



City of
**Norwood
Payneham
& St Peters**

A G E N D A

FOR THE

MEETING OF COUNCIL

TO BE HELD ON

MONDAY 12 APRIL 2010

AT

7.00 PM



**City of
Norwood
Payneham
& St Peters**

*175 The Parade, Norwood SA 5067
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8 April 2010

TO ALL MEMBERS OF THE COUNCIL:

- Mayor Robert Bria
- Cr John Frogley
- Cr Evonne Moore
- Cr Scott Sims
- Cr Garry Knoblauch
- Cr Connie Granozio
- Cr Paul Wormald
- Cr Mike Stock
- Cr Isaac Pasalidis
- Cr Lucy Marcuccitti
- Cr John Minney
- Cr Carlo Dottore
- Cr Lance Manser
- Cr Sue Whittington
- Cr Kevin Duke
- Cr Barbara Erichsdotter

NOTICE OF MEETING

I wish to advise that a meeting of Council will be held on Monday, 12 April 2010 in the Council Chambers, Norwood Town Hall, 175 The Parade, Norwood commencing at 7.00pm.

A light meal will be provided from 6.15pm. For catering arrangements, please advise Tina Zullo on 83664545 if you will be coming for the meal.

Yours faithfully

Mario Barone
CHIEF EXECUTIVE OFFICER

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VENUE : Council Chambers, Norwood Town Hall

HOUR :

PRESENT

Council Members:

Staff:

APOLOGIES : Cr John Minney

ABSENT :

1. **OPENING PRAYER**
2. **CONFIRMATION OF THE MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 29 MARCH 2010**
3. **MAYOR'S COMMUNICATION**
4. **DELEGATES COMMUNICATION**
5. **QUESTIONS WITHOUT NOTICE**
6. **QUESTIONS WITH NOTICE**
Nil
7. **PETITIONS**
Nil
8. **DEPUTATIONS**
Nil
9. **WRITTEN NOTICES OF MOTION**
Nil
10. **STAFF REPORTS**

SECTION 1 - STRATEGY & POLICY
REPORTS

10.1 TELSTRA PAYPHONE REVIEW

REPORT AUTHOR: Co-ordinator, Community Care Services
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4600
FILE REFERENCE: S/00021
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to advise the Council of a proposal by Telstra to remove nine (9) payphones, from different locations within the City of Norwood Payneham & St Peters

BACKGROUND

In mid-December 2009, Telstra Payphone Services advised the Council that they had commenced a review of all payphones within the City of Norwood Payneham & St Peters. The intent of the review was to consider the future payphone needs of the community in the local government area. As part of the review, Telstra considered the following options;

- changing payphone cabinet types to reduce vandalism;
- making some payphones cashless;
- removing underutilised payphones;
- providing specialist technical support for payphones with excessive fault histories; and
- reducing the number of payphones at some multiple sites if necessary.

Telstra undertook a similar review in May 2006 and identified nine (9) payphones for removal. The outcome of this review resulted in seven (7) out of the nine (9) being removed.

There are currently a total of thirty four (34) Telstra payphones in the Norwood Payneham & St Peters local government area. The current review has identified nine (9) payphones for removal. Telstra have stated that the reason for removal of these payphones is their low usage and high maintenance costs due, in some cases to vandalism. Telstra's Universal Service Obligations (Appendix A), provides the minimum standard, which Telstra needs to satisfy in respect to the provision of payphone services.

The locations of the payphones have been identified by Telstra as follows:

- 2 Baliol Street, College Park;
- 19 Broad Street, near 5 Blanden Street Marden;
- 58 Frederick Street, near Henry Street, Maylands;
- 104 Phyllis Street, near Janet Street, Maylands;
- 131 William Street, near Queen Street, Norwood;
- Arthur Street, near Rosella Street, Payneham;
- 57 Battams Road, near 5 Fifth Avenue, Royston Park;
- 60 Lambert Road, near Sixth Avenue, Royston Park; and
- 27 Seventh Avenue St Morris.

As part of its community consultation, Telstra posted notices on the abovementioned payphones in January 2010, seeking feedback from residents regarding the impending removal of these payphones. The notices were left in the payphones up until the end of March 2010. The Council has been invited to provide feedback on the need for the payphones identified for removal. The closing date for feedback to Telstra, from the Council is 18 April 2010.

The Council has undertaken its own assessment of the payphones identified for removal. This report provides information concerning issues that may be associated with the removal of the Telstra payphones.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Outcome 1 Social Equity

A connected, accessible and pedestrian-friendly community.

Objective 1.1 Convenient and accessible services

Strategy: Maximise access to services, information and activities.

The availability of payphones provides important infrastructure for citizens, to connect to the community and access services and information.

FINANCIAL AND BUDGET IMPLICATIONS

Not applicable.

EXTERNAL ECONOMIC IMPLICATIONS

Not applicable.

SOCIAL ISSUES

The provision, maintenance and removal of payphones, is the responsibility of Telstra, however, the Council has an advocacy role, to ensure that its community is appropriately serviced by public infrastructure.

The increase in the uptake of landlines, mobile telephones and use of internet, has contributed to a reduction in usage of payphones by younger people. However, the aged and low income earners are still likely to be affected by Telstra's decision to remove the Payphones, as their financial circumstances may not be able to afford them the opportunity of a private telephone, mobile or internet connection.

A lack of access to these communications network, could contribute to increasing social isolation of these groups, thereby potentially having a negative an impact on their quality of life. In this regard the location of the identified payphones for removal is important for this demographic.

Payphones also play an important role in the safety and security of the community. For those who do not have mobile telephones, pay phones are important as they enable citizens to seek assistance (i.e. police/ambulance) in the event of an emergency.

CULTURAL ISSUES

Not applicable.

ENVIRONMENTAL ISSUES

Not applicable.

RESOURCE ISSUES

Not applicable.

RISK MANAGEMENT

Not applicable

CONSULTATION

- **Elected Members**
Not applicable
- **Community**
Notices were placed on the Council's Internet site and in its libraries advising of the Telstra Payphone review and seeking comment. No response from the community has been received as a result of this invitation.
- **Staff**
Community Care Services Assessment officer
- **Other Agencies**
Nil

DISCUSSION

An examination of the demographic profile of people living in the locations where payphones have been earmarked for removal (refer Table.1 below), suggests that there is a reasonable proportion of people aged sixty (60) to eighty five (85), residing in these areas.

TABLE 1: Comparison of percentage of aged population residing in areas where payphones have been nominated for removal by Telstra

SUBURBS	Percentage of suburb Population aged 65-84years	Percentage of NPSP Population aged 65-84years	Percentage of suburb Population aged > 85 years	Percentage of NPSP Population aged >85 years
College park	11.3	14.9	2.1	3.5
Marden	15.9	14.9	2.0	3.5
Maylands	13.0	14.9	1.7	3.5
Norwood	11.4	14.9	3.1	3.5
Payneham	17.4	14.9	4.5	3.5
Royston Park	11.8	14.9	4.5	3.5
St Morris	12.5	14.9	1.8	3.5

A closer inspection of these areas was undertaken by the Council's Community Care Assessment Officer. There were three (3) payphones earmarked for removal that could potentially disadvantage frail aged, disabled and lower income citizens – details of these are set out below.

1. *104 Phyllis Street, Maylands*

This payphone is located in close proximity to public housing (Housing SA). Citizens who reside in these houses, are financially disadvantaged and in most cases, are frail aged, disabled or unemployed. These residents may not have access to their own private telephone or mobile. In the absence of this payphone, the closest alternative payphone will be located on Magill Road. For citizens who are frail aged and disabled, Magill Road may be too far away as they may have limitations on their mobility or have no other means of transport to access the alternative payphone. There is an additional problem with the alternative payphone on Magill Road. Being located on a main road, the user's ability to hold a conversation will be impeded due to the background noise from the traffic on a main road.

The removal of the Payphone to these citizens may reduce access to the community and information, thereby contributing to their social isolation.

2. *131 William Street, Norwood (Near Queen Street)*

This payphone is adjacent to Public Housing. The same issues arise as identified for Phyllis Street, Maylands.

3. *27 Seventh Avenue, St Morris*

This payphone is located with close proximity to a retirement village accommodating aged citizens, who may not drive or are unable to physically walk to the next available Telstra payphone.

Telstra's argument for removal of all nine (9) payphones is in essence based on cost cutting. Telstra has submitted that there is a reduction in the usage of these payphones and their maintenance costs are high. From a community perspective removal of payphones may place citizens at risk. Payphones provide a critical link for citizens without immediate access to their own telephone service to access essential emergency services such as ambulance, police and fire. A reduction in the number of payphones available may reduce a citizen's potential to respond to these situations, potentially impacting on their own well being as well as others.

Whilst it is acknowledged that there may be a change in the level of usage of these payphones, their removal is likely to disadvantage aged and disabled residents not in receipt of a telephone service. Payphones are important infrastructure to support public safety, as they provide an alternative means for members of the public to contact emergency services when no other service is available. It is therefore recommended that Telstra be advised that the Council does not support the removal of the nine (9) payphones.

As such, whilst most decisions made by Telstra may be based on the "bottom line", the decision to remove payphones will impact on some members of the community.

OPTIONS

The Council can choose to respond to Telstra in one of the following ways;

1. Accept the removal of all designated nine (9) payphones. The concern with this option is that removal of all payphones will potentially disadvantage aged, disabled and low income citizens.
2. Advise Telstra that removal of some payphones is generally accepted but advise Telstra that the Council does not support the removal of payphone located in Phyllis Street Mayland, William Street Norwood and Seventh Ave St Morris. This option would at least ensure that individuals, residing in these areas, who are frail aged, disabled and on low incomes (without a telephone service) will have access to a communication service.
3. Advise Telstra that it does not support the removal of the nine (9) payphones. This would ensure that people who are either frail aged, disabled or on low incomes, who do not own their own telephones have access to a communication service. It also ensures that there is infrastructure available to the community to support public safety.

CONCLUSION

Telstra has provided advice in relation to the potential removal of payphones. From Telstra's perspective these payphones have low usage from the public and are costly to maintain. A review of the demographic data indicates there is a need to ensure aged, disabled and people on low incomes are provided for through access to payphones. There is an additional need to ensure there is infrastructure available to support public safety.

COMMENTS

Nil

RECOMMENDATION

1. That Telstra be advised that the Council does not support the removal of the nine (9) payphones, on the grounds that:
 - the payphones nominated are in areas where there are likely to be people who are frail aged, and disabled and without a telephone service; and
 - the removal of payphones could potentially affect public safety.
2. That the Federal and State Members of Parliament:
 - (a) be advised of the Council decision; and
 - (b) be requested to support the Council's decision.

10.2 ANNUAL COMMUNITY WELL-BEING DAY

REPORT AUTHOR: Manager, Governance & Civic Affairs
GENERAL MANAGER: Not Applicable
CONTACT NUMBER: 83664549
FILE REFERENCE: S/01232
ATTACHMENTS: Nil

PURPOSE OF REPORT

The purpose of this report is to provide information to the Council on the feasibility of conducting an annual Community Well-Being Day.

BACKGROUND

At its meeting held on 12 October 2009, the Council considered a Notice of Motion submitted by Cr Erichsdotter in relation to an Annual Community Well-Being Day.

In the Notice of Motion, Cr Erichsdotter stated that "health and well being are not merely defined by the absence of sickness, but include those factors which ensure an active and productive life. One of the biggest challenges for most individuals is having access to information, services and facilities, which enable them to participate in what is the social fabric of their community".

Subsequently the Council resolved that:

"Council staff scope an Annual Community Well-Being Day in terms of funding, staff resourcing, as well as a time frame for organising this event and provide Council with a proposal at the 7 December 2009 Council meeting."

This report presents information to the Council for consideration in accordance with the Council's resolution.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The relevant Goals contained in CityPlan 2030 are:

Outcome 1: Social Equity

Objectives:

- 1. Convenient and accessible services.*
- 3. An engaged and participating community.*

FINANCIAL AND BUDGET IMPLICATIONS

The proposed Community Well-Being Day is a new event therefore funds have not been allocated within the Council's 2009-2010 Budget.

The cost to conduct such an event has not been scoped at this point in time.

The costs and resources required to conduct any event are substantial therefore, before the Council commits to conducting additional events, an analysis should be undertaken.

EXTERNAL ECONOMIC IMPLICATIONS

Nil.

SOCIAL ISSUES

The City of Norwood Payneham & St Peters conducts a number of events that aim to encourage “an engaged and participating community.”

CULTURAL ISSUES

Not applicable.

ENVIRONMENTAL ISSUES

Not applicable.

RESOURCE ISSUES

The Council’s two (2) Events staff are currently responsible for the provision of event management services to the Council and are responsible for the delivery of a number of events throughout the year, including but not limited to:

- Australia Day;
- The Parade Food, Wine & Music Festival;
- St Peters Fair;
- The Adelaide Fashion Festival;
- The Norwood Christmas Pageant;
- The Payneham Christmas Carols;
- Volunteer’s Lunch and Christmas Dinner;
- Citizenship Ceremonies;
- Foyer Exhibition Launches;
- Cultural Heritage Festival;
- Mullet Festival;
- Civic Launches; and
- Other events as required.

More recently the Council has also staged events in conjunction with the 2009 and 2010 Tour Down Under events.

The Events staff also provide assistance to the local Returned and Service’s League (RSL) with their ANZAC, Long Tan and Remembrance Day events.

