643 for constituent councils in 2019/20 – an increase of \$829,340 or 2.7 per cent relative the 2018/19 amount;
- An NRM levy amount of \$1,542,510 for the City of West Torrens in 2019/20 – an increase of \$70,070 or 4.8 per cent relative to the 2018/19 amount.

Attachment 2 shows levy amounts and increases proposed for all constituent councils in 2019/20, along with amounts raised since 2015/16. Levies over the years have been as follows:



The NRM is seeking Council's comments on behalf of the Minister on the proposed NRM contributions for 2019/20, pursuant to Section 92(4) of the *Natural Resources Management Act 2004*. A response by Tuesday 23 April 2019 is required.

Conclusion

It is proposed that the NRM be advised of Council's position on the proposed NRM contributions for 2019/20.

Attachments

1. **Letter from Adelaide and Mount Lofty Ranges NRM regarding consultation on Council's contribution for 2019-20**
2. **Adelaide and Mount Lofty NRM Levies from 2015/16 to 2019/20**



Natural Resources
Adelaide and Mt Lofty Ranges

Natural Resources Centre

205 Greenhill Road
Eastwood SA 5063

Tel 08 8273 9100

Fax 08 8271 9585

dewnr.amlr@sa.gov.au

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/adelaideandloftyranges

9 April 2019

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

Dear Mr Buss

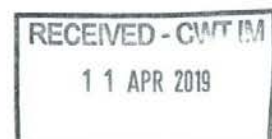
**Re: Consultation on Council's contribution to the Adelaide and Mount Lofty Ranges
NRM Region under the Natural Resources Management Act 2004 for 2019-20**

The South Australian Government is currently undertaking major reform to natural resources management through the intended repeal of the *Natural Resources Management Act 2004* (NRM Act) and introduction of a new Landscape South Australia Bill to Parliament last month.

At present the Adelaide and Mount Lofty Ranges Natural Resources Management Board (the Board) is continuing to operate in accordance with the NRM Act. As a requirement of this Act, the Board must review its Business Plan at least once in every three year period. The Board has now completed this review and the Business Plan for Adelaide and Mount Lofty Ranges Natural Resources Management Board was adopted by the Minister for Environment and Water on 27 March 2019. The adopted Business Plan covers the financial years of 2019-20, 2020-21 and 2021-22.

The Business Plan includes a specified amount of \$31,545,643 to be contributed by the constituent Councils in the Adelaide and Mount Lofty Ranges NRM Region for 2019-20. The indicative share for each council of this base contribution is listed at **Attachment A** and also includes the share for each council from the previous year. Under section 95 of the NRM Act, a council must reimburse itself by applying a levy (a regional NRM levy) through its rates notices and in accordance with Chapter 10 of the *Local Government Act 1999*.

Under section 92 of the NRM Act the share of each council is determined by the Minister following consultation with each council. Accordingly, I am seeking your comments on behalf of the Minister on Council's proposed contribution.



Council may also collect a fee from the regional NRM board for the administrative costs of collecting an NRM levy. Further information relating to these costs is provided in section 96 of the NRM Act and regulation 4C of the NRM (Financial Provisions) Regulations. The total amount that can be claimed in 2019-20 is \$2,476 plus 24 cents per rateable assessment.

Please provide any comment on your Council's share of the base contribution for 2019-20 or your Council's reimbursement fee, by close of business Tuesday, 23 April 2019 to Mrs Solange Cricelli, Senior Policy Officer via email solange.cricelli@sa.gov.au.

After consideration of any comments, the Minister will determine a council's share and submit the amount to the Governor for approval. Notice of approved contributions will then be forwarded to the council as well as being published in the *Government Gazette*.

Thank you for your prompt attention to this matter.

Yours sincerely



Lisien Loan
A/REGIONAL DIRECTOR
ADELAIDE AND MOUNT LOFTY RANGES NRM REGION

Attachment A

Proposed council contributions to the Adelaide and Mount Lofty Ranges NRM Region 2019-20

Council	Contribution 2018-19	Contribution 2019-20
City of Adelaide	\$1,681,521	\$1,755,765
Adelaide Hills Council	\$959,634	\$966,053
Adelaide Plains Council	\$174,777	\$179,437
Alexandrina Council	\$177,527	\$177,458
The Barossa Council	\$465,170	\$474,425
City of Burnside	\$1,647,295	\$1,714,557
Campbelltown City Council	\$1,172,568	\$1,220,432
City of Charles Sturt	\$2,858,446	\$2,937,786
Town of Gawler	\$361,432	\$366,464
City of Holdfast Bay	\$1,233,808	\$1,281,868
Light Regional Council	\$324,381	\$332,033
City of Marion	\$1,918,392	\$1,971,997
City of Mitcham	\$1,684,538	\$1,732,697
Mount Barker District Council	\$108,645	\$113,259
City of Norwood, Payneham & St Peters	\$1,280,330	\$1,375,767
City of Onkaparinga	\$2,873,647	\$2,890,101
City of Playford	\$1,092,793	\$1,105,909
City of Port Adelaide Enfield	\$2,645,576	\$2,705,537
City of Prospect	\$564,966	\$576,483
City of Salisbury	\$2,014,099	\$2,038,150
City of Tea Tree Gully	\$1,762,475	\$1,778,337
City of Unley	\$1,337,669	\$1,391,241

