

Council Meeting Minutes

5 February 2018

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.*

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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 Christel Mex
Cr Connie Granozio
Cr Kevin Shepherdson
Cr Mike Stock
Cr Carlo Dottore
Cr Kevin Duke
Cr Evonne Moore
Cr John Frogley
Cr Garry Knoblauch
Cr John Minney
Cr Sue Whittington
Cr Paul Wormald

Staff Mario Barone (Chief Executive Officer)
Peter Perilli (General Manager, Urban Services)
Carlos Buzzetti (General Manager, Urban Planning & Environment)
Lisa Mara (General Manager, Governance & Community Affairs)
Sharon Perkins (General Manager, Corporate Services)
Isabella Dunning (Manager, Governance, Legal & Property)
Keke Michalos (Manager, Economic Development & Strategic Projects)
Olivia Franco (Strategic Projects Co-ordinator)
Tina Zullo (Administration Officer, Governance & Community Affairs)

APOLOGIES Nil

ABSENT Nil

1. KAURNA ACKNOWLEDGEMENT

2. OPENING PRAYER

The Opening Prayer was read by Cr Dottore.

3. CONFIRMATION OF THE MINUTES OF THE COUNCIL MEETING HELD ON 15 JANUARY 2018

Cr Whittington moved that the minutes of the Council meeting held on 15 January 2018 be taken as read and confirmed. Seconded by Cr Knoblauch and carried unanimously.

4. MAYOR'S COMMUNICATION

Monday, 15 January	• Presided over a Council meeting, Council Chamber, Norwood Town Hall.
Wednesday, 17 January	• Pre-recorded interview with Radio Mix 102 FM.
Friday, 19 January	• Fired the start gun for Stage 4 of the 2018 Tour Down Under, The Parade, Norwood.
Monday, 22 January	• Attended a meeting with the General Manager, Governance & Community Affairs and Communications Officer, Mayor's Office, Norwood Town Hall.

Friday, 26 January	<ul style="list-style-type: none">• Presided over the 2018 Australia Day celebrations including the Australia Day Awards and Citizenship Ceremony, Norwood Concert Hall.
Friday, 26 January	<ul style="list-style-type: none">• Attended 'Pool Party 2018 – Celebrating 50 years of the Payneham Memorial Swimming Centre', Payneham Memorial Swimming Centre, Felixstow.
Friday, 26 January	<ul style="list-style-type: none">• Attended the Australia Day Parade, King William Street, Adelaide.
Saturday, 27 January	<ul style="list-style-type: none">• Attended the Payneham Cricket Club 150th Anniversary Dinner, Carrington Centre, Adelaide.
Monday, 29 January	<ul style="list-style-type: none">• Attended a meeting with Councillor Sue Whittington and the General Manager, Governance & Community Affairs, Mayor's Office, Norwood Town Hall.
Thursday, 1 February	<ul style="list-style-type: none">• Attended a meeting with the Manager, Organisational Development.
Saturday, 3 February	<ul style="list-style-type: none">• Officially Opened the Stepping Stone Child Care Centre, Payneham Road, Marden.

Mayor Bria welcomed Isabella Dunning, Manager, Governance, Legal & Property, to the Council meeting.

- **2018 Norwood on Tour Street Party and Stage 4 of the 2018 Tour Down Under – 18 and 19 January 2018**

Mayor Bria thanked all Council staff involved in the organisation and promotion of the 2018 Norwood on Tour Street Party held on Thursday 18 January 2018 and the start of Stage 4 of the 2018 Tour Down Under held on Friday 19 January 2018.

- **Australia Day Awards and Citizenship Ceremony – 26 January 2018**

Mayor Bria thanked all Council staff involved in the organisation of the Australia Day Awards and Citizenship Ceremony held in the Norwood Concert Hall on Friday 26 January 2018.

- **Pool Party 2018 – Celebrating 50 Years of the Payneham Memorial Swimming Centre – 26 January 2018**

Mayor Bria thanked all Council staff involved in the organisation of the Pool Party 2018 which celebrated 50 Years of the Payneham Memorial Swimming Centre at the Payneham Memorial Swimming Centre. Mayor Bria advised the Council that the event was well attended with approximately 950 people attending the event.

5. DELEGATES COMMUNICATION

- Cr Minney advised that he attended a meeting of the ERA Water Board on Friday 2 February 2018, which included an inspection of the Felixstow wetland.

6. QUESTIONS WITHOUT NOTICE

Nil

7. QUESTIONS WITH NOTICE

Nil

8. DEPUTATIONS

8.1 DEPUTATION – GEORGE STREET PIAZZA

REPORT AUTHOR: General Manager, Governance & Community Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: S/422 S/03292 S/04965
ATTACHMENTS: Nil

SPEAKER/S

Ms Amanda Price-McGregor.

ORGANISATION/GROUP REPRESENTED BY SPEAKER/S

Norwood Place.

COMMENTS

Ms Amanda Price-McGregor has written to the Council requesting that she be permitted to address the Council in relation to the 'George Street Piazza' event to be held in George Street, Norwood on 15 April 2018.

In accordance with the Local Government (Procedures at Meetings) Regulations 2013, Ms Amanda Price-McGregor has been given approval to address the Council.

Ms Amanda Price-McGregor addressed the Council in respect to this issue.

9. PETITIONS

9.1 PETITION – GEORGE STREET PIAZZA EVENT

REPORT AUTHOR: General Manager, Governance & Community Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: S/04965 S/03292
ATTACHMENTS: A - D

PURPOSE OF REPORT

The purpose of this report is to table a petition which has been received regarding the Council's *George Street Piazza* event which is to be held on George Street, Norwood in April 2018.

BACKGROUND

On 29 November 2017, the Council received a letter, via email, from Mr Rino Pancione, on behalf of Norwood Parade precinct traders objecting to the closure of George Street for the George Street Piazza event.

A copy of the letter and attachment is contained within **Attachment A**.

At that time, it was unclear in terms of the intent of the letter and attached signatories, in respect to the nature and intent of the document (ie if the letter and document was intended to be a petition and if so, were the signatories aware of what they were signing and requesting from the Council).

In order to determine how to progress the matter, a letter dated 4 December 2017, was forwarded to Mr Pancione seeking clarification of the intent of the letter and attached signatories. Mr Pancione was also requested to confirm that the signatories were aware of what they were signing.

A copy of the letter dated 4 December 2017 is contained within **Attachment B**.

In response to the letter dated 4 December 2017, a letter and petition (in the required format), was forwarded to the Council via email on 15 January 2018.

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

The petitioners are requesting that the *George Street Piazza* event be re-located to an alternative location which does not involve the closure of George Street, Norwood.

The petition contains sixty-four (64) signatories.

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.

DISCUSSION

The petitioners are requesting the relocation of the *George Street Piazza* event on the basis of the following:

- public safety concerns (in the opinion of the petitioners), based on the location of the event (ie the section of George Street where the event will be held is too narrow and confined) ;
- George Street is a “critical access and egress” point to the four (4) major car parks within this area (ie Webbe Street, Norwood Place, Norwood Mall and Norwood Central (Hoyts Cinema Complex));
- the closure of George Street results in a 30% loss of turnover for some Parade traders; and
- the closure of George Street for the *George Street Piazza* event is “*paving the way for the Council to move towards a permanent/partial closure of George Street*”.

The petitioners have requested that the Council relocate the *George Street Piazza* event to The Parade or the Norwood Oval.

As Elected Members are aware, various presentations have been provided to Elected Members regarding the Council’s Annual Events Calendar over the last few years. As part of the review process, Elected Members were provided with options for potential events to replace the former The Parade Food, Wine & Music Festival.

Following consideration of various options, at its meeting held on 3 July 2017, as part of the 2017-2018 Budget, the Council endorsed a new event to be held on George Street, Norwood in April 2018.

The concept for the new event is to build on the Council’s reputation as a ‘food’ city by showcasing the City’s food manufacturers, producers and retailers, in conjunction with the Food Secrets of Glynde and Stepney and the Eastside Wine & Ale Trail.

It is intended to create a “piazza” in George Street featuring coffee, food, wine and beer tastings and demonstrations and entertainment. The objective of the event is to create a relaxed Sunday afternoon event allowing patrons to experience the culture of the City and The Parade.

Whilst the event will be held on George Street, and a partial road closure will be in place to facilitate the event, access to and egress from the major car parks within the vicinity of George Street, will not be restricted.

Access to the Norwood Mall car park will be via George Street (the southern side of The Parade) and Edward Street, and vehicular access will be unrestricted for those vehicles travelling on George Street to The Parade from the southern end of George Street.

Access to the other three (3) major car parks will also be unrestricted as the closure of George Street will only extend to just south of the intersection of George Street and Webbe Street. This means that access to and egress from these car parks will be via George Street, Edward Street and Harris Street.

The only affected car park egress is the egress (exit) from the Parade Central (Hoyts Cinema Complex) car park which is located within the undercover section of Parade Central which allows vehicles to make a right hand exit onto George Street from the car park.

A copy of the site plan for the event which highlights the extent of the proposed road closure is contained in **Attachment D**.

As part of the road closure process, a letter will be forwarded to all residents of the suburb of Norwood to advise them of the road closure. The letter will also advise that the car parks will be accessible on the day of the event.

In addition, the standard practise when hosting events which are held on The Parade or George Street and which require closure of The Parade (ie the Tour Down Under, the Norwood Christmas Pageant and the Fashion on Parade events), is for signage to be placed at various locations (ie. roundabouts) located on George Street/Beulah Road, George Street/William Street, Edward Street/Beulah Road and Edward Street/William Street to advise that the car parks are open.

The promotional collateral produced as part of the event will also include a map of the area and it will highlight that the car parks will be open and accessible for the duration of the event.

Notwithstanding the above, staff will consult (as usual) with representatives from Norwood Place (Foodland) to discuss any additional suggestions which they may have to ensure patrons of their premises are informed of the event and how to access the Norwood Place and Webbe Street car parks on the day of the event.

As stated previously, the petitioners have advised that they are concerned that public safety will be put at risk due to the limitations of the space for the event, and made reference to the former *The Parade Food, Wine & Music Festival*.

Whilst the *George Street Piazza* event has been endorsed by the Council as a replacement event for former *The Parade Food, Wine & Music Festival*, it is not intended that the *George Street Piazza* event will duplicate the former *The Parade Food, Wine & Music Festival*.

The objective of the event is to create a “piazza” in George Street featuring coffee, food, wine and beer tastings and demonstrations and entertainment. The objective of the event is to create a relaxed Sunday afternoon event.

Community events are designed to enrich the City’s strong “sense of place”, promote community participation and promote and market The Parade. Events are promoted as inclusive family events, therefore meeting the Council’s aims of encouraging “an engaged and participating community” and attracting “more community life in public spaces”.

One of the considerations when determining to hold an event, is ensuring that the best location for the event is identified. Locations are determined on the basis of a number of factors, including the provision of appropriate facilities, is the location consistent with the type of event or ideal to create the desired atmosphere, etc.

In respect to events within The Parade Precinct, as part of the discussions which took place regarding a replacement event for The Parade Food Wine & Music Festival, it was identified that full closures of The Parade should be avoided, save and except for the Norwood Christmas Pageant and the Tour Down Under. In this respect, Elected Members will recall that for the 2017 Fashion on Parade event, The Parade was closed from George Street to Edward Street.

One of the benefits of hosting the event in George Street is that it provides an opportunity to activate a space that is not normally utilised to bring more people to the area. At the same time, The Parade will remain open and this will allow unimpeded movement of vehicles, which in the case of the Norwood Place (Foodland) visitors and shoppers will be able to access both the Coles carpark, the Norwood Place carpark and the Webbe Street carpark from Edward Street.

It is important to simply not duplicate the same event all throughout the City and therefore it is proposed that the *George Street Piazza* event will complement the range of events which the Council conducts.

The relocation of the event to either The Parade or Norwood Oval does not provide a location which supports the objective of this particular event.

It is also important to note that the Council has only agreed to host the event in 2018 at this stage. The Council has not committed to hosting additional events and will determine the future of the George Street Piazza event following a review of the 2018 event.

Notwithstanding the concerns regarding loss of trade, public safety and access, the issue of the closure of George Street to facilitate the George Street Piazza event, is seen by the organisers of the Petition as the forerunner for a permanent closure of George Street as part of The Parade Masterplan.

As part of the first round of consultation on the development of The Parade Masterplan, the community was asked a number of questions including what they like most about The Parade, what they would change about The Parade and what they would add to The Parade to improve it. Retention of trees, widening of footpaths and the greening of the street in general, both from a sustainability and an aesthetic perspective were major themes which were put forward by respondents. Through this process it was also identified that The Parade lacked a large community space where people could gather and socialise.

In response to the comments, as Elected Members are aware, Oxigen (Consultants) have developed a number of options for The Parade incorporating where possible, the comments which have been received from the community. Included in the draft package of information will be options for George Street. It is intended that the draft package of information will be presented to the Council at its March 2018 meeting, for its consideration, prior to it being released for the second round of consultation. Following this second round of community consultation and engagement, the results will be presented to the Council for its consideration.

In this respect, it is important to note and confirm that the Council has not made a final decision in respect to both The Parade Masterplan or indeed what configuration in terms of urban design will occur on George Street. Any option will need to be assessed in terms of impacts and will be subject to consultation before a final decision is made.

It is also important to note that the closure of George Street for the George Street Piazza event, should not be seen as a forerunner to any decision in respect to the future options for George Street.

On 16 January 2018, the Chief Executive Officer and General Manager, Governance & Community Affairs met with Mr Pancione and Mr Spiro Chapley to discuss the matter for the purposes of gaining a better understanding of the concerns, whether these concerns could be addressed and to reassure them that the Council will take all necessary measures to ensure minimal disruption to their premises on the day of the event.