As can be seen from the list above the Council provides an extensive events calendar and therefore the inclusion of additional events must take into account the resource implications.

RISK MANAGEMENT

Not applicable.

CONSULTATION

- **Elected Members**
Discussions have taken place with Cr Erichsdotter in relation to this report and the direction recommended in terms of the Community Well-Being Day event.
- **Community**
Not applicable.

- **Staff**

Discussions have taken place with the Council's Coordinator, Community Care Services regarding the proposed Community Well-Being Day and the structure of the next Community Care Services Community Seminar in terms of incorporating some of the elements of the proposed Community Well-Being Day.

- **Other Agencies**

Nil.

DISCUSSION

The objective of the proposed Community Well-Being Day, is to provide an opportunity for the Council to connect with its community, whilst providing useful and essential information, which has the potential to enrich the lives of local residents.

It has been suggested that a number of organisations from within the City could participate in such an event (ie EHA, the Women's Centre, Meals on Wheels, COTA, Carers SA, the Heart Foundation, Diabetes SA, etc) and that these organisations could also be invited to have a stand to promote their services and give short presentations to visitors.

The Council's Community Care Services Unit conducts three (3) Community Seminars a year which cover a range of topics. The seminars usually run for two (2) hours and feature guest speakers relevant to the topic.

The program for the next Community Care Services Community Seminar has already been established and is entitled, "Managing Your Health", which can be re-scheduled to take place as an evening seminar, given the intent of the Annual Community Well-Being Day. The program will focus on:

- Managing Your Health;
- The Best Use of Medicines; and
- Moving Towards Wellness Programs.

The program can also be extended by providing an invitation to other service providers to participate by manning a booth to provide general information regarding their particular services and programs.

The Community Seminars aim to provide citizens with access to information and services and provide them with an opportunity to meet service providers within the City and engage with the local community. In other words the objective of the Seminars is very much aligned with the rationale as presented to the Council in respect to the Community Well-Being Day.

It is clear from the objective and the suggested format of the "event", that the Community Well-Being Day is very much aligned to that of a Community Care Services Community Seminar as described previously within this report (ie an event that is primarily aimed at providing information about services and education around how to access services and facilities).

Given the objective of the proposed Community Well-Being Day, it is proposed that the next Community Care Services Community Seminar be expanded to include some of the suggested elements of the Community Well-Being Day and that the Seminar be conducted as an evening event in order to attract a wider audience from within the local community.

It is also unclear at this stage of the level of interest in such an event from the local community, therefore holding this event as an evening seminar in the first instance, would provide a good opportunity to ascertain the viability of such an event given that the Community Seminars in their current form usually attract approximately 50-60 people.

In the Notice of Motion, Cr Erichsdotter also stated that such an event "should be held at the Norwood Concert Hall which is central and provides easy access for all".

The Community Seminars are usually held at the Payneham Library and Community Facilities Complex, which provide a good sized venue, modern facilities and more importantly, disabled and adequate parking.

In terms of where the Seminar should be held, both the Payneham Library and Community Facilities Complex and the Norwood Concert Hall can accommodate the requirements of a seminar, however the Payneham Library Complex provides more accessible parking and ease of access for our elderly residents.

OPTIONS

Option One.

The Council can determine to not support a Community Well-Being Day event.

Option Two.

The Council can determine to support a Community Well-Being Seminar to be held in 2010, as part of the Council's Community Care Services program.

CONCLUSION

Whilst the Community Care Services Community Seminars are well attended, promotion of the Seminars is undertaken within a modest budget. In order to maximise the attendance at the seminars, a more comprehensive promotion strategy will be implemented in the lead up to the next Seminar.

COMMENTS

Nil.

RECOMMENDATION

That the proposed elements of the Annual Community Well Being Day be incorporated into the Council's current program of Community Seminars.

10.3 EAST WASTE CHARGING METHODOLOGY

REPORT AUTHOR: Manager, City Services
GENERAL MANAGER: General Manager, Urban Services
CONTACT NUMBER: 8360 9007
FILE REFERENCE: S.45
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to advise the Council of the new methodology which has been adopted by East Waste in respect to determining the amount charged by East Waste to each of its Constituent Councils for the provision of waste management services.

It should be noted that the determination of an appropriate charging methodology to ensure that it complies with the requirements of its Charter is a matter for the East Waste Board. As such, this report is presented to the Council for information only.

BACKGROUND

Elected Members will be familiar with the long-standing issue of East Waste's methods of determining the charge which is levied against each of the Authority's Constituent Councils.

Pursuant to its Charter, East Waste is required to charge its Constituent Councils, fees which cover the cost of services provided to the Constituent Councils.

It has been the long standing practice, however, for East Waste to adopt a set fee for each Constituent Council, without reconciling the difference between that fee and the cost of providing the service to each Council. The result of the current methodology is that some Constituent Councils were being overcharged and some undercharged. In short, the Authority had not and did not comply with its Charter.

This Council has taken a strong stance on this matter and as Elected Members will be aware, the Council received a credit for the "overcharge" for the 2008-09 financial year of \$127,000.

Ensuring that fees charged equate to the cost of services provided was however, only the first step. The next step was to ensure that the cost of the services provided to each Council was determined accurately and fairly, especially in respect to the distribution of overheads. This is an issue which the Council has advocated for and was agreed to by the Chief Executive Officers of the Constituent Councils.

In simple terms, East Waste's costs are split into two (2) categories: direct costs and overheads.

Direct costs are costs incurred directly in providing a service to a particular Constituent Council. These include the costs of collection vehicles and drivers (where they are assigned to a particular Council) and waste processing and disposal costs.

Overhead costs are those costs incurred by East Waste which cannot be attributed directly to any particular Council, but in a sense, are shared. These include the cost of operating the East Waste Depot, the cost of administrative staff and governance costs.

At present, the overhead costs are apportioned on the basis of 50% to residual waste collection, 25% to recycling collections and 25% to green organics collections. The Constituent Councils are then assigned their portion of the overhead for each waste stream in proportion to the number of properties serviced. For example, a Council such as the Adelaide Hills Council, which does not undertake a green organics collection service, does not share in the 25% of overheads assigned to green organics collections. Nor does the City of Mitcham share in the 50% assigned to residual waste collections, as East Waste does not provide this service to Mitcham.

While the principle that a Council which does not use East Waste for the provision of some services should not have to contribute as much to the overheads, may sound reasonable, the fairness and accuracy of the means of distributing the overhead has come into question. The 50/25/25 ratio split of overheads was considered to be a "best guess" of how each waste stream service consumed the overhead costs at the time it was introduced.

In order to arrive at a fair and reasonable overhead distribution model to take East Waste into the future, it was agreed to engage the services of JAC Comrie Pty Ltd, to work with representatives of the Constituent Councils and provide a recommendation to the East Waste Board.

The Acting General Manager of East Waste presented the Comrie Report to the East Waste Board at its meeting held on 25 February 2010. The Acting General Manager's report and the Comrie Report are contained in **Attachment A**. The Comrie Report contains a good summary of the current position and an evaluation of various alternative options, which are not repeated in this report for the sake of brevity.

Following consideration of the matter, the East Waste Board resolved as follows:

1. *Charging*

- i. *East Waste's pricing for services to other than Constituent Councils should be based on market conditions. Before contracting to provide services to other than Constituent Councils, East Waste needs to satisfy itself that revenue that will be generated is reasonable likely to exceed additional costs incurred (including overheads) by a margin sufficient to compensate for any risks involved.*
- ii. *Constituent Councils should be charged actual costs incurred by East Waste in provision of services to them.*

2. *Costing*

- i. *In order to realise efficiency gains East Waste should operate a common fleet (to the extent practicable having regard to geographic considerations and differences in services between Councils).*
- ii. *Operating a common fleet would mean that costs related to each specific Council would no longer be charged direct to individual Councils. Instead vehicle costs would become a common or overhead cost. It is suggested that:*
 - a. *Common fleet costs be apportioned to each Council based on the proportion of the fleet's times spent undertaking kerbside collections in each Council's area, and an equitable share of 'stem' time and*
 - b. *GPS technology be installed in fleet vehicles to efficiently and reliably determine the proportion of time spent by the fleet in undertaking collections in each Council's area.*
- iii.
 - a. *Core collection services to Member Councils be charged the minimum overhead to provide these services.*
 - b. *The distribution of overheads be based on gross rather than net overheads. i.e. any profit or loss from ancillary services should be accounted for separately rather than applied to adjust overhead costs before their distribution.*
 - c. *Consideration be given to apportioning a fixed proportion of East Waste's administration related overheads equally across all Constituent Councils in recognition that a significant share of such costs are incurred in fulfilling East Waste's governance responsibilities. This amount should be determined based on an estimate of the proportion of administration overheads incurred that are governance related.*
 - d. *After regard to (iii)(c) above, the balance of East Waste overheads be charged to the core Member Council collection services based on the direct costs incurred in providing those services (or their share of common fleet costs if recommendation (ii)(a) is supported).*
 - e. *Any costs that are currently treated as overheads that don't relate to all services or responsibilities of all service recipients should be excluded and charged for separately. This would include for example costs associated with the East Waste equity loan which should be recovered from Councils in accordance with their equitable interest in East Waste. Services such as education campaigns should be charged for directly.*

- f. That non-core services to Member Councils be charged at cost that includes the additional overhead costs for providing this service above the minimum core overhead cost to East Waste.*
- g. That non-core services to Client Councils or customers include a tax equivalent charge, an additional overhead costs for providing this service above the minimum core overhead cost to East Waste and a margin that reflects the risk in providing the service.*
- h. That accounting profit and tax equivalent accruals from Client Councils or customer services be rebated back to Member Councils based on the audited financial statements of East Waste in the Member Council equity percentages as set out in the East Waste Charter.*

3. *That the Acting General Manager liaise with the six (6) Constituent Councils to explain the process and rationale in the change to the charging methodology for East Waste and be available to present this information to Member Councils if requested.*

It is apparent that the Board made its resolution in similar terms to reflect the recommendations contained in the Comrie Report.

Elected Members will note that the East Waste Board has resolved to operate a "single fleet" for its waste collection vehicles. To date, vehicles and driver resources have been nominally assigned to specific Constituent Councils. Costs associated with those vehicles and those drivers have been directly attributed to each respective Council. In effect, this has meant that East Waste has operated six (6) different fleets rather than sharing all of its resources over all of the Councils as a single fleet. A single fleet will allow better utilisation of resources in areas of need and should drive fleet efficiencies. It is unclear how and why East Waste has operated its fleet on a Council by Council basis. The exception to the operation of a single fleet, will be the City of Burnside, which requires unique vehicles to service its split residual/recyclable waste bins.

The impact of a single fleet on the charging methodology is that the vehicle and driver costs will no longer be considered to be direct costs, but rather will be treated similarly to an overhead. The total fleet and driver costs will be pooled and then apportioned out to the Constituent Councils according to the time spent operating in each of the respective Local Government Areas. Other options considered were to apportion costs according to the number of collections carried out, the distance travelled or the population of the areas serviced. Ultimately, however, time tends to drive prices and it was therefore resolved to use time spent in each area as the basis for apportioning collection costs.

Waste processing and disposal costs will continue to be passed on to each Council at cost.

In terms of the allocation of administrative and plant overheads, the East Waste Board resolve to treat them as follows:

Firstly, overheads which are considered to be governance related, such as Board sitting fees, legal costs and the like, will be equally distributed among the six (6) Constituent Councils. That is, each of the Constituent Councils will pay 16.67% of the total governance costs. This reflects the fact that each of the Constituent Councils has the right to appoint one Board Member and in effect, has equal decision making power and an equal interest in ensuring the proper governance of East Waste.

The remaining overheads will be distributed to Constituent Councils in the same proportion as their share in the common fleet costs described above.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not applicable.

FINANCIAL AND BUDGET IMPLICATIONS

Modelling of the new charging methodology suggests that this Council's contribution to East Waste may be reduced by approximately \$43,000 when compared to current practice. The Draft East Waste Budget for 2010-11 is being developed. Once it is finalised, a better indication of the financial impact of the new charging methodology can be determined.

EXTERNAL ECONOMIC IMPLICATIONS

Not applicable.

SOCIAL ISSUES

Not applicable.

CULTURAL ISSUES

Not applicable.

ENVIRONMENTAL ISSUES

Not applicable.

RESOURCE ISSUES

Significant time has been spent on working with East Waste to ensure that, firstly, East Waste abides by its Charter and charges only the amount which it incurs in providing services to each Constituent Council and, secondly, that a fair and equitable methodology is adopted to determine what those costs are.

RISK MANAGEMENT

Not applicable.

CONSULTATION

- **Elected Members**

Elected Members have been kept apprised of the various issues associated with East Waste.

- **Community**

Not Applicable

- **Staff**

As the Council's appointed Board Member, the Chief Executive Officer is aware of this matter.

The Council's General Manager, Urban Services and the Manager, City Services participated in the Working Party consisting of representatives of the Constituent Councils which was convened by JAC Comrie Pty Ltd.

- **Other Agencies**

Not Applicable

DISCUSSION

Both the move to a single fleet operation and the new charging methodology are considered to be positive initiatives from this Council's perspective. These strategies will also ensure the long term sustainability of East Waste.

The adoption of a single fleet operation is both sensible and logical. It will allow for resource sharing across Council boundaries in a more streamlined, flexible and efficient way than is currently this case (after all, the very existence of East Waste is predicated on a resource sharing model). East Waste will be able to keep its overall fleet numbers at a minimum and if a major cost is incurred in repairing or replacing a single vehicle, that cost is shared across all Constituent Councils, rather than being borne entirely by one Council.