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City of Victor Harbor	\$398,671	\$397,977
Corporation of the Town of Walkerville	\$310,485	\$323,740
City of West Torrens	\$1,472,440	\$1,542,510
District Council of Yankalilla	\$195,018	\$195,660
Total	\$30,716,303	\$31,545,643

ADELAIDE & MT LOFTY NRM BOARD NRM LEVIES FROM 2015/16 TO 2019/20							
Council	2015/16	2016/17	2017/18	2018/19	2019/20	Variance \$	Variance %
Adelaide City	1,416,855	1,465,202	1,589,557	1,681,521	1,755,765	74,244	4.4%
Adelaide Hills	825,955	886,896	913,864	959,634	966,053	6,419	0.7%
Alexandrina	151,012	162,145	169,930	177,527	177,458	(69)	0.0%
Barossa	405,217	432,886	458,288	465,170	474,425	9,255	2.0%
Burnside	1,374,355	1,466,668	1,543,628	1,647,295	1,714,557	67,262	4.1%
Campbelltown	932,865	1,001,895	1,071,614	1,172,568	1,220,432	47,864	4.1%
Charles Sturt	2,344,602	2,504,213	2,665,848	2,858,446	2,937,786	79,340	2.8%
Gawler	309,843	328,948	352,393	361,432	366,464	5,032	1.4%
Holdfast Bay	1,015,394	1,093,763	1,152,438	1,233,808	1,281,868	48,060	3.9%
Light	293,495	309,488	319,295	324,381	332,033	7,652	2.4%
Mallala / Adelaide Plains	152,576	162,513	169,894	174,777	179,437	4,660	2.7%
Marion	1,572,828	1,682,675	1,798,759	1,918,392	1,971,997	53,605	2.8%
Mitcham	1,389,410	1,468,661	1,564,870	1,684,538	1,732,697	48,159	2.9%
Mount Barker	93,938	101,077	106,373	108,645	113,259	4,614	4.2%
Norwood, Payneham	1,048,391	1,111,232	1,183,841	1,280,330	1,375,767	95,437	7.5%
Onkaparinga	2,460,615	2,606,295	2,771,540	2,873,647	2,890,101	16,454	0.6%
Playford	955,465	994,500	1,044,335	1,092,793	1,105,909	13,116	1.2%
Port Adelaide Enfield	2,223,884	2,337,467	2,428,232	2,645,576	2,705,537	59,961	2.3%
Prospect	460,172	489,370	524,939	564,966	576,483	11,517	2.0%
Salisbury	1,737,920	1,874,664	1,945,400	2,014,099	2,038,150	24,051	1.2%
Tea Tree Gully	1,479,714	1,588,699	1,662,632	1,762,475	1,778,337	15,862	0.9%
Unley	1,133,511	1,175,788	1,284,968	1,337,669	1,391,241	53,572	4.0%
Victor Harbor	365,671	379,019	392,065	398,671	397,977	(694)	-0.2%
Walkerville	246,370	270,392	289,405	310,485	323,740	13,255	4.3%
West Torrens	1,225,389	1,260,136	1,383,061	1,472,440	1,542,510	70,070	4.8%
Yankalilla	175,018	182,808	190,478	195,018	195,660	642	0.3%
Total	25,790,465	27,337,400	28,977,644	30,716,303	31,545,643	829,340	2.7%

21 CONFIDENTIAL**21.2 Weigall Oval Masterplan and Facilities Upgrade****Reason for Confidentiality**

The Council is satisfied that, pursuant to Section 90(3)(k) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this agenda item is:

- (k) tenders for the supply of goods, the provision of services or the carrying out of works.

RECOMMENDATION

It is recommended to Council that:

1. Pursuant to Section 90(2) of the *Local Government Act 1999*, Council orders, that the public, with the exception of the Chief Executive Officer, members of the Executive and Management Teams in attendance at the meeting, and meeting secretariat staff, be excluded from attendance at so much of the meeting as is necessary to receive, discuss and consider in confidence, information contained within the confidential report Item 21.2 Weigall Oval Masterplan and Facilities Upgrade, attachments and any associated documentation submitted by the Chief Executive Officer, specifically on the basis of the provisions of Section 90(3)(k) because the information to be received, discussed or considered in relation to this agenda item is information relating to the tenders received for the carrying out of works related to Stage 2, 2a, 3, 3a and 3b of Weigall Oval redevelopment.
2. At the completion of the confidential session the meeting be re-opened to the public.