Both Mr Pancione and Mr Chapley advised that whilst they are supportive of the existing events which are held on The Parade (ie the Tour Down Under, the Norwood Christmas Pageant and the Fashion on Parade events), they do not want any more regular events held on The Parade or George Street or if new event is to be held, they would like the event to be held on the section of The Parade between Edward Street and George Street to ensure George Street remains open for vehicular access.

The hosting of large scale events on The Parade which involve full closure of The Parade, has been recognised by the Council as being difficult to achieve over and above the Norwood Christmas Pageant and the Tour Down Under. Notwithstanding this, whilst some traders are welcoming and receptive to holding events and full closure of The Parade, there are some traders who dislike the proposition.

At the same time, staging of events must be seen as part of a long term and sustainable marketing and promotion strategy, aimed at enhancing the experience offered by The Parade and ensuring that it remains viable and competitive, in what has now become a very competitive retail sector from a mainstreet perspective and more recently, the proposed expansion of Burnside Village and tram line extension to the East End of the City of Adelaide.

Measuring the amount of turnover (increase or decrease) on the day of an event, whilst most certainly relevant, it does not take into account the potential increase in future turnover, by exposing The Parade to new patrons through events, a percentage of whom will return to The Parade to shop, visit or dine.

The Council has not and does not undertake the staging and hosting of events on The Parade to disadvantage traders and negatively impact on their businesses. From an economic development perspective, the Council is seeking to assist and facilitate economic growth through marketing and promotion.

The impacts from both an economic and community development perspective of deteriorating mainstreets, is well evidenced throughout South Australia, Australia and nationally. Without a landlord (such as a Westfield or Burnside Shopping Centre), councils have an important role to play in the co-ordination and organisation of marketing promotion and maintenance of infrastructure of mainstreets. The approach which has been taken by this Council in respect to mainstreets is well documented over a long history and is being modelled by other councils in South Australia.

The concerns which have been put forward by Mr Pancione have been and will continue to be addressed by the Council. To this end, Council staff will continue to work with Mr Pancione, to ensure that appropriate way funding signage is provided.

Following the event, a review will be undertaken to assess whether the various concerns materialised and any improvement which could/should be made to the event, should the Council determine to stage another similar event.

RECOMMENDATION

1. That the petition be received and noted and that all petitioners be formally thanked for bringing their concerns to the Council's attention.
 2. That the convenors of the petition be advised that the Council does not support the relocation of the George Street Piazza event and that the event will be held on George Street, Norwood.
-

Cr Duke moved:

That the petition be received and noted and that all petitioners be formally thanked for bringing their concerns to the Council's attention.

Seconded by Cr Stock and carried unanimously.

10. WRITTEN NOTICES OF MOTION

10.1 COUNCIL EVENTS ON THE PARADE, NORWOOD – SUBMITTED BY MAYOR ROBERT BRIA

NOTICE OF MOTION: Council Events on The Parade, Norwood
SUBMITTED BY: Mayor Robert Bria
FILE REFERENCE: S/00232 S/03292
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 Council:

1. remains committed to providing a diverse and exciting events program for the benefit of the local resident and business community, and visitors to the City of Norwood Payneham & St Peters;
2. acknowledges the positive social, cultural and economic contribution that events provide the City of Norwood Payneham & St Peters, and that it will continue to explore, and where appropriate, consider new event opportunities as they arise;
3. remains committed to holding regular events ie. Norwood Christmas Pageant and Tour Down Under on The Parade and the Precinct more generally, including George Street, and rejects any suggestion for the Council to only hold 'one off' events as suggested in Mr Pancione's undated letter received on 29 November 2017; and
4. believes any move to only hold 'one off' events instead of regular events on The Parade and adjoining streets e.g. George Street, Edward Street will:
 - diminish the prestige of The Parade as Adelaide's premier main street and the Precinct's distinct 'point of difference' and competitive advantage it enjoys against its main rivals.
 - erode the strong local community spirit and 'sense of place' created and experienced by those who attend these events.
 - deny The Parade valuable tourism visitations and tourism dollars.
 - undermines the following *City Plan 2030* Economic Prosperity objectives:
 - Objective 2.3 - Promote our City as a tourism destination;
 - Objective 2.4 - Encourage community support for and promote awareness of all business in our City;
 - Objective 3.4 – Promote and support local food manufacturing;
 - Objective 5.4 - Encourage business to sponsor local community activities; and
 - Objective 5.5 - Support opportunities for the community to access locally sourced food produce

REASONS IN SUPPORT OF MOTION

Before Christmas, Elected Members received email correspondence from Mr Rino Pancione from LJ Hooker St Peters, acting on behalf of Norwood Foodland and other traders, which included a call for the Council to host "one off events from time to time" rather than regular events due to the frequency of temporary road closures.

I believe Mr Pancione's letter demonstrates a lack of understanding of the local and wider community's support for events and the role which they play in strengthening community spirit, creating local tourism opportunities and supporting the local economy.

For example, the Norwood Pageant, first held in 1978, brings 20,000 people to The Parade and the Tour Down Under (TDU) even more people (up to 40,000 people). At the time the Council resolved to stop holding the Food Wine & Music Festival, an estimated 100,000 attended the annual event.

Over time, these events have helped The Parade and the Precinct more generally, earn the enviable reputation it has as a prime event location.

In addition, these events and others (eg. 'Fashion on Parade') continue to make a positive social, economic and cultural contribution to our City and as such, the Council should explore, and where appropriate, consider new event opportunities as they arise.

Importantly, events meet a number of 'Economic Prosperity' Objectives outlined in *City Plan 2030* (as listed above).

I believe that any attempt by the Council to replace regular events such as the Norwood Christmas Pageant and the Tour Down Under, with so-called 'one off' events, would be met with hostility by the community and would severely dent The Parade's prestige as Adelaide's premier main street and deny the Precinct valuable tourism visitations and tourism spend.

In his undated letter, Mr Pancione referred to a fall in turnover on days when The Parade and its surrounding streets are temporarily closed for events.

This presents a moral question for Council to consider: Is one day's turnover/profit more important than the community coming together to celebrate a religious-based cultural event such as the Norwood Christmas Pageant?

STAFF COMMENT

Nil

Cr Wormald moved:

That Council:

1. *remains committed to providing a diverse and exciting events program for the benefit of the local resident and business community, and visitors to the City of Norwood Payneham & St Peters;*
2. *acknowledges the positive social, cultural and economic contribution that events provide the City of Norwood Payneham & St Peters, and that it will continue to explore, and where appropriate, consider new event opportunities as they arise;*
3. *remains committed to holding regular events ie. Norwood Christmas Pageant and Tour Down Under on The Parade and the Precinct more generally, including George Street, and rejects any suggestion for the Council to only hold 'one off' events as suggested in Mr Pancione's undated letter received on 29 November 2017; and*
4. *believes any move to only hold 'one off' events instead of regular events on The Parade and adjoining streets e.g. George Street, Edward Street will:*
 - *diminish the prestige of The Parade as Adelaide's premier main street and the Precinct's distinct 'point of difference' and competitive advantage it enjoys against its main rivals.*
 - *erode the strong local community spirit and 'sense of place' created and experienced by those who attend these events.*
 - *deny The Parade valuable tourism visitations and tourism dollars.*

- *undermines the following City Plan 2030 Economic Prosperity objectives:*
 - *Objective 2.3 - Promote our City as a tourism destination;*
 - *Objective 2.4 - Encourage community support for and promote awareness of all business in our City;*
 - *Objective 3.4 – Promote and support local food manufacturing;*
 - *Objective 5.4 - Encourage business to sponsor local community activities; and*
 - *Objective 5.5 - Support opportunities for the community to access locally sourced food produce*

Seconded by Cr Whittington.

Amendment

Cr Stock moved:

That Council:

1. *remains committed to providing a diverse and exciting events program for the benefit of the local resident and business community, and visitors to the City of Norwood Payneham & St Peters;*
2. *acknowledges the positive social, cultural and economic contribution that events provide the City of Norwood Payneham & St Peters, and that it will continue to explore, and where appropriate, consider new event opportunities as they arise; and*
3. *remains committed to holding regular events (ie. Norwood Christmas Pageant and Tour Down Under on The Parade).*

Seconded by Cr Shepherdson.

The amendment was put and carried.

Further Amendment

Cr Frogley moved:

That Council:

1. *remains committed to providing a diverse and exciting events program for the benefit of the local resident and business community, and visitors to the City of Norwood Payneham & St Peters;*
2. *acknowledges the positive social, cultural and economic contribution that events provide the City of Norwood Payneham & St Peters, and that it will continue to explore, and where appropriate, consider new event opportunities as they arise;*
3. *remains committed to holding regular events ie. Norwood Christmas Pageant and Tour Down Under on The Parade; and*
4. *is committed to consultation with The Parade traders with the aim of gaining the broad support of traders for such events.*

Seconded by Cr Marcuccitti.

The further amendment was put and carried and on becoming the motion was again put and carried unanimously.

10.2 LINE-MARKING IN EVANDALE, HEATHPOOL, KENT TOWN, MARRYATVILLE, MAYLANDS AND STEPNEY – SUBMITTED BY MAYOR ROBERT BRIA

NOTICE OF MOTION: Line-Marking in Evandale, Heathpool, Kent Town, Marryatville, Maylands and Stepney
SUBMITTED BY: Mayor Robert Bria
FILE REFERENCE: S/00232 S/00603 05075
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

1. That Council allocate funding of up to \$170,000 to undertake line-marking in the suburbs of Evandale, Heathpool, Kent Town, Marryatville, Maylands and Stepney in the 2017/18 financial year.
2. That this allocation of funding be included in the next 2017-2018 Budget Update.

REASONS IN SUPPORT OF MOTION

The general condition of line-marking across the Council area is currently of a lower standard than is usually the case. While the current line-marking program in Norwood is almost complete, there are large sections in a number of other suburbs where the line-marking is severely faded thereby creating a confusing and potentially dangerous environment for drivers and other road users ie. pedestrians, cyclists and people on motorised scooters.

If supported, the additional allocation of funds, based on estimated costs provided by the General Manager, Urban Services, will expedite the line-marking program to ensure that the suburbs listed in the Notice of Motion (they are next in list after Norwood is completed) will be completed in the current financial year, rather than have to wait until the 2018-2019 financial year to be completed.

Council needs to demonstrate a greater sense of urgency with this important maintenance work and adequately resource the line-marking program to reduce the projected time-frame of 3-5 years for completion, which I believe is unacceptable, to two (2) years.

STAFF COMMENT

Allocation of additional funds as set out in the Notice of Motion, will allow for the suburbs of Evandale, Heathpool, Kent Town, Marryatville, Maylands and Stepney to be completed this financial year, subject to the weather conditions in the coming months.

If the Council resolves to support the Notice of Motion, then the line-marking for the whole of the City may be completed next financial year, again subject to weather conditions.

In this regard, the Elected Members were previously advised that to line-mark the whole of the City would be a three (3) to five (5) year Program, commencing in the 2017-2018 financial year.

If the Notice of Motion is supported then the time frame for the Program can be reduced to between two (2) and three (3) years.

Cr Wormald moved:

- 1. That Council allocate funding of up to \$170,000 to undertake line-marking in the suburbs of Evandale, Heathpool, Kent Town, Marryatville, Maylands and Stepney in the 2017/18 financial year.*
- 2. That this allocation of funding be included in the next 2017-2018 Budget Update.*

Seconded by Cr Mex and carried unanimously.

11. STAFF REPORTS

Section 1 – Strategy & Policy

Reports

11.1 SMOKE-FREE AREAS AND EVENTS – OUTCOME OF THE CONSULTATION ON THE PROPOSED ‘SMOKE-FREE’ AREA ALONG THE PARADE, NORWOOD

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FILE REFERENCE: S/03646 S/02637
ATTACHMENTS: A – G

PURPOSE OF REPORT

The purpose of this report is to present the outcomes of the consultation on the proposal to designate a section of The Parade, Norwood, as a permanent smoke-free area, and to table a petition which has been received, regarding the proposal to designate a section of The Parade as a permanent smoke-free area.

BACKGROUND

Smoke-Free Proposal

At its meeting held on 6 November 2017, the Council resolved to commence consultation on a proposal to declare a section of The Parade, Norwood, as a permanent smoke-free area under the *Tobacco Products Regulation Act 1997*. Specifically the section of The Parade proposed to become a permanent smoke-free area is located between the eastern side of Osmond Terrace and the western side of Portrush Road, and encompasses portions of the adjoining side-streets, where allotments are currently zoned for commercial use. A copy of the map showing the proposed smoke-free boundary, which was released for community consultation, and is contained in **Attachment A**.

To formally designate an area as permanently ‘smoke-free’, an application must be lodged with the Minister for Mental Health and Substance Abuse, under Section 52 of the *Tobacco Products Regulation Act 1997*. This application requires a number of steps to be undertaken, including appropriate consultation with the community on the proposal prior to the proposal being formally endorsed.

Consultation on the proposal was undertaken with residents, business owners and managers, and the broader community, in late 2017. Consultation was undertaken for a period of twenty-four (24) days from 22 November 2017 to 15 December 2017, in accordance with the Council’s Community Consultation Policy. The proposal was promoted through the following: a fact sheet outlining the proposal, notices in the two (2) Messenger newspapers, news items and a consultation page on the Council website, and posters were displayed at all of the Council’s Customer Service Centres and swimming centres.

Petition

During the consultation period, a petition was received titled ‘Proposed Smoking Ban on The Parade’ which opposed the proposal to designate a section of The Parade as a permanent smoke-free area. Specifically the petition stated that:

“We, the undersigned Norwood residents/ratepayers/shoppers/visitors, hereby petition Council not to proceed with a smoking ban in The Parade and/or surrounding areas or streets”.

The petition which has been signed by 66 people from across metropolitan Adelaide, including two (2) people who have also submitted an individual response on the proposal via email or the online Comment Form. A copy of the petition is contained in **Attachment B**.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The Outcomes, Objectives and Strategies of the Council's *CityPlan2030: Shaping Our Future – Update 2017* that are relevant to this proposal are provided below:

Outcome 1: Social Equity – A connected, accessible and pedestrian-friendly community.