The sharing of the operational fleet costs in proportion to the time spent in each Local Government area is also considered to be fair. Major cost components for collection of waste are driver wages, fuel and plant maintenance. The largest is wages, which is dependent entirely on time. Fuel expenses are dependent on time spent on the road and distance travelled, as well as the nature of the driving (i.e. either stop/start or continuous and the cost of fuel). Plant maintenance is also considered to be dependent on the time a machine is operated (i.e. the longer it operates, the more maintenance will be required), but is also dependent on the number of operations of the vehicle (i.e. the number of bin pick-ups) and the distance travelled.

On balance, it was determined that time spent operating in each Local Government area would be the most appropriate basis for the apportionment of each truck and operator's costs.

In the case of this Council, apportioning collection costs according to time, is considered to be "best value", due to the relatively close proximity of residential premises to one another. That is, East Waste is likely to be able to service more properties per hour in the City of Norwood Payneham & St Peters than it might in, for example, the Adelaide Hills or Mitcham.

The decision to apportion governance type overheads equally to each Council is also considered fair. Each Constituent Council has equal control over East Waste and each can appoint one (1) Board Member. It follows therefore, that each Council should share equally in governance costs.

The decision to apportion other overheads in the same manner in which collection costs are apportioned, would also appear reasonable on the premise that the longer the vehicles are required in a Local Government area, the more administrative effort would be required to support that operation.

It should be noted that direct costs and overheads which can be directly attributed to a service which is not accessed by all Constituent Councils, such as education campaigns or the collection of split bins, will be attributed only to the Council(s) accessing those services.

OPTIONS

The determination of the charging methodology is a matter for the East Waste Board, although the Constituent Councils can jointly direct the Regional Subsidiary by the making of a resolution in like terms if it does not agree with the decision taken by the Board.

In practice, however, the Council is limited in this instance to noting the decision of the Board.

CONCLUSION

The East Waste Board has resolved to adopt a charging methodology which apportions costs in a fair and equitable manner. The finalisation of this matter is a positive, albeit long coming, move in the right direction for East Waste and together with other initiatives being taken by the Board should ensure the long term sustainability of East Waste. In turn, this will create a stable operating environment which will be in the interests of the Constituent Councils.

COMMENTS

Nil.

RECOMMENDATION

That the report be received and noted.

10.4 WASTE CARE SA – CHARTER REVIEW

REPORT AUTHOR: Manager, City Services
GENERAL MANAGER: General Manager, Urban Services
CONTACT NUMBER: 8360 9007
FILE REFERENCE: S.1296
ATTACHMENTS: A - B

PURPOSE OF REPORT

The purpose of this report is to seek the Council's approval of amendments to the new Waste Care SA Charter, to enable the revised Charter to be adopted.

BACKGROUND

At its meeting held on 3 August 2009, the Council considered a proposed new Charter for Waste Care SA, following revision of the current Charter.

Following consideration of the matter, the Council resolved as follows:

1. *That the report of the Executive Officer, titled "Waste Care SA: Charter Review and Amendments 2009", (including the amended charter attached at Appendix 1 to the report) be received and noted.*
2. *In accordance with Clause 19(4) of Schedule 2 of the Local Government Act 1999 and consistent with Clause 7.4.1 of the current charter, the Council confirms the comprehensive review of the Charter and endorses the amendments to the Charter as set out in Appendix 1 to this report, on the condition that Clause 1.8.4 of the Revised Charter regarding the power to accumulate surplus funds from profits, the profits are only to be derived from all waste received at the Wingfield Recovery Centre from external clients and not from the Constituent Councils.*
3. *The Council notes that the Executive Officer of Waste Care SA, will arrange for the amended charter to be published in the Government Gazette and a copy provided to the Minister and that the amended charter will come into operation upon gazettal.*

A copy of the Minutes is contained in **Attachment A**.

Elected Members may recall that Waste Care SA, is seeking greater freedom in its ability to accumulate and distribute surplus funds. The current Charter limits Waste Care SA's ability to accumulate surplus funds to 10% of each year's surplus.

The Council's suggested amendment was based on the premise that surplus funds accumulated from Constituent Councils, should be returned to the Councils from which it was accumulated in line with the principle that a Regional Subsidiary should only charge each Constituent Council, fees which cover the cost of the services provided to each Constituent Council.

The Executive Officer of Waste Care SA met with Council staff, in order to determine an appropriate amendment to the Charter which would address this Council's concerns.

By way of memorandum dated 16 March 2010, addressed to the Chief Executive Officers of the Constituent Councils, the Executive Officer has outlined proposed amendments to the revised Charter, which address this Council's concerns and the concerns raised by the Town of Walkerville and the Campbelltown City Council.

The Executive Officer's memorandum, titled 'Waste Care SA Charter – Financial Governance Improvements', is contained in **Attachment B**. The memorandum is self-explanatory in respect to the requests made by the Town of Walkerville and the Campbelltown City Council.

In respect to the request made by this Council, the Executive Officer's report indicates that this is to be addressed by amending Point 1.8.4 of the proposed Charter, to specify that discretionary rebates to Member Councils can only be made "provided that such rebates are derived solely from services rendered to persons, bodies or councils other than a Member Council."

While this addition does not specifically prevent Waste Care SA from deriving surpluses from its Member Councils, the Executive Officer has proposed that some control be placed on this practice in the form of the adoption of a Treasury Management Policy.

The Policy would describe the circumstances, purpose and conditions under which the Subsidiary would incur debt, accumulate surplus funds, manage financial risk, etc. Once adopted, the Policy would provide some assurance to Constituent Councils that if Waste Care SA derives an accumulated surplus from its Constituent Councils and chooses to retain it, that the accumulated surplus would be used only for necessary business purposes (for example, to provide a working cash balance to pay creditors on time).

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not applicable.

FINANCIAL AND BUDGET IMPLICATIONS

Not applicable.

EXTERNAL ECONOMIC IMPLICATIONS

Not applicable.

SOCIAL ISSUES

Not applicable.

CULTURAL ISSUES

Not applicable.

ENVIRONMENTAL ISSUES

Not applicable.

RESOURCE ISSUES

Not applicable.

RISK MANAGEMENT

In the absence of proper governance arrangements, Constituent Councils will be placed at significant risk. It is important that the governance arrangements for all Regional Subsidiaries are closely scrutinised by the Constituent Councils.

CONSULTATION

- **Elected Members**
The Council considered this issue at its meeting held on 3 August 2009.
- **Community**
Nil.

- **Staff**

The Chief Executive Officer, the General Manager, Urban Services and the Manager, City Services have worked with the Executive Officer of Waste Care SA, in consultation with legal counsel, to develop the proposed amendments relating to this Council's specific request.

The same staff have also been consulted regarding the minor amendments requested by the Campbelltown City Council and the Town of Walkerville.

- **Other Agencies**

Nil.

DISCUSSION

The proposed amendments to the revised Charter are in line with the amendments requested by this Council at its meeting in August 2009. Key to the proposed amendments is the requirement for Waste Care SA to develop and present to the Constituent Councils for adoption, a Treasury Management Policy.

The requirement to have a Policy, adopted by the Constituent Councils, will be enshrined in the Charter. It is the content of the Policy, which will ensure that the Council's concerns are addressed.

The Council will need to carefully consider the proposed Policy at the time it is developed.

OPTIONS

The Council may resolve whether or not to approve the proposed amendment to the revised Charter.

If it resolves to do so, the revised Charter, with the proposed amendment, will be gazetted and subsequently become the new Charter of Waste Care SA. This is contingent on the other Constituent Councils resolving likewise.

If the Council resolves not to approve the amendment or, indeed, if any of the other Constituent Councils do not approve the amendment, then further work will be required to determine mutually acceptable terms for the Charter, which would need to be put back to the Constituent Councils for consideration.

Given that the proposed amendments to the revised Charter are considered to address the Council's concerns, it is recommended that the amendments be approved.

CONCLUSION

Proposed amendments to the revised Charter of Waste Care SA have been submitted by the Executive Officer of Waste Care SA, following consultation with Council staff. It is the opinion of staff that the proposed amendments, including the requirement for a Treasury Policy to be developed, provide adequate control on the Regional Subsidiary's ability to accumulate surplus funds and the manner in which any surplus funds are rebated to the Constituent Councils. Therefore, the amendments should be supported.

COMMENTS

It should be noted that at its meeting in August 2010, the Council resolved to approved the revised Charter, subject to the amendments described in its resolution being adopted. As such, it is not necessary for the entire Charter to be resubmitted to the Council for approval, but only the amendments being proposed.

The recommendation provided in this report is the resolution which the Executive Officer of Waste Care SA is requesting be made by all of the Constituent Councils in the same terms. The Constituent Councils need to resolve in the same terms for the matter to be finalised and for the new Charter to be gazetted.

RECOMMENDATION

1. That the report of the Executive Officer titled 'Waste Care SA Charter – Financial Governance Improvements' be received and noted.
2. That the further amendments to the Charter of Waste Care SA as set out below be approved:
 - At subclause 1.4.2 the name of the Campbelltown Council be changed from 'City of Campbelltown' to 'Campbelltown City Council' and the name of the Walkerville Council be changed from 'Town of Walkerville' to 'Corporation of the Town of Walkerville';
 - At subclauses 1.7.3 and 1.7.15 delete 'to' as first appearing in each subclause;
 - At subclause 1.8.4 amend the subclause to read "the power to provide rebates to member Councils at the discretion of the Board in the proportion of the equity percentages set out at Schedule 1 provided that such rebates are derived solely from services rendered to persons, bodies or councils other than a Member Council"; and
 - Insert as a new subclause 6.1.8 under the heading 'Financial Management' the following – "The Subsidiary must develop and present to the Constituent Councils for adoption a treasury management policy to include (but not limited to) provisions relating to debt, savings, surplus funds and financial risk reduction through a holistic approach to borrowings, investment and financial management.

10.5 AUGUSTA STREET AND CLIFTON STREET, MAYLANDS - REQUEST FOR THE INSTALLATION OF TRAFFIC CALMING MEASURES

REPORT AUTHOR: Manager, City Assets
GENERAL MANAGER: General Manager, Urban Services
CONTACT NUMBER: 8366 4542
FILE REFERENCE: S/00207 R/00030 R/00090 P/09695 S/01009 S/00034
ATTACHMENTS: A - B

PURPOSE OF REPORT

The purpose of this report is to outline to the Council for its consideration, a summary of the traffic data which has been gathered and analysed, in considering whether or not it will accede to a request received through a petition, for the Council to provide traffic calming measures in Augusta Street, Maylands at its intersections with Clifton Street and Dover Street as well as along Augusta Street and Clifton Street.

BACKGROUND

At its meeting held on 20 January 2009, the Council considered a report regarding a petition which was received on 26 December 2008.

In the petition, the petitioners requested that traffic calming measures, in the form of roundabouts or chicanes, be installed in Augusta Street, at its intersections with Clifton Street and Dover Street. The petitioners are also requesting that the Council also consider the installation of other traffic calming measures throughout Augusta Street and Clifton Street. A copy of the letter which was received on 26 December 2008 and the petition is attached (**Attachment A**).

Following consideration of the matter, the Council resolved the following.

1. *That the petition be received and noted and that all petitioners be formally thanked, through the convenors of the petition, Mr Chris Nobbs and Ms Julie Blyfield and Mr Chris Nolan and Ms Louise Nunn, for bringing their concerns to the Council's attention.*
2. *That Council staff undertake the necessary investigations and consideration of the requests which have been made by the petitioners.*
3. *That a further report be presented to the Council, outlining the findings of the investigations, once Council staffs have concluded their investigation into the requests which have been made by the petitioners.*

Council staff have considered the requests which have been made by the petitioners. In doing so, Council staff have analysed the necessary traffic data which was collated to ascertain the warrant and justification for introducing traffic calming measures at these locations. The relevant information regarding the traffic data which has been gathered and analysed is outlined in this report and the Council can now make an informed decision in respect to the requests which have been made by the petitioners.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The relevant Outcomes and Objectives of the Council's **City Plan 2030, Shaping Our Future** are provided below:

Outcome 1: Social Equity

A connected, accessible and pedestrian-friendly community.

Objectives:

2. A people-friendly, integrated and sustainable transport and pedestrian network.
3. An engaged and participating community.

The Council has received a request, through a petition, to install traffic calming measures in Augusta Street and Clifton Street which are residential streets in the Maylands area. The premise for the petitioners' requests is their concerns regarding traffic volumes and speeds. Council staff have considered the petitioners' requests and in doing so have analysed the necessary traffic data. The Council can now consider the relevant information and make an informed decision in respect to the petitioners' requests. Should the Council decided to implement traffic calming measures, as requested by the petitioners, the Council will be required to undertake community consultation prior to making any final decisions in respect to going ahead with the implementation of any such measures.

FINANCIAL AND BUDGET IMPLICATIONS

Council staff engaged Frank Siow & Associates Traffic & Parking Consultants Traffic Engineering Consultant ("the Council's Consultant") has been engaged to undertake the task of collecting and collating certain traffic data in ascertaining the warrant for the installation of traffic calming measures. The Council's Consultant collated traffic volumes and speeds along Augusta Street and Clifton Street and also undertook what is referred to as an origin destination survey (more details provided in the Discussion Section of this report).

