

Council Meeting Minutes

6 February 2017

Our Vision

*A City which values its heritage, cultural diversity,
sense of place and natural environment.*

*A progressive City which is prosperous, sustainable
and socially cohesive, with a strong community spirit.*

City of Norwood Payneham & St Peters
175 The Parade, Norwood SA 5067

Telephone 8366 4555
Facsimile 8332 6338
Email townhall@npsp.sa.gov.au
Website www.npsp.sa.gov.au



City of
Norwood
Payneham
& St Peters

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VENUE Council Chambers, Norwood Town Hall

HOUR 7.00pm

PRESENT

Council Members Mayor Robert Bria
Cr Lucy Marcuccitti
Cr Connie Granozio
Cr Sophia MacRae (entered meeting at 7.01pm)
Cr Kevin Shepherdson
Cr Carlo Dottore
Cr Kevin Duke
Cr Evonne Moore
Cr Garry Knoblauch
Cr John Minney
Cr Sue Whittington
Cr Paul Wormald

Staff Carlos Buzzetti (Acting Chief Executive Officer)
Peter Perilli (General Manager, Urban Services)
Mark Thomson (Acting General Manager, Urban Planning & Environment)
Sharon Perkins (Acting General Manager, Corporate Services)
Rob Gregory (Manager, City Assets)
Keke Michalos (Acting Manager, Economic Development & Strategic Projects)
David Maywald (Team Leader, Customer Services & Traffic & Regulatory Services)
Marina Fischetti (Executive Assistant, Urban Services)

APOLOGIES Cr John Frogley, Cr Christel Mex

ABSENT Nil

1. KAURNA ACKNOWLEDGEMENT

Cr MacRae entered the meeting at 7.01pm.

2. OPENING PRAYER

The Opening Prayer was read by Cr Carlo Dottore.

3. CONFIRMATION OF THE MINUTES OF THE COUNCIL MEETING HELD ON 16 JANUARY 2017

Cr Knoblauch moved that the minutes of the Council meeting held on 16 January 2017 be taken as read and confirmed. Seconded by Cr Shepherdson and carried.

4. MAYOR'S COMMUNICATION

Monday, 16 January	• Presided over a Council meeting, Council Chamber, Norwood Town Hall.
Wednesday, 18 January	• Attended a meeting with Acting Chief Executive Officer; General Manager, Governance & Community Affairs and Communications Officer.
Wednesday, 18 January	• Attended a meeting of the Metropolitan Local Government Group, Local Government House, Adelaide.
Thursday, 19 January	• Radio interview with Ali Carle, ABC 891.
Friday, 20 January	• Attended the official start of the BUPA Challenge and Stage 4 of the 2017 Tour Down Under, The Parade, Norwood.

Monday, 23 January	<ul style="list-style-type: none">• Attended the Australia Day Reception, Crowne Plaza Hotel, Adelaide.
Tuesday, 24 January	<ul style="list-style-type: none">• Radio interview with Sonia Feldhoff, ABC 891.
Wednesday, 25 January	<ul style="list-style-type: none">• Attended a meeting of Local Government Board, Local Government House, Adelaide.
Thursday, 26 January	<ul style="list-style-type: none">• Presided over the Australia Day Awards Ceremony and Citizenship Ceremony, St Peters Plaza, St Peters.
Thursday, 26 January	<ul style="list-style-type: none">• Attended the 'Poolside' event, Payneham Memorial Swimming Centre, Felixstow.
Friday, 27 January	<ul style="list-style-type: none">• Attended a meeting with Manager, Library Services & Lifelong Learning and library staff, St Peters Town Hall Complex, St Peters.
Monday, 30 January	<ul style="list-style-type: none">• Attended a Workshop: Long Term Financial Plan, Mayor's Parlour, Norwood Town Hall.
Monday, 6 February	<ul style="list-style-type: none">• Attended a meeting with staff for the 2017 Local Government Challenge, Norwood Town Hall.

- **Local Government Professionals Challenge Team**

Mayor Bria welcomed members of the Council's Local Government Professionals Team to the meeting. They were attending to observe the proceedings of a Council meeting as part of their professional development.

The Members of the team present were:

- Ms Amelia Kettle;
- Ms Thea Petros;
- Mr Scott Dearman;
- Mr Joshua Donahue; and
- Ms Jade McDonald.

- **Metropolitan Local Government Group (MLGG) Meeting – 18 January 2107**

Mayor Bria briefed the Council about the Metropolitan Local Government Group. He advised that he, along with Mayor Kevin Knight (City of Tea Tree Gully), Mayor Gillian Aldridge (City of Salisbury) and Mayor Angela Evans (City of Charles Sturt) were elected as members of the MLGG Executive Committee, with Chair, Mayor Karen Redman (Town of Gawler).

Mayor Bria advised that the MLGG held a Planning Session to determine the priorities for 2017. The Planning Session arose from the outcomes of a survey of MLGG Mayors and Chief Executive Officers undertaken in late 2016.

The Planning Session involved:

- a review of activities undertaken in 2016 to determine which activities undertaken were the most useful;
- functions of MLGG e.g. projects;
- should Council's seek feedback on Motions for the Ordinary General Meeting and Annual General Meeting; and
- potential priorities.

Mayor Bria noted that one of the topics discussed at the Planning Session was whether one of the functions of the MLGG is to 'filter' the Notice of Motion submitted by metropolitan Councils to be considered at the LGA Ordinary General Meeting or Annual General Meeting.

- **Stage 4 of the 2017 Tour Down Under – 19 January 2017**

Mayor Bria thanked all Council staff involved in the organisation of the Bupa Challenge and Stage 4 race of the Tour Down Under.

- **Local Government Board Meeting – 25 January 2017**

Mayor Bria briefed the Council about the Local Government Board Meeting. He advised that Mayor David Parkin (City of Burnside) and Councillor Sue Clearihan (Adelaide City Council) were elected as Metropolitan Vice Presidents and Mayor Peter Hunt (Berri Barmera Council) and Mayor Erika Vickery (Naracoorte Lucindale District Council) were elected as the Country Vice Presidents to serve under President, Mayor Lorraine Rosenberg (City of Onkaparinga).

Mayor Bria briefed the Council on the following topics discussed by the Board:

- Annual Members Survey, which will feed into the LGA's 2017-2018 Budget;
- Work is progressing on the LGA Benchmarking Framework; and
- LGA annual subscriptions paid by Member Councils based on population 'bands'.

- **Australia Awards Ceremony and Citizenship Ceremony – 26 January 2017**

Mayor Bria thanked all Council staff involved in the organisation of the Australia Days Awards and Citizenship Ceremony. He also thanked Mem Fox, for attending the event as an Australia Day Ambassador and Holly, People versus Coffee and the Norwood Football Club for providing the breakfast. Mayor Bria said that the feedback from the public about the event has been positive.

- **'Poolside' Event – 26 January 2017**

Mayor Bria thanked all Council staff involved in the organisation of the 'Poolside' event at the Payneham Memorial Swimming Centre. He said that approximately 500 people attended the event.

5. DELEGATES COMMUNICATION

Nil

6. QUESTIONS WITHOUT NOTICE

Nil

7. QUESTIONS WITH NOTICE

Nil

8. DEPUTATIONS

8.1 DEPUTATION – NORWOOD OVAL CLUBROOMS AND MEMBERS’ FACILITIES PROJECT

REPORT AUTHOR: Acting Manager, Economic Development & Strategic Projects
GENERAL MANAGER: Acting Chief Executive Officer
CONTACT NUMBER: 8366 4509
FILE REFERENCE: S.422 S.01158
ATTACHMENTS: Nil

SPEAKER/S

Mr Peter Fairlie-Jones

ORGANISATION/GROUP REPRESENTED BY SPEAKER/S

Not Applicable.

COMMENTS

Mr Peter Fairlie-Jones has written to the Council requesting that he be permitted to address the Council in relation to the Norwood Oval Clubrooms and Members’ Facilities project.

In accordance with the Local Government (Procedures at Meetings) Regulations 2013, Mr Peter Fairlie-Jones has been given approval to address the Council.

Mayor Bria declared an interest in this matter as he is the No. 1 Ticket Holder of the Norwood Football Club.
Cr Duke declared an interest in this matter as he is a Member of the Norwood Football Club.
Cr Dottore declared an interest in this matter as he is a Member of the Norwood Football Club.

Mr Peter Fairlie-Jones addressed the Council in respect to this issue.

8.2 DEPUTATION – NORWOOD OVAL CLUBROOMS AND MEMBERS’ FACILITIES PROJECT

REPORT AUTHOR: Acting Manager, Economic Development & Strategic Projects
GENERAL MANAGER: Acting Chief Executive Officer
CONTACT NUMBER: 8366 4509
FILE REFERENCE: S.422 S.01158
ATTACHMENTS: Nil

SPEAKER/S

A Norwood business owner requesting that personal information not be disclosed.

ORGANISATION/GROUP REPRESENTED BY SPEAKER/S

Not Applicable.

COMMENTS

A Norwood business owner has written to the Council requesting that he/she be permitted to address the Council in relation to the Norwood Oval Clubrooms and Members’ Facilities project.

In accordance with the Local Government (Procedures at Meetings) Regulations 2013, the Norwood business owner has been given approval to address the Council.

Mayor Bria declared an interest in this matter as he is the No. 1 Ticket Holder of the Norwood Football Club.
Cr Duke declared an interest in this matter as he is a Member of the Norwood Football Club.
Cr Dottore declared an interest in this matter as he is a Member of the Norwood Football Club.

The Norwood business owner addressed the Council in respect to this issue.

9. PETITIONS

Nil

10. WRITTEN NOTICES OF MOTION

10.1 EAST WASTE – COLLECTION OF INELIGIBLE BINS - SUBMITTED BY MAYOR ROBERT BRIA

NOTICE OF MOTION: East Waste – Collection of Ineligible Bins
SUBMITTED BY: Mayor Robert Bria
FILE REFERENCE: S.00232 S.00045
ATTACHMENTS: Nil

Pursuant to Regulation 12(1) of the Local Government (Procedures at Meetings) Regulations 2013, the following Notice of Motion has been submitted by Mayor Robert Bria.

NOTICE OF MOTION

That the Acting Chief Executive Officer forward a letter to Mr Adam Faulkner, General Manger of the Eastern Waste Management Authority ('East Waste'), recommending that the East Waste Board consider undertaking an audit of ineligible bins collected by East Waste.

REASONS IN SUPPORT OF MOTION

On 12 December 2016, Elected Members were presented with information regarding the current waste management services being provided to residents of the constituent councils of East Waste. During the presentation, Elected Members were advised that the cost to this council for ineligible households having their bins picked up on a weekly or fortnightly basis is approximately \$150,000 per annum.

Following the presentation, I raised a number of questions with staff who have since advised that East Waste will undertake an audit for the City of Norwood Payneham & St Peters with a report to be complete by the end of February. This data collection will identify the number of collections from schools, sporting clubs and not-for-profit groups.

I was also advised that the broader audits of other Member Councils have not have had audits, however, the City of Burnside has a Radio Frequency Identification Device (RFID) to address this issue and the Town of Walkerville is also implementing measures to better manage ineligible bins.

Given staff's advice that it is likely that other Members Councils (Campbelltown, Mitcham and Adelaide Hills) are likely to also have similar numbers of ineligible bins collected, it is important that East Waste's administration identify the extent of the problem and make recommendations to the Board to address this situation.

STAFF COMMENT

The figure of \$150,000 per annum for the collection of ineligible bins was extrapolated from a snapshot audit of approximately 2,000 households in late 2015 and as noted by Mayor Bria, a complete audit of the City of Norwood Payneham & St Peters is due to be received by the end of February 2017, which will assist in determining the most appropriate way forward for the Council.

If the ineligible presentation rate is similar across other Member Councils which do not have an appropriate mechanism to determine ineligible collections (eg. RFID tags), the cost to East Waste (and subsequently Member Councils) would be significant. As such the proposed approach is supported by staff.

Cr Minney moved:

That the Acting Chief Executive Officer forward a letter to Mr Adam Faulkner, General Manger of the Eastern Waste Management Authority ('East Waste'), recommending that the East Waste Board consider undertaking an audit of ineligible bins collected by East Waste.

Seconded by Cr Whittington and carried unanimously.