- **Objective 1: Convenient and accessible services, information and facilities**
 - *Strategy 1.3: Design and provide safe, high quality facilities and spaces for people of all backgrounds, ages and abilities.*
- **Objective 3: An engaged and participating community**
 - *Strategy 3.3: Provide opportunities for community input in decision-making and program development.*
- **Objective 4: A strong, healthy, resilient and inclusive community.**
 - *Strategy: Encourage increased physical activity and support mental health to achieve healthier lifestyles and well-being.*

Additionally, the implementation of a permanent smoke-free area along a section of The Parade would also assist the Council in achieving the directions of the Eastern Health Authority Public Health Plan, which sets out the strategic directions for improving community health and well-being to the year 2018. Specifically the proposal will help the Council to achieve the following Priority Areas:

- **Priority Area 2: Increasing opportunities for healthy living, healthy eating and being active; and**
- **Priority Area 4: Sustaining and improving public and environmental health protection.**

FINANCIAL AND BUDGET IMPLICATIONS

There is currently no budget allocation for this initiative.

There are no processing fees associated with the application to declare an area as 'smoke-free' under the *Tobacco Products Regulation Act 1997*. However, in order to submit an application under the Act, the Council will need to apply for Council Officers to be authorised as compliance officers, even if the Council does not intend to issue fines. Additionally, the section 52 application process requires that the Council prepare an enforcement plan that outlines how the smoke-free area will be enforced. Should the Council resolve to implement enforcement procedures, there may be additional costs associated with this.

Should the application be successful, it is recommended that signage, as well as strategically placed cigarette butt bins, be installed around The Parade to support the implementation of the smoke-free area. The costs associated with the signage will need to be determined depending on the type and number of signs and bins installed. An allowance for the installation of cigarette butt bins in appropriate locations would also need to be determined, which would be dependent on the location of the proposed boundaries of the smoke-free area, and thus the location of any butt bins.

If the Council resolves to proceed with the smoke-free area, Council staff will prepare a Budget Submission as part of the 2018-2019 Budget to cover the costs associated with the installation of signage and butt bins to support the implementation of a smoke-free area, should the application to the Minister for Mental Health and Substance Abuse be successful.

EXTERNAL ECONOMIC IMPLICATIONS

At a very broad level, any attempt to reduce the prevalence of smoking and exposure to second-hand smoke, can only help to reduce the degree of smoke-related illnesses and premature deaths, therefore providing an indirect economic benefit by reducing the cost on the health system. Additionally, comments received from the community during both the 2015 consultation on the Discussion Paper, and also the recent 2017 consultation on the proposal, suggested that some members of the community would visit The Parade more frequently if it were to become a permanent smoke-free public area. This feedback suggests that there may be positive economic outcomes for local businesses as a result of the proposed smoking ban through increased patronage.

Notwithstanding this, comments were also received from several business owners and managers, as well as residents and visitors, through the consultation on the proposal expressing concern for potential impacts to the businesses due to a loss of customers. These comments relate predominately to the hospitality businesses that currently allow smoking, and have regular customers who utilise the designated smoking areas of their cafes. These submissions expressed concern in relation to the impacts that would result from placing smoking restrictions on customers, as this may deter people from visiting The Parade.

SOCIAL ISSUES

By introducing smoke-free areas, the Council will be helping to provide healthy public spaces for the community, which is supported by the Strategic Management Plan and Public Health Plan objectives previously endorsed by the Council.

Public awareness of the harmful effects of second-hand tobacco smoke has increased within the past few decades, which has also raised expectations that the community will be protected from smoke-polluted environments. By introducing additional smoking restrictions, the Council will be supporting the preferences of the majority of the population that do not smoke and will encourage healthy living. The vast majority of the submissions received during the 2017 consultation on the proposal to implement a smoke-free area along The Parade, are in support of the proposal. Regardless, any initiative to restrict smoking should ensure that all views are considered, and that the right to smoke is still respected by providing suitable designated smoking areas.

CULTURAL ISSUES

Nil.

ENVIRONMENTAL ISSUES

Should the application to designate a section of The Parade as a permanent smoke-free area be successful, the public areas where smoking is currently permitted will be reduced. As The Parade is a prominent mainstreet and shopping hub, the Council would also be contributing to a reduction in the amount of litter generated by cigarette butts, which would consequently result in a positive environmental benefit.

RESOURCE ISSUES

Council staff would be required to prepare and lodge an application under Section 52 of the *Tobacco Products Regulation Act 1997*. Should the application to the Minister for Mental Health and Substance Abuse be successful, the implementation of the permanent smoke-free area on The Parade, Norwood, (including the installation of signage and cigarette butt bins) will be undertaken by Council staff.

RISK MANAGEMENT

The introduction of any smoking restrictions along the proposed section of The Parade need to be carried out to comply with the appropriate legislation. A well-executed education and awareness campaign by the council will ensure that the community is fully informed of the changes.

It should be recognised that an application to designate a section of The Parade as a smoke-free area under Section 52 of the Act may take up to six (6) months approximately to be assessed and determined by the Minister for Mental Health and Substance Abuse, and to be declared smoke-free by Regulation through Parliament.

CONSULTATION

- **Elected Members**

Elected Members were advised of the legislative changes at the Council meeting held on 6 August 2012, and have been informed of other State Government initiatives as well as the Council's progress towards implementing further smoke-free areas and events since this time.

At the 6 November 2017 Council meeting, the Council considered a report relating to a proposal to designate The Parade as a permanent smoke-free area, and resolved to release the proposal, including the proposed boundary of the affected area, for community consultation.

Due to the number of submissions received, the Elected Members were provided with a copy of the submissions prior to this Council meeting to enable additional time to read the submissions in detail.

- **Community**

The community was first consulted in November 2012, for a period of twenty-eight (28) days, on the Options for Introducing Smoke-Free Areas and Events Discussion Paper.

Consultation on the proposal to designate a section of The Parade as a smoke-free area was open for a period of twenty-four (24) days, commencing on Wednesday 22 November and ending on Friday 15 December 2017. A total of 103 written submissions were received on the proposal from residents, business owners and managers, and the broader community.

At the commencement of the consultation period, copies of the fact sheet outlining the details of the proposal were distributed to 1,376 property owners and occupiers surrounding the affected area. A copy of the distribution map contained in **Attachment C**, and a copy of the fact sheet is contained in **Attachment D**.

Of the 103 responses received on the proposal, three (3) responses were received before the consultation period commenced, however these responses were still considered as part of the consultation on the proposal in this report. Acknowledgement letters and emails were sent to all respondents by Council staff thanking them for their submission and informing them that the proposal would be considered at the February Council Meeting. Council staff also spoke to several members of the community during the consultation period to discuss the proposal in more detail.

A copy of all of the submissions received on the proposal is contained in **Attachment E**, with a summary of the comments contained in **Attachment F**.

- **Staff**

- Manager, Economic Development & Strategic Projects
- Team Leader, Customer Service
- Events Coordinators
- Economic Development Coordinators
- Communications Officer

- **Other Agencies**

Letters were also sent to the following organisations and Members of Parliament, along with a copy of the fact sheet, to notify them of the Council's proposal:

- City of Burnside;
- Department for Health & Ageing – Tobacco Control Unit;
- East Waste Management Authority Inc.;
- Eastern Health Authority;
- Local Government Authority of South Australia;
- SA Police;

- Federal Member for Sturt;
- Federal Member for Adelaide;
- Member for Hartley;
- Member for Dunstan; and
- Member for Adelaide.

An acknowledgement letter was received from the Tobacco Control Unit during the community consultation process.

DISCUSSION

Consultation Overview

The following community consultation material was prepared on the proposal to designate a section of The Parade as a permanent smoke-free area:

- a fact sheet outlining the proposal, which was distributed to all residents, business managers and property owners within the vicinity of the affected area;
- a notice, which was placed in the two (2) Messenger newspapers;
- a news item, which was placed on the Council's website as well as a dedicated consultation page with a link to a Comment Form; and
- posters and fact sheets, which were available at all of the Council's Customer Service Centres, and swimming centres.

In response, a total of 103 written responses have been received, of which three (3) were received before the commencement of consultation. It should be noted that four (4) responses included the names of two (2) individuals. For the purposes of this report, these responses have been considered as one (1) submission (i.e. four (4) submissions rather than eight (8) submissions). It should also be noted that the petition opposing the proposed smoke-free area contains sixty-six (66) signatures.

Whilst one (1) respondent chose not to state whether they supported or opposed the proposal, approximately 73% of all other responses (excluding the petition signatories) are in favour of the proposal to designate a section of The Parade as a permanent smoke-free area.

Of the 103 responses received, 78% (80) were submitted by residents, 11% (12) were submitted by business owners or managers (which included a respondent who was also a resident), and 4% (4 submissions) were submitted by visitors to the Council area or other organisations. The remaining 7% (7 submissions) did not state their address or suburb on their submission.

The Council's website included a Comment Form, which contained the following four (4) questions and was the primary format of responses received, with 71% of responses received in this format. The next most-utilised format was email, with 27% of responses received in this format. The questions asked on the Comments Form were:

1. **Do you support a proposal to designate a section of The Parade as smoke-free?**
(yes / no / open comment)
2. **Do you agree with the area proposed below to be designated as smoke-free?**
(yes / no / open comment)
3. **Are there other areas within the Council that you think should be designated as smoke-free?**
(yes / no / open comment)
4. **Do you have any other comments relating to the proposal to designate a section of The Parade as smoke-free?**
(open comment)

A summary of the responses to the four (4) questions is provided in Table 1 below:

TABLE 1: SUMMARY OF RESPONSES TO THE PROPOSAL

Q1: Do you support a proposal to designate a section of The Parade as smoke-free?			
Yes	No	Not stated	No. of Comments
75	28	1	38
Q2: Do you agree with the area proposed below to be designated as smoke-free?			
Yes	No	Not stated	No. of Comments
67	34	3	34
Q3: Are there other areas within the Council that you think should be designated as smoke-free?			
Yes	No	Not stated	No. of Comments
46	34	23	40
Q4: Do you have any other comments relating to the proposal to designate a section of The Parade as smoke-free?			
No. of Comments		33	

As shown in Table 1 above, a large number of submissions have been received, and these have been reviewed and grouped into one of the ‘themes’ outlined below. A copy of all of the submissions received on the proposal are contained in **Attachment E**, and a summary table of the comments is contained in **Attachment F**.

Overview of Key Themes

The key themes which have been identified are:

1. General objections to the proposal.
2. Location of the proposed smoke-free area boundaries.
3. Other issues should be a priority for the Council / this is not considered the responsibility of the Council.
4. Impacts on businesses on The Parade.
5. Health impacts of smoking and exposure to second-hand smoke.
6. Concerns regarding the approach to enforcement.
7. Section 52 application process and inclusion of e-cigarettes.
8. Suggestions for additional locations to become smoke-free areas.

The comments which have been received in relation to each of these themes and a response to these issues is set out below.

Theme 1: General objections to the proposal

Whilst the submissions identified specific issues, many of the responses expressed general opposition to the proposal to designate a section of The Parade as a permanent smoke-free area. Respondents objecting to the proposal also included non-smokers, who stated that they had not experienced discomfort from second-hand smoke, and thought that smokers should still be able to smoke on The Parade.

Although smoking is a legal activity for which approximately 15% of the South Australian population partake, in recent years, the health effects of passive smoking have become well-known, which has led to smoking restrictions in certain locations. Many public areas in South Australia have become voluntarily smoke-free over the past decade, whilst other areas are smoke-free under legislation, including:

- outdoor dining areas;
- cars;
- enclosed public areas;
- playgrounds; and
- public transport waiting areas.

Notwithstanding this, the Council's decision regarding The Parade, smoking will continue to be allowed on privately-owned property within the designated area, and will be supported with informational signage and butt bins in appropriate locations around the perimeter of the designated area.

Theme 2: Location of the proposed smoke-free area boundaries

The proposed smoke-free area incorporates all properties within the commercial zones within The Parade Precinct, which includes sections of the adjoining side-streets.

The reason that this section of The Parade (between Portrush Road and Osmond Terrace) was selected is because it receives the highest daily patronage, it would therefore be the most effective and have the greatest impact in terms of encouraging healthy living and protecting the health of the community through the permanent smoke-free area application.

A mix of responses have been received regarding the proposed location of the smoke-free area, with the majority of respondents (66%) supporting the proposed location without amendment. Of the 34% that did not support the proposed location, the majority (26%) did not support the proposal at all. Of the remaining 8%, several respondents expressed the view that the entire length of The Parade should be included in the proposed smoke-free area, especially in the vicinity of Osmond Terrace, whilst others stated that the proposed boundaries were 'too complex' for people to remember.

At the Council meeting held on 7 November 2017, the Council considered whether the entire length of The Parade should be designated as a permanent smoke-free area, however it was considered that a staged approach would be more prudent. A staged approach would also enable the Council sufficient time to review the effectiveness of the smoking restrictions and process any community feedback prior to applying for a permanent ban along the entire length of The Parade.

Theme 3: Other issues should be a priority for the Council / this is not considered the responsibility of the Council

Many respondents expressed the view that they believed that this initiative was not in the realm of the Council's responsibilities. Several respondents were particularly critical of the Council, commenting that there were many other issues that the Council should instead focus on, such as littering, abandoned shopping trolleys, and noise impacts. Respondents stated that the Council had 'more pressing problems' to focus on, and that this initiative was 'social engineering' or excessive regulation. One respondent believed that a permanent smoke-free area would create a sterile public environment.

Since amendments to the *Tobacco Products Regulation Act 1997* were introduced in 2012, the Council has identified a number of initiatives to further support healthy lifestyles within the City. These initiatives support the Objectives of both *CityPlan 2030* and the Eastern Health Authority Public Health Plan; both of which guide the future actions of the Council towards community well-being, and were developed in consultation with the community.