A total of \$3,641 (GST Inclusive) was incurred in collecting and collating the relevant traffic data. This cost was met from the Recurrent Budget.

EXTERNAL ECONOMIC IMPLICATIONS

Not applicable.

SOCIAL ISSUES

Not applicable.

CULTURAL ISSUES

Not applicable.

ENVIRONMENTAL ISSUES

Not applicable.

RESOURCE ISSUES

In respect to external resources, as mentioned in the Financial Implications section of this report, Council staff engaged a Traffic Engineering Consultant to undertake the necessary collection and collation of traffic data in considering the requests which have been made by the petitioners.

In respect to internal resources, Council staff have compared the data recently gathered to the data which was gathered during the undertaking of the Maylands/Evandale Local Area Traffic Management (LATM) Study. Information on this comparison is outlined in the Discussion Section of this report.

RISK MANAGEMENT

All relevant risk management issues, associated with this matter, will be taken into account as part of the overall considerations of the request which has been made by the petitioners and in investigating the concerns which have been raised.

CONSULTATION

- **Elected Members**

This matter was considered by the Council at its meeting held on 20 January, 2009.

- **Community**

Not applicable

- **Staff**

General Manager, Urban Services

- **Other Agencies**

None

DISCUSSION

1. THE PETITION

The petition has been signed by twenty (20) petitioners. Of those, nine (9) are residents of Clifton Street (four (4) of which are the convenors of the petition), three (3) are residents of Mayfair Street, two (2) are residents of Augusta Street, two (2) are residents of Adelaide Street, three (3) are residents of Dover Street and one (1) is not a resident of Maylands, but is a frequent visitor.

The petitioners have advised that on 5 April 2008, a driver crashed into the front fence of the property located at 12 Clifton Street, which in their view is the result of drivers frequently driving at excessive speeds. To this end, the petitioners have requested the installation of traffic calming measures not only in Augusta Street at its intersections with Clifton Street and Dover Street but also throughout Augusta Street and Clifton Street.

2. TRAFFIC DATA

By way of background information, Elected Members are advised that in 2002, the Council commissioned the Maylands/Evandale Local Area Traffic Management (LATM) Study. The Study was undertaken in the area which is bound by Portrush Road, Payneham Road, Nelson Street and Magill Road. A detailed report was submitted to the Council for its consideration, at the conclusion of the LATM Study. In this report, the Council's Consultant outlined the findings of the Study and the recommendations in addressing issues which were identified during the undertaking of the Study. Following consideration of this report, the Council resolved to implement several traffic calming measures throughout the Study Area. In respect to Augusta Street and Clifton Street, the Council Consultant's report did not recommend the installation of any traffic calming measures. The report did, however, recommend that the Council consider the introduction of a lower speed limit throughout the entire Study Area (which was the case when the State Government implemented in March 2003, the 50km/hr Default Lower Urban Speed Limit).

An aerial photo showing the locality is contained in **Attachment B**. Roundabouts are already in place in Clifton Street and Dover Street at their intersections with Phillis Street and Frederick Street. These four (4) roundabouts are located within close proximity of each other and it is therefore not surprising that the Council's Consultant did not recommend the implementation of additional traffic calming measures in these streets.

As mentioned earlier in this report, traffic data was collected and analysed in May 2009, for the purpose of ascertaining the traffic conditions and as part of the process to consider the requests which have been made by the petitioners. For the purposes of considering the warrant for the installation of traffic calming measures, the traffic data collated in 2009 has been compared with the traffic data which was collated in 2002 as part of the LATM Study, bearing in mind that the Council's Consultant who undertook the LATM Study did not make any recommendations regarding the introduction of such treatments as a result of the relatively low traffic volumes and traffic speeds in these locations. A summary of the relevant information is outlined in Table 1 and Table 2 below.

TABLE 1: SUMMARY OF TRAFFIC DATA COLLATED IN 2009

Street	Location	Traffic Volumes	Traffic Speeds	
			85 th %	Mean
Augusta St	Magill Rd - Dover St	780 vpd	53.3 km/hr	44.8 km/hr
Augusta St	Dover St - Clifton St	431 vpd	53.3 km/hr	44.2 km/hr
Clifton St	Augusta St - Phillis St	1071 vpd	38.9 km/hr	33.2 km/hr
Clifton St	Adelaide St - Phillis St	967 vpd	35.6 km/hr	29.4 km/hr
Clifton St	Portrush Rd - Adelaide St	1087 vpd	40.7 km/hr	34.7 km/hr

TABLE 2: SUMMARY OF TRAFFIC DATA COLLATED IN 2002

Street	Location	Traffic Volumes	Traffic Speeds	
			85 th %	Mean
Augusta St	Dover St - Clifton St	544 vpd	59.0 km/hr	46.5 km/hr
Clifton St	Adelaide St - Phillis St	736 vpd	45.0 km/hr	35.7 km/hr

In respect to the issue of traffic volumes, Elected Members are advised that the data which was gathered during the LATM Study was for a period of 24-hours. In accordance with Traffic Engineering practices, undertaking traffic counts for one (1) day is acceptable and is indeed common practice. Undertaking traffic counts for a period of one (1) day during the conduct of an LATM, is also practical given that every street within the Study Area has to be surveyed. However, in respect to the data which was collated in 2009, the traffic counts were undertaken over a period of seven (7) days with an average taken. This is normally the length of period during which traffic counts are undertaken when the Council is seeking to assess a complaint which is received regarding a particular street, which was the case with this petition.

In comparing the traffic volumes and speeds data which was collated in 2002 and 2009, the following observations are made:

- Augusta Street (between Dover Street and Clifton Street)
 - Traffic volumes reduced from 544 to 431 vehicles per day.
 - The 85th Percentile Speed reduced from 59.0km/hr to 53.3km/hr.
 - The Mean Speed reduced from 46.5km/hr to 44.2km/hr.
- Clifton Street (between Adelaide Street and Phillis Street)
 - Traffic volumes increased from 736 to 967 vehicles per day.
 - The 85th Percentile Speed reduced from 45.0km/hr to 35.6km/hr.
 - The Mean Speed reduced from 35.7km/hr to 29.4km/hr

The increase in traffic volumes in Clifton Street, between Adelaide Street and Phillis Street, could be the result of a number of reasons including perhaps that during the day of the count in 2002, there were fewer vehicles than normal. However, notwithstanding that, it is evident from the traffic data which has been collated in 2009, that the overall traffic volumes and speeds have reduced from 2002 (with the exception of a section in Clifton Street). In addition, the petitioners concerns was regarding speeds which have reduced in all locations surveyed. To this end, based upon the information which has been obtained, there is no warrant or justification for the Council to consider the introduction of traffic calming measures as has been suggested by the petitioners.

OPTIONS

Based on the analysis of the traffic data which has been collated, the logical option is for the Council not to consider the introduction of any traffic calming measures in this area. The Council could, however, choose to go ahead with the implementation of such measures and commence a community consultation process in seeking the community's views on the introduction of such measures.

CONCLUSION

The Council has received a petition in which the petitioners are requesting that the Council consider the installation of traffic calming measures in Augusta Street and Clifton Street. Council staff have considered these requests against the traffic conditions within the area. There are no warrants or justifications, based on the traffic data which has been gathered and analysed for the Council to consider the implementation of such measures. The relevant information is outlined in this report and the Council can now make an informed decision.

Notwithstanding the above, whilst an accident has occurred, thereby prompting the petitioners to make their request, it does not automatically imply that the accident occurred as a result of the traffic management arrangements in the local area. In fact, it is the understanding of Council staff that the accident occurred as a result of the driver attempting to evade police. In this respect, whilst the accident prompted the petitioners to raise their concerns, it is highly unlikely that the accident would have been prevented if traffic calming measures were in place. Many police chases end up in collisions. Similarly, even if additional traffic management devices are installed, it should not be assumed that accidents will not occur.

COMMENTS

It has been quite sometime since the Council initially considered this matter. Regrettably, Council staff have been unable to present this report for the Council's consideration earlier due to workload and other more pressing issues and projects which Council staff have had to address since the Council initially considered the receiving of the petition.

RECOMMENDATION

1. That having considered all of the relevant information, the installation of additional traffic calming measures in Augusta Street or Clifton Street as requested by the petitioners not be undertaken.
2. That the convenors of the petition, Mr Chris Nobbs and Ms Julie Blyfield and Mr Chris Nolan and Ms Louise Nunn, be advised of the Council's decision regarding this matter.

SECTION 2 - CORPORATE & FINANCE

REPORTS

10.6 MONTHLY FINANCIAL REPORT – FEBRUARY 2010

REPORT AUTHOR: Acting Accountant
GENERAL MANAGER: General Manager, Corporate Services
CONTACT NUMBER: 8366 4552
FILE REFERENCE: S/00697
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to provide the Council with information regarding its financial performance for the year-to-date to February 2010.

BACKGROUND

Section 59 of the Local Government Act 1999 (the Act), requires the Council to keep its resource allocation, expenditure and activities and the efficiency and effectiveness of its service delivery, under review.

To assist the Council in complying with these legislative requirements and the principles of good corporate financial governance, the Council is provided with regular monthly financial reports detailing its financial performance.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not applicable.

FINANCIAL AND BUDGET IMPLICATIONS

A summary of timing and permanent variances of a material nature is contained in **Attachment A**.

Materiality can be defined as an amount of \$20,000 or greater, or having a significant effect on Council's decision making process, based upon the major income or expense category (as detailed in the Income Statement) for each operation of the Council.

EXTERNAL ECONOMIC IMPLICATIONS

This report provides information on the financial performance of the Council for the year-to-date to February 2010 and has no direct external economic impact.

SOCIAL ISSUES

Nil.

CULTURAL ISSUES

Nil.

ENVIRONMENTAL ISSUES

Nil.

RESOURCE ISSUES

There are no resource issues arising from this issue.

RISK MANAGEMENT

There are no risk management issues arising from this issue. This report has been prepared in accordance with the statutory requirements.

CONSULTATION

- **Elected Members**
Nil.
- **Community**
Not applicable.
- **Staff**
Responsible Officers and General Managers.
- **Other Agencies**
Not applicable.

DISCUSSION

Contained within **Attachment A**.

OPTIONS

Not applicable.

CONCLUSION

Nil.

COMMENTS

Nil.

RECOMMENDATION

That the report contained in Attachment A be received and noted.

10.7 DOG REGISTRATION FEES

REPORT AUTHOR: Manager, City Assets
GENERAL MANAGER: General Manager, Urban Services
CONTACT NUMBER: 8366 4542
FILE REFERENCE: S/00025 S/00097 S/01528 S/01751
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to advise the Council of a decision which has recently been made by the Minister for Environment and Conservation ("the Minister") to increase the maximum fees which can be charged by councils for dog registrations. The Minister has capped the maximum dog registration fees which can be charged by councils over the next three (3) financial years and as such, the Council needs to consider the Minister's decision and whether or not it wishes to increase its fees in line with the Minister's decision.

BACKGROUND

Section 26(6) of the *Dog and Cat Management Act 1995* ("the Act") allows councils to charge annual dog registration fees as approved by the Minister. In accordance with the Act, councils must submit their annual draft budgets for dog management (including registrations fees) for approval by the Minister.

At its meeting held on 6 June 2005, the Council considered a report outlining dog registration fees. This decision followed changes which were made to the Act and which came into effect on 1 July 2005. One of the key changes was an increase in the maximum dog registration fee which could be charged by councils.

Following consideration of the matter, the Council resolved the following at its meeting held on 6 June 2005.

1. *Council adopts the annual dog registration fees and rebate structure as set out below:*

• <i>Annual (Non-Concession) Registration</i>	<i>\$40.00</i>
• <i>Desexed Dog</i>	<i>40% rebate</i>
• <i>Microchipped Dog</i>	<i>10% rebate</i>
• <i>Trained Dog</i>	<i>10% rebate</i>
• <i>Pensioner/Concession Card Holder</i>	<i>75% rebate</i>
• <i>Greyhound</i>	<i>\$10.00</i>
• <i>Working Dog</i>	<i>\$10.00</i>
• <i>Late Registration Fee</i>	<i>\$10.00</i>
• <i>Transfer Fee</i>	<i>\$5.00</i>
• <i>Impounding Fee</i>	<i>\$30.00</i>
• <i>Replacement Disc</i>	<i>\$5.00</i>

2. *The approved dog registration fees and rebate structure, be implemented from 1 July 2005 and until such time as a review is undertaken and they are amended.*

3. *The Dog & Cat Management Board is advised of the Council's decision regarding the setting of dog registration fees and rebate structure as outlined in (1) above and seek the relevant endorsement from the Minister for the approved fees and rebate structure to apply from 1 July 2005 and until such time as a review is undertaken by the Council and the fees are amended.*

In accordance with the Council's Resolution made on 6 June 2005, the annual dog registration fees and rebate structure came into effect on 1 July 2005 and have been applied each year to date. However, on 11 February 2010, the Local Government Association of South Australia notified all councils through a Circular that the Minister had approved an increase to the fee cap for dog registration fees and that this is to be staggered over three (3) years. The Minister has approved a maximum fee of \$50 for 2010-2011 which is an increase from \$40, \$55 for 2011-2012 and \$60 for 2012-2013. In this respect, the Council now needs to consider the decision which has been made by the Minister and decide whether or not it wishes to increase the charging of its maximum annual dog registration fee in line with the Minister's decision.