10.2 COMMEMORATION OF KINGSLEY TURNER – SUBMITTED BY CR EVONNE MOORE

NOTICE OF MOTION: Commemoration of Kingsley Turner
SUBMITTED BY: Cr Evonne Moore
FILE REFERENCE: S.00232
ATTACHMENTS: Nil

Pursuant to Regulation 12(1) of the Local Government (Procedures at Meetings) Regulations 2013, the following Notice of Motion has been submitted by Cr Evonne Moore.

NOTICE OF MOTION

That Council staff prepare a report on possible options to commemorate the work of the late Kingsley Turner on the St Peters Billabong Project.

REASONS IN SUPPORT OF MOTION

With a degree in Science and extensive experience in managing native vegetation landscapes through his work with the Native Vegetation Branch of the Department of Environment, Kingsley worked for many years with the Friends of the Billabong to improve the St Peters Billabong. He worked on the native vegetation restoration as well as conducting his own research on water quality variations in the Billabong. In his later years he lectured in Eco-tourism at Adelaide University and took many university students, as well as members of the public, on guided tours of the Billabong environs.

As his health declined in the past few years, Kingsley worked alongside Ms Denise Schumann, Council's Cultural Heritage Adviser, on historical research projects.

But it is for his work on the Billabong that he is most well-known. In 2009 he received Council's Citizen of the Year Award for this work.

The Friends of the Billabong are saddened by Kingsley's recent death from cancer at the age of 70. They call him the "Spirit of the Billabong". A small plaque or other suitable form of commemoration would be a valuable testimony to his long term work on the Billabong.

STAFF COMMENT

A report as requested can be prepared.

Cr Moore moved:

That Council staff prepare a report on possible options to commemorate the work of the late Kingsley Turner on the St Peters Billabong Project.

Seconded by Cr Whittington and carried.

11. STAFF REPORTS

Section 1 – Strategy & Policy

Reports

11.1 LINE MARKING POLICY

REPORT AUTHOR: General Manager, Governance & Community Affairs
GENERAL MANAGER: Acting Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: S/00638
ATTACHMENTS: A - B

PURPOSE OF REPORT

The purpose of the report is to present information to the Council regarding the management of line marking of driveways within the City for the Council's consideration and endorsement.

BACKGROUND

Anecdotally, a common concern raised by citizens who reside in the City of Norwood Payneham & St Peters with respect to parking relates to vehicles parking over driveways in a manner which obstructs or impedes driveway access.

In areas whereby parking is in high demand or there is a significant parking generator nearby (ie school, church, etc), motorists will often park partially over a driveway entrance or immediately adjacent the driveway when they are trying to obtain a park within close proximity to their intended destination.

To alleviate this issue and reduce the occurrences of vehicles being parked in a manner that obstructs/impedes a driveway, the Council installs painted road markings and other traffic control devices (ie no stopping signs), adjacent to some driveways throughout the City.

Over the course of a number of years, however, there has been various versions of road markings utilised and an inconsistent approach to the application of the road markings and/or signage which has resulted in the following:

1. inconsistency in respect to the maintenance of the road marking and installation regime;
2. a lack of clarity for road users;
3. confusion for staff and contractors responsible for the installation of line marking;
4. non-enforceable road markings which creates difficulties for the Council's Compliance Officers when determining if Expiation Notice should or should not be issued;
5. an increase in the number of Expiation Notices being appealed as a result of unclear line marking;
6. some existing road markings not being compliant with the relevant Australian Standards or the Australian Road Rules.

In addition to the above, a lack of a policy in respect to the management of line marking within the City means that these issues will continue and this, along with the increase in complaints generally regarding parking in the City will only exacerbate the issue for residents and visitors to the City.

This report therefore presents a Framework for the Council's consideration for the purpose of developing a draft policy for the Council's consideration.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The relevant Goals contained in *CityPlan 2030* are:

Outcome 1: Social Equity

A connected, accessible and pedestrian-friendly community.

Objectives:

2. A people-friendly, integrated and sustainable transport and pedestrian network.

FINANCIAL AND BUDGET IMPLICATIONS

The Framework presented within this report places a major financial commitment on the Council in terms of the future management of line marking within the City.

Traditionally, redundant line marking has been removed by painting over the line marking with black paint.

Whilst this is the most effective method of removing redundant line marking in terms of cost, it is not effective in the long term as after a period of time the paint wears off and the redundant line marking becomes visible again, albeit in a faded and worn condition.

This creates difficulties for motorists as they are then confronted with faded old lines and new lines, which creates confusion when determining where they can actually park their vehicle.

The most effective way to remove redundant line marking is by utilising the grinding method which essentially means that the redundant line marking is scrubbed out.

This method ensures that the redundant line marking is removed completely however, it is a more costly option when removing redundant line marking.

For comparison purposes the cost of grinding is \$6.00 per linear metre compared to \$2.00 per linear metre when painting over the line marking.

It is important to note however that in the long term the grinding of redundant line marking is more cost effective compared to painting the line marking. This is due to the need to repaint over the redundant line marking after a period of time (ie every six (6) to twelve (12) months depending on the street).

In other words the cost of grinding is a once off cost as the grinding method completely removes the redundant line marking.

The Council's current budget for line marking does not include funding for grinding of redundant line marking. It is important therefore that if the Council endorses the recommendation to remove redundant line marking in the future utilising the grinding method there will be a need to either increase the budget allocation for line marking for a period of time (ie over a three (3) year period) or retain the current budget allocation and therefore reduce the line marking program over this period.

It is estimated that to maintain the current line marking program and implement the grinding method for the removal of the redundant line marking, the Council will be required to allocate an additional \$30,000 to the annual Line Marking Program over the next three (3) years. Following this initial period, the Line Marking Program will then return to a maintenance program.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

It is unreasonable for residents to assume that they can park immediately outside their property on a public road, particularly if they reside in an inner city metropolitan Council area such as the City of Norwood Payneham & St Peters.

Notwithstanding this it is reasonable for residents to be confident that they will have unrestricted access to and from their property, particularly for those citizens who reside within business precinct areas within the City (ie Kent Town, Norwood, Stepney, etc).

It is therefore important that residents are provided with a standard and consistent approach to the management of this issue and confidence in the staff's approach to the resolution of the issues.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not applicable.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

A clear and equitable policy provides a sound basis for the management of the risks associated with the implementation of line marking within the City.

CONSULTATION

- **Elected Members**
A presentation has previously been provided to Elected Members in respect to the parking issues within the City.
- **Community**
Not Applicable.
- **Staff**
General Manager, Urban Services;
Manager, City Services;
Team Leader, Customer & Regulatory Services.
- **Other Agencies**
Not Applicable.

DISCUSSION

In 1999, the Australian Road Rules (ARR), came into operation in South Australia.

Prior to the adoption of the ARR, legislative provisions governing parking adjacent a driveway stipulated that a vehicle must park a specified distance away from a driveway. Some of the road markings which were put in place to comply with the previous legislation are still in place today.

These line markings are not compliant with the *Australian Road Rules* which are in operation in South Australia today.

Section 198 (2) of the *Australian Road Rules* stipulates the following:

- (2) *A driver must not stop on or across a driveway or other way of access for vehicles travelling to or from adjacent land unless—*
- (a) *the driver—*
 - (i) *is dropping off, or picking up, passengers; and*
 - (ii) *does not leave the vehicle unattended; and*
 - (iii) *completes the dropping off, or picking up, of the passengers, and drives on, as soon as possible and, in any case, within 2 minutes after stopping; or*
 - (b) *the driver stops in a parking bay and the driver is permitted to stop in the parking bay under the Australian Road Rules.*

Currently and in accordance with the *Australian Road Rules Section 198(2)*, there is no requirement for a Council to install road markings or signage to indicate that it is illegal to park in a manner that obstructs a driveway. This is on the basis that the existence of the driveway should be sufficient notification to motorists not to obstruct or restrict access to and from the property.

Having said that, there is a level of expectation from the community that the Council should provide some form of road marking to assist in reducing the number of instances whereby vehicles are found to be obstructing /impeding access to driveways. This is exacerbated in areas where there is a combination of urban infill and business precinct areas. In a number of cases and unless otherwise indicated, a motorist will attempt to 'squeeze' into small section (ie 3.5m space between driveways), to create a park.

However, as stated above, it is important to note that when there is no yellow line in front of a resident's driveway, a vehicle is permitted to stop in front of the driveway under those limited situations. If however there is a yellow edge line installed in front of a driveway no one can stop for any purpose or for any length of time. Some residents therefore do not want to have yellow lines installed as they prefer to be able to stop in front of their driveway in accordance with Section 198 (2) of the ARR (as set out above).

Some examples of the various types of road markings that have been installed adjacent driveways throughout the City are shown below.

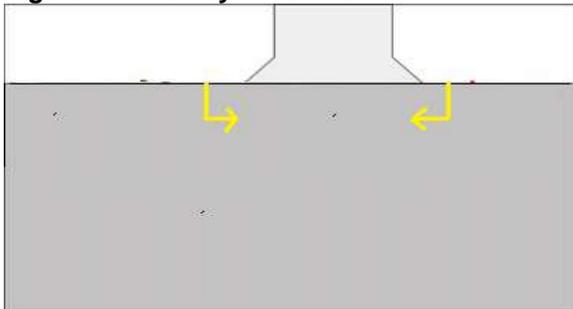
1. Driveway Brackets

Driveway brackets provide a good visual aid to motorists however they are not compliant with the ARR or Australian Standards.

This means that the Council does not have the relevant authority to issue an Expiation Notice if a vehicle is parked over these markings.

The existence of this type of line marking also creates confusion for some motorists who believe the line marking indicates a legal parking bay.

Figure 1 Driveway Brackets

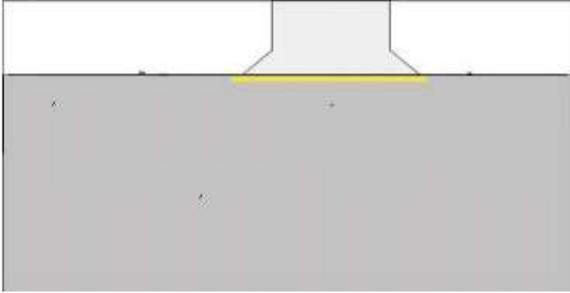


2. Continuous Yellow Edge Line

A continuous yellow line across a driveway is compliant with the ARR and the Australian Standards and is therefore enforceable under the ARR.

However, in some areas, this type of continuous line which is located right at the edge of the road provides a less than effective visual aid as the line marking can become obstructed by leaf foliage and pooling water.

Figure 2 Continuous Yellow Edge Line



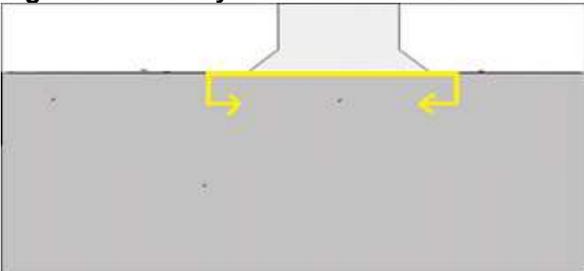
The photograph below highlights the issue associated with leaf litter obscuring the yellow continuous line.



3. Driveway Brackets with a Continuous Yellow Edge Line

Driveway brackets with a continuous yellow line provide good visual aid, however they are not compliant with the ARR or Australian Standards.

Figure 3 Driveway Brackets with a Continuous Yellow Edge Line



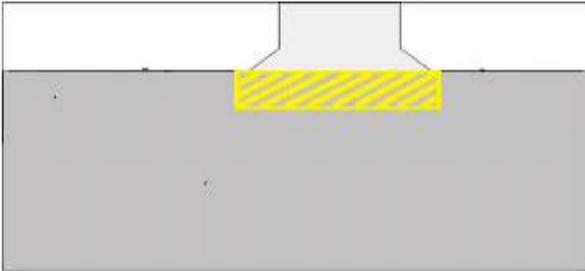
4. Hatching

Hatching provides a good visual aid, however hatchings are not compliant with ARR or the Australian Standards.

They should only be used to indicate a shared zone (ie a disabled walkway).

In addition, this form of line marking is expensive to install and maintain.