Theme 4: Impacts on businesses on The Parade

All business owners and managers and property owners located along the length of The Parade between Portrush Road and Fullarton Road were provided with information about the proposal at the commencement of the consultation period. Of the twelve (12) business owners and managers who submitted a response, nine (9) were in support and three (3) opposed the proposal.

Those who opposed the proposal raised concern that the permanent designation of a smoke-free area would impact on their customers who regularly smoked at/on their premises. Concern was raised that customers would simply not visit The Parade and go elsewhere due to this restriction. Conversely, many comments from the resident respondents said that they would actually frequent The Parade more regularly should the permanent smoke-free area be implemented.

In general, it is believed that the decision to implement a smoking restrictions along The Parade is unlikely to have significant external economic implications. A significant number of the hospitality businesses along The Parade incorporate outdoor dining areas, which have already implemented smoke-free outdoor dining areas as designated by the State Government from 1 July 2016. This smoking restriction has helped to 'de-normalise' smoking in outdoor dining areas and to raise the awareness and expectations of the community in respect to healthy urban environments. These restrictions have also helped to highlight the sections of The Parade where smoking is still permitted.

In addition, the introduction of a permanent smoke-free area may actually be a point of difference for businesses located on The Parade, as it is a prominent mainstreet within South Australia and could invite additional patronage from those who are particularly health-conscious and are attracted to these smoke-free areas.

Theme 5: Health impacts of smoking and exposure to second-hand smoke

Several respondents who supported the proposal, recognised that smoking has negative impacts on health, and believed the designation of a smoke-free area would help those with health ailments such as asthmatics. However, a number of other respondents expressed the view that a smoking restriction in this area would have little effect on improving the air quality whilst cars continued to travel along The Parade. Instead, these respondents suggested that the road should be closed to vehicles, which would improve the health and safety of patrons of The Parade. Unfortunately, this suggestion is outside of the scope of this proposal.

Regardless, there is a significant amount of evidence which links exposure to second-hand smoke with a range of negative health effects, such as heart disease, cancer and stroke. The Council, as an elected body representing its community, has a responsibility to provide a healthy environment for its community.

Theme 6: Concerns regarding the approach to enforcement

Section 52 of the *Tobacco Products Regulation Act 1997*, requires that the Council adequately train enforcement officers who are able to administer fines for people in breach of the smoking restriction, however the Council does not intend to adopt this approach to enforcement, in preference for an information and education approach.

The Council has elected to take an educational approach to the smoke-free proposal, which will be supported by signage to inform people that they are entering a smoke-free area. This will allow people time to adjust to the restrictions and will not place an unnecessary financial burden on people who are unaware of the restrictions. However, several respondents raised concern with this approach as they believe that the smoke-free designation would be ineffective without sufficient enforcement measures such as issuing fines. Despite the reservations of some respondents, it is still recommended that an information and education approach be adopted.

Should the Section 52 application be approved by the Minister, informational signage and cigarette butt bins will be placed in appropriate locations around the perimeter of the designated area. The suggestion to implement a more aggressive approach and issue fines is not recommended.

Theme 7: Section 52 application process and inclusion of e-cigarettes

General questions were raised regarding the Section 52 application process and whether e-cigarettes are included in the smoking restrictions. Under the *Tobacco Products Regulation Act 1997*, there is no stipulated timeframe within which the Minister for Health and Substance Abuse must make a decision on the application. However, it is estimated that the process will take approximately six (6) months.

Should the application to implement a permanent smoking area, as proposed, be approved by the Minister for Mental Health and Substance abuse, the smoke-free area will be implemented in 2018. Council staff will then monitor the implementation of the smoke-free area over a period of twelve (12) months to review the effectiveness of the smoke-free area, and whether the area should be extended to the remainder of The Parade to Fullarton Road.

Currently under the *Tobacco Products Regulation Act 1997*, e-cigarettes are not regulated in terms of sale, use and promotion. Accordingly e-cigarettes are not included under the Act and thus people will be allowed to utilise these products should the Section 52 application for the smoke-free area be applied. However, it is understood that the State Government is proposing to regulate the sale, use and promotion of e-cigarettes in the near future, which could result in e-cigarettes also being excluded.

Theme 8: Suggestions for additional locations to become smoke-free areas

Many submissions on the proposal requested that outdoor dining areas be designated as smoke-free areas, however as of 1 July 2016, the State Government introduced new legislation which prohibits smoking in all public outdoor dining areas at all times that meals are offered or available.

Other locations for smoke-free areas that were suggested by respondents through the consultation included:

- around schools, healthcare centres, childcare centres, libraries and Council offices;
- shopping centres and associated car parks;
- parks and reserves;
- Norwood Oval and Memorial Gardens;
- public footpaths and walkways;
- the Magill Road shopping precinct; and
- all public areas.

At its meeting held on 2 February 2015, the Council made a number of resolutions in relation to promoting healthy lifestyles through implementing further smoke-free areas here. Specifically, the Council resolved to implement smoking restrictions around all Council-owned facilities, and within all Council-owned parks and reserves. Additionally, should the smoke-free area be extended in future to incorporate the section of The Parade between Osmond Terrace and Fullarton Road, the Norwood Oval and Memorial Gardens would also be included at that time.

Staff are currently in the process of developing specific policies for implementation of smoking restrictions at all Council-owned parks and reserves, and all Council-run events. It is anticipated that these policies will be presented to the Council for its consideration at the March 2018 meeting.

The additional locations listed above encompass a number of privately-owned land uses, which are outside of the Council's control.

Petition

The petition relating to the smoke-free proposal must be considered in accordance with Regulation 10 of the *Local Government (Procedures at Meetings) Regulations 2013*. The petition received sixty-six (66) signatories, two (2) of which had also submitted a response through the consultation on the proposal. The petition signatories were a mix of residents and visitors to the Council area.

OPTIONS

Following consideration of the submissions, the Council has four (4) options available in respect to implementing a permanent smoke-free area along The Parade, Norwood. Having reviewed the responses to the consultation on the proposed smoke-free area, the Council can resolve to either, endorse one (1) of the three (3) proposed smoke-free area boundaries outlined below, or it could resolve not to endorse the recommendations and not proceed any further with the implementation of the proposed smoking restrictions.

It should be noted that any permanent smoke-free area would only apply to the public areas that fall within the smoke-free area and that the privately-owned properties, which are not subject to State legislation, would be exempt from this restriction.

Option 1 – Do Nothing (do not proceed further)

With this option, the Council would resolve not to proceed with the process to apply for a permanent smoke-free area along The Parade, Norwood.

Through the consultation process on the smoke-free area proposal, approximately 73% of all responses (excluding the petition signatories) are in favour of designating a section of The Parade as a permanent smoke-free area.

Smoking is a legal activity for which people have the right to enjoy. However, the consultation on the proposal has highlighted that this is a contentious and emotive issue, for which there is almost equal support for and opposition to within the broader community.

However, given that the Council has previously resolved to submit an application under Section 52 of the *Tobacco Products Regulation Act 1997*, and confirmed its support for promoting healthier lifestyles and encouraging the reduction of smoking in the community, this option does not reinforce the Council's position. Further, as of 2016, the vast majority of South Australians aged 15 and over (approximately 85%) do not smoke and thus a designated smoke-free area in a highly patronised place such as The Parade would benefit the greatest number of people.

Option 1 is not recommended.

Option 2 – Designate the Section of The Parade between Osmond Terrace and Portrush Road, as a permanent smoke-free area

Option 2 involves the implementation of smoking restrictions on the public areas of the highly pedestrianised 'heart' of The Parade, between the eastern side of Osmond Terrace and the western side of Portrush Road, incorporating allotments that are zoned for commercial uses on the adjoining side-streets. This option is the proposal which was released for community consultation and forms the basis for the comments that were received.

Of the respondents who commented on whether they agree with the proposed smoke-free area as shown on the map contained in **Attachment A**, 67 respondents (65%) agreed with the proposed location. Despite this level of support, several respondents questioned why the side-streets have been included in the proposed smoke-free area, with some respondents stating that the Council should 'keep it simple', and wanted the side-streets to be excluded so that they could smoke in areas off the main thoroughfare of The Parade. Conversely, several respondents support the inclusion of the adjoining side-streets and advocated for the area to be extended further, such as to Beulah Road to the north of The Parade.

Should the Council proceed with this option and a Section 52 application be approved by the Minister, informational signage and cigarette butt bins will be placed in appropriate locations around the perimeter of the designated area.

As the proposed smoke-free area boundary follows the commercial zoning, which includes sections of the side-streets adjoining The Parade, it is not a simple or consistent boundary, and thus may cause confusion to patrons of the street. In addition, the proposed boundary follows the current commercial zoning which may change in future, which require a further review of the proposed smoke-free area and thus would require another section 52 application to be lodged with the Minister for Mental Health and Substance Abuse.

It is for these reasons that Option 2 is not the recommended option.

Option 3 – Designate a Section of The Parade, which excludes side-streets as a permanent smoke-free area

Option 3 would similarly involve the implementation of a smoking ban on the highly pedestrianised ‘heart’ of The Parade, between the eastern side of Osmond Terrace and the western side of Portrush Road, similar to Option 2 above, however this option would not include the adjoining side-streets (boundary depicted on the map contained within **Attachment G**). In effect, the designated area would be located between the property boundaries on either side of The Parade and include the footpath (i.e. from property boundary to property boundary).

This option would address some of the concerns and opposition raised in relation to the incorporation of side-streets adjoining The Parade in the designated smoke-free area, and specifically would allow several of the hospitality businesses to continue to accommodate patrons who smoke in these areas.

Option 3 would result in both a very clear and simple boundary for the permanent smoke-free area to be adopted, and would enable a consistent signage and cigarette butt bin strategy to be implemented at each side-street corner adjoining The Parade. Further, should the application to designate a section of The Parade, Norwood as a permanent smoke-free area be successful, the Council can then consider a future expansion of this area in a staged approach, which would allow the community time to adjust to the smoking restrictions. The simple smoke-free boundary proposed as part of this option would be the most conducive to a staged approach to the proposal.

The main disadvantage of this option is that it would not cover some of the smoking congregation areas such as the laneway adjacent to the Norwood Town Hal (adjacent to Vodafone) and Webbe Street.

Based upon the comments which have been received during the consultation process, **Option 3 is the recommended option.**

Option 4 – Designate the entire length of The Parade between Portrush Road and Fullarton Road, as a permanent smoke-free area

Several respondents who supported the proposal suggested that the Council should extend the smoke-free area to the entirety of The Parade. At the Council meeting held on 6 November 2017, the Council discussed this option in detail and decided that should the smoke-free proposal be endorsed and approved by the Minister for Mental Health and Substance Abuse, that it would be more appropriate to implement the smoke-free area in a staged approach. This would also allow people time to become accustomed to the smoking restrictions. This staged approach is still considered the most appropriate method and therefore the option of extending the smoke-free area along the full length of The Parade is not recommended at this point in time.

In consideration of the above, **Option 4 is not recommended.**

CONCLUSION

The intent of introducing smoke-free areas is to protect the health of the community and increase the comfort and enjoyment of all citizens using public spaces, in particular spaces that may be crowded or where people regularly congregate. The introduction of a designated smoke-free area within the public places on The Parade will assist in promoting healthier lifestyles and contributing to the de-normalising of smoking within the Norwood Payneham & St Peters community and visitors to the area.

COMMENTS

This smoke-free area initiative supports the position previously established by the Council to support healthier lifestyles for our community and visitors to the City, and is supported through several key strategic documents endorsed by the Council in recent years.

Despite the Council’s consultation on a proposal that incorporated The Parade and sections of the adjacent side-streets, it is recommended that the proposal submitted as part of the Section 52 application, focus simply on The Parade as contained in **Attachment G**. The designated smoke-free area could be extended in the future to the full length of The Parade as well as side streets, or the boundaries could be reviewed following the implementation of The Parade Masterplan.

RECOMMENDATION

1. That the petition be received and noted.
 2. That the convenors of the petition be formally thanked for bringing this matter to the attention of the Council and be advised of the Council's decision.
 3. That the area contained in Attachment G be endorsed as the boundary to be designated as a permanent smoke-free area for the purposes of lodging a Section 52 application under the *Tobacco Products Regulation Act 1997*.
 4. That the Council notes that staff will advise all 103 respondents in writing of the Council's decision.
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Cr Wormald left the meeting at 8.19pm.

Cr Wormald returned to the meeting at 8.24pm.

Cr Whittington moved:

1. *That the petition be received and noted.*
2. *That the convenors of the petition be formally thanked for bringing this matter to the attention of the Council and be advised of the Council's decision.*
3. *That the area contained in Attachment G be endorsed as the boundary to be designated as a permanent smoke-free area for the purposes of lodging a Section 52 application under the Tobacco Products Regulation Act 1997.*
4. *That the Council notes that staff will advise all 103 respondents in writing of the Council's decision.*

Seconded by Cr Shepherdson.

Variation

Cr Whittington, as the mover of the motion, with the consent of Cr Shepherdson as the seconder, sought leave of the meeting to vary point 4. of the motion as follows:

4. *That the Council notes that staff will advise all respondents in writing of the Council's decision.*

Mayor Bria put the request for leave to the meeting.

The meeting granted leave and the motion was varied as set out above.

Amendment

Cr Duke moved:

1. *That the petition be received and noted.*
2. *That the convenors of the petition be formally thanked for bringing this matter to the attention of the Council and be advised of the Council's decision.*
3. *That the area contained in Attachment G, with the addition of the laneway between the Norwood Town Hall and the Vodafone premises, be endorsed as the boundary to be designated as a permanent smoke-free area for the purposes of lodging an application under Section 52 of the Tobacco Products Regulation Act 1997.*
4. *That the Council notes that staff will advise all respondents in writing of the Council's decision.*

Seconded by Cr Minney.

That amendment was put and carried and on becoming the motion was again put and carried.