A copy of Local Government Association Circular to councils dated 11 February 2010 and the Minister's letter dated 5 February 2010 to the Local Government Association dated 5 February 2010 is attached (**Attachment A**).

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The relevant Outcomes and Objectives of the Council's *City Plan 2030, Shaping Our Future* are provided below:

Outcome 1: Social Equity

A connected, accessible and pedestrian-friendly community.

Objectives:

1. Convenient and accessible services.

Pet ownership is highly valued by the residents of the City and the wider community. Dog ownership is regarded by many to be of great importance in terms of companionship and an integral part of family life. The charging of annual dog registration fees is not only a statutory requirement under the Act, but is considered essential in terms of ensuring that the Council has adequate funds to cover some of the essential services which it provides to dog owners. Dog registration fees have not increased in the past five (5) years and it is considered appropriate for the Council to now consider this matter in light of the recent decision which has been made by the Minister based on a recommendation from the Dog and Cat Management Board.

Urban Animal Management Plan 2007-2012

In 2007, the Council adopted its Urban Animal Management Plan 2007-2012. Section 3.2 of the Plan (Registration & Identification) outlines the importance of dog registration and identification. One of the Actions which is set out in this section of the Plan, requires the Council to review its dog registration fees at any time when the Minister has amended the provisions.

FINANCIAL AND BUDGET IMPLICATIONS

Generally speaking, approximately 3,500 dogs are registered annually across the City and approximately \$68,000 is collected from registration fees. This figure is based on the current maximum fee which has been set by the Council since 2005 of \$40 and the current rebate structure which is outlined in the Background Section of this report.

If the Council adopts an increase in the maximum fee as approved by the Minister, (that is an increase from \$40 to \$50 in the first year, then to \$55 and \$60 in the following two (2) years, respectively,) the annual fees collected by the Council from dog registration would increase. This would obviously be dependent upon the number of dogs which are actually registered each year.

For the purposes of this report, Council staff have projected the estimated annual fees which would be received by the Council over the coming three (3) financial years, based on the average number of dogs registered annually, the maximum fee which has been approved by the Minister and the rebate structure which is currently being applied. The estimated figures are summarised in Table 1 below.

TABLE 1: ESTIMATED FEES COLLECTED FROM ANNUAL DOG REGISTRATION FEES FOR THE 2010-2011, 2011-2012 & 2012-2013 FINANCIAL YEARS

<i>Year</i>	<i>Estimated Income</i>
2010-2011	\$80,000* (with an increase from \$40 to \$50)
2011-2012	\$88,000* (with an increase from \$50 to \$55)
2012-2013	\$96,800* (with an increase from \$55 to \$60)

*Figures stated are estimates only and will vary based on actual number of dogs registered annually.

EXTERNAL ECONOMIC IMPLICATIONS

Not applicable.

SOCIAL ISSUES

Whenever the Council increases any fees, there will always undoubtedly be some concerns which are raised. However, the reality of the situation is that dog registration fees have remained unchanged for the past five (5) years and the obligations which are placed on the Council have increased during this period of time, particularly with such matters as fencing playgrounds in off-leash parks. In this respect, whilst there may be some concerns which have been raised in respect to fee increases, there is certainly justification given that the fees have not increased in five (5) years and the proposed increase are considered to be appropriate and reasonable.

In addition, in terms of equity, the issue of 'who pays' for dog ownership is an important one. To this end, the system of fees is based upon the principle that dog owners must pay for dog ownership. In terms of the costs which are incurred by the Council (on behalf of the Community) to manage dogs.

CULTURAL ISSUES

Not applicable

ENVIRONMENTAL ISSUES

Not applicable.

RESOURCE ISSUES

Not applicable.

RISK MANAGEMENT

There are no risk management issues in respect to whether or not the Council decides to increase its annual dog registration fees.

CONSULTATION

- **Elected Members**

Not applicable

- **Community**

Not applicable

- **Staff**

General Manager, Urban Services; and
Acting Team Leader, Regulatory Services

- **Other Agencies**

The Dog and Cat Management Board undertook general consultation with councils and key stakeholders in 2009 regarding a range of issues, which included a recommendation to the Minister by the Board to increase dog registration fees.

DISCUSSION

The Minister has approved an increase to the maximum fee which councils can charge, but has capped the increase over the next three (3) financial years to ensure that councils charge a reasonable increase.

In 2005, the Council adopted a maximum fee of \$40 which was the maximum fee that could be charged at the time as approved by the Minister. The Council also adopted a rebate structure which was recommended by the Dog and Cat Management Board. The Council's decision in 2005, effectively meant that the maximum fee would come into effect on 1 July 2005 and would not be reviewed by the Council until such time as the Minister approved a new maximum fee, which has now occurred.

To this end, the Council should consider increasing its maximum fee, as approved by the Minister and given that it is unlikely that the Council will have a chance to review these fees again for a number of years.

The fees and rebate structure over the coming three (3) financial years, should the Council decide to endorse the fees as approved by the Minister, are summarised in Table 2 below.

TABLE 2: SUMMARY OF DOG REGISTRATION FEES & REBATE STRUCTURES FOR THE 2010-2011, 2011-2012 & 2012-2013 FINANCIAL YEARS

<i>Year</i>	<i>Category of Fee & Rebate Structure</i>	<i>Fee to be Charged</i>	
2010-2011	• Annual (Non-Concession) Registration	• \$50	
	• Desexed Dog	• 40% rebate	
	• Microchipped Dog	• 10% rebate	
	• Trained Dog	• 10% rebate	
	• Pensioner/Concession Card Holder	• 75% rebate	
	• Greyhound	• \$10	
	• Working Dog	• \$10	
	• Late Registration Fee	• \$10	
	• Transfer Fee	• \$5	
	• Impounding Fee	• \$30	
	• Replacement Disc	• \$5	
	2011-2012	• Annual (Non-Concession) Registration	• \$55
		• Desexed Dog	• 40% rebate
		• Microchipped Dog	• 10% rebate
• Trained Dog		• 10% rebate	
• Pensioner/Concession Card Holder		• 75% rebate	
• Greyhound		• \$10	
• Working Dog		• \$10	
• Late Registration Fee		• \$10	
• Transfer Fee		• \$5	
• Impounding Fee		• \$30	
• Replacement Disc		• \$5	
2012-2013		• Annual (Non-Concession) Registration	• \$60
		• Desexed Dog	• 40% rebate
		• Microchipped Dog	• 10% rebate
	• Trained Dog	• 10% rebate	
	• Pensioner/Concession Card Holder	• 75% rebate	
	• Greyhound	• \$10	
	• Working Dog	• \$10	
	• Late Registration Fee	• \$10	
	• Transfer Fee	• \$5	
	• Impounding Fee	• \$30	
	• Replacement Disc	• \$5	

OPTIONS

The Council can choose to endorse the proposal as outlined in this report and in line with the approval of the Minister which is Council staff's recommendation. Alternatively, the Council may choose to retain the current maximum fee and rebate structure and make no changes.

CONCLUSION

The necessary information regarding this matter has been outlined for the Council's consideration and the council can now make an informed decision.

COMMENTS

None.

RECOMMENDATION

1. That the annual dog registration fees and rebate structures, for the 2010-2011, 2011-2012 and 2012-2013 financial years as set out below be adopted:

Year	Category of Fee & Rebate Structure	Fee to be Charged	
2010-2011	• Annual (Non-Concession) Registration	• \$50	
	• Desexed Dog	• 40% rebate	
	• Microchipped Dog	• 10% rebate	
	• Trained Dog	• 10% rebate	
	• Pensioner/Concession Card Holder	• 75% rebate	
	• Greyhound	• \$10	
	• Working Dog	• \$10	
	• Late Registration Fee	• \$10	
	• Transfer Fee	• \$5	
	• Impounding Fee	• \$30	
	• Replacement Disc	• \$5	
	2011-2012	• Annual (Non-Concession) Registration	• \$55
		• Desexed Dog	• 40% rebate
		• Microchipped Dog	• 10% rebate
• Trained Dog		• 10% rebate	
• Pensioner/Concession Card Holder		• 75% rebate	
• Greyhound		• \$10	
• Working Dog		• \$10	
• Late Registration Fee		• \$10	
• Transfer Fee		• \$5	
• Impounding Fee		• \$30	
• Replacement Disc		• \$5	
2012-2013		• Annual (Non-Concession) Registration	• \$60
		• Desexed Dog	• 40% rebate
		• Microchipped Dog	• 10% rebate
	• Trained Dog	• 10% rebate	
	• Pensioner/Concession Card Holder	• 75% rebate	
	• Greyhound	• \$10	
	• Working Dog	• \$10	
	• Late Registration Fee	• \$10	
	• Transfer Fee	• \$5	
	• Impounding Fee	• \$30	
	• Replacement Disc	• \$5	

2. That the annual dog registration fees and rebate structures which are to apply for the 2012-2013 financial year, are to also apply for subsequent financial years and until such time as a review is undertaken and the fees are amended by the Council.
3. That Council staff formally advise the Dog and Cat Management Board of the Council's decision regarding this matter and that Council staff seek the necessary and required approvals from the Minister as required.

SECTION 3 - GOVERNANCE & GENERAL
REPORTS

10.8 REPORTS OUTSTANDING

REPORT AUTHOR: Chief Executive Officer
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 83664520
FILE REFERENCE: Nil
ATTACHMENTS: A

PURPOSE OF REPORT

As part of the Organisation's management system, a Reports Outstanding List will be prepared on a monthly basis. The purpose of the List is to keep track of any reports that have been requested and the status of those reports.

A copy of the List is contained in **Attachment A**.

BACKGROUND

Nil

DISCUSSION

Nil

RECOMMENDATION

That the report be received and noted.

10.9 NOMINATION – LOCAL GOVERNMENT ASSOCIATION OF SOUTH AUSTRALIA STATE EXECUTIVE COMMITTEE

REPORT AUTHOR: Manager, Governance & Civic Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: S/00022
ATTACHMENTS: A - C

PURPOSE OF REPORT

The purpose of the report is to advise the Council of the call for nominations by the Local Government Association of South Australia (LGA), for a Metropolitan Council Representative on the LGA State Executive Committee and to invite the Council to submit a nomination.

LGA State Executive Committee

The Local Government Association of South Australia (LGA), has forwarded correspondence to the Council advising that as a result of a recent resignation from the State Executive Committee, a vacancy for a Metropolitan Zone Representative on the State Executive Committee has now arisen.

Pursuant to the LGA Constitution, the LGA is now inviting nominations for appointment to the State Executive Committee from those councils being in the Metropolitan zone, in accordance with Schedule 1 of the LGA Constitution.

A copy of Schedule 1 of the LGA Constitution is contained within **Attachment A**.

The role of the State Executive Committee is to manage the activities of the LGA in between general meetings, in accordance with policy and other decisions taken at general meetings, and to report annually on those activities.

The role of State Executive Committee members is to:

- contribute to the LGA by providing provide leadership for local government and pursuing the objects contained in the Constitution;
- represent the LGA externally to the wider community, nationally and internationally;
- present to the State Executive Committee the interests and vies of the councils that they represent; and
- convey decisions of the State Executive Committee and other information back to the councils they represent.

The term of office for the State Executive Committee Member will be from April 2010 until the conclusion of the April 2011 General Meeting of the LGA.

The qualifications for nominating for appointment to the State Executive Committee, are that the nominee must be a serving member of a council (ie Mayor, Chairperson or Councillor). A council may nominate an eligible individual from their own council or an eligible individual from another council in the Metropolitan Zone.

That is, all nominations must be from a member council listed in the First Schedule. (**Attachment A**).

Only one nomination from a council can be accepted by the LGA for the Metropolitan Council Representative on the State Executive Committee.

All current Metropolitan Proxy Members of the State Executive Committee are eligible for nomination.

A list of the current Metropolitan Region Representatives & Proxies, as at February 2010, is contained within **Attachment B**.

Nominations are to be received by the Returning Officer, LGA no later than 5.00pm on Friday 7 May 2010.

All nominations must be forwarded to the LGA via the nomination forms contained within **Attachment C**.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not applicable.

RECOMMENDATION

1. That the report be received and noted and the invitation to submit a nomination to the Local Government Association for the Local Government Association State Executive Committee be declined.

Or

2. The Council nominates _____ to the Local Government Association for the Local Government Association State Executive Committee.

10.10 2010 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION NATIONAL GENERAL ASSEMBLY

REPORT AUTHOR: Manager, Governance & Civic Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 83664549
FILE REFERENCE: S/00374
ATTACHMENTS: A - B

PURPOSE OF REPORT

The purpose of this report is to advise the Council of the 2010 Australian Local Government Association (ALGA) National General Assembly and to seek nominations and approval for Elected Members to attend.

BACKGROUND

The ALGA holds a National General Assembly each year. This year, the Assembly will be held in Canberra from 14-17 June 2010.

The purpose of the National General Assembly is to bring together delegates from councils across Australia to debate issues of national significance to Local Government. It provides an opportunity for local councils to develop and express a united voice on core issues affecting their communities, with access to influential decision makers of the Federal Government, at both the political and departmental level.

As well as providing planning sessions and workshops, the National General Assembly provides an opportunity for councils to put forward motions for debate.

As such, a reasonable component of the Assembly is consumed with discussion, debate and voting on motions which are submitted by councils.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not applicable.

FINANCIAL AND BUDGET IMPLICATIONS

The Council sets aside \$20,000.00 for Elected Member training and attendance at conferences and seminars each financial year (\$10,000 for training and \$10,000 for conferences/seminars) as part of the Council's Operating Budget.