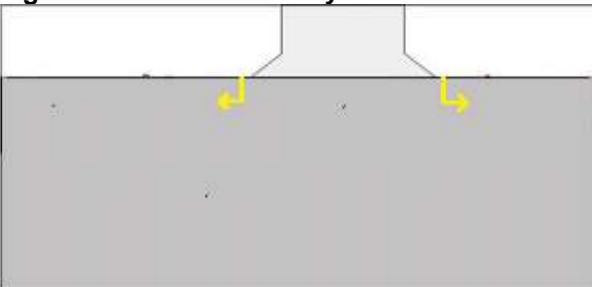
Figure 4 Hatching



5. Reverse Driveway Brackets

Reverse driveway brackets provide a good visual aid however they are not compliant with ARR or the Australian Standards and are not enforceable.

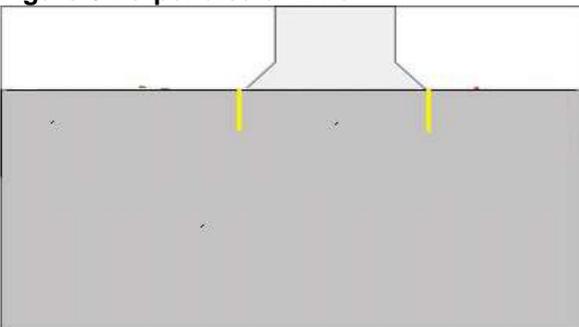
Figure 5 Reverse Driveway Brackets



6. Perpendicular Line

Perpendicular lines provide a good visual aid to motorists however they do not comply with the ARR or the Australian Standards and are not enforceable.

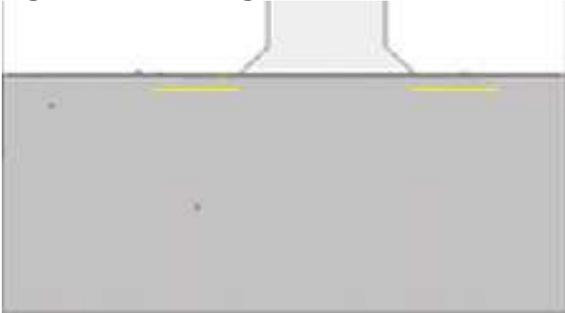
Figure 6 Perpendicular Line



7. Yellow Edge Line

A yellow line across a driveway is compliant with the ARR and the Australian Standards and is therefore enforceable under the ARR. This type of line marking restricts parking on either side of a driveway however, it does not provide a clear message in terms of parking across the driveway and allows motorists to pull up in front of a driveway for drop off or pick-up purposes.

Figure 7 Yellow Edge Line

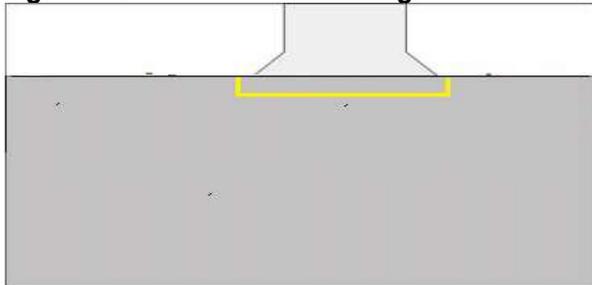


8. Continuous Yellow Edge Line with returns to the Kerb.

A continuous yellow edge line with returns to the kerb complies with the ARR and the Australian Standards and is therefore enforceable.

A continuous yellow edge line with returns to the kerb provides a good visual aid to the motorist. As the line has a return which means that the line sits 400mm from the edge of the road, the line marking does not get obscured by leaf litter, pooling water, etc in usual circumstances.

Figure 8 Continuous Yellow Edge Line with returns to the Kerb.



Some photographs of the various line marking examples (shown above), which are in place throughout the Council area are contained within **Attachment A**.

In determining a position in respect to line marking of driveways it is important that the Council has a standard approach and in doing so considers the following:

1. What style of line marking if any is installed adjacent driveways; and
2. Where and under what circumstances should line marking be installed adjacent a driveway.

At its meeting held on 1 August 2016, the Council considered the final report in respect to the Council's City-Wide Schools Traffic, Parking & Safety Review and resolved the following:

- “1. That the report which has been submitted by Tonkin Consulting and GTA Consultants (“the Council’s Consultants”), titled *City-Wide Schools Traffic, Parking and Safety Review* (“the Schools Review Report”), contained in Attachment A of this report, be received and noted.
2. That having considered the information contained in this report and in the Schools Review Report, the following **general recommendations** which have been made by the Council’s Consultants be endorsed:
 - 2.1 That all ‘kiss-n-drop’ zones located adjacent to schools within the City, be enhanced through the installation of “No Parking drop off and pick up zone only, 2 minutes maximum, 8.00am-9.00am and 3.00pm-4.00pm, School Days, driver must remain with vehicle”, unless otherwise stated in this report (**Responsibility: Council**).
 - 2.2 That solid yellow lines be marked across driveways which are located within areas of high on-street parking demand, as identified in the Schools Review Report (**Responsibility: Council**).....”

Based on the Consultant’s final report and the Council’s endorsement of the installation of continuous yellow edge lines across driveways in areas located near schools it is recommended that the Council adopts this approach for other driveways within the City when installing line marking adjacent to a driveway.

The use of a continuous yellow edge line, in accordance with the ARR means a line marked along the road at or near the far left or far right hand side of the road, as shown in Figure 2 within this report.

The continuous yellow edge line is enforceable in accordance with Australian Road Rule 169 which states the following:

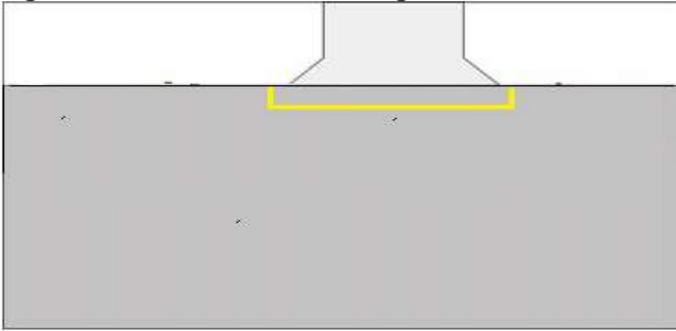
“A driver must not stop at the side of a road marked with a continuous yellow edge line.”

However, as stated previously, in some areas where there are deciduous trees or issues associated with water pooling in the kerb and water table an edge line at the road edge can be difficult to see when obscured by tree litter or water (particularly during the period of high level Autumn leaf fall experienced in a large area within the City). In these situations, motorists therefore cannot always see the yellow edge line and will park in a restricted location. Further to this the yellow edge line does not have a clear start and end point and therefore can be difficult in some instances for both motorists and the Council’s Compliance Officer to determine if a vehicle is illegally parked.

To overcome these issues, the Australian Standard 1742.11 – *Manual of Uniform Traffic Control devices* stipulates that yellow edge lines should be 80mm – 100mm wide and placed close to and parallel to the edge of the road and the Department of Planning, Transport & Infrastructure’s (DPTI), *Pavement Marking Manual* stipulates that the edge line should be 400mm from the edge of the road.

This is consistent with Figure 8 above and set out again below.

Figure 8 Continuous Yellow Edge Line with returns to the Kerb.



The use of returns to the kerb also clearly indicates to the motorist the starting point of the no parking area. The continuous yellow line will extend to a minimum of 500mm from the edge of the cross over as shown in Figure 8 above.

It is therefore recommended that the use of a continuous yellow edge line with returns to the kerb be endorsed by the Council as the standard approach to line marking of driveways as required within the City.

In addition to determining a standard and consistent approach to the style of line marking of driveways within the City, the Council must also consider those areas which require line marking across driveways.

Through the Council's *City-Wide Schools Traffic, Parking and Safety Review report*, the Council has established that "all driveways located within areas of high on-street parking demand, as identified in the *Schools Review Report*" will be line marked.

Whilst not all areas within the City require driveway line marking, there certainly are some areas which it is deemed essential. The basis for this is the high demand for on-street parking combined with the width of the carriageway.

When determining if line marking should be installed across a driveway, a warrant should be established, with the following factors taken into consideration:

1. is on street parking in high demand; and,
2. the width of the carriageway.

In terms of determining if parking is in high demand in a particular street, the Council's *On-Street Parking Permit Policy* (the Policy), provides a framework for the assessment of streets to determine if parking would be considered in high demand. The same principles can be applied when determining if a street should have line marking installed adjacent driveways.

The assessment process used to determine the demand for on street parking as set out in the Policy is as follows:

5.1 Availability of On-Street Parking

5.1.1 An On-Street Parking Occupancy Survey will be undertaken for a period of two (2) weeks, for the purposes of ascertaining the on-street parking conditions and the overall availability of on-street parking.

5.1.2 The Council will consider that reasonable on-street parking is unavailable, if the results of the survey indicate than 50% (or less) of the overall number of on-street parking spaces are not available 50% (or more) of the overall survey period (ie two (2) weeks).

In addition, a number of those streets which experience a high demand for on-street parking are very narrow in terms of the width of the carriageway (ie a carriageway width of 7.2metres or less), which can create additional issues associated with driveway access and egress.

In these situations, the no parking zone may need to be extended beyond the standard distance (ie 500mm beyond the edge of the crossover as shown in Figure 7 above) to ensure that access and egress to a property is not restricted.

In other words, the solid yellow edge line may need to be extended either side of the driveway to ensure there is adequate space for a vehicle to gain enough turning room to access the driveway and/or exit the driveway.

It is important to note however that in these situations some loss of on-street parking may occur.

Applying the criteria set out above when determining to install line marking across driveways, it is not practical or efficient for all streets within the City to be assessed on an individual basis, particularly when there is enough evidence in terms of issues to isolate certain areas within the City which would meet the criteria.

It is therefore recommended that line marking of driveways be undertaken for all driveways located in the area (designated zone), bounded by Portrush Road, Payneham Road/North Terrace, Dequetteville Terrace and Kensington Road and the suburbs of Hackney and Kensington.

A map highlighting the designated zone indicated above is contained within **Attachment B**.

All roads within the designated zone which have a carriageway of less than 7.2metres wide will be assessed on an individual basis to determine the most effective approach to the line marking to ensure safe and convenient access whilst taking into consideration the maintenance of on-street parking spaces with a view to ensuring minimal loss of on-street parking.

It has been stated previously within this report that there are a number of streets within the City that do not require driveways to be line marked. These streets are those which do not have a high demand for on-street parking and the streets are wide enough to accommodate turning movements to enable access and egress to and from the properties located on the streets.

Notwithstanding the above, it is acknowledged that there are also a number of roads outside the designated zone which do experience issues associated with on-street parking (ie high demand for on-street parking) and are less than 7.2m wide. These streets would continue to be assessed on an individual basis and line marking installed on a case by case basis.

As stated within the Financial Implications section of this report, it is also recommended that all redundant line marking be removed via the grinding method to ensure that all redundant line marking is completely removed. This will ensure that any new line marking does not get confused with the redundant line marking.

A recent example of this is Gertrude Street, Norwood. Following a review of the parking arrangements in Gertrude Street, new line marking was installed to indicate the new parking arrangements within the street. The redundant line marking was painted over in black paint.

However, within a few months the black paint had worn off and the redundant line marking was visible again.

A photograph highlighting this is contained within **Attachment C**.

In summary therefore it is suggested that a policy be formulated in respect to the line marking of driveways within the City that sets out the following framework:

1. All driveways located within areas of high on-street parking demand, as identified in the *City-Wide Schools Traffic, Parking and Safety Review* report be line marked with a solid yellow line.
2. All driveways located within the area (designated zone), bounded by Portrush Road, Payneham Road/North Terrace, Dequetteville Terrace and Kensington Road and the whole of the suburb of Hackney be line marked.