Section 2 – Corporate & Finance
Reports

11.2 MONTHLY FINANCIAL REPORT – DECEMBER 2017

REPORT AUTHOR: Financial Services Manager
GENERAL MANAGER: 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 2017.

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 is an ongoing high priority for the Council. The Council adopted a Budget which forecasts an Operating Surplus of \$3.081 million for the 2017-2018 Financial Year.

Year-to-date to 31 December 2017, the Council's Operating Surplus is \$2.058 million against a budgeted Operating Surplus of \$0.821 million, resulting a favourable variance of \$1.238 million. The main driver for this variance is budget expenditure timings in contracted services combined with favourable employee expenses.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

Not Applicable.

CONSULTATION

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

DISCUSSION

Year-to-date to 31 December 2017, the Council's Operating Surplus is \$2.058 million against a budgeted Operating Surplus of \$0.821 million, resulting a favourable variance of \$1.238 million. The major factors driving the favourable variance are:

- Employee expenses are favourable to Budget by \$0.583 million. This is due to the following:
 - Vacant positions which have been unfilled from 1 July 2017, pending a review of the method of service delivery and staffing required (\$0.321 million). As part of the Mid-Year Budget update these positions have been adjusted for as a permanent variance.
 - Five (5) vacancies that have now been filled, which were being covered through existing staffing resources and some temporary staff (\$0.100 million).
 - One (1) long term vacancy from 1 July 2017 due to health reason. The position has been back filled via a Home and Community Care service provider (\$0.025 million).
 - Temporary Contract staff which have been used to back fill vacant Depot Field Staff positions have resulted in a favourable variance to budget due to reduced number of labour hours resulting from unplanned leave, planned leave and public holidays (\$0.040 million).
- Contracted Services are favourable compared to Budget (\$0.114 million or 3%) primarily due to lower than average number of service requests for Domestic Assistance and Home Maintenance (\$0.013 million) and timing variations with respect to Street Sweeping Program (\$0.017 million) and Building Maintenance works (\$0.016 million).
- Other income is favourable to Budget (\$0.198 million) primarily due to performance rebates being received from the Insurance Scheme \$0.100 million. Due to the uncertain nature of the rebates no allowance is made in the Adopted Budget.
- The residual quantum of variances are driven by timing differences in expenditure and contains no individually significant items.

Year-to-date to 31 December 2017 Operating Project expenditure is \$0.333 million compared to the full year Adopted Budget expenditure of \$1.010 million. Operating Projects that are planned to be commenced and/or completed for the second half of the financial year include:

- Cultural Vitality
 - Tour Down Under \$0.075 million
 - George Street Event \$0.075 million
 - People Places & Activity Strategy \$0.030 million
 - Concerts In the Park \$0.040 million

- Social Equity
 - Kent Town Urban Design \$0.033 million
 - Stepney-Maylands LATM \$0.032 million
 - Building Asset Condition Audit \$0.110 million
 - City Wide Parking Review \$0.075 million
- Environmental Sustainability
 - City Wide Flood Review \$0.184 million

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

OPTIONS

Not Applicable.

CONCLUSION

Nil.

COMMENTS

Nil.

RECOMMENDATION

That the Monthly Financial Report – December 2017, be received and noted.

Cr Whittington left the meeting at 8.40pm.

Cr Frogley moved:

That the Monthly Financial Report – December 2017, be received and noted.

Seconded by Cr Minney.

Cr Granozio left the meeting at 8.41pm.

The motion was put and carried unanimously.

Cr Minney left the meeting at 8.41pm.

11.3 2017-2018 MID YEAR BUDGET REVIEW

REPORT AUTHOR: Financial Services Manager
GENERAL MANAGER: Acting General Manager, Corporate Services
CONTACT NUMBER: 8366 4585
FILE REFERENCE: S/05075
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 2018, following the Mid-Year Budget Review. The forecast is based on the year-to-date December 2017 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. The Mid-Year Budget Review 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 set out in *City Plan 2030 – Shaping our Future*. The 2017-2018 Annual Business Plan Budget, sets out the proposed services, programs and initiatives for the 2017-2018 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 Long Term Financial Plan (LTFP), is a key document in the Councils 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 2017-2018 Adopted Budget estimates an Operating Surplus of \$3.081 million.

FINANCIAL AND BUDGET IMPLICATIONS

The Mid-Year Budget Review for the 2017-2018 Financial year, provides the opportunity to reflect any changes in projections based on the actual year-to-date results to December 2017 and forecast the 2017-2018 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 2018 and has no direct external economic impacts.

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 Review

In determining the Adopted Operating Surplus, the Council considers the financial resources which are required to provide the ongoing services, programs and facilities (Recurrent Operating Budget), which encompass the basic responsibilities, which 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 needs and expectations.

Such on-going services include regulatory services, such as animal management and 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 associated with the introduction of new services or the enhancement to existing services (Operating Projects).

The 2017-2018 Adopted Operating Budget, budgeted an Operating Surplus of \$3.081 million. At the Council meeting held on 4 December 2017, the Council considered the First Budget Update, which reported a forecast Operating Surplus of \$2.870 million.

Following the Mid-Year Budget Review, the Operating Surplus is forecast to be \$3.174 million, an improvement of \$0.093 million on the Adopted Budget.

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 2017-2018, the Recurrent Operating Budget forecast a Recurrent Operating Surplus of \$2.869 million. Following the First Budget Update, the Recurrent Operating Budget Surplus was increased to \$2.862 million. As a result of the Mid-Year Budget Review, the Recurrent Operating Surplus is forecast to be \$3.166 million, an increase of \$0.297 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) \$
Recognition of unspent wages and salaries budget due to positions being vacant and not backfilled with temporary staff.	322,000
Recognition of performance rebates received from the Insurance Schemes. Due to the uncertain nature of the rebates, no funding allowance is made in the Adopted Budget	100,000
Adjustment to depreciation expense based on 2016-2017 asset capitalisation, infrastructure unit cost revaluations and depreciation rates	(139,000)
Increase in budget due to an underestimation of the Asset Insurance Renewals	(22,000)
Manufacture costs of Wooden Christmas Trees as a part of Christmas on Parade	(16,000)
Increase in catering expenses for Civic receptions	(12,000)
Additional cost of gas due to a unit price increase	(10,000)
<i>Budget Variations identified in the First Budget Update</i>	
Increase in Grant income to reflect the Kerbside Performance Grant received from the State Government	40,416
Art on Parade: The budget is being transferred from Thinking Through the City	10,000
Thinking Through the City: The budget is reduced by transferring to Art on Parade.	(10,000)
Parking Review Survey - The budget is increased due to the parking surveys which have been undertaken including Peregrine development in Kensington, Colliver Street, Charles Street, Queen Street and Hackney Road. These reviews haven been undertaken outside the City Wide Parking Review which has been separately funded.	(50,000)

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 financial years) are reviewed upon finalisation of the Annual Financial Statements. Additional expenditure required for non-completed Operating Projects at the end of the Financial Year, is incorporated in the Budget as part of First Budget Update.

Taking into account the carried forward Operating Project expenditure and new projects which have been endorsed by the Council, the 2017-2018 Adopted Operating Projects Budget forecast a cost to the Council of \$1.010m.

Carried Forward Operating Project expenditure was estimated as part of the Adopted Budget to be \$0.201m. Following the First Budget Update, the value of carried forward expenditure is \$0.405m. The increase in the Carried Forward Budget, is due to projects not progressing as anticipated or the commencement being deferred.

The following projects which have carried forward and have been completed:

- Swimming Centre Review;
- Local Government Supplementary Election;
- *CityPlan2030* Update; and
- Food Secrets of Norwood & Stepney.

The First Budget Update forecast the cost of Operating Projects to be \$1.214m, the Mid-Year Budget Update is estimating a slight increase in this figure to \$1.216 million.

The Operating Projects to be carried forward to 2018-2019, are currently estimated at \$60,000. A review of status of the Operating Projects will be undertaken as part of the Third Budget Update, which will be considered by the Council at the Council Meeting scheduled for May 2018.

Capital Projects

The Council adopted a Capital Budget of \$23.207m for 2017-2018, which comprised funding allocations for New Capital Projects involving new or the upgrading of existing assets (\$2.516m), the renewal/replacement of existing assets (\$7.197m) and Carried Forward Projects from 2016-2017 (\$13.494m).

Following the Mid-Year Budget Review, the Capital Project expenditure is forecast to increase to \$24.964 million. The increase in forecast capital expenditure is predominately due to a number of projects which were initially anticipated to be completed by 30 June 2017. These projects and other budget variations identified in the Mid-Year Review are detailed in Table 2 below:

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

Capital Project	Increase/ (Decrease) \$
The successful tender for the redevelopment of Felixstow Reserve was higher than anticipated by \$364,699. The Council considered the tender assessment at the Special Council meeting held on 11 December 2017. The budget increase of \$431,635 incorporates the budget variation of \$66,936 from the First Budget Review. The project will be completed by May 2018.	431,635
Kent Town Streetscape Enhancement Projects were considered by the Council at its meeting held on 4 December 2017. The Council resolved to allocate funds to enable the streetscape enhancement projects. Funding Contributions towards the project will be provided by the State Government and the developers of Verde Apartments and East Park Kent Town Development, resulting in an overall Net Cost to Council of \$200,000.	400,000
At its meeting held on 6 November 2017, the Council endorsed the decision to change the ownership of the Council Depot Fleet vehicles from Operating Leases to purchase. The vehicles are to be replaced as current lease arrangements expire. Four (4) vehicles are due to come out of lease from now until 30 June 2018.	120,000
As part of the Adopted Budget, the Council planned to replace the shade structure at the Payneham Memorial Swimming Centre and estimated the cost to be \$55,000. The tendered cost for the shade replacement exceeded budget by \$86,000.	86,000
The planned upgrade of the Air Conditioning System at the Norwood Institute Building exceeded budget expectation of \$80,000 by \$21,000.	21,000
Due to the Norwood Tennis Club being unsuccessful in its application for funding to contribute to the upgrade of the Buttery Reserve Tennis Courts, the Council at its meeting held on 3 October 2017, resolved not to undertake the reconstruction of the tennis courts at this stage.	(921,000)
<i>Budget Variations identified in the First Budget Update</i>	
The Gilberton Swing Bridge was not completed due to delay in the design phase and delay in receiving approval. This project was completed in January 2018.	514,581
The completion of the irrigation upgrade on Osmond Terrace Median was delayed due to a delay in awarding the contract. This project was completed in December 2017.	217,345
Ninth Ave Renewal & Streetscape Enhancement – Alterations to the initial project concept plan resulted in the scope of works being amended resulting in revised cost estimates.	138,000
Payneham Oval Club Rooms Redevelopment – The design work was anticipated to be completed by 30 June 2017. The project is due to commence shortly	31,464

While the anticipated Capital Expenditure has increased, due to current cash reserves it is not expected that any additional borrowings will be drawn down during the 2017-2018 Financial Year.

Details of Operating and Capital Projects is contained in **Attachment A** and **Attachment B**.

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 Minney returned to the meeting at 8.42pm.
Cr Granozio returned to the meeting at 8.42pm.
Cr Whittington returned to the meeting at 8.42pm.

Cr Minney 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 Stock and carried unanimously.

11.4 EXTERNAL AUDITORS REPORT 2016-2017

REPORT AUTHOR: Financial Services Manager
GENERAL MANAGER: Acting General Manager, Corporate Service
CONTACT NUMBER: 8366 4585
FILE REFERENCE: S/00238
ATTACHMENTS: A - C

PURPOSE OF REPORT

The purpose of this report is to provide the Council with the Audit Opinion and Auditors report regarding the 2016-2017 Financial Statements.

BACKGROUND

Pursuant to Section 129 (3) of the *Local Government Act 1999* (the Act), the Council's Auditor must provide to the Council, an audit opinion with respect to:

- the Financial Statements; and
- whether the internal controls of the Council are sufficient to provide reasonable assurance that the financial transactions of the Council have been conducted properly and are in accordance with law.

Pursuant to Section 129 (4) of Act, the Council's Auditor must provide written advice on any particular items that have arisen from the audit.

Pursuant to Section 129 (5b) (a) of the Act, the opinion and the advice must be presented to the Council at the next ordinary meeting of the Council.

RELEVANT STRATEGIC DIRECTIONS AND POLICIES

Not Applicable.

FINANCIAL AND BUDGET IMPLICATIONS

Not Applicable.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Nil.

CULTURAL ISSUES

Nil.

ENVIRONMENTAL ISSUES

Nil.

RESOURCE ISSUES

Nil.

RISK MANAGEMENT

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

CONSULTATION

- **Elected Members**

A report on the Annual Financial Statements and the Audit Report was presented and considered by the Council at its meeting held on 7 November 2016.

- **Community**

Not Applicable.

- **Staff**

Not Applicable.

- **Other Agencies**

Not Applicable.

DISCUSSION

The Council's External Auditors, Dean Newbery and Partners, have completed the statutory audit of the City of Norwood Payneham & St Peters for the 2016-2017 Financial Year.

As advised at the Council meeting held on 6 November 2017, the External Auditors have issued an unqualified Audit Report on the Annual Financial Statements for the financial year ended 30 June 2017. A copy of the Audit Opinion is contained in **Attachment A**.

In addition to the Audit Report on the Annual Financial Statements, the External Auditors are required to undertake an audit of the internal controls which are exercised by the Council during the respective financial year in relation to the receipt, expenditure and investment of money, the acquisition and disposal of property and the incurring of liabilities, so that the Auditors can form an opinion as to whether the internal controls established by the Council are sufficient to provide reasonable assurance that the financial transactions undertaken by the Council, have been conducted properly and are in accordance with the legislative requirements. A copy of the Internal Controls Audit Opinion is contained in **Attachment B**.

In summary, in the Auditors opinion, the Council has complied, in all material aspects, with Section 129(1)(b) of the Act in relation to the internal controls which have been established by the Council relating to the receipt, expenditure and investment of money, the acquisition and disposal of property and the incurring of liabilities.