At the time of writing this report, a total of \$3629.00 has been spent on Elected Member attendances at conferences and seminars.

EXTERNAL ECONOMIC IMPLICATIONS

Nil.

SOCIAL ISSUES

Nil.

CULTURAL ISSUES

Nil.

ENVIRONMENTAL ISSUES

Nil.

RESOURCE ISSUES

Nil.

RISK MANAGEMENT

Nil.

CONSULTATION

- **Elected Members**

Elected Members were advised of the date of the ALGA National General Assembly and the call for Notices of Motion via a memo from the Manager, Governance & Civic Affairs, dated 17 March 2010.

- **Community**

Not applicable.

- **Staff**

Not applicable.

- **Other Agencies**

Not applicable.

DISCUSSION

The theme for this year's Assembly is "Population, Productivity and Participation".

At the time of writing this report, the Program for the Assembly had not been finalised, however a Provisional Program is contained within Attachment A.

The Mayor, Chief Executive Officer and the Manager, Governance & Civic Affairs have traditionally attended the Assembly and represented the Council.

From time to time other Elected Members have also attended the Assembly.

Notices of Motion

As stated above, the National General Assembly also provides an opportunity for councils to submit motions for consideration at the Assembly.

Once again, the ALGA has advised that all motions submitted for consideration at the Assembly, will undergo strict assessment against the criteria of national significance. All motions that do not meet the criteria will be forwarded to the relevant State association for consideration.

ALGA has identified three (3) themes under which motions should be submitted. These themes address priority areas for the Australian Government to develop policy under and are areas which complement and build on existing ALGA and local government positions:

- Population;
- Productivity; and
- Participation.

A Discussion Paper which provides background information on the themes has been prepared to assist councils. A copy of the Discussion Paper is contained within Attachment B.

The issues presented in the Discussion Paper are designed to stimulate ideas that may form the basis of Notices of Motions to be considered at the NGA.

To be eligible for inclusion in the National General Assembly Business Papers motions must:

1. fall under one of the themes;
2. be relevant to the work of local government nationally; and
3. complement or build on the policy objectives of state or territory association.

Motions submitted will be reviewed against these principles by the General Assembly Review Committee and State/Territory associations, as to their eligibility for inclusion in the General Assembly Business Papers.

OPTIONS

The Council may submit a Notice of Motion to the Australian Local Government Association for consideration at the 2010 National General Assembly.

CONCLUSION

Notices of Motion must be submitted to ALGA by Friday 30 April 2010, if they are to be considered at the National General Assembly.

COMMENTS

A memo, dated 17 March 2010, was forwarded to Elected Members, inviting Members wishing to submit a Notice of Motion for consideration at the National General Assembly, to contact the Council's Manager, Governance & Civic Affairs, prior to this meeting, for advice and assistance in the formulation of an appropriate Notice of Motion, if required.

At the time of writing this report the Manager, Governance & Civic Affairs had not been contacted by any Elected Member wishing to submit an additional Notice of Motion.

RECOMMENDATION

1. That approval be given for the Mayor to attend the 2010 Australian Local Government Association National General Assembly.
2. That approval be given for Councillor/s _____ to attend the 2010 Australian Local Government Association National General Assembly.
3. That the Council notes that the Chief Executive Officer and Manager, Governance & Civic Affairs will also be attending.

10.11 12TH WORLD CONFERENCE OF HISTORICAL CIITES

REPORT AUTHOR: Manager, Governance & Civic Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 83664549
FILE REFERENCE: S/01694
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to advise the Council of the expressions of interest which have been received from Elected Members to attend the 12th World Conference of Historical Cities which will be held in Nara, Japan from 12 – 15 October 2010 and to obtain the Council's approval for Elected Member attendance at the Conference.

BACKGROUND

At its meeting held on 1 March 2010, the Council was advised of the League of Historical Cities (the League) 12th World Conference of Historical Cities to be held in 2010, and resolved the following:

1. *That the Council approves the attendance of a delegate/delegation to represent the City of Norwood Payneham & St Peters at the 12th World Conference of Historical Cities in Nara, Japan.*
2. *That Elected Members wishing to attend the conference, forward an Expression of Interest to the Council's Manager, Governance & Civic Affairs by Friday 19 March 2010.*
3. *That a report be presented to the April Council meeting, outlining those Elected Members who have submitted an Expression of Interest to attend the Conference and the financial implications, for the Council's approval.*

In accordance with the resolution, this report advises the Council of the Elected Members who have expressed an interest in attending the Conference for the Council's consideration, (including the financial implications) and approval.

RELEVANT POLICIES & STRATEGIC DIRECTIONS

Not Applicable.

FINANCIAL AND BUDGET IMPLICATIONS

The Council sets aside \$20,000.00 for Elected Member training and attendance at conferences and seminars each financial year (\$10,000 for training and \$10,000 for conferences/seminars) as part of the Council's Operating Budget.

At the time of writing this report, a total of \$3629.00 has been spent on Elected Member attendances at conferences and seminars.

In respect to this League of Historical Cities Conference, if delegates register by 30 June 2010, they will receive three (3) nights accommodation, all meals, airport transfers and a pre-conference tour around Nara and post conference tour of Kyoto as part of the Registration Fee of JPY50,000 (approximately \$666AUD).

Travel to the City of Nara is via Osaka. Nara is located approximately 30 minutes from Osaka. Air Fares to the City of Nara are approximately \$1600.00 (all inclusive from Adelaide).

The cost therefore for one (1) Elected Member's attendance at the conference is approximately \$2,266.00 (plus any associated reimbursements).

This amount however does not include any incidentals that may be incurred as a result of attendance at the conference, (ie taxi fares to and from the airport, etc.), however it is envisaged that these costs would be minor as most of the main costs are included within the conference registration.

EXTERNAL ECONOMIC IMPLICATONS

Nil.

SOCIAL ISSUES

Nil.

CULTURAL ISSUES

Nil.

ENVIRONMENTAL ISSUES

Not applicable.

RESOURCE ISSUES

Nil.

RISK MANAGEMENT

Nil.

CONSULTATION

- **Elected Members**
Elected Members were advised of the 12th World Conference of Historical Cities via the Elected Member Weekly Communique 5 February 2010 edition and at the Council Meeting held on 1 March 2010.
- **Community**
Not applicable.
- **Staff**
Not applicable.
- **Other Agencies**
Not applicable.

DISCUSSION

In accordance with the Council's Elected Member Training & Development Policy, Elected Member attendance at interstate and overseas conferences, requires the approval of the Council. As such, it is necessary for this matter to be presented to the Council for consideration and approval.

The Policy also states that an annual budget allocation is to be provided to support Elected Member training and developmental activities, however the Policy does not specify or place a financial limit on the cost of attending such activities, nor the number of Elected Members who can attend a particular training course or conference. These judgements are made on a case-by-case basis.

A copy of the Elected Member Training & Development Policy is contained within **Attachment A**,

The City of Nara, Japan has invited representatives from Member cities to register for the 12th World Conference of Historical Cities which commences on 12 October 2010.

The theme for the Conference has been determined by the Board of Directors as “Succession of Historical City with Creative Revitalisation” with two (2) sub-themes of “Unique City Planning Utilizing Its Historical Characteristics” and “City Maintaining Its History”. There will be roundtable forums to cover each of the sub-themes.

Following the March Council Meeting, Elected Members were requested to forward an expression of interest to the Council’s Manager, Governance & Civic Affairs, by 19 March 2010.

Councillors Whittington, Manser and Pasalidis have expressed an interest in attending the conference.

OPTIONS

The Council has a number of options in respect to this issue, including:

Option 1:

The Council can approve the attendance of Councillors Whittington, Manser and Pasalidis to represent the City of Norwood Payneham & St Peters at the 12th World Conference of Historical Cities in Nara, Japan.

Option 2:

The Council can resolve not to approve the attendance of Councillors Whittington, Manser and Pasalidis to represent the City of Norwood Payneham & St Peters at the 12th World Conference of Historical Cities in Nara, Japan.

CONCLUSION

If the Council does resolve to approve the attendance of a delegate/delegation at the 12th World Conference of Historical Cities, the delegate/delegation will be required, in accordance with the Council’s Elected Member Training and Development Policy, “to prepare or deliver a brief report outlining the nature of the conference and/or seminar and the benefits gained through attendance”.

COMMENTS

Nil.

RECOMMENDATION

That the report be received and noted.

10.12 NOMINATION TO THE MAGILL ROAD PRECINCT COMMITTEE

REPORT AUTHOR: Manager, Business & Economic Development
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4564
FILE REFERENCE: S/01969
ATTACHMENTS: Nil

PURPOSE OF REPORT

The purpose of this report is to present a nomination for the Magill Road Precinct Committee (MRPC) for the Council's consideration and approval.

BACKGROUND

Clause 3.4 of the Terms of Reference for the Magill Road Precinct Committee states that:

The Magill Road Precinct Committee will comprise fifteen (15) members selected and appointed by the Council as representing, in the opinion of the Council, the interests of business and property owners of the Magill Road Precinct and of whom at least two (2) shall be Elected Members of the Council.

There are currently eleven (11) Members of the MRPC, two (2) of whom are Elected Members. Therefore, the Committee has four (4) vacancies.

An Expression of Interest in membership of the MRPC has been received and is presented for the Council's consideration.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The relevant Objectives in the Council's *CityPlan 2030* under Outcome 3: *A dynamic and thriving centre for business and services* are:

3.2 *Cosmopolitan character business precincts contributing to the prosperity of the City.*

The Council's Precinct Committees have been established to achieve all of the Strategies relating to this Objective, as shown below:

- Preserve and enhance the unique character of all of our City's business precincts.
- Improve ease and convenience of access to our City's business precincts.
- Protect commercial and industrial activities from encroachment of incompatible land uses.

3.5 *A local economy supporting and supported by its community.*

The Council's Precinct Committees have been established to achieve all of the Strategies relating to this Objective, as shown below:

- Facilitate the sharing of information and consultation between businesses and residents.
- Support opportunities for people to interact in business areas.
- Promote the preservation of accessible, local shopping.
- Encourage businesses to sponsor local community activities.

FINANCIAL AND BUDGET IMPLICATIONS

Nil.

EXTERNAL ECONOMIC IMPLICATIONS

The MRPC reports to the Council's Business & Economic Development Committee for the purposes of fulfilling the following roles and functions:

- To represent the majority voice of businesses on Magill Road and to be the peak body for advocacy and lobbying with respect to issues such as traffic, parking and pedestrian facilities.
- To co-operatively market Magill Road as a shopping destination through the coordination of activities, joint advertising, sales and promotions and branding in order to remain competitive in the face of increasing competition.
- To advocate for improvements to the appearance of Magill Road including urban design, streetscaping, greening, signage, lighting, and building façade development.
- To work with the Council on initiatives such as the undergrounding of powerlines, new planning policies for the Precinct, and coordination of relevant authorities for the benefit of the Precinct.
- To develop programmes and initiatives to entice people back to the area, to create a place for the community to meet.

SOCIAL ISSUES

Nil.

CULTURAL ISSUES

Nil.

ENVIRONMENTAL ISSUES

Nil.

RESOURCE ISSUES

Nil.

RISK MANAGEMENT

Nil.

CONSULTATION

- **Elected Members**
No applicable.
- **Community**
Not Applicable.
- **Staff**
Not applicable.
- **Other Agencies**
Not applicable.

DISCUSSION

Mr Marco Cicchianni has submitted an Expression of Interest to join the MRPC. Mr Cicchianni is the proprietor of *cul-de-sac design place* located at 153 Magill Road, Stepney. Mr Cicchianni is a designer / art director dedicated to clear, concise and effective communication. His Expression of Interest states that his wealth of experience guarantees a well considered and executed solution to branding, advertising, digital and motion projects.

Mr Cicchianni has been a supporter of MRPC initiatives since locating his new business on Magill Road and has often been the representative voice of his neighbouring businesses in helping to progress ideas to revitalise and promote the Precinct.

Clause 3 of the Terms of Reference 2009-2010 for the MRPC states that:

- 3.1 *The Magill Road Precinct Committee will comprise fifteen (15) members selected and appointed by the Council as representing, in the opinion of the Council, the interests of business and property owners of the Magill Road Precinct and of whom at least two (2) shall be Elected Members of the Council.*
- 3.2 *Membership of the Magill Road Precinct Committee is for a one (1) year term unless a Member resigns from the Committee or is removed earlier by a resolution of the Council.*
- 3.3 *Members of the Magill Road Precinct Committee are eligible for reappointment at the expiration of their term of office.*

As discussed above, currently four (4) vacancies exist on the MRPC. Mr Cicchianni has small business experience, experience as a graphic designer, and has indicated his desire to help promote the Magill Road Precinct. It is therefore recommended that Mr Cicchianni be appointed to the MRPC.

Whilst the term of membership of the MRPC is for a period of one (1) (financial) year, the current Committee has been appointed until 31 October 2010, to correspond with the next South Australian Local Government elections. It is therefore recommended that Mr Cicchianni also be appointed to the MRPC effective immediately until 31 October 2010.

The Council has the ability to review the membership of a committee Member at any time, should the need arise.

OPTIONS

The Council is required to appoint members to the MRPC, "representing, in the opinion of the Council, the interests of business and property owners of the Magill Road Precinct". As such Members can decide to appoint or not appoint the above nominee.