3. That all streets located within the designated zone that have a carriageway width of less than 7.2 metres be assessed on an individual basis prior to the installation of driveway line marking to determine the most effective approach to the installation of line marking to ensure a minimal loss of on-street car parking.
4. That all other streets which are located outside the designated zone be assessed on a case by case basis and that the criteria which must be satisfied prior to the installation of driveway line marking include the following process as set out in the Council's On Street Parking Permit Policy as follows:

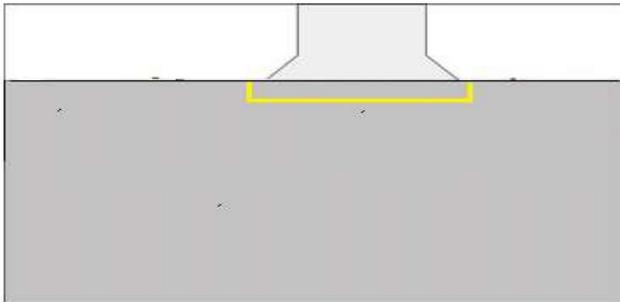
5.1 Availability of On-Street Parking

- 5.1.1 An On-Street Parking Occupancy Survey will be undertaken for a period of two (2) weeks, for the purposes of ascertaining the on-street parking conditions and the overall availability of on-street parking.
- 5.1.2 The Council will consider that reasonable on-street parking is unavailable, if the results of the survey indicate that 50% (or less) of the overall number of on-street parking spaces are not available 50% (or more) of the overall survey period (ie two (2) weeks).

and

The width of the carriageway (from kerb to kerb) of the street.

5. The installation of line marking adjacent all driveways will consist of a continuous yellow edge line with returns to the kerb. The continuous yellow line will extend to a minimum of 500mm from the edge of the crossover in accordance with the following diagram:



6. Any line marking which does not comply with the Australian Road Rules and any other relevant Australian or South Australian Standards/Guidelines will be deemed to be redundant and will be removed using the grinding method.

OPTIONS

Option 1

The Council can resolve to endorse the proposed framework for the management of driveway line marking within the City and in doing so adopt the position and process as set out in this report.

This is the recommended option for the reasons set out in this report.

Option 2

The Council can resolve to maintain the status quo and take no action in respect to a framework for the management of line marking of driveways within the City and continue to address this issue on a case by case basis.

This option however does not provide for effective management of the issues and efficient use of the Council's resources and does not provide citizens with a clear and concise position in respect to issues associated with line marking of driveways.

CONCLUSION

The proposed framework allows enough discretion by recognising that not all streets are the same and therefore they all cannot be managed in a one size fits all approach.

At the same time the proposed framework provides a clear position and approach for Council staff when dealing with complaints from citizens regarding issues associated with access to and from their properties.

COMMENTS

If the Council endorses the proposed framework as set out within this report, a policy will be prepared in accordance with the framework.

RECOMMENDATION

1. That the Council endorses “in principle” the Framework as set out in this report for the management of line marking adjacent to driveways within the City.
 2. That a policy be prepared in accordance with the Framework as set out in this report.
-

Cr Moore left the meeting at 7.48pm.

Cr Dottore moved:

1. *That the Council endorses “in principle” the Framework as set out in this report for the management of line marking adjacent to driveways within the City.*
2. *That a policy be prepared in accordance with the Framework as set out in this report.*

Seconded by Cr Wormald and carried unanimously.

Cr Moore returned to the meeting at 7.49pm.

Section 2 – Corporate & Finance
Reports

11.2 MONTHLY FINANCIAL REPORT – DECEMBER 2016

REPORT AUTHOR: Accountant
GENERAL MANAGER: Acting General Manager, Corporate Services
CONTACT NUMBER: 8366 4585
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 period ended December 2016.

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 monthly financial reports detailing its financial performance compared to its Budget.

RELEVANT STRATEGIC DIRECTIONS AND POLICIES

Nil.

FINANCIAL AND BUDGET IMPLICATIONS

Financial sustainability has been highlighted as a high priority for the Council. The Council adopted a Budget which forecasts an Operating Surplus of \$2.377 million for the 2016-2017 Financial Year.

Year-to-date to December 2016, Council's Operating Surplus is \$2.312 million against a budgeted Operating Surplus of \$1.335 million, a favourable variance of \$0.977 million. Significant variances are highlighted in the Discussion Section of this report.

EXTERNAL ECONOMIC IMPLICATIONS

Nil.

SOCIAL ISSUES

Nil.

CULTURAL ISSUES

Nil.

ENVIRONMENTAL ISSUES

Nil.

RESOURCE ISSUES

Nil.

RISK MANAGEMENT

Nil.

CONSULTATION

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

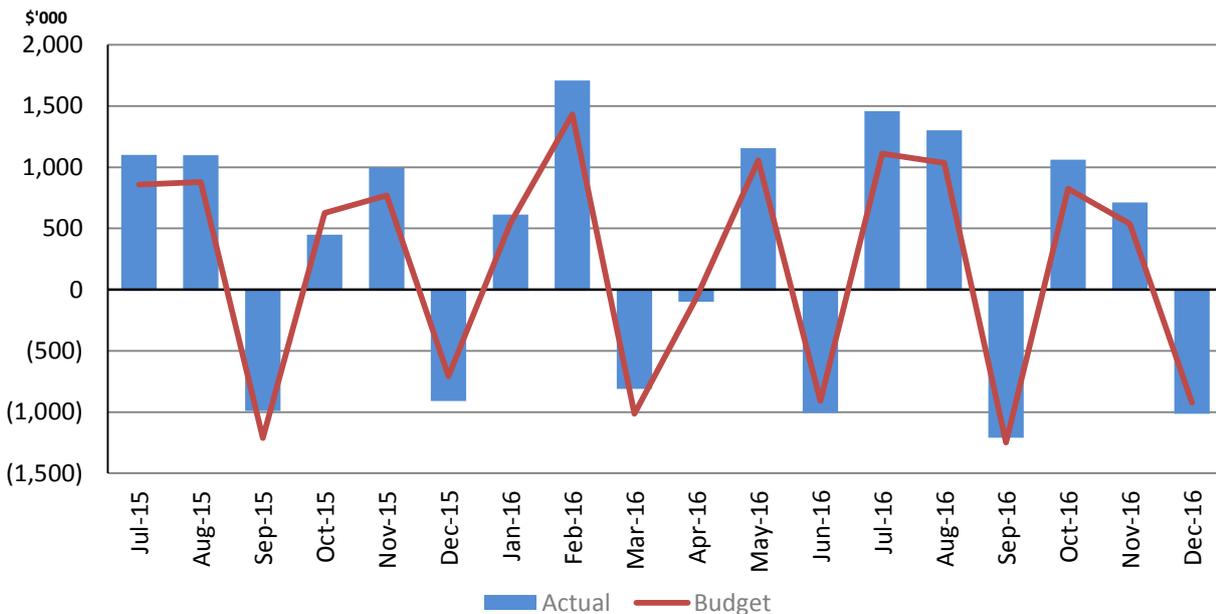
DISCUSSION

Year-to-date to December 2016, the Council is reporting an Operating Surplus of \$2.312 million against a budgeted Operating Surplus of \$1.335 million, resulting a favourable variance of \$0.977 million. Figure 1 below shows that the monthly deficit for December was slightly higher than budgeted expectations reducing the Operating Surplus variance by \$0.089 million. As a result the causal factors driving the favourable result have not changed from previously advised. These being:

- receipt of unbudgeted reimbursement of common fleet cost for 2015-2016 financial year from East Waste Management Authority (\$0.170 million). Common fleet costs represent the Operating costs of East Waste Management Authority less the Collection cost that are on charged to specific councils;
- reimbursements being received for workers compensation and income protection insurance premium adjustments for 2015-2016 financial year actual wage declarations (\$0.050 million)
- Employee expenses are favourable to budget due to timing variations, with staff using annual leave and time involved to recruit for replacement staff following positions becoming vacant (\$0.322 million).

The residual variance is driven timing differences in expenditure and contains no individually significant items.

FIGURE1: MONTHLY OPERATING SURPLUS/(DEFICIT)



The Monthly Financial report is contained in **Attachment A**.

OPTIONS

Not Applicable.

CONCLUSION

Nil.

COMMENTS

Nil.

RECOMMENDATION

That the Monthly Financial Report – December 2016, be received and noted.

Cr MacRae left the meeting at 7.51pm.
Cr Granozio left the meeting at 7.51pm.

Cr Minney moved:

That the Monthly Financial Report – December 2016, be received and noted.

Seconded by Cr Shepherdson and carried.

11.3 2016-2017 MID YEAR BUDGET REVIEW

REPORT AUTHOR: Financial Services Manager
GENERAL MANAGER: Acting General Manager, Corporate Services
CONTACT NUMBER: 8366 4552
FILE REFERENCE: S/02917
ATTACHMENTS: A - C

PURPOSE OF REPORT

The purpose of this report is to provide the Council with a summary of the forecast Budget position for the year ended 30 June 2017 following the Mid-Year Budget Review which is based on year-to-date December 2016 actual results.

BACKGROUND

Pursuant to Section 123 (13) of the *Local Government Act 1999*, the Council must, as required by the regulations reconsider its annual business plan or its budget during the course of a financial year and, if necessary or appropriate, make any revisions.

The Budget Reporting Framework set out in Regulation 9 of the *Local Government (Financial Management) Regulations 2011* ("the Regulations") comprises two (2) types of reports, namely:

1. The Budget Update; and
2. The Mid-year Budget Review.

Budget Update

The Budget Update Report sets out a revised forecast of the Council's Operating and Capital investment activities compared with the estimates for those activities set out in the Adopted Budget. The Budget Update is required to be presented in a manner consistent with the note in the Model Financial Statements entitled *Uniform Presentation of Finances*.

The Budget Update Report must be considered by the Council at least twice per year between 30 September and 31 May (both dates inclusive) in the relevant financial year, with at least one (1) Budget Update Report being considered by the Council prior to consideration of the Mid-Year Budget Review Report.

The Regulations requires a Budget Update Report to include a revised forecast of the Council's operating and capital investment activities compared with estimates set out in the Adopted Budget, however it is recommended by the Local Government Association that the Budget Update Report should also include at a summary level:

- the year to date result;
- any variances sought to the Adopted Budget or the most recent Revised Budget for the financial year; and
- a revised end of year forecast for the financial year.

Mid-Year Review

The Mid-Year Budget Review must be considered by the Council between 30 November and 15 March (inclusive) in the relevant financial year. The Mid-Year Budget Review Report sets out a revised forecast of each item shown in its Budgeted Financial Statements compared with estimates set out in the Adopted Budget presented in a manner consistent with the Model Financial Statements. This report must also include revised forecasts for the relevant financial year of the Council's Operating Surplus Ratio, Net Financial Liabilities Ratio and Asset Sustainability Ratio compared with estimates set out in the budget presented in a manner consistent with the note in the Model Financial Statements entitled *Financial Indicators*.

The Mid-year Budget Review is a comprehensive review of the Council's Budget and includes the four principal financial statements, as required by the Model Financial Statement, detailing:

- the year to date result;
- any variances sought to the Adopted Budget; and
- a revised full year forecast of each item in the budgeted financial statements compared with estimates set out in the Adopted budget.

The Mid-year Budget Review Report should also include information detailing the revised forecasts of financial indicators compared with targets established in the Adopted Budget and a summary report of operating and capital activities consistent with the note in the Model Financial Statements entitled *Uniform Presentation of Finances*.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The Council's Long Term Strategic directions are outlined in the *City Plan 2030 – Shaping our Future*. The 2016-2017 Annual Business Plan Budget, sets out the proposed services, programs and initiatives for the 2016-2017 Financial Year and explains how the Council intends to finance its continuing services, programs and initiatives which are to be undertaken during the financial year.

The Council's 2012-2022 Amended Long Term Financial Plan (LTFP), is a key document in the Council's Planning Framework. It is the primary financial management tool which links the Council's Strategic Plan, *City Plan 2030 – Shaping our Future*, Whole-of-Life Assets Management Plans, the Annual Business Plan and Budget.

The 2016-2017 Adopted Budget set an Operating Surplus of \$2.377 million.

FINANCIAL AND BUDGET IMPLICATIONS

The Mid-Year Budget Review for the 2016-2017 Financial year provides the opportunity to reflect any changes in projections based on the actual year to date results to December 2016 and forecast the 2016-2017 Operating result.

Details of material movements in the forecast from the Adopted Budget are contained in the discussion section of this Report.

EXTERNAL ECONOMIC IMPLICATIONS

This report provides information on the planned financial performance of the Council for the year ended 30 June 2017 and has no direct external economic impact.