Pursuant to Section 129 (4) of the Act, the Auditors are required to provide to the Council, in writing, details of any issues that arose from the statutory audit. A copy of the correspondence from the Auditors is contained in **Attachment C**.

OPTIONS

Not Applicable.

CONCLUSION

Nil.

COMMENTS

Nil.

RECOMMENDATION

1. That the Audit Opinion with respect to the 2016-2017 Financial Statements, as contained in Attachment A, be received and noted.
 2. That the Audit Opinion with respect to the Council's Internal Controls, as contained in Attachment B, be received and noted.
 3. That the Auditor's report to Council with respect to the 2016-2017 Financial Statements, as contained in Attachment C, be received and noted.
-

Cr Minney moved:

1. *That the Audit Opinion with respect to the 2016-2017 Financial Statements, as contained in Attachment A, be received and noted.*
2. *That the Audit Opinion with respect to the Council's Internal Controls, as contained in Attachment B, be received and noted.*
3. *That the Auditor's report to Council with respect to the 2016-2017 Financial Statements, as contained in Attachment C, be received and noted.*

Seconded by Cr Shepherdson and carried unanimously.

11.5 DRAFT LONG-TERM FINANCIAL PLAN

REPORT AUTHOR: General Manager, Corporate Services
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4585
FILE REFERENCE: S/02088
ATTACHMENTS: A - B

PURPOSE OF REPORT

The purpose of this report is to present the draft 2018-2019 to 2027-2028 Long-Term Financial Plan (LTFP) to the Council and to seek “in principle” endorsement of the draft LTFP for public consultation.

BACKGROUND

Section 122 of the Local Government Act 1999 (“the Act”), requires the Council to prepare a Long Term Financial Plan for a period of at least ten (10) years. In addition, the Council must undertake a review of the Long Term Financial Plan as soon as practicable after adopting the Council's Annual Business Plan for a particular financial year.

In addition, pursuant to Section 122 (4) of the Act, the Council must undertake a comprehensive review of its Strategic Management Plans (which incorporates the Long Term Financial Plan), within two (2) years after each Local Government General Election. All of the Council's Strategic Management Plans have been reviewed.

Where a Council undertakes a review of its Strategic Management Plans, the Council must adopt a process or processes to ensure that members of the public are given a reasonable opportunity to be involved in the development and review of its Strategic Management Plans.

The current LTFP was adopted by the Council on 1 August 2011. Since its adoption, minor revisions of the LTFP have been undertaken.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The Council's Strategic Management Plan, *CityPlan 2030*, provides the framework upon which the Council's Strategic Management Plans are developed. The Council's suite of Strategic Management Plans currently incorporates the *CityPlan 2030*, the LTFP, the Infrastructure and Asset Management Plans and the Annual Business Plan and Budget.

The LTFP is the primary financial management tool which links all of the Councils' Strategic Management Plans, *City Plan 2030*, Whole of Life Asset Management Plans and the Annual Business Plan and Budget.

FINANCIAL AND BUDGET IMPLICATIONS

The financial projections contained within the draft LTFP, provide an indication of the Council's direction and financial capacity, rather than predicting the future financial performance and position of the Council. The LTFP should be viewed as a guide to future actions or opportunities which encourages the Council to consider the future impact of decisions which are made on the Council's long-term financial sustainability. To this end, reference should be made each year to the LTFP when preparing the Annual Business Plan and Annual Budget, to ensure that the broad financial outcomes which the Council has set and agreed upon are continuing to be achieved.

EXTERNAL ECONOMIC IMPLICATIONS

This report provides information on the financial projections covering the period from 2018-2019 through to 2027-2028 based on the set of assumptions outlined in the Discussion section of this report. Based on the financial projections contained within the draft LTFP, there will be an economic impact on ratepayers and customers through increases in rates and user charges for user pays services.

The Council does provide some rate relief to eligible rate payers through the minimum rate, rate capping and remission and postponement of rates.

SOCIAL ISSUES

This report provides information on the financial projections of the Council covering 2018-2019 through to 2027-2028 based on the set of assumptions and it is possible that the projected rate revenue increase may have social implications for some ratepayers.

CULTURAL ISSUES

There are no cultural issues arising from this issue.

ENVIRONMENTAL ISSUES

There are no environmental issues arising from this issue.

RESOURCE ISSUES

There are no resource issues arising from this issue.

RISK MANAGEMENT

There are no risk management issues arising from this issue.

CONSULTATION

- **Elected Members**
Information Sessions with Elected Members were held on 30 January 2017 and 13 November 2017. At the workshop held on 13 November 2017, Elected Members provided feedback on the Strategic Projects to be included within the LTFP. A summary of the feedback provided is contained in **Attachment A**.
- **Community**
The community will be provided with the opportunity to comment on the draft LTFP through the public consultation process.
- **Staff**
Not applicable
- **Other Agencies**
Not applicable

DISCUSSION

At a Council Workshop held on 30 January 2017, Elected Members were presented with background information on how the Council has performed against the various targets set out in the 2011-2022 Long Term Financial Plan and how the future projections will meet the Council's financial objectives.

Financial Objectives

As part of the 2011-2022 LTFFP, the Council adopted the following Financial Goal;

A City which delivers on our Strategic Outcomes by managing our financial resources in a sustainable and equitable manner.

To ensure the Council achieved its Financial Goal, a number of Financial Outcomes and Financial Targets were established to support the Council's achievement of its Financial Goal. The Financial Outcomes were:

Outcome 1: A balanced budget

Council's services and programs, including depreciation of infrastructure and assets, is fully funded and the costs are shared equitably between current and future ratepayers.

Outcome 2: Rate Stability

Annual rate collections are fair and equitable for our residents and ratepayers with the aim to keep rate revenue increases stable over the medium term.

Outcome 3: Infrastructure and Asset Management

Maintain Infrastructure and Assets in line with the Council's Whole of Life Infrastructure framework to achieve the outcomes and objectives, as set out in City Plan 2030.

Outcome 4: Debt Management

Prudent use of debt to invest in new long term assets to ensure intergenerational equity between current and future users.

The Financial Goal and Outcomes were reviewed to determine the on-going relevance of these objectives for the 2019-2028 Long Term Financial Plan ("2019-2028 Plan"). It was determined that these objectives continue to remain relevant and therefore form the basis for the 2019-2028 Plan.

The targets set for each Outcome are contained in Table 1 below.

TABLE 1: LONG TERM FINANCIAL PLAN – FINANCIAL TARGETS

Outcome	Indicator	Description of Indicator	Target
A balanced budget	Operating Ratio	This indicator represents the percentage by which income source varies from the day to day operating expenditure. The ratio is calculated by measuring the Councils Operating result as a percentage of Rate Revenue, where Operating Result equals operating revenue less operating expenses (including depreciation).	0-10%
Rate stability	Rate revenue increases	Year on year increase in total rate revenue collected	Between 2% and 4%
Infrastructure and Asset Management	Asset Sustainability Ratio	Asset Sustainability Ratio measures whether the Council is renewing or replacing existing physical assets (roads, footpaths, buildings etc.) at the same rate the stock of assets is wearing out. The ratio is calculated by measuring capital expenditure on renewal or replacement of assets, relative to the planned spend outlined in the Council's Asset Management Plans.	Between 90%-110% on a rolling 3 year period
Debt Management	Net Financial Liabilities	A Council's indebtedness must be managed to ensure its liabilities and associated costs are met without impinging on the financial sustainability of the Council. Net Financial Liabilities ratio measures the extent of what is owed by the Council less any liquid assets (i.e. cash or receivables) of the Council are met by its Operating revenue.	≤ 75%
	Debt Servicing Ratio	Prudent use of debt also requires the Council to ensure that it has the financial capacity to service the outstanding debt in terms of meeting both Interest and Principal repayments. The Debt Servicing ratio measures Interest and Principal Loan repayments as a percentage of operating revenue.	< 15%

ASSUMPTIONS

The financial projections contained within the 2019-2028 LTFP are meant to provide an indication of the Council's direction and financial capacity rather than predicting the future financial performance and position of the Council.

The key assumptions underlying the Plan are as follows:

Maintaining existing services at current service standards

The Plan is based on a "business as usual" assumption, which means that the Council will continue to provide the existing services at the current service levels.

The "business as usual" assumption does not take into account any change in direction or service level in response to community expectations, legislative requirements or changing economic conditions.

It is recognised that the adoption of a "business as usual" assumption is somewhat unrealistic for a planning timeframe of ten (10) years, given changes in the economic climate and community expectations and needs which may result in investment in new assets and service initiatives. While these new initiatives are unknown, for the purpose of developing the forward projections the Plan assumes new initiative expenditure of \$600,000 per annum split 85%:15% between capital and operating expenditure respectively.

Rate Revenue Increases

The Reserve Bank of Australia has an inflationary target of between 2% and 3% per annum. The Plan assumes an average Rate Revenue increase of 2.6% which is equivalent to the combined 10 year average of Adelaide CPI Increase and the Local Government Price Index (LGPI).

Cost Escalation

The Reserve Bank of Australia has an inflationary target of between 2% and 3% per annum. Based on the 10 year average, CPI increases have been set at 2.3% for the life of the Plan.

The nature of the price movement associated with goods and services which are used by Local Government is somewhat different to the goods and services consumed by the 'average household'. The cost escalation for non-salary costs is on average 2.6% per annum, which is based on a combination of the 10 year average of CPI, the LGPI, and known increases for particular cost items (i.e. waste management) which are in excess of the CPI and LGPI.

The financial projections have assumed that wages and salary costs will increase by 2.25% per annum. All Council non- contract staff are parties to Enterprise Bargaining Agreements which cover periods of up to 3 years. It should be noted however as these Agreements will be renegotiated during the planning timeframe of the LTFP, the potential for unforeseen variations in the financial projections exist.

Asset Renewal and Replacement

The Council has in place Whole of Life Asset Management Plans for each major class of assets. The financial projections included in the Plan are based on the asset renewal and replacement programs outlined in the current Whole of Life Asset Management Plans. The Asset Management Plans are expected to be reviewed in the near future and the Plan will be updated to reflect the outcomes of that review.

Due to the unique nature of Council's asset base, the input costs to renew and replace the existing asset base can be subject to cost escalations greater than CPI. The financial projections have assumed that construction costs will increase by 2.8%, which has been based on the ten (10) year average of the Capital component of the Local Government Price Index.

Funding

Based on the principle of intergenerational equity, the Plan assumes that the Council will borrow to fund new and upgraded assets.

Interest rates on new borrowings are forecast at 4.5% pa. Interest rate on investment income is forecast at 3.5%

Grants and Subsidies

The Council receives Grants and Subsidies from both the State and Federal Governments to fund Council services and programs. It is assumed existing Operating Grants will continue to be provided in the future and have been indexed by 3.0% pa.

The financial projections include Capital Grant revenue to assist in funding for specific new capital projects. As this revenue is dependent on the pool of Government funding available, it is difficult to predict how successful the Council will be in securing funds in the future.

Depreciation

Depreciation is an allowance that represents the consumption of an assets service potential, or put simply its wear and tear. Depreciation is based on the written down replacement value of an asset. Council undertakes an independent valuation of its major asset classes every five years. In the interim years, a review and update of the replacement cost is undertaken based on the annual average movement in value of like assets verified by the Council's valuer.

The escalation rates to reflect asset revaluations applied in the financial projections is between 1 and 3% across the life of the plan, dependent upon the asset class.

Capital Investment

The Plan proposes that the Council undertake a number of Asset upgrade Projects to the value of \$38 million.

The projects included within the Plan are a combination of projects that have been adopted by the Council and a number major projects yet to be completed. The major projects which have been included in the Plan are based on the feedback received from the Information Session held on the 13 November 2017.

Based on the feedback received, which questioned the need for three (3) libraries, the funding allocation for the relocation of the Norwood Library has been removed from the LTFP. Details of the major projects include are contained in the draft Long Term Financial Plan which is contained in **Attachment B**.

In addition, the Plan assumes that the Council will invest \$9 million each year to undertake the Asset and Infrastructure renewal program.

OPTIONS

Elected Members have the option to endorse the draft Long Term Financial Plan as contained in **Attachment B** or choose to vary draft Long Term Financial Plan by either:

- changing the base assumptions; and/or
- changing the timing of capital investment priorities.

It is recommended that the draft Long Term Financial Plan as contained in **Attachment B** be endorsed for the purpose of public consultation.

CONCLUSION

Based on the underlying assumptions contained within the draft LTFP, the financial projections indicate that the Council is in a position to deliver on its financial goal of being a Council which delivers on its Strategic Outcomes by managing its financial resources in a sustainable and equitable manner.

The Council's Operating Surplus Ratio, over the period of the plan is forecast to be on average 2.4%, with the annual Operating Surplus for the life of the LTFP ranging from \$1 million to \$2.5 million. The Council will invest \$9.0 million each year to undertake the asset and infrastructure renewal program, with this being complemented with \$38 million planned to be spent on major asset upgrades and enhancements. Despite this significant level of investment, the Council will be in a position to effectively manage its debt position.

Rate revenue increases are stable over the life of the Plan indicating equity between generations, and that current and future ratepayers pay only for their share of the City's assets and services.

COMMENTS

If Elected Members have any questions or require clarification in relation to specific items, and/or any issues raised in this report, do not hesitate to contact the Acting General Manager, Corporate Services, Sharon Perkins, prior to the meeting.

RECOMMENDATION

1. That the draft Long-Term Financial Plan for the period 2018-2019 to 2027-2028, as contained in Attachment B be endorsed "in principle".
 2. That the draft Long Term Financial Plan document contained within Attachment B, be released for public consultation, subject to the incorporation of any amendments which may be determined by the Council.
 3. That a further report in respect to the adoption of the draft 2019-2028 Long Term Financial Plan, be prepared for the Council's consideration following the public consultation period.
-

Cr Mex moved:

1. *That the draft Long-Term Financial Plan for the period 2018-2019 to 2027-2028 as contained in Attachment B, be amended to include the future consideration of the Norwood Library as a strategic project beginning 2025-2026.*
2. *The future of the Norwood Library is to be informed by The Parade Masterplan and the Community Centres Review and will either be re-located in Norwood, or be upgraded in its current location at a budget not to exceed \$3.5 million.*
3. *That the draft Long Term Financial Plan document contained within Attachment B, as amended, be released for public consultation.*
4. *That a further report in respect to the adoption of the draft 2019-2028 Long Term Financial Plan, be prepared for the Council's consideration following the public consultation period.*

Seconded by Cr Wormald.