CONCLUSION

Nil.

COMMENTS

Nil.

RECOMMENDATION

That Mr Marco Cicchianni be appointed to the Magill Road Precinct Committee effective immediately with the term of appointment expiring on 31 October 2010.

10.13 EXECUTION OF COUNCIL SEAL - DEED OF LOAN “STEEL CONSTRUCTION”

REPORT AUTHOR: Community Arts Officer
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 83664602
FILE REFERENCE: S/02060.1
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to seek the Council’s endorsement for the signing and sealing of the Deed of Loan between the Art Gallery of South Australia and the Council for the artwork *Steel Construction* by Owen Broughton.

BACKGROUND

The Council has been in negotiation with the Art Gallery of South Australia for some time regarding the loan of the sculpture, *Steel Construction*. As its creator, Owen Broughton (1922-1984), a former resident of the Felixstow area, is regarded as an important South Australian artist, the Council has sought to acquire his work on a temporary basis for placement within the City.

This project involves the placement of a temporary artwork and therefore forms part of the Minor Public Artworks Strategic Plan 2009-2019 *Thinking Through The City*, specifically the ‘Nerve Endings’ program. The goal of this program is to identify sites of key significance for the City, both virtual and real, in which to feature temporal artworks.

At its meeting held on 2 February 2009, the Council resolved to enter into a contract for the loan of the sculpture for up to a ten (10) year period. The Council also agreed to install the sculpture at the fore-court of the Payneham Library for the ten (10) year period.

As part of this arrangement, the Council is required to sign and seal the Deed of Loan document for the 10 + 10 year loan of the sculpture.

Once the Loan Agreement with the Art Gallery South Australia is signed and sealed, a date can be agreed for the installation of the sculpture.

FINANCIAL AND BUDGET IMPLICATIONS

The cost of transporting and installing the sculpture has been budgeted at \$9,700 (+GST) which will be funded through a carried forward amount of \$6,000 from the Community Arts Program budget for 2008-2009 and a further allocation of \$3,700 from the 2009-2010 Program.

The Council will be required to insure the artwork while it is in the Council’s custody and to bear the cleaning costs should it be defaced.

RECOMMENDATION

That the Mayor and Chief Executive Officer be authorised to sign and seal the Deed of Loan between the Art Gallery South Australia and the Council for the 10 + 10 year loan of the *Steel Construction* artwork by Owen Broughton.

**10.14 EXECUTION OF COUNCIL SEAL – LAND MANAGEMENT AGREEMENT - HACKNEY HOTEL –
95 HACKNEY ROAD, HACKNEY**

REPORT AUTHOR: Property Officer
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4539
FILE REFERENCE: P/12070
ATTACHMENTS: A - D

PURPOSE OF REPORT

The purpose of this report is to obtain the Council's agreement to partially rescind an existing Land Management Agreement (LMA) associated with the Hackney Hotel, situated at 95 Hackney Rd, Hackney, to permit the registration of an ETSA Utilities easement for power supply purposes.

BACKGROUND

On 19 June 1997, the former Corporation of the Town of St Peters entered into a Land Management Agreement with the owners of the Hackney Hotel, regarding the future management, preservation and conservation of the site, including the use of the "Porter & Barnett" building, the main hotel building and the "Bertram Street Land". A copy of the LMA and the LTO Panel Form that effected registration of the LMA are contained in **Attachment A**.

One of the obligations stipulated in the Agreement, was for the car park to be landscaped and fenced within four (4) months of the date of the Agreement. This was completed within the specified timeframe.

On 6 July 2009, the Council supported the proposal to extend trading hours within portion of the Hotel.

Due to an increase in power demands, it has been necessary to install a pad mount transformer at the Richmond Street entrance to the Hotel car park. The location of the transformer is sensible, given it is away from nearby residences and readily accessible by ETSA Utilities for servicing. The visual impact of the transformer on the local amenity is low, with such transformers commonplace throughout the State.

As a result, ETSA Utilities is now requesting that the Council lift the conditions of the LMA, in so far as they impinge upon the easement rights that have been granted by the proprietors of the Hackney Hotel to ETSA Utilities, for the transformer and associated power cables. The Land Management Agreement will remain in place over the remainder of the site.

This is necessary to permit the registration of the easement on the Certificate of Title for the Hotel land.

A copy of the Hackney Hotel's Grant of Easement to ETSA Utilities is contained in **Attachment B**.

A copy of the Partial Rescission of the Land Management Agreement document that has been prepared by ETSA utilities is contained in **Attachment C**, with the associated Application to Note the Partial Rescission (LTO Panel Form B2) being contained in **Attachment D**.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this matter.

RECOMMENDATION

1. That the Mayor and the Chief Executive Officer be authorised to sign and seal the Deed of Partial Rescission described in Point 1 above and the associated Application to Note the Partial Rescission (LTO Panel Form B2), which are respectively contained in Attachments C & D of this report.
2. That the Chief Executive Officer be authorised to take such other actions as necessary to give effect to the undertakings contained in the documentation being executed in Point 1 above.

10.15 VARIATION TO CONDITIONS OF EXTENDED TRADING AUTHORISATION FOR THE GLYNDE HOTEL - 492 PAYNEHAM ROAD, GLYNDE

REPORT AUTHOR: Urban Planner, Development Assessment
GENERAL MANAGER: General Manager, Urban Planning & Environment
CONTACT NUMBER: 8366 4537
FILE REFERENCE: S/00724 P/06146
ATTACHMENTS: A - B

PURPOSE OF REPORT

The purpose of this report is to provide for the Council's consideration, a proposal to vary the Extended Trading Authorisation for the Glynde Hotel.

BACKGROUND

An Application has been lodged with the Office of the Liquor and Gambling Commissioner, to vary the existing Extended Trading Authorisation for the Glynde Hotel. In accordance with Section 52 (2) (a) (i) of the *Liquor Licensing Act 1997*, the Glynde Hotel has given the Council notice of the Application and is seeking the Council's view in respect to the Application.

The matter was initially set down for a Hearing in the Liquor Licensing Court on 23 March 2010. However, the Applicant has requested that the Hearing date be adjourned, until the matter is considered by the Council at its meeting to be held on 12 April 2010.

The Glynde Hotel is located at 492 Payneham Road, Glynde and is a Licensed Premise. The Applicant, Bambridge Pty Ltd, is seeking approval from the Office of the Liquor and Gambling Commissioner, to vary the Extended Trading Authorisation hours which currently apply to the Glynde Hotel. More specifically, the Applicant is seeking to vary the operating hours of the areas that are associated with the Hotel's gaming area.

The Glynde Hotel currently has the benefit of an Extended Trading Authorisation, which allows the consumption of alcohol on the Licensed Premises during the following times:

Areas 1, 2, 4, 6 and 8

- Monday to Wednesday: midnight to 3.00am the following day;
- Thursday to Saturday: midnight to 3.30am the following day; and
- Sunday: 8.00am to 11.00am and 8.00pm to 3.00am the following day

Areas 3, 5 and 7

- Monday to Saturday: midnight to 4.00am the following day; and
- Sunday: 8.00am to 11.00am and 8.00pm to 4.00am the following day

Accordingly, the Glynde Hotel's Gaming Area (Area 3) has the benefit of operating during the following times:

- Monday: 10.00am to 4.00am the following day;
- Tuesday: 10.00am to 4.00am the following day;
- Wednesday: 10.00am to 4.00am the following day;
- Thursday: 10.00am to 4.00am the following day;
- Friday: 10.00am to 4.00am the following day;
- Saturday: 10.00am to 4.00am the following day;
- Sunday: 10.00am to 4.00am the following day;
- Christmas Day: NIL; and
- Good Friday: NIL.

A copy of the current Hotel Licence dated 29 October 2009, is contained in **Attachment A**.

The Applicant is seeking to vary the hours of operation of three (3) of the eight (8) Areas within the Hotel. More specifically, consent is sought to open Areas 3, 5 and 7 from 11.00am as opposed to 10.00am and cease operation at 5.00am as opposed to the current closing time of 4.00am.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The relevant Outcome and Objectives in the Council's *CityPlan 2030* are:

Outcome 3: Economic Prosperity – A dynamic and thriving centre for business and services.

- Objective 1: A diversity of business and services attractive to consumers.
- Objective 5: A local economy supporting and supported by its community.

Support for the proposal to vary the Extended Trading Authorisation, may provide the Licensees with the opportunity to expand the existing operations of the Hotel, which may, in turn, provide some marginal economic benefit for a local business within the Council area.

FINANCIAL AND BUDGET IMPLICATIONS

Nil

EXTERNAL ECONOMIC IMPLICATIONS

Nil

SOCIAL ISSUES

It is considered that the proposal will not have the potential to exacerbate any issues in relation to drinking and disorderly behaviour on public land adjacent the Hotel (ie. footpath areas surrounding the Hotel) or the Hotel's car parking area.

Given the nature of the proposal, it is considered that the additional extent of operation by one (1) hour in Areas 3, 5 and 7 is justifiable, given the existing licensed hours and that this proposal has a low potential to create adverse impacts on nearby residential properties.

The extension of trading by one (1) hour sought by the Appellant is not anticipated to exacerbate an increase in anti-social behaviour within the public realm of the Hotel.

CULTURAL ISSUES

Nil

ENVIRONMENTAL ISSUES

Nil

RESOURCE ISSUES

Nil

RISK MANAGEMENT

Nil

CONSULTATION

- **Elected Members**
Not Applicable
- **Community**
Notification of the proposal to occupiers of land or premises adjacent to the Hotel, is undertaken by the Applicant as required by the *Liquor Licensing Act 1997*.
- **Staff**
General Manager, Urban Planning & Environment
Urban Planner, Development Assessment
- **Other Agencies**
Not Applicable

DISCUSSION

In August 2007, the Licensee applied for an Extended Trading Authorisation in relation to the Gaming Lounge (Area 3), the enclosed courtyard adjacent to the Gaming Lounge (Area 5) and the passage area adjacent to the lounge bistro and the foyers adjacent to Areas 3 and 7 of the Hotel (Area 7), which would allow trading from Monday through to Sunday until 4.00am, with exceptions for Christmas Day and Good Friday. The Council resolved to support this Application. Subsequently, in September 2007, the Commissioner granted an extended trading authorisation.

The Applicant is now seeking approval to extend the Trading Authorisation for the premises until 5.00am Monday to Saturday in Areas 3, 5 and 7. While this Application seeks an extension of the Hotel's trading hours, the proposal does not result in an overall increase in the Hotel's trading hours.

The Licensee is not seeking to vary the Hotel's current Entertainment Consent and as a result, no live entertainment would be able to be provided during the proposed extended trading hours.

It is understood that the intent behind the proposed change to the Hotel's operating hours is merely to reflect customer preferences.

A copy of the Application is contained in **Attachment B**.

The Glynde Hotel is located within a Local Shopping Zone, as set out in the Norwood Payneham & St Peters (City) Development Plan and is predominantly surrounded by commercial land uses, however, several residential properties are located south of the subject land on Alford Road, the closest of which, is located approximately 70 metres from the courtyard area (Area 5). An investigation of the Council's records, indicates that no complaints have been received from adjoining or nearby owners or occupiers in the vicinity of the Glynde Hotel.

Given the proximity of the Hotel to four (4) arterial roads (Payneham Road, Glynburn Road, Montacute Road and Lower North East Road) and the noise level which emanates from these roads, it is anticipated that noise created by patrons arriving and departing the Hotel and using the courtyard area during the course of an evening for a further one (1) hour of Extended Trading Authorisation, will not adversely affect the amenity of nearby residential properties. The courtyard area proposed to be included in the Extended Trading Authorisation, is a relatively small area and therefore will not result in large congregations of patrons outside the building. In addition, the courtyard area is located on the southern side of the Hotel and is separated from residential properties by the Hotel car park. That said, it is expected that the outdoor courtyard area (Area 5), will most likely be used by gaming area patrons as a designated smoking area.

OPTIONS

The Council has the following options in respect to this Application:

- **Option 1**

The Council could resolve to support the proposal in its current form.

- **Option 2**

The Council could resolve to object to the proposal in its entirety.

- **Option 3**

The Council could resolve to put forward a variation to the hours being sought by the Applicant.

Option 1 is recommended, as it is considered that the proposal will not result in adverse impacts on the amenity for those residents who live south of the Hotel along Alford Avenue.

CONCLUSION

The proposal by the Hotel's Licensee, Bambridge Pty Ltd to vary the current Extended Trading Authorisation, has been considered in the context of the potential additional impact on residential amenity and patron behaviour. In addition, it is also acknowledged that the Council has not received any complaints in relation to noise associated with the Hotel.

The proposal to vary the licensed hours of the Glynde Hotel, is considered minor and acceptable for the following reasons:

- the small scale nature of the courtyard area is, of itself, unlikely to increase patronage to the hotel;
- no change to Entertainment Consent is proposed; and
- the hotel is not located within close proximity to nearby residential properties and patron noise is therefore unlikely to adversely affect nearby residential properties.

COMMENTS

Nil

RECOMMENDATION

That the Office of the Liquor and Gambling Commissioner be advised that the Council has no objection to the Application by Bambridge Pty Ltd dated 15 February 2010 for a variation to Extended Trading Authorisation at 492 Payneham Road, Glynde, subject to the imposition of the following condition:

- a. That all existing conditions associated with the current Extended Trading Authorisation for the Glynde Hotel continue to apply.