SOCIAL ISSUES

Nil

CULTURAL ISSUES

Nil

ENVIRONMENTAL ISSUES

Nil

RESOURCE ISSUES

Nil

RISK MANAGEMENT

There are no risk management issues arising from this issue. All documents have been prepared in accordance with the statutory requirements.

CONSULTATION

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

DISCUSSION

Budget Update

In determining the Adopted Operating Surplus, the Council considers the financial resources required to provide the ongoing Council services (Recurrent Operating Budget), which encompass the basic responsibilities, the Council is required to provide under the *Local Government Act* and other relevant legislation, plus ongoing services and programs as a result of community interest and expectation.

Such on-going services include Regulatory services (animal management/parking management), street cleaning and rubbish collection, maintenance of basic infrastructure including roads, footpaths, parks, public open space, street lighting and storm-water drainage, development planning and control, library and learning services, community support programs, environmental programs, community events, community recreational facilities and home assistance service.

In addition, the Council considers the funding requirements for the introduction of new services or the enhancement to existing services (Operating Projects).

The 2016-2017 Adopted Operating Budget, budgeted an Operating Surplus of \$2.337 million. As a result of the First Budget Update, the forecasted Operating Surplus was decreased to \$2.157 million, a decrease of \$0.219 million. Following the Mid-Year Budget Review, the Council's Operating Surplus is forecast to increase to \$2.221 million.

The material movements in the components that make up the Operating Surplus following the Mid-Year Budget Review are detailed below.

Recurrent Operating Budget

For 2016-2017, the Recurrent Operating Budget forecast a Recurrent Operating Surplus of \$2.343 million. Following the First Budget Update, the Recurrent Operating Budget Surplus was increased to \$2.363 million. As a result of the Mid-Year Budget Review, the Recurrent Operating Surplus is forecasted to be \$2.417 million, an increase of \$0.054 million on the Adopted Budget. The major reasons for the movement in Operating Surplus are detailed in Table 1.

TABLE 1: MAJOR VARIANCES IN RECURRENT OPERATING BUDGET - MID-YEAR BUDGET REVIEW

	Favourable/ (Unfavourable) \$
Norwood Concert Hire Income has been increased \$47,000 due to hirers booking additional equipment hire and security/front of house services at levels higher than anticipated in the budget. This has resulted in an increase in costs associated with these services of \$24,000.	27,885
Attendance levels at the Payneham Memorial Swimming Centre and Norwood Swimming Centre have been lower than anticipated, largely due to weather conditions. It is anticipated that the reduced attendance levels will result in income being \$54,000 and \$16,000 lower than budget for the respective centres. The reduced income has in part been offset by reduced staffing levels to supervise the pools.	(43,700)
The number of parking infringements issued has been lower year to date than budgeted expectations resulting in a decrease of parking infringement income of \$53,800. In recent years there has been a downward trend in the quantity of infringements issued, which in part is due to an increase in the level of compliance in high traffic areas. The reduction in income is offset by a reduction in the quantity of withdrawals (\$22,000).	(28,800)
Hoarding Licence income has been increased by \$45,000 to account for additional revenue from the Palumbo development on King William Street, Kent Town which was originally anticipated to be finished in December 2016.	45,000
Due to delays in the rollout of Information Technology upgrade program savings in leasing and licence costs (\$76,700) have resulted. This was possible as the Council was in a position to acquire the existing equipment at the end of the current lease at zero value.	76,700

Operating Projects

The Adopted Budget includes an estimate of operating project expenditure for the year under review and;

- previously approved and carried forward projects from the prior budget years; less
- an allowance for current year approved projects projected to be carried forward to subsequent budget years.

Carried Forward estimates (from prior budget years) are reviewed upon finalisation of the 2015-2016 Annual Financial Statements. Additional spend required for non-completed Operating Projects at the end of the 2015-2016 Financial Year is incorporated in the 2016-2017 Budget as part of First Budget Update.

Carried Forward Operating Project expenditure from 2015-2016, was estimated to be \$0.214 million. Following the First Budget Update, the value of carried forward expenditure was \$0.366 million, an increase of \$0.149 million. Following the Mid-Year Budget Review, the value of carried forward expenditure has not changed. Details of the Operating Projects carried forward to the 2016-2017 Financial Year are contained in **Attachment A**.

Taking into account the carried forward Operating Project expenditure and new projects, the 2016-2017 Adopted Operating Projects Budget forecast a cost to the Council of \$0.648 million. Following the First Budget Update, the cost to Council is estimated at \$0.889 million, an increase of \$0.241 million. The Mid-Year Budget Update increases the cost to Council by \$0.020 million to an estimated \$0.909 million. The major reasons for the movement are detailed in Table 2.

TABLE 2: MAJOR VARIANCES IN OPERATING PROJECT BUDGET - MID-YEAR BUDGET REVIEW

Service Initiative	(Increase)/ Decrease \$
Movement in new Operating Projects Expenditure Commenced in 2016-2017	
Linear Park Strategic Asset Management Plan – Developing a Strategic Asset Management Plan for the whole of the River Torrens Linear Park in conjunction with other councils. The budget is requested for community consultation.	(10,000)
60 Years Norwood Pool Event – An event is planned to celebrate Norwood Swimming Centre’s 60 th anniversary on 19 th February 2017.	(10,000)
Increase in new Operating Projects in the Mid-Year Budget Update	(20,000)

Following the Mid-Year Budget Review, it is estimated that Operating Projects costs not expected to be incurred in the 2016-2017 would be \$0.030 million which includes \$0.009 million for the Youth Short Film Festival and \$0.021 million for Electronic Document Records Management System Readiness and Risk Assessment.

The Operating Projects to be carried forward to 2017-2018 will be reviewed during Third Budget Update scheduled for May 2017.

Capital Projects

The Council adopted a Capital Budget of \$18.109 million for 2016-2017, which comprised funding allocations for New Capital Projects involving new or upgrading existing assets (\$9.336 million), the renewal/replacement of existing assets (\$4.722 million) and carried forward projects from 2015-2016 (\$4.051 million). As a result of the First Budget Update, the capital spend is forecast to be \$19.242 million, an increase of \$1.133 million primarily due to a movement in the value of Capital Projects carried forward to 2016-2017 Financial Year (\$1.094 million) combined with additional funding requirements (\$0.039 million). Following the Mid-Year Budget Review, a decrease of \$9.177 million in expenditure has been proposed. This decrease has resulted due to the identification of works that will not be finalised during the 2016-2017. These projects are detailed in Table 3.

TABLE 3: MAJOR VARIANCES IN CAPITAL PROJECT BUDGET - MID-YEAR BUDGET REVIEW

	(Increase)/ Decrease \$
Projects not expected to be completed in 2016-2017	
Felixstow Reserve works are not expected to be completed until the first half 2018.	(2,437,500)
Beulah Road Bicycle Boulevard works are expected to have commenced during this Financial Year however, due to the need to undertake further investigations into street lighting and stormwater modelling finalisation of the project is currently forecast to be in December 2017	(400,000)
Linear Park Path upgrade preparatory works are currently in progress. The construction works will be completed during the 2017-2018 Financial Year	(602,000)
Civil Infrastructure works on Ninth Avenue have been deferred into the 2017-2018 Financial Year to enable a better integration and final outcome to be achieved as an extension of the Linear Park Path upgrade.	(450,000)
Norwood Oval Member Facility and Streetscape has been deferred into the 2017-2018 Financial Year, due to the the two (2) ERD Court appeals and issues related to use of the continued use of the oval during the Football season.	(4,400,000)
Payneham Oval Clubroom Redevelopment is currently anticipated to be finalised in December 2017	(748,875)

As a result of the timing of the above projects it is not expected that any additional borrowings will be drawn down during the 2016-2017 Financial Year.

Regulation 9 (1) (b) of the Regulations states the Council must consider;

“between 30 November and 15 March (both dates inclusive) in the relevant financial year—a report showing a revised forecast of each item shown in its budgeted financial statements for the relevant financial year compared with estimates set out in the budget presented in a manner consistent with the Model Financial Statements.”

Further Regulation 9 (2) of the Regulations states the Council must consider;

“revised forecasts for the relevant financial year of the council's operating surplus ratio, net financial liabilities ratio and asset sustainability ratio compared with estimates set out in the budget presented in a manner consistent with the note in the Model Financial Statements entitled Financial Indicators.”

The revised Budgeted Financial Statements and Financial Indicators as a result of the Mid-Year Budget Update are included in **Attachment C**.

OPTIONS

Not Applicable

CONCLUSION

Nil

COMMENTS

Nil

RECOMMENDATION

1. That the Mid-Year Budget Update Report be received and noted.
2. That project progress reports contained in Attachments A and B be received and noted.
3. That Pursuant to Regulation 9 (1) and (2) of the Local Government (Financial Management) Regulations 2011, Budgeted Financial Statements and Financial Indicators as contained within Attachment C be adopted.

Cr MacRae returned to the meeting at 7.52pm.
Cr Granozio returned to the meeting at 7.53pm.

Cr Duke moved:

1. *That the Mid-Year Budget Update Report be received and noted.*
2. *That project progress reports contained in Attachments A and B be received and noted.*
3. *That Pursuant to Regulation 9 (1) and (2) of the Local Government (Financial Management) Regulations 2011, Budgeted Financial Statements and Financial Indicators as contained within Attachment C be adopted.*

Seconded by Cr Minney and carried.

11.4 ST PETERS CHILD CARE CENTRE & PRE-SCHOOL QUARTERLY REPORT – DECEMBER 2016

REPORT AUTHOR: Director, St Peters Child Care Centre & Preschool
GENERAL MANAGER: Acting General Manager, Corporate Services
CONTACT NUMBER: 8366 4585
FILE REFERENCE: S/00913
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of the report is to provide the Council with a status report on the activities of the St Peters Child Care Centre & Preschool, for the period ending 31 December 2016.

BACKGROUND

The Centre has been in operation since 1976. The Centre is licenced for one hundred and five (105) long day care places per day, however to ensure that the Centre continues to provide high quality care, the number of available places is capped at ninety-four (94) places per day. The Centre provides care for babies from six (6) weeks old through to children aged up to and including five (5) years of age.

The Centre is an Approved Provider under the Education and Early Childhood Services (Registration and Standards) Act 2011 and the Education and Care Services National Regulations and Education and Early Childhood Services (Registration and Standards) Regulations 2011. The Centre was issued its Approved Provider Certificate on 25 June 2012, effective from 1 January 2012.

The Centre has undergone its first round of Rating and Assessment under the new National Quality Standards. The Centre received an overall rating of "Working Towards".

The Council has established a Committee comprising Elected Members and parents, which meets quarterly and acts under the Terms of Reference which the Council established for the Committee.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

This report informs the Council on the St Peters Child Care Centre & Preschool activities and supports Council attaining:

Outcome 1: Social Equity

Objective 1: Convenient and accessible services and facilities.
Strategy: Maximise access to services, facilities, information and activities

Objective 5: Healthy and active community.
Strategy: Encourage lifelong learning.

The Centre's Five (5) Year Strategic Plan and Business Plan (2011-2016) was approved by the Committee and the Council at its meeting on Monday 2 July 2012. The Business Plan is currently being reviewed and updated.

The St Peters Child Care Centre & Preschool Committee monitors the progress against the Key Result Areas and Targets set out in the Centres Business Plan.

FINANCIAL AND BUDGET IMPLICATIONS

For the period ended 31 December 2016, the Centre is reporting an Operating Surplus of \$84,185, compared to an Adopted Operating Surplus of \$91,330, a small variance of \$7,145.

The detailed financial report for 2016-2017 is contained in **Attachment A**.

EXTERNAL ECONOMIC IMPLICATIONS

While the information provided in this report has no direct external economic impact, it should be noted that the fees charged by the Centre at 1 July 2016, are within the mid to lower range of nearby competitors.

Table 1 sets out the comparison of fees with other nearby Centres, based on a benchmarking activity undertaken in March 2016.