Variation

Cr Mex, as the mover of the motion, with the consent of Cr Wormald as the seconder, sought leave of the meeting to vary part 2. of the motion as follows:

- 2. The future of the Norwood Library is to be informed by The Parade Masterplan and the Community Centres Review and will either be re-located in Norwood, or be upgraded in its current location at an estimated cost of \$3.5 million.*

Mayor Bria put the request for leave to the meeting.

The meeting granted leave and the motion was varied as set out above.

The motion (as varied) was put and lost.

Division

Cr Wormald called for a division and the decision was set aside.

Those in favour: Cr Wormald, Cr Whittington, Cr Shepherdson, Cr Stock, Cr Mex and Cr Moore.

Those against: Cr Knoblauch, Cr Minney, Cr Duke, Cr Dottore, Cr Marcuccitti, Cr Granozio and Cr Frogley.

The Mayor declared the motion lost.

Cr Duke moved:

- 1. That the draft Long-Term Financial Plan for the period 2018-2019 to 2027-2028, as contained in Attachment B be endorsed "in principle".*
- 2. That the draft Long Term Financial Plan document contained within Attachment B, be released for public consultation.*
- 3. That a further report in respect to the adoption of the draft 2019-2028 Long Term Financial Plan, be prepared for the Council's consideration following the public consultation period.*

Seconded by Cr Minney and carried.

Division

Cr Wormald called for a division and the decision was set aside.

Those in favour: Cr Knoblauch, Cr Minney, Cr Duke, Cr Dottore, Cr Marcuccitti, Cr Granozio and Cr Frogley.

Those against: Cr Wormald, Cr Whittington, Cr Shepherdson, Cr Stock, Cr Mex and Cr Moore.

The Mayor declared the motion carried.

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 Granozio left the meeting at 9.27pm.
Cr Dottore left the meeting at 9.27pm.

Cr Marcuccitti moved:

That the report be received and noted.

Seconded by Cr Whittington and carried unanimously.

**11.7 LOCAL GOVERNMENT ASSOCIATION (LGA) 2018 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) 2018 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) 2018 Ordinary General Meeting, will be held on Friday 13 April 2018, at the Adelaide Town Hall. 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 2018 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 2018 Ordinary General Meeting.
 2. That Councillor _____ be appointed as the Proxy Delegate for the Local Government Association 2018 Ordinary General Meeting.
-

Appointment of Acting Mayor

Cr Dottore returned to the meeting at 9.30pm.
Cr Granozio returned to the meeting at 9.30pm.

Mayor Bria declared a conflict of interest in this matter, as he has been nominated to be appointed as the Council Delegate for the Local Government Association 2018 Ordinary General Meeting and left the meeting at 9.31pm.

At 9.31pm Cr Duke moved:

That Cr Frogley be appointed Acting Mayor for the consideration of this Item.

Seconded by Cr Whittington and carried.

Cr Frogley assumed the Chair.

Cr Minney moved:

That Mayor Robert Bria be appointed as the Council Delegate for the Local Government Association 2018 Ordinary General Meeting.

Seconded by Cr Duke and carried unanimously.

Mayor Bria returned to the meeting at 9.32pm and resumed the Chair.

Cr Stock left the meeting at 9.32pm.

Cr Moore declared a conflict of interest in this matter, as she is being nominated as the Proxy Delegate for the Local Government Association 2018 Ordinary General Meeting and left the meeting at 9.33pm.

Cr Duke moved:

That Councillor Evonne Moore be appointed as the Proxy Delegate for the Local Government Association 2018 Ordinary General Meeting.

Seconded by Cr Dottore and carried.

Cr Moore returned to the meeting at 9.34pm.

11.8 LOCAL GOVERNMENT ASSOCIATION (LGA) 2018 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) 2018 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) 2018 Ordinary General Meeting, will be held on Friday 13 April 2018, at the Adelaide Town Hall.

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 Friday 2 March 2018, if they are to be considered at the 2018 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 2018, 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 Dottore moved:

That the report be received and noted.

Seconded by Cr Shepherdson and carried.

11.9 STRENGTHENING LOCAL GOVERNMENT: OPTIONS FOR SOUTH AUSTRALIAN COUNCILS DISCUSSION PAPER

REPORT AUTHOR: General Manager Governance & Community Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: S/0022
ATTACHMENTS: A - B

PURPOSE OF REPORT

The purpose of this report is to advise the Council of the release of the *Strengthening Local Government: Options for SA Councils Discussion Paper* (the Discussion Paper), by the Local Government Association of South Australia, to enable the Council to provide feedback to the Local Government Association of South Australia regarding the Discussion Paper.

BACKGROUND

The Local Government Association of South Australia (LGA) has released a Discussion Paper, *Strengthening Local Government: Options for SA Councils*, which outlines some suggested legislative reforms in the lead up to the March 2018 State Government election.

The LGA has invited feedback from councils in respect to the Discussion Paper.

A copy of the Discussion Paper is contained within **Attachment A**.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

FINANCIAL AND BUDGET IMPLICATIONS

Not Applicable.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

Not Applicable.

CONSULTATION

- **Elected Members**

Elected Members have provided input into various LGA Discussion Papers regarding legislative reforms over many years. The release of this Discussion Paper in December 2017, has not however been promoted to Elected Members or Council staff via the usual LGA processes (ie Circulars) and therefore this is the first opportunity that Elected Members have been made aware of the Discussion Paper.

In addition, it is disappointing to note that the Discussion Paper was released by the LGA in mid-December 2017, with submissions from Councils due by 17 January 2018. This timing has meant that a number of Councils were not in a position to provide comments in response to the Discussion Paper by the due date. Whilst Council staff contacted the LGA to discuss the issues associated with the timing, and a commitment was provided by the LGA that the Council's feedback would be accepted following the Council's consideration of the Discussion Paper at its February 2018 Council meeting, the matter was presented to the LGA Board at its meeting held on 25 January 2018.

Notwithstanding this, Council staff have been advised that the LGA Executive Committee will consider this matter further at its meeting to be held on 22 February 2018, and therefore it is important that the Council consider the issues which have been raised within the Discussion Paper and forward their views to the LGA. LGA staff have confirmed that the Council's comments will be considered as part of the report which will be presented to the LGA Executive Committee.

- **Community**

Not Applicable.

- **Staff**

Not Applicable.

- **Other Agencies**

Not Applicable.

DISCUSSION

Councils have been advised that the Discussion Paper has been prepared taking into account issues which have arisen from various LGA reports, including the work conducted in 2011 regarding improving governance, the work undertaken by the Local Excellence Expert Panel in 2013, regarding the "*Council of the Future*" and more recently the suggested areas for reform which were recommended by Professor Sansom as part of the Rate Capping forums conducted by the LGA.

Essentially, the LGA has for a number of years now, been developing policy initiatives to inform substantial amendments to the *Local Government Act 1999* (the Act), and is committed to ensuring that Local Government in South Australia drives its own reform agenda rather than the State Government (regardless of which political party is in government).

As such, in May 2017, the LGA Board resolved to investigate legislative reform options to further strengthen transparency, accountability and performance within the sector. In addition, the LGA Board adopted the following principles to underpin the reforms:

- sustainability;
- efficiency;
- local decision making;
- consistency across the local government sector; and
- simpler regulation.

Through the consultation process with Councils, the LGA is intending to develop a suite of reforms which seek to place Local Government in a strong position to negotiate with political parties as they finalise their policy platforms in the lead up to the 2018 State Government election.

Notwithstanding the extent of the various work which has been undertaken over the years to ensure transparency, accountability and performance across the sector (this is acknowledged in the Discussion Paper which makes reference to the “15 years of sustained improvement in financial performance following the Financial Sustainability Inquiry” and a range of other legislative and strategic improvements led by Councils for their own improvement and sustainability), the Discussion Paper suggests that further reforms are required in the following areas:

1. Financial Management, Performance and Reporting;
2. Service Levels and Efficiency;
3. Engagement and Participation; and
4. Representation Reviews.

The Discussion Paper sets out the context for these issues and asks for feedback in relation to a range of questions on each topic.

General Observations in respect to the Discussion Paper

The generation of any discussion paper aimed at improving governance processes across Local Government is naturally welcomed. In this case, however it is not clear from the Discussion Paper exactly why these areas have been included within the Discussion Paper and highlighted as the most pressing and/or urgent matters that require legislative reform. Reviews such as this, have the potential to result in a “scatter gun” approach to legislative change.

As stated by the LGA, the *Local Government Act 1999*, is nearing twenty (20) years in operation and therefore it may be beneficial and indeed prudent for a review of the Act to be undertaken to ensure that it remains contemporary and relevant. In other words, a more holistic review would perhaps be more beneficial rather than focusing only on selected areas in isolation.

Notwithstanding the comments above, the questions which have been asked within the Discussion Paper, have been reviewed and a draft submission incorporating a response to those questions has been prepared for the Council’s consideration and endorsement.

A copy of the draft submission to the Discussion Paper is contained within **Attachment B**.

OPTIONS

The Council can resolve to either provide feedback to the LGA in respect to the *Strengthening Local Government: Options for SA Councils Discussion Paper* or decline the opportunity.

It is however recommended that the Council does respond to the LGA in respect to the Discussion Paper, to ensure the Council’s position is considered by the LGA.

CONCLUSION

It is acknowledged that governance reform in South Australia has been an ongoing issue of concern for the State Government, the LGA and councils for some time, however, this Council, and indeed many councils, strive to achieve excellence in governance to ensure the integrity and accountability of Local Government across the sector.

If change is required – and indeed it may be required in some areas – then perhaps a more practical approach is to work as a sector to develop best practise frameworks for the sector rather than implementing legislative change.

COMMENTS

Nil.

RECOMMENDATION

1. That the Council advises the Local Government Association of South Australia, that whilst the Council welcomes continuous improvement in respect to processes which are aimed at improving and achieving best practise within Local Government, the Council is of the view that changes to enhance Local Government should be pursued through the establishment of best practise frameworks which can be utilised by all Councils and not through prescriptive legislative changes.
 2. That the *Strengthening Local Government: Options for SA Councils Discussion Paper Submission*, as contained within Attachment B to this report, be submitted to the Local Government Association of South Australia in response to the request for feedback from councils regarding the *Strengthening Local Government: Options for SA Councils Discussion Paper*, together with the letter as outlined in item 1 above.
-

Cr Stock returned to the meeting at 9.34pm.

Cr Duke moved:

1. *That the Council advises the Local Government Association of South Australia, that whilst the Council welcomes continuous improvement in respect to processes which are aimed at improving and achieving best practise within Local Government, the Council is of the view that changes to enhance Local Government should be pursued through the establishment of best practise frameworks which can be utilised by all Councils and not through prescriptive legislative changes.*
2. *That the Strengthening Local Government: Options for SA Councils Discussion Paper Submission, as contained within Attachment B to this report, be submitted to the Local Government Association of South Australia in response to the request for feedback from councils regarding the Strengthening Local Government: Options for SA Councils Discussion Paper, together with the letter as outlined in item 1 above.*

Seconded by Cr Minney and carried unanimously.

11.10 NOMINATIONS TO EXTERNAL BODIES - APPOINTMENT OF COUNCIL REPRESENTATIVE TO MARDEN SENIOR COLLEGE GOVERNING COUNCIL

REPORT AUTHOR: General Manager, Governance & Community Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: S/0310
ATTACHMENTS: Nil

PURPOSE OF REPORT

The purpose of the report is to advise the Council of an invitation from the Marden Senior College for the Council to nominate an Elected Member for appointment to the Marden Senior College Governing Council.

BACKGROUND

Nil

DISCUSSION

The Principal of the Marden Senior College has written to the Council requesting the appointment of a representative from the City of Norwood Payneham & St Peters to the College's Governing Council.

The Constitution of the College's Governing Council has provision for the appointment of three (3) Community Members, including representatives from the University of South Australia and the City of Norwood Payneham & St Peters.

The City of Norwood Payneham & St Peters is currently represented by Councillor Garry Knoblauch.

Councillor Knoblauch has advised that he would like to continue as this Council's representative.

RELEVANT POLICIES & STRATEGIC DIRECTIONS

Not Applicable.

RECOMMENDATION

That Councillor _____ be appointed as the City of Norwood Payneham & St Peters' representative to the Marden Senior College Governing Council.

Cr Minney moved:

That Councillor Garry Knoblauch be appointed as the City of Norwood Payneham & St Peters' representative to the Marden Senior College Governing Council.

Seconded by Cr Marcuccitti and carried.

11.11 ONE CARD NETWORK LIBRARY MANAGEMENT SYSTEM SERVICE AGREEMENT

REPORT AUTHOR: Manager, Library Services & Lifelong Learning
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 83340228
FILE REFERENCE: S/5046
ATTACHMENTS: A - C

PURPOSE OF REPORT

The purpose of this report is inform the Council of the changing governance and ownership arrangements regarding the One Card Network Library Management System, and seek endorsement of the Deed of Novation and Variation of the One Card Library Management System Service Agreement from the Local Government Association subsidiary Local Government Corporate Services (LGCS) to the Libraries Board of South Australia.

BACKGROUND

In 2012, the One Card Network was introduced across public libraries in South Australia, as a joint initiative between the Libraries Board of South Australia and the Local Government Association of South Australia. The Council joined the One Card Network in September 2012, having entered into a Service Agreement with the Local Government Association through its subsidiary Local Government Corporate Services (LGCS). A copy of this Service Agreement is contained in **Attachment A**.