10.16 EASTERN HEALTH AUTHORITY – QUARTERLY DELEGATES REPORT

REPORT AUTHOR: General Manager, Urban Planning & Environment
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4501
FILE REFERENCE: S/0046
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to present to the Council, the Delegates Report for the Eastern Health Authority (EHA), for the period 1 October 2009 to 31 December 2009.

BACKGROUND

The Eastern Health Authority's Chief Executive Officer provides, on a quarterly basis, a copy of the Authority's Delegates Report to each constituent council.

For the purpose of fitting into the Council's agenda structure, this Delegates Report is included in the Agenda as an information report.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The information in this report relates to the activities of the Eastern Health Authority, which administers health related programs and activities on behalf of the Council. The report is relevant to *Outcome 1 Social Equity* in *CityPlan 2030*, and specifically *Objective 5* which promotes a healthy and active community.

FINANCIAL AND BUDGET IMPLICATIONS

Not applicable.

EXTERNAL ECONOMIC IMPLICATIONS

Not applicable.

SOCIAL ISSUES

Not applicable.

CULTURAL ISSUES

Not applicable.

ENVIRONMENTAL ISSUES

Not applicable.

RESOURCE ISSUES

Not applicable.

RISK MANAGEMENT

Not applicable.

CONSULTATION

- **Elected Members**
Not applicable.
- **Community**
Not applicable.
- **Staff**
Not applicable.
- **Other Agencies**
Not applicable.

DISCUSSION

The Delegates Report for the Eastern Health Authority, summarises the items discussed at the Board of Management meetings and includes statistics regarding the Authority's activities over the reporting period (1 October 2009 to 31 December 2009 in this instance). A copy of the report is attached (**Attachment A**).

At the Board of Management meeting held on 3 February 2010, the Board discussed, among other things, the adoption of the Eastern Health Authority's revised Charter by the constituent councils.

Members may recall that at its meeting held on 12 October 2009, the Council considered a report in relation to the Eastern Health Authority Charter Review and made the following determination.

'That in accordance with Clause 19(4) of Schedule 2 of the Local Government Act 1999 and consistent with Clause 6.5.1 of the current Charter, the Council confirms that a comprehensive review of the Charter for the Eastern Health Authority Inc has been undertaken and endorses the new Charter as set out in Attachment B to this report, subject to the resolution of proposed Clause 1.9.9, to the satisfaction of the Constituent Councils.'

The Council identified a need to resolve the issue relating to the powers and functions of the Authority in respect of the accumulation of funds for investment purposes.

This issue applies generally to Regional Subsidiaries insofar as past practice has been to accumulate funds notwithstanding the fact that these funds may have either been derived from the provision of a service or a commercial basis or overcharging Constituent Councils, (ie the cost of providing the service is less than the amount which Constituent Councils are charged).

As such, if clause 1.9.9 of the new Charter is left unfettered, ie namely;

"The following powers and functions and duties of Eastern Health Authority are to be exercised in the performance of Eastern Health Authority's objects and purposes:

1.9.9 accumulating surplus funds for investment purposes"

then, there is the propensity for a situation to arise whereby any surplus funds – no matter how such funds are generated – to be accumulated and invested without the ability of the Constituent Councils to question the practice.

The Eastern Health Authority is aware of the concerns regarding clause 1.9.9 and have commissioned some work to explore the possibility of addressing this concern.

Without entering into a discussion on this issue at this stage, if the Eastern Health Authority is concerned with cash flow then this can be addressed in other ways. At the same time, if a surplus is achieved through overcharging then this should be addressed by the respective Council receiving a refund. Similarly, if a surplus is derived from the practice of a commercial service, then it can be argued that such surplus funds should be used to either off-set Council financial contributions or returned as a dividend to the Constituent Councils.

Arrangements have been made to have the new Charter - which has been adopted by the Constituent Councils - published in the Government Gazette and be provided to the Minister for State/Local Government Relations. However, in respect to the resolution of concerns raised by the Constituent Councils about clause 1.9.9, it is understood that the Authority's Chief Executive Officer will present a report to the Authority's Board of Management in mid 2010 to address the issue. Once the Authority's Board of Management has considered a report with respect to clause 1.9.9, a further report will be presented to the Council.

OPTIONS

Not applicable.

CONCLUSION

The communication strategies adopted by the Authority's Board of Management, enhances the Authority's ability to discharge its responsibilities and activities in an open and accountable manner.

COMMENTS

Nil.

RECOMMENDATION

That the Delegates Report for the Eastern Health Authority (EHA), for the period 1 October 2009 to 31 December 2009, be received and noted.

10.17 LOCAL GOVERNMENT (MEMBERS ALLOWANCES AND BENEFITS) REGULATIONS 1999

REPORT AUTHOR: Manager, Governance & Civic Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: S/00022
ATTACHMENTS: A - C

PURPOSE OF REPORT

The purpose of the report is to advise the Council of the review of the Local Government (Members Allowances and Benefits) Regulations 1999, to enable the Council to provide feedback to the Local Government Association in relation to the existing provisions stipulated by the Regulations.

BACKGROUND

The *Statutes Amendment (Council Allowances) Amendment Act 2009*, commenced on 14 January 2010, specifying that the Remuneration Tribunal will be setting allowances for Elected Members, effective from the November 2010 Local Government elections.

The Minister for State/Local Government Relations has written to the Local Government Association of South Australia (LGA), advising that under the Act, the Remuneration Tribunal is required to determine the new Elected Member allowances by 7 September 2010.

A copy of the Minister's letter is contained within **Attachment A**.

The Local Government (Members Allowances and Benefits) Regulations 1999 (the Regulations), are due to expire on 1 September 2010, however they have been left in their current state at this stage to ensure that the current allowances paid to Elected Members can continue until the conclusion of the November 2010 Local Government Elections.

A copy of the Local Government (Members Allowances and Benefits) Regulations 1999 is contained within **Attachment B**.

New Regulations will take effect after the November 2010 Local Government Elections.

The Remuneration Tribunal, however must have regard to the Regulations when determining the new allowances for Elected Members, therefore the Minister is seeking the views of councils regarding any potential changes they feel are warranted in respect to the Elected Member reimbursement provisions stipulated by the Regulations.

RELEVANT POLICIES & STRATEGIC DIRECTIONS

Not applicable.

FINANCIAL AND BUDGET IMPLICATIONS

Nil.

EXTERNAL ECONOMIC IMPLICATIONS

Nil.

SOCIAL ISSUES

Nil.

CULTURAL ISSUES

Nil.

ENVIRONMENTAL ISSUES

Nil.

RESOURCE ISSUES

Nil.

RISK MANAGEMENT

Nil.

CONSULTATION

- **Elected Members**
Nil.
- **Community**
Nil.
- **Staff**
Nil.
- **Other Agencies**
Nil.

DISCUSSION

The Local Government (Members Allowances and Benefits) Regulations 1999, provide the framework for Elected Member allowances and reimbursements which Elected Members are entitled to receive in respect to expenses incurred in attending Council and committee meetings. Councils may also resolve, on a discretionary basis, to reimburse Elected Members for a range of additional expenses, for example, expenses incurred as a result of attendances at conferences, or to provide support such as laptop computers, facsimile machines, telephones, etc.

The Regulations have been in place for some years now, with minor amendments in relation to the amount payable to Elected Members in the form of allowances undertaken when required.

As they are due to expire on 1 September 2010, it is opportune that a review of the current provisions in respect to Elected Member reimbursements be undertaken to enable the drafting of new Regulations to be finalised by the end of the November 2010 Local Government elections.

The Minister for State/Local Government Relations has provided a table that examines the provisions of the Regulations and provides a comment in terms of her position in respect to each particular provision.

A copy of the table is contained within **Attachment C**.

In respect to this Council, the existing Regulations have provided adequate guidance and have served to ensure Elected Members are not financially disadvantaged as a result of performing their duties as an Elected Member.

It is on this basis that the suggested comments have been provided within Table 1 below which sets out the relevant provisions within the Regulations and a suggested response to the Local Government Association for the Council's consideration.

TABLE 1	
Item	City of Norwood Payneham & St Peter's Response
3. Interpretation	Existing provisions adequate.
4. Allowances (Section 76 (12))	Change the Regulations to allow councils to pay the allowances as determined suitable for each individual council.
5. Reimbursement of Expenses (Section 77 (1)(a))	Existing provisions adequate - the Regulations provide for a range of reimbursements to Elected Members which have been in place for some time and cover relevant expenses.
6. Expenses requiring council approval (Section 77 (1)(a))	No change, however the terms specified within the Regulations relating "functions" and "activity on the business of the council" are not currently defined within the Regulations. This may provide an opportune time to clearly define what is intended by these terms.
7. Register of Allowances and Benefits (Section 79 (1) & (2))	Existing provisions adequate.

It is recommended that the comments as listed above and subject to the Council's final position, be forwarded to the LGA in response to the request for feedback regarding the Regulations.

OPTIONS

The Council may support the comments as provided within this report, or determine an alternative position regarding the provisions of the Regulations.

CONCLUSION

The LGA has requested feedback from Councils by Friday 23 April 2010, in order to respond to the Minister for State/Local Government Relations by 30 April 2010, as requested by the Minister.

COMMENTS

Nil.

RECOMMENDATION

That the Local Government Association of South Australia be advised that the existing provisions within the Local Government (Members Allowances and Benefits) Regulations 1999, are adequate and do not require amendment, other than the inclusion of definitions where those definitions would provide greater clarity in terms of the intent of the Regulations (ie "functions" and "activity on the business of the council").

11. COMMITTEE MINUTES

- CULTURAL HERITAGE COMMITTEE

That the minutes of the meeting of the Cultural Heritage Committee held on 9 March 2010 be received and that the resolutions set out therein as recommendations to the Council are adopted as decisions of the Council.

- AUDIT COMMITTEE

That the minutes of the meeting of the Audit Committee held on 18 March 2010 be received and that the resolutions set out therein as recommendations to the Council are adopted as decisions of the Council.

- BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE

That the minutes of the meeting of the Business & Economic Development Committee held on 24 March 2010 be received and that the resolutions set out therein as recommendations to the Council are adopted as decisions of the Council.

- PUBLIC ART COMMITTEE

That the minutes of the meeting of the Public Art Committee held on 6 April 2010 be received and that the resolutions set out therein as recommendations to the Council are adopted as decisions of the Council.

12. OTHER BUSINESS

(Of an urgent nature only)

13. CONFIDENTIAL REPORTS

13.1 TENDERS – JAMES COKE PARK - CONSTRUCTION

REPORT AUTHOR: Senior Project Engineer
GENERAL MANAGER: General Manager, Urban Services
CONTACT NUMBER: 83664559
FILE REFERENCE: S/02223
ATTACHMENTS: A

RECOMMENDATION 1

That pursuant to Section 90(2) and (3) of the Local Government Act, 1999 the Council orders that the public, with the exception of the Council staff present, be excluded from the meeting on the basis that the Council will receive, discuss and consider:

(k) tenders for the supply of goods, the provision of services or the carrying out of works;

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

RECOMMENDATION 2

Under Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report and discussion be kept confidential for a period not exceeding 12 months, after which time the order will be reviewed.

Under Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the minutes be kept confidential until the contract has been entered into by all parties to the contract.

13.2 COUNCIL RELATED MATTER

REPORT AUTHOR: Manager Governance & Civic Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: S/0022
ATTACHMENTS: Nil

RECOMMENDATION 1

That pursuant to the provisions of Section 90 (2) and (3)(d) (i) and (ii) of the Local Government Act 1999, the Council orders that the public, with the exception of the Council staff present, be excluded from the meeting on the basis that the Council will discuss:

- (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which –
 - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
 - (ii) would, on balance, be contrary to the public interest.

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

RECOMMENDATION 2

That an order be made under the provisions of Section 91(7)(a)(b) of the Local Government Act 1999, that the above mentioned report, including the minutes of the meeting relating to the discussion of the subject matter of those documents, having been dealt with on a confidential basis under Section 90(2) of the said Act, should be kept confidential on the grounds that disclosure could cause significant damage to the interests of the Council (vide Section 90(3) (d) (i) and (ii) of the said Act) and that, pursuant to Section 91(9)(a), this order remain in place for twelve (12) months.

13.3 STAFF RELATED MATTER

REPORT AUTHOR: Chief Executive Officer
GENERAL MANAGER: Not Applicable
CONTACT NUMBER: 8366 4520
FILE REFERENCE: H/00302
ATTACHMENTS: Nil

RECOMMENDATION 1

That pursuant to Section 90(2) and (3) of the Local Government Act, 1999 the Council orders that the public, with the exception of the Council staff present, be excluded from the meeting on the basis that the Council will receive, discuss and consider;

- (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

RECOMMENDATION 2

Under Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, discussion and minutes be kept confidential for a period not exceeding 12 months, after which time the order will be reviewed.

13.4 STAFF RELATED MATTER

REPORT AUTHOR: Chief Executive Officer
GENERAL MANAGER: Not Applicable
CONTACT NUMBER: 83664539
FILE REFERENCE: S/00856
ATTACHMENTS: Nil

RECOMMENDATION 1

That pursuant to Section 90(2) and (3) of the Local Government Act, 1999 the Council orders that the public, with the exception of the Council staff present, be excluded from the meeting on the basis that the Council will receive, discuss and consider;

- (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

RECOMMENDATION 2

Under Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, discussion and minutes be kept confidential for a period not exceeding 12 months, after which time the order will be reviewed.

14. CLOSURE