TABLE 1 – COMPARISON OF FEES EFFECTIVE AS AT 31 March 2016

Child Care Centre	Daily	am	pm
Precious Cargo (private centre)	\$105.00 (0-3 Years) \$103.00 (3-5 Years) \$94.00 (4-5 Years)	N/A	N/A
Tree Tops Early Learning (private centre)	\$110.00(Under 3) \$105.00 (Over 3)	N/A	N/A
St Morris Child Care Centre (community)	\$99.50	\$50.50	\$48.00
Magill Child Care Centre (community)	\$87.00 (full-time care) \$100.00 per single day	\$66.00	\$61.00
Good-start Early Learning Payneham (community)	\$102.50 (0-2 Years) \$100.00 (2-3 Years) \$99.00 (3-5 Years)	N/A	N/A
St Peters Child Care Centre & Preschool (Council)	\$95.00	N/A	N/A
Adelaide Eastern Child Care Centre (community)	\$94.00	\$55.00	\$50.00
Margaret Ives (community)	\$94.00 (0-4 Years) \$65.00 (4-5 Years)	N/A	N/A

SOCIAL ISSUES

The Centre actively promotes a policy of inclusion for all children and their families. Its location in a mixed use area, results in a potential client base of working parents who live and work in close proximity to the Centre.

In response to parent/carers feedback, new opening hours are being trialled, with the Centre now opening at 7:30am (previously 7.50am). The new opening hours will be trialled for a period of six (6) months from October 2016 through to March 2017. A small additional fee of \$1 per day is being charged to cover the additional Educator cost during the trial period. Information on the number of parents accessing the additional service and the operational impacts on the wider Service will be collected and evaluated to determine if the new operating times become a permanent feature of the Service.

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

Staff Numbers

The Centre is required by the National Quality Standards to maintain a minimum Educator to Child Ratio at all times.

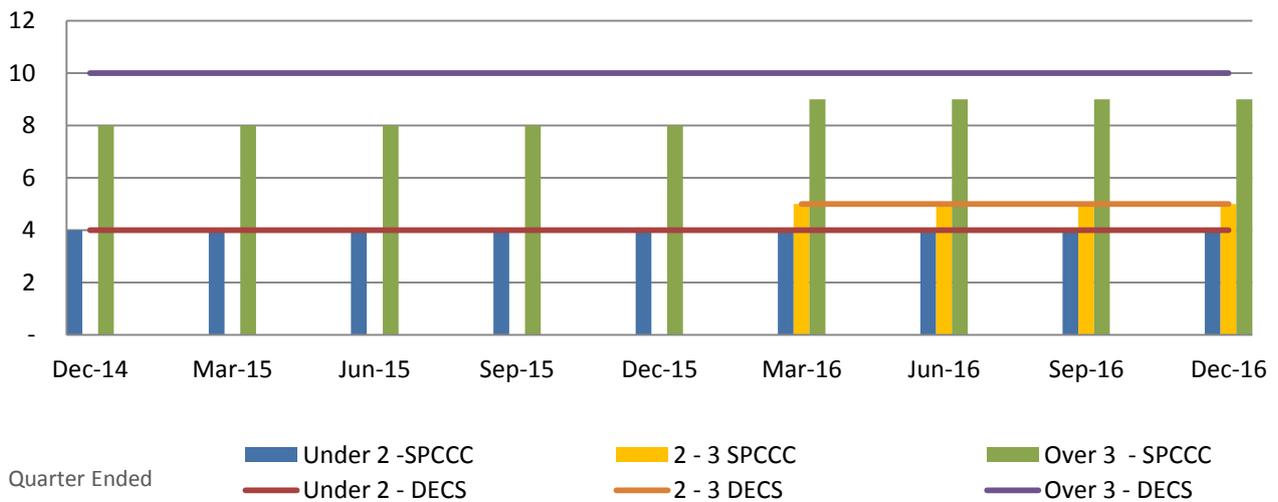
Effective from January 2016, the Educator to Child Ratios, as set by the National Quality Standards have been increased in the under three's (3) age groups. The minimum Educator to Child ratios are detailed in Table 2.

TABLE 2 – EDUCATOR TO CHILD RATIOS

Age Grouping	Educator to Child Ratio
0-24 months	1:4
25 months – 36 months	1:5
37months to 5 years	1:10

Prior to January 2016, the Educator ratio for 25 months – 36 months was 1:10. Due to the demand for child care places in the under three (3) age groups, as Centre as illustrated in Figure 1 below, as at the end of December 2016, the Centre exceeds the Educator to Child ratio in the Over Three's (3) age group only.

FIGURE 1: EDUCATOR TO CHILD RATIOS



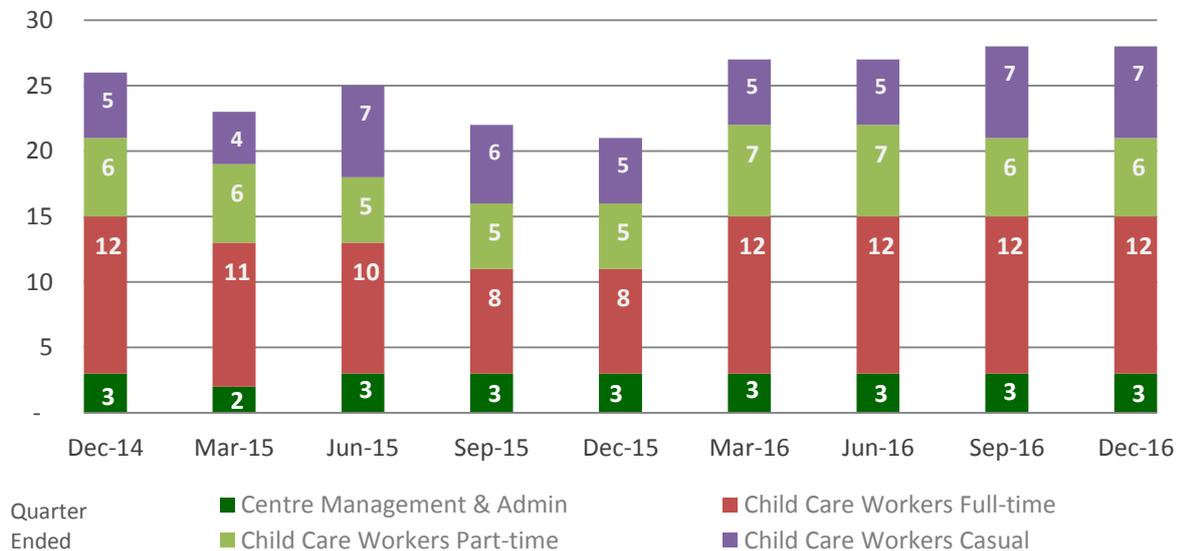
To meet the required Educator to Child ratios, the minimum Full-time Equivalent Educator positions within the Centre required are:

- Under 2's 7.00 FTE
- 2's to 3's 6.00 FTE
- Over 3's 4.00 FTE

To ensure that the Centre can provide ongoing continuity of care, during periods of staff absences, the Centre has progressively increased the number of Educators within the Casual Pool. Not only does this ensure that children are cared for by familiar Educators, when their primary care givers are absent from the Centre, it also ensures that operational costs of the Centre are maintained, as there is less reliance on engaging temporary contract staff through temporary contact labour agencies to cover absences.

The staff numbers by category at the end of December 2016 are detailed in Figure 2 below:

FIGURE 2: STAFF NUMBERS BY EMPLOYMENT CATEGORY



* The Casual Child Care Workers includes staff working in rooms and all relief staff.

OPTIONS

Not Applicable

CONCLUSION

The St Peters Child Care Centre & Pre-school is recognised as a leader in the provision of high quality child care. It is expected that this will continue. The Centre on average has 92.4 children accessing the service on a daily basis, with an expectation that this will increase throughout the year. Despite the increase in licenced places the Centre continues to maintain an extensive waiting list for 2017, with a significant proportion of these referrals coming from word of mouth.

COMMENTS

Nil

RECOMMENDATION

That the report be received and noted.

Cr Whittington moved:

That the report be received and noted.

Seconded by Cr Knoblauch and carried unanimously.

11.5 NORWOOD CONCERT HALL – QUARTERLY PERFORMANCE REPORT – 31 DECEMBER 2016

REPORT AUTHOR: Manager, Norwood Concert Hall
GENERAL MANAGER: Acting General Manager, Corporate Services
CONTACT NUMBER: 8366 4585
FILE REFERENCE: S/00416
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to provide the Council with a status report on the activities of the Norwood Concert Hall, for the six (6) months ending 31 December 2016, including some detailed information, where pertinent, on activities for the first two quarters of the financial year.

BACKGROUND

The Concert Hall caters for events of all sizes, including Adelaide Festival productions, international acts, product launches, school concerts, cabaret acts, grand balls and weddings. As a concert venue, the main hall can seat between 150 and 790 in luxurious surroundings. The stage measures 15m x 16m, making it the second largest in the State.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

This report informs the Council on the Norwood Concert Hall activities and supports Council attaining:

Outcome 1: Social Equity

Objective 1: Convenient and accessible services and facilities.

Strategy: Maximise access to services, facilities, information and activities

Design and provide safe, high quality facilities and spaces which encourage use by people of all backgrounds, ages and level of ability

Outcome 2: Cultural Vitality

Objective 1: A visually interesting, artistic and creative City.

Strategy: Provide opportunities and facilities for creative expression for all age groups

Objective 5: Dynamic community life in public spaces and precincts.

Strategy: Host and facilitate community events & activities

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The Five (5) Year Business Plan (Plan) 2005-2006 to 2009-2010, which was approved by the Council at its meeting held on 6 February 2006, has expired. The preparation of a five (5) year Business Plan 2016 – 2017 to 2021 – 2022, has commenced and will be presented to the Council upon its completion. The new Business Plan will take a more strategic approach directed at increasing the overall revenue associated with the Norwood Concert Hall.

Promotional material containing the updated technical specifications has been prepared and sent to the major booking agencies around Australia to encourage more commercial acts to perform at the venue. These events generate the greatest hire income and bar revenue and the promotion of the respective tours, benefit the venues involved greatly.

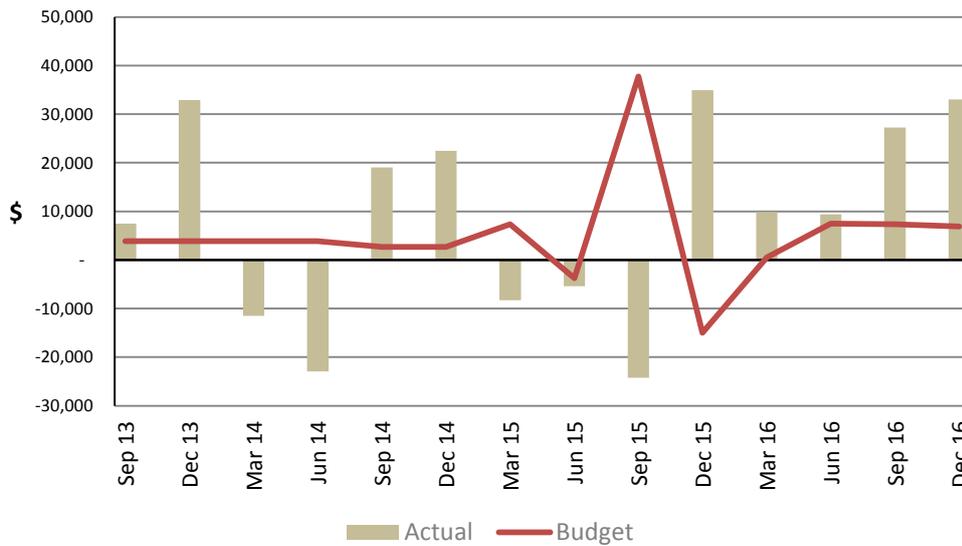
FINANCIAL AND BUDGET IMPLICATIONS

Financial Performance

For the period ended 31 December 2016, the Norwood Concert Hall is reporting an Operating Surplus of \$60,269, a favourable variance of \$46,063 against the Adopted budget of \$14,206.

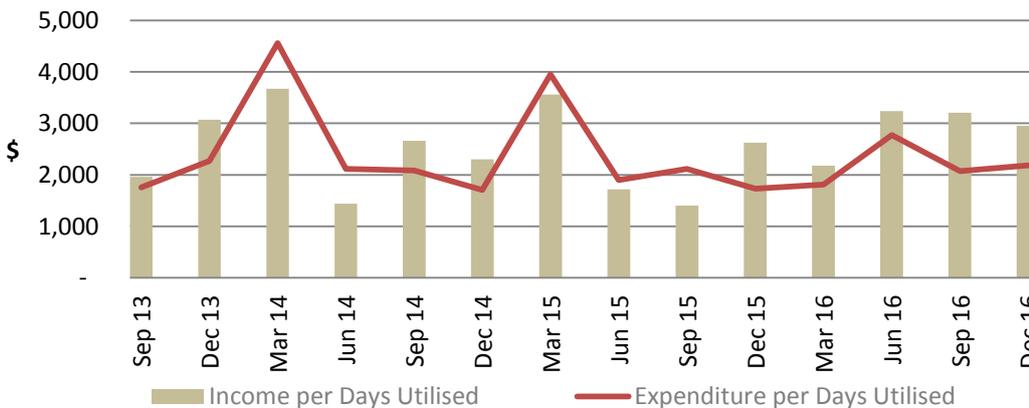
Figure 1 below provides details of the Norwood Concert Hall's Operating result for each quarter since September 2013.

Figure 1: OPERATING SURPLUS



Compared to the budget, the favourable variance of \$46,063 is due to the greater than anticipated income from commercial hirers.

Figure 2: INCOME/EXPENDITURE PER DAYS UTILITISED



Compared to the December 2015 Quarter, the average income per day utilised has increased by 12%, however there has been a corresponding 26% increase in the expenditure per hire, resulting in a lower margin per hire.

The increase in income per day utilised is due to there being a greater number of commercial hires (five (5) days) compared to the same quarter last year. The increase in expenditure per hire per day utilised was due to a number of events being held back to back, with some hires finishing late at night, resulting in staff working overtime to prepare the room for the next day's hire. As the nature and timing of events is not known at the time of preparing the budget, the extra staff costs were not accounted for in the Adopted Budget. The increased cost of room preparation cannot be passed onto the hirer.

EXTERNAL ECONOMIC IMPLICATIONS

Activities, events and functions conducted at the Concert Hall attract visitors to The Parade which in turn results in increased activity within the surrounding area and should result in increased revenues for traders, especially cafes and restaurants. A schedule of events is prepared each month and emailed to over twenty-five (25) restaurant/cafés to inform them of timing and scheduled size of the events. All businesses are invited to request this schedule.

SOCIAL ISSUES

The approved Council Fee structure provides community and not-for-profit hirers with discounted fees for the hire of a high quality facility to encourage creative expression by people of all backgrounds, ages and levels of ability.

CULTURAL ISSUES

Nil

ENVIRONMENTAL ISSUES

The Norwood Concert Hall adopts the Council's Waste Management System and provides hirers bins for recycling and kitchen organics.

RESOURCE ISSUES

Nil

RISK MANAGEMENT

Nil

CONSULTATION

- **Elected Members**
Not Applicable
- **Community**
Not Applicable
- **Staff**
Nil
- **Other Agencies**
Not Applicable

DISCUSSION

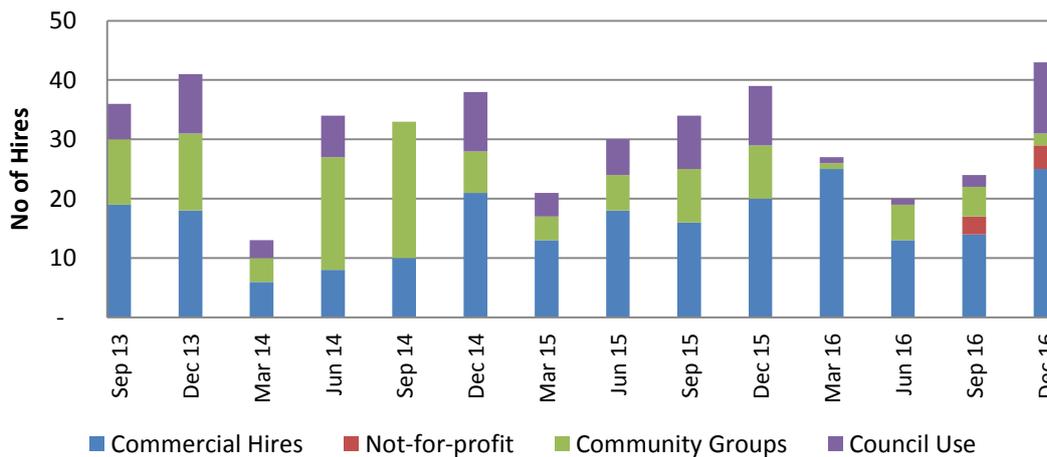
Bookings for the Quarter Ended 31 December 2016

The Norwood Concert Hall was hired for forty-three (43) days during December 2016 Quarter. Commercial bookings accounted for twenty-five (25) days hire, with Community hires utilising the Concert Hall for four (4) days and Not-for-Profit bookings being for two (2) days. The Council utilised the venue for twelve (12) days. The Community hires include events in which the Norwood Concert Hall provided sponsorship through reduced hire fees. The sponsored Community hires included SA Music’s SAM awards, COTA’s Every Generation performance, Norwood Symphony Orchestra and a free Dry Information evening held by St Peter’s Rotary Club in conjunction with SAPOL.

Compared to the same quarter of last financial year, the number Commercial hires have increased by five (5) days. The majority of hirers during this time are regular hirers who hold their events at the same time each year. These include school presentations, end of year dance concerts and celebrations. Other Commercial hires included three (3) performances by Shaolin Warriors, Bernard Fanning and a country music night, which were all well received.

The number of days used by the Council has increased from ten (10) days to twelve (12) days. This is due to the City Plan 2030 Community Workshops and the 40 year celebration of Marryatville High School.

Figure 3: OCCUPANCY



Future Bookings

For the January 2017 to March 2017 Quarter, the Concert Hall is booked for nine (9) days of hire compared to twenty-seven (27) days for the same period last year. The Adelaide Festival of Arts held the Erth Dinosaurs Zoo and Prehistoric Aquarium in 2016, however no similar events will be held by Adelaide Festival during 2017. Hire income for the third quarter is expected to be in the vicinity of \$18,000.

Upcoming highlights include the Fusion Pops Fringe performance, Clip Joint’s hairdressing competition and an Italian musical, Immigrati. A vintage bridal fair has been booked for the fourth time in April and several Indian concerts will be held. Regular events such as Australia Citizenship Ceremonies, meetings, bodybuilding competitions and orchestral concerts will also take place.

OPTIONS

Not applicable.

CONCLUSION

Nil.

COMMENTS

Nil.

RECOMMENDATION

That the report be received and noted.

Cr Duke moved:

That the report be received and noted.

Seconded by Cr Dottore and carried unanimously.

Section 3 – Governance & General Reports

11.6 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.

Cr Minney moved:

That the report be received and noted.

Seconded by Cr Shepherdson and carried unanimously.

11.7 LOCAL GOVERNMENT ASSOCIATION (LGA) 2017 ORDINARY GENERAL MEETING – APPOINTMENT OF COUNCIL DELEGATE

REPORT AUTHOR: General Manager, Governance & Community Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: S/00022
ATTACHMENTS: Nil

PURPOSE OF REPORT

The purpose of the report is to advise the Council of the Local Government Association of South Australia's (LGA) 2017 Ordinary General Meeting and the requirement, in accordance with the LGA Constitution, to appoint a Council Delegate to represent the Council and vote at the General Meeting.

BACKGROUND

The Local Government Association (LGA) 2017 Ordinary General Meeting, will be held on Friday 21 April 2017, at the Adelaide Convention Centre. The agenda will be issued to all Councils in the near future.

Pursuant to the LGA Constitution, councils are required to appoint a Council Delegate to represent the Council and vote at the LGA General Meeting, if the Council wishes to be represented and have voting rights at the Local Government Association 2017 Ordinary General Meeting. The Council may also appoint a Proxy Delegate in the event the Delegate is unable to attend the Ordinary General Meeting.

A Council Officer cannot be a Delegate, however, they can attend the LGA Ordinary General Meeting.

Traditionally, the Mayor has been appointed as the Delegate for the LGA Ordinary General Meeting.

It is considered appropriate that the Council also appoints a proxy Council Delegate in the event that the appointed Delegate is unable to attend the Ordinary General Meeting.

RELEVANT POLICIES & STRATEGIC DIRECTIONS

Not Applicable.

RECOMMENDATION

1. That Mayor Robert Bria be appointed as the Council Delegate for the Local Government Association 2017 Ordinary General Meeting.
 2. That Councillor _____ be appointed as the Proxy Delegate for the Local Government Association 2017 Ordinary General Meeting.
-

Cr Duke moved:

That Mayor Robert Bria be appointed as the Council Delegate for the Local Government Association 2017 Ordinary General Meeting.

Seconded by Cr Minney and carried unanimously.

Cr Wormald moved:

That Councillor Sue Whittington be appointed as the Proxy Delegate for the Local Government Association 2017 Ordinary General Meeting.

Seconded by Cr Minney and carried unanimously.

11.8 LOCAL GOVERNMENT ASSOCIATION (LGA) 2017 ORDINARY GENERAL MEETING – NOTICES OF MOTION

REPORT AUTHOR: General Manager, Governance & Community Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: S/00022
ATTACHMENTS: Nil

PURPOSE OF REPORT

The purpose of the report is to advise the Council of the Local Government Association of South Australia's (LGA) 2017 Ordinary General Meeting and the invitation from the LGA to submit Notices of Motion to be considered at the Ordinary General Meeting.

BACKGROUND

The Local Government Association (LGA) 2016 Ordinary General Meeting, will be held on Friday 21 April 2017, at the Adelaide Showgrounds.

Pursuant to the LGA Constitution, Councils are invited to submit Notices of Motion for consideration at the Ordinary General Meeting. Notices of Motion must be received by the Executive Director, LGA, by 12.00pm on Friday 10 March 2017, if they are to be considered at the 2017 Ordinary General Meeting.

RELEVANT POLICIES & STRATEGIC DIRECTIONS

Not Applicable.

DISCUSSION

A requirement of the LGA in respect to Notices of Motion, is that all Notices of Motion submitted by Councils must highlight a relevant reference to the LGA Strategic Plan and the Annual Priorities relevant to the Strategic Plan.

Councils therefore must contact the LGA to first discuss the intent of a Notice of Motion, to clarify any existing LGA policy positions and to determine the current status of particular issues. Following the initial discussion about the proposed Notice of Motion, the LGA will forward a copy of the Notice of Motion template for the Council to complete and submit to the LGA for consideration at the General Meeting.

A memorandum, dated 12 January 2017, was forwarded to Elected Members, inviting Members wishing to submit a Notice of Motion for consideration at the LGA Ordinary General Meeting, to contact the Council's General Manager, Governance & Community Affairs, prior to this Council meeting, for advice and assistance in the formulation of an appropriate Notice of Motion.

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

RECOMMENDATION

That the report be received and noted.

Cr Moore moved:

That the report be received and noted.

Seconded by Cr Marcuccitti and carried.

11.9 EASTERN REGION ALLIANCE (ERA) WATER - PROPERTY MATTER

REPORT AUTHOR: Acting Chief Executive Officer
GENERAL MANAGER: Not Applicable
CONTACT NUMBER: 8366 4501
FILE REFERENCE: S.02454
ATTACHMENTS: A - B

PURPOSE OF REPORT

The purpose of this report is to seek Council approval to transfer the ownership of nine (9) bores that were created as part of the Eastern Region Alliance (ERA) feasibility study for the Waterproofing the East Project to ERA Water, to be held on behalf of its member Councils.

BACKGROUND

The Waterproofing the East Project was an initiative of the Eastern Region Alliance (ERA), to capture, treat and distribute recycled stormwater for irrigation of parks, gardens and reserves. The project originally commenced in February 2009 and was successful in attracting \$10m Commonwealth Funding, \$2m State Government Funding (DEWNR / NRM Board) and \$12m contribution from the remaining 'alliance/subsidiary' members (City of Burnside, City of Norwood Payneham & St Peters and the Town of Walkerville).

Prior to the formation of the subsidiary, known as ERA Water in July 2015, the ERA Waterproofing the East Project Member Councils included:

- City of Burnside;
- Campbelltown City Council;
- City of Norwood Payneham & St Peters;
- City of Tea Tree Gully; and
- Corporation of the Town of Walkerville.

A detailed feasibility study was undertaken during 2011, which followed a comprehensive Opportunities Investigation study undertaken in 2009. The feasibility study, funded by the Commonwealth (\$500,000) required the following:

- hydro-geological investigations, including drilling and testing of bores to confirm injection and extraction capabilities;
- review and refine water supply and demand balance modelling, including reviewing the projected demand for non-potable water within the project supply area over the asset life;
- assess and evaluate technical feasibility of the scheme options and assess them against sustainability criteria;
- assess financial viability of scheme options;
- undertake preliminary design of:
 - capture management structures and system
 - wetlands and diversion structures
 - managed aquifer recharge bore fields and head works
 - distribution systems
 - implementation, management and billing system
- analyse and plan for mitigation of risks, catchment management public health hazards and project risk;
- evaluate the sustainability of the scheme on economic, social, environmental and organizational terms;
- review previous investigations and verify assumptions with field data;
- review the physical setting and source water;
- ensure that the requirements of the Adelaide Mt Lofty Ranges Natural Resource Management Board (NRM) as the overall catchment management board are understood and accommodated in any potential scheme;

- review potential impact of future development, climate change and variable rainfall patterns;
- present feasible scheme scenarios: treatment, injection and distribution;
- show how the project is of value and will satisfy all objectives of the funding body;
- provide preliminary costing and review financial viability; and
- investigate preliminary assessment of the governance structure for future multi-council scheme operations and management.

The study confirmed that the hydro-geological conditions across the Eastern Adelaide region (project site) are variable, consisting of quaternary, tertiary and bedrock aquifer systems.

From project inception, one of the key risks to the project delivery, at the scale envisaged, was the lack of suitable aquifer for Aquifer Storage and Recovery (ASR), given the highly variable nature and generally low yield of the bedrock aquifer system in the project (study) area.

The bore drill sites were determined based on the proximity to suitable surface water harvesting sites; preliminary positive assessment of aquifer potential; sites with limited hydro-geological data; equitable distribution between Council areas; potential yields; likelihood of a successful result; status of site (ready to action a scheme if testing is positive) and spatial distribution across the region.

The Project Steering Group (made up of representatives from each of the member Project Councils) and chaired by the CEO of the Town of Walkerville, prioritised the bore drilling sites to enable selection of the most appropriate drilling sites. The Group also undertook a number of risk assessments to assist in the prioritising of the bore drill sites.

The hydro-geological assessment was supported by a review of available well data and the regional geology. The feasibility study demonstrated that:

- the catchment creates sufficient runoff to capture and treat stormwater for reuse and injection;
- there is sufficient suitable open space for treatment across the region;
- there are suitable ASR injection sites across the region; and
- that the Councils making up the Eastern Region Alliance (ERA) have significant demand for harvested stormwater for irrigation needs across the region.

Ownership of the nine bores, created as part of the feasibility study and Stage 1, currently rests with the original five ERA Project Member Councils, notwithstanding that both the City of Campbelltown and City of Tea Tree Gully have subsequently withdrawn from the project.

ERA Water has formally requested that each of the former five Eastern Region Alliance Project Member Councils transfer ownership of the bores to ERA Water, to be held on behalf of its member Councils.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

FINANCIAL AND BUDGET IMPLICATIONS

If the Council agrees to transfer ownership of the bores to ERA Water, subject to ERA Water carrying all liability associated with the bores, whether deemed redundant or not, there is no immediate financial implication to the Council. If, however, not all five former Project Member Councils agree to the transfer, it is likely that if any of the bores are deemed redundant, a cost to backfill, in the order of \$8,000 per bore, will be borne by the former (five) Project Member Councils.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

The retention of bore ownership by each of the former five Eastern Region Alliance Project Member Councils leaves ERA Water with a contingent liability, should it invest in the fit-out of commissioned viable bores, which are not legally owned by ERA Water.

This risk can be adequately managed by ownership of the bores being transferred to ERA Water, to be held on behalf of its member Councils.

CONSULTATION

- **Elected Members**
Nil.
- **Community**
Not Applicable.
- **Staff**
Nil.
- **Other Agencies**
Nil.

DISCUSSION

In 2015, two of the Project Member Councils resolved not to continue with the ERA Water project (Campbelltown City Council and the City of Tea Tree Gully). All nine bores drilled and tested were funded by the Commonwealth from either funding received for the feasibility study (\$500,000) or Stage 1 (\$1.9m – for design development).

The Commonwealth funding agreements are silent on the creation of assets (bores) and the issue of ownership. However, the Commonwealth has confirmed that the creation of the bores is considered to be 'activity and materials created for Stage 1' and owned by the Project Member Councils.

Correspondence received from the Acting General Manager, ERA Water, contained in **Attachment A**, confirms (via legal advice provided by Norman Waterhouse Solicitors) that ownership of the nine bores, created as part of the feasibility study and Stage 1, rests with the five Eastern Region Alliance Project Member Councils, notwithstanding that both the City of Campbelltown and City of Tea Tree Gully have withdrawn from the project.

ERA Water is seeking each of the former five Eastern Region Alliance Project Member Councils to transfer ownership of the bores to ERA Water.

Three of the bores were drilled within the City of Norwood Payneham & St Peters.

Table 1 below sets out details of all nine bores that are the subject of this report.

TABLE 1: BORE SITES

Locality	Permit No.	Well Unit Number	Coordinates Easting/northing (MGA 54)	Year Drilled
Athelstone	206142	6628-26205	290072/6139856	2011
Athelstone	230003	6628-27277	290140/6139893	2014
Felixstow	203121	6628-26032	284979/6137143	2011
Drage	206141	6628-26199	284370/6136873	2011
Max Amber	236260	6628-27698	289173/6139208	2014
Marden	231646	6628-27437	283608/6136624	2014
Langman (Burnside)	203120	6628-26031	286783/6130694	2011
Scales	203118	6628-26033	282668/6136037	2011
Tusmore	226933	6628-27182	285120/6131969	2014

ERA Water Charter

The ERA Water Charter does not allow for ERA Water to hold real property in its own right, it can only hold real property on behalf of its member Councils (cl 2.6).

Further, the Charter requires that prior approval of all member Councils is required to sell any real property or interests therein (cl 2.1.4). If all of the former ERA project Councils agreed to transfer ownership to ERA Water, ERA Water can only hold said property on behalf of the member Councils (to the Subsidiary) and will still require all of the member Councils approval to 'sell any real property or interests therein'.

Clause 2.6.2, states "no person may sell, encumber or otherwise deal with any real property of the Subsidiary without the approval of the Subsidiary by way of, and evidenced by, a resolution of the Board". This clause does not override cl 2.1.4 (approvals of all member Councils) but rather requires that a Board resolution is also required.

The subsidiary can only purchase, sell, lease, hire, rent or otherwise acquire or dispose of any personal property or interests therein (clause 2.1.8)

At the time of drafting the Charter due consideration was given to ensure and safeguard the interests of each member Council to ensure that real property in their district / area was not sold off.

A copy of the ERA Water Charter is contained in **Attachment B**.

OPTIONS

Option 1

That Council could determine to transfer ownership of the nine (9) bores that were created as part of the Eastern Region Alliance feasibility study for the Waterproofing the East Project to ERA Water, to be held by ERA Water of behalf of its member Councils:

Option 2

That Council could decline to transfer ownership of the nine (9) bores that were created as part of the Eastern Region Alliance feasibility study for the Waterproofing the East Project to ERA Water.

Option 1 will allow ERA Water to fulfil its roles, function and obligations as set out in its Charter. Further, the real property ownership rights of the Constituent Councils are protected under clauses 2.1.4 and 2.6.1, which requires the prior approval of the Constituent Councils to sell any real property or interests therein.

Option 2 may hamper ERA Water's obligations as set out in its Charter. Option 1 is therefore recommended.

CONCLUSION

ERA Water has formally requested that ownership of nine bores that were commissioned to determine suitable water harvesting sites as part of the ERA Water project; be transferred from each of the former five Eastern Region Alliance Project Member Councils to ERA Water, to be held on behalf of its member Councils.

The transfer of ownership of the bores will include the transfer of all liabilities associated with any one or all bores to ERA Water, irrespective whether the bores are deemed redundant and therefore requiring backfilling or deemed useful and the subject of further fit-out work in the future.

The request from ERA Water is supported for the reasons set out in the body of this report.

COMMENTS

This matter was considered and endorsed by the Town of Walkerville at its meeting held on 16 January 2017. The matter is yet to be considered by the other Eastern Region Alliance Project Member Councils.

RECOMMENDATION

1. That Council agrees to transfer ownership of the following nine (9) bores that were created as part of the Eastern Region Alliance feasibility study for the Waterproofing the East Project to ERA Water, to be held by ERA Water on behalf of its member Councils:

Locality	Permit No.	Well Unit Number	Coordinates Easting/northing (MGA 54)	Year Drilled
Athelstone	206142	6628-26205	290072/6139856	2011
Athelstone	230003	6628-27277	290140/6139893	2014
Felixstow	203121	6628-26032	284979/6137143	2011
Drage	206141	6628-26199	284370/6136873	2011
Max Amber	236260	6628-27698	289173/6139208	2014
Marden	231646	6628-27437	283608/6136624	2014
Langman (Burnside)	203120	6628-26031	286783/6130694	2011
Scales	203118	6628-26033	282668/6136037	2011
Tusmore	226933	6628-27182	285120/6131969	2014

2. That ERA Water accepts any and all liabilities associated with any one or all bores, which may be deemed redundant and therefore requiring backfill.
 3. That ERA Water accepts any and all liabilities associated with any one or all bores, which may be deemed useful and require further fit out work.
 4. That ERA Water is not to sell any bores or interests therein, without the prior approval of its member Councils.
-

Cr Wormald moved:

1. That Council agrees to transfer ownership of the following nine (9) bores that were created as part of the Eastern Region Alliance feasibility study for the Waterproofing the East Project to ERA Water, to be held by ERA Water on behalf of its member Councils:

Locality	Permit No.	Well Unit Number	Coordinates Easting/northing (MGA 54)	Year Drilled
Athelstone	206142	6628-26205	290072/6139856	2011
Athelstone	230003	6628-27277	290140/6139893	2014
Felixstow	203121	6628-26032	284979/6137143	2011
Drage	206141	6628-26199	284370/6136873	2011
Max Amber	236260	6628-27698	289173/6139208	2014
Marden	231646	6628-27437	283608/6136624	2014
Langman (Burnside)	203120	6628-26031	286783/6130694	2011
Scales	203118	6628-26033	282668/6136037	2011
Tusmore	226933	6628-27182	285120/6131969	2014

2. That ERA Water accepts any and all liabilities associated with any one or all bores, which may be deemed redundant and therefore requiring backfill.
3. That ERA Water accepts any and all liabilities associated with any one or all bores, which may be deemed useful and require further fit out work.
4. That ERA Water is not to sell any bores or interests therein, without the prior approval of its member Councils.

Seconded by Cr Whittington and carried unanimously.

Cr Granozio left the meeting at 8.09pm and did not return.

12. ADOPTION OF COMMITTEE MINUTES

Nil

13. OTHER BUSINESS

Nil

14. CONFIDENTIAL REPORTS

14.1 COUNCIL RELATED MATTER

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.

Cr Moore moved:

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 [Acting Chief Executive Officer, Acting General Manager, Corporate Services, General Manager, Urban Services, Acting General Manager, Urban Planning & Environment and Executive Assistant, Urban Services], 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.

Seconded by Cr Knoblauch and carried.

Cr Shepherdson moved:

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.

Seconded by Cr Dottore and carried

Cr Wormald left the meeting at 8.15pm.

Cr Wormald returned to the meeting 8.16pm.

14.2 COUNCIL RELATED MATTER

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:

- (b) information the disclosure of which –
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; 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

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.

Cr Minney moved:

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 [Acting Chief Executive Officer, Acting General Manager, Corporate Services, General Manager, Urban Services, Acting General Manager, Urban Planning & Environment and Executive Assistant, Urban Services], be excluded from the meeting on the basis that the Council will receive, discuss and consider:

- (b) information the disclosure of which –*
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; 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.

Seconded by Cr Marcuccitti and carried.

Cr Minney moved:

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.

Seconded by Cr Marcuccitti and carried.

15. CLOSURE

There being no further business, the Mayor declared the meeting closed at 8.25pm.

Mayor Robert Bria

Minutes Confirmed on _____
(date)