Initially, the LGCS became the agency that procured the Library Management System (LMS) software from the vendor Sirsi Dynix Pty Ltd and currently holds the Head Agreement, software license and hosting agreement with Sirsi Dynix Pty Ltd for the delivery of the One Card Library Management System. Accordingly, the LGCS also holds individual Service Agreements with Councils, which outlines their responsibilities in using the LMS and protects the LGCS against any risk general by Council.

At the commencement of the Service Agreement in 2012, the LGCS delegated responsibility for the day-to-day administration of the Agreement to Public Library Services (PLS), in order to deliver an efficient and effective LMS to the public library network.

FINANCIAL AND BUDGET IMPLICATIONS

There are no financial implications arising from this report. The novation and variation of the Agreement from the LGCS to the Libraries Board of South Australia will not impose any further costs on the Council. The only cost related to the ongoing Agreement is the annual software maintenance and support fee applied to the Council's access to the LMS, which is deducted from the Council's annual Libraries Board Grant funding. For the 2017-2018 financial year, this amount was in the order of \$12,324 ex GST.

RISK MANAGEMENT

There are no risks associated with endorsing and signing the Deed of Variation and Novation as PLS remain the agency administering the ongoing operation of the One Card Network LMS and providing continuity of business operations.

The Novation and Variation of the Agreement from the LGCS to the Libraries Board of South Australia, will assist in managing the risk which the Libraries Board of South Australia has, in administering and maintaining the LMS with Sirsi Dynix Pty Ltd, with whom it does not have a direct contractual relationship.

DISCUSSION

Although the original Service Agreement and ownership arrangement suited all parties at the time of the inception and introduction of the One Card Library Network in 2012, both LGCS and PLS now consider that the arrangement is no longer the best long term solution.

Subsequent to the finalisation of the implementation of the One Card Network across South Australia in September 2014, the LGCS undertook an internal review of operations, which identified a desire to refocus the LGCS on core activities. The LGCS has subsequently requested the transfer of the vendor agreement and corresponding Council Agreements to the Libraries Board of South Australia. This consolidates the contractual arrangements with the day-to-day management of the system to the Libraries Board thereby providing a seamless approach to the service delivery.

This was first formally communicated to the Council in a letter dated 15 December 2017, from Mr Andrew Haste, Chief Executive Officer, LGA Procurement. A copy of the letter and the subsequently re-issued Deed of Novation and Variation are contained in **Attachments B** and **C** respectively.

It should be noted that at the time of issue, the Deed of Novation and Variation was pre-signed by the Director of the LGCS, Mayor David O'Loughlin and the LGCS Chief Executive Officer.

RECOMMENDATION

1. That the Council agree to formally endorse the Deed of Novation and Variation dated 15 January 2018, be endorsed.
 2. That the Mayor and Chief Executive Officer be authorised to sign and seal the Deed of Novation and Variation dated Monday 15 January 2018, as contained in Attachment C.
-

Cr Whittington moved:

1. *That the Council agree to formally endorse the Deed of Novation and Variation dated 15 January 2018, be endorsed.*
2. *That the Mayor and Chief Executive Officer be authorised to sign and seal the Deed of Novation and Variation dated Monday 15 January 2018, as contained in Attachment C.*

Seconded by Cr Minney and carried unanimously.

11.12 CHIEF EXECUTIVE OFFICER REPORT – AMENDMENT OF COUNCIL DECISION – 48 NELSON STREET, STEPNEY

REPORT AUTHOR: Chief Executive Officer
GENERAL MANAGER: Not Applicable
CONTACT NUMBER: 8366 4539
FILE REFERENCE: S/1674 S/5074
ATTACHMENTS: A

Regulation 21(1) of the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations), provides for the Chief Executive Officer to submit a report to the Council recommending the revocation or amendment of a resolution passed since the last General Election of the Council. This is a procedural provision of an administrative nature which operates in the same manner as the Rescission Motion provisions of Regulation 12 of the Regulations, but without the requirement for a Notice of Motion 5 clear days' notice before the meeting at which it is to be considered. Accordingly, the Chief Executive Officer, by virtue of this report, may recommend to the Council a revocation or amendment of a previous Council decision.

As Elected Members are aware, a report dealing with the sale of 48 Nelson Street, Stepney is contained in Agenda Item 14.1. Prior to dealing with that report, the issue relating to the rescission of a previous Council decision associated with the sale of the property needs to be resolved.

At the Council Meeting held on 5 May 2008, the Council resolved the following in respect to the rezoning of 48 Nelson Street, Stepney and the sale of 48 Nelson Street, Stepney:

- c. *That subject to the successful revocation of the Community Land Classification applicable to 48 Nelson Street, Stepney;*
- (i) *the property at 48 Nelson Street, Stepney be re-zoned to allow for commercial/office use and;*
 - (ii) *the sale of 48 Nelson Street (excluding "cut-off" north western corner) be subject to an encumbrance over the property via a Land Management Agreement to prohibit or restrict development and ensure that any future work on the buildings is in accordance with the Council's Conservation Plan.*

In accordance with Part c(i) of the Council's resolution, the land at 48 Nelson Street, Stepney, together with all of the land within the former Public Purpose Zone, was rezoned in March 2013, to better reflect the existing land uses.

The Chief Executive Officer's Recommendation below, seeks to rescind Part c(ii) of the resolution as set out above, which refers to the placement of an encumbrance over the property via a Land Management Agreement to prohibit or restrict development and ensure that any future work on the buildings is in accordance with the Council's Conservation Plan.

As part of the Council's original resolution in relation to the sale of 48 Nelson Street, the Council requested that the sale of the property be subject to the placement of an encumbrance over the property via a Land Management Agreement, to prohibit or restrict development and ensure that any future work on the buildings is in accordance with the Council's Conservation Plan. However, given that the property is a Local Heritage Place, which affords the exterior of the buildings protection and ensures its retention, and given that the inside of the building is in poor condition, advice from the Council's Heritage Architect, Mr David Brown, is that the Council not proceed with the preparation of a Land Management Agreement and the placement of an encumbrance over the property. Placing an encumbrance on the property could make the difference between selling or not selling the property and could have negative consequences on the final sale price, given the onerous nature of the Conservation Plan.

It should also be noted that the Conservation Plan for 48 Nelson Street, Stepney was prepared in 2005, by McDougall and Vines (Heritage Consultants), prior to the property being designated as a Local Heritage Place and the Council resolving that the property was surplus to requirements.

To this end, the Conservation Plan was prepared by the Council to guide and assist the Council (as the owner of the building) in its role as owner and custodian of a Local Heritage Place.

Given that the building is a Local Heritage Place, the requirements in terms of works which can be undertaken on the building are set out in the Development Plan and any works which require approval will be assessed through the Council's Development Assessment processes, which involve the Council's Heritage Architect. A copy of the advice which was provided by the Council's Heritage Architect in respect to this matter, is contained in **Attachment A**.

The placement of an encumbrance is not considered necessary now. On the basis that the property has now been rezoned and the fact that the property is a Local Heritage Place, it is recommended that Resolution c(ii) be rescinded in full.

RECOMMENDATION

That Part c(ii) of the Council resolution made at its meeting held on 5 May 2008 (Item 10.1 of the Council Meeting Minutes 5 May 2008), which reads as follows:

(ii) the sale of 48 Nelson Street (excluding "cut-off" north western corner) be subject to an encumbrance over the property via a Land Management Agreement to prohibit or restrict development and ensure that any future work on the buildings is in accordance with the Council's Conservation Plan.

be rescinded.

Cr Dottore declared a perceived conflict of interest in this matter, as he is part shareholder of the property located at 46 Nelson Street, Stepney and left the meeting at 9.40pm.

Cr Duke moved:

That Part c(ii) of the Council resolution made at its meeting held on 5 May 2008 (Item 10.1 of the Council Meeting Minutes 5 May 2008), which reads as follows:

(ii) the sale of 48 Nelson Street (excluding "cut-off" north western corner) be subject to an encumbrance over the property via a Land Management Agreement to prohibit or restrict development and ensure that any future work on the buildings is in accordance with the Council's Conservation Plan.

be rescinded.

Seconded by Cr Shepherdson and carried unanimously.

Cr Dottore returned to the meeting at 9.44pm.

11.13 ESTABLISHMENT OF THE CHIEF EXECUTIVE OFFICER'S CONTRACT OF EMPLOYMENT COMMITTEE

REPORT AUTHOR: General Manager, Governance & Community Affairs
GENERAL MANAGER: Not Applicable
CONTACT NUMBER: 8366 4549
FILE REFERENCE: S/01632
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to present the draft Terms of Reference for the Chief Executive Officer's Contract of Employment Review Committee for the Council's consideration and adoption.

BACKGROUND

At its meeting held on 15 January 2018, the Council considered the final report regarding the 2017 Performance Review of the Chief Executive Officer (the Report). Following consideration of the Report, and on the basis of the outcome of the Performance Review, the Council resolved to offer the Chief Executive Officer a new contract of employment.

In addition, the Council established the Chief Executive Officer's Contract of Employment Committee (the Committee), for the purpose of developing a new Contract of Employment for the Chief Executive Officer on behalf of the Council and appointed the following Elected Members to the Committee:

- Mayor Bria;
- Cr Mex;
- Cr Shepherdson;
- Cr Whittington; and
- Dr Wayne Coonan (Independent Member).

To ensure the Committee is established in accordance with Section 41 of the *Local Government Act 1999*, a draft Terms of Reference for the Chief Executive Officer's Contract of Employment has been prepared for the Council's consideration and endorsement.

A copy of the Terms of Reference for the Committee is contained within **Attachment A**.

RELEVANT POLICIES & STRATEGIC DIRECTIONS

Nil

FINANCIAL & BUDGET IMPLICATIONS

Nil

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

The Council's General Manager, Governance & Community Affairs will facilitate the process associated with the Chief Executive Officer's Contract of Employment.

RISK MANAGEMENT

Not Applicable.

CONSULTATION

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

DISCUSSION

The draft Terms of Reference formalise the Council's decision to establish the Committee and provide the framework within which the Committee is to operate.

The draft Terms of Reference are intended to ensure that the Committee's role is clearly articulated and defined to ensure the Committee can fulfil its function on behalf of the Council.

The draft Terms of Reference therefore have been prepared on the basis that the Committee is not provided with any delegated powers in terms of decision making and all decisions of the Committee must be referred to the Council as recommendations of the Committee for the Council's determination.

The draft Terms of Reference also reflect the membership arrangements as determined by the Council at its meeting held on 15 January 2018.

In addition, the draft Terms of Reference make provision for the appointment of Mayor Bria as the Presiding Member of the Committee.

OPTIONS

There are no options available to the Council in respect to this matter. In other words, the Council has resolved to establish a Committee and has appointed members to the Committee, however the Committee is not in a position to function as a Committee until the Council has endorsed the Terms of Reference in accordance with the *Local Government Act 1999*.

CONCLUSION

Following the endorsement of the Terms of Reference for the Chief Executive Officer's Contract of Employment Committee, a meeting will be scheduled to enable the Committee to commence the process associated with the development of a new Contract of Employment.

COMMENTS

Nil

RECOMMENDATION

That pursuant to Section 41 of the Local Government Act 1999, the Chief Executive Officer's Contract of Employment Committee be established in accordance with the Terms of Reference (Attachment A of this report).

Cr Minney left the meeting at 9.44pm.

Cr Stock moved:

That pursuant to Section 41 of the Local Government Act 1999, the Chief Executive Officer's Contract of Employment Committee be established in accordance with the Terms of Reference (Attachment A of this report).

Seconded by Cr Whittington and carried unanimously.

Cr Minney returned to the meeting at 9.45pm.

12. ADOPTION OF COMMITTEE MINUTES
Nil

13. OTHER BUSINESS

Cr Shepherdson left the meeting at 9.46pm.
Cr Shepherdson returned to the meeting at 9.48pm.

13.1 George Street Piazza Event

Cr Wormald moved:

That a Special Council meeting be held on Monday 12 February 2018, to consider the George Street Piazza event.

Seconded by Duke and carried.

14. CONFIDENTIAL REPORTS

14.1 48 NELSON STREET, STEPNEY

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 prejudice the commercial position of the Council; and
 - (ii) would, on balance, be contrary to the public interest;

by the disclosure of sensitive commercial and financial information 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 until the settlement of the property.

Cr Moore left the meeting at 10.03pm.
Cr Dottore left the meeting at 10.04pm.

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 [Chief Executive Officer, General Manager, Governance & Community Affairs, General Manager, Urban Planning & Environment, General Manager, Urban Services, General Manager, Corporate Services, Manager, Economic Development & Strategic Projects and Administration Officer, Governance & Community Affairs], 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 prejudice the commercial position of the Council; and*
 - (ii) would, on balance, be contrary to the public interest;**

by the disclosure of sensitive commercial and financial information 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 Duke and carried.

Cr Marcuccitti left the meeting at 10.04pm.
Cr Marcuccitti returned to the meeting at 10.05pm.

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 until the settlement of the property.

Seconded by Cr Stock carried unanimously.

14.2 STAFF RELATED MATTER

RECOMMENDATION 1

That pursuant to Section 90(2) and (3) of the Local Government Act, 1999 the Council orders that the public and the Council staff present, with the exception of the General Manager, Governance & Community Affairs, 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 until the Contract of Employment has been signed by the parties.

Cr Dottore returned to the meeting at 10.08pm.

Cr Moore returned to the meeting at 10.09pm.

Cr Stock moved:

That pursuant to Section 90(2) and (3) of the Local Government Act, 1999 the Council orders that the public and the Council staff present, with the exception of the General Manager, Governance & Community Affairs, 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 Frogley and carried.

Cr Dottore 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 until the Contract of Employment has been signed by the parties.

Seconded by Cr Knoblauch and carried.

15. CLOSURE

There being no further business, the Mayor declared the meeting closed at 10.54pm.

Mayor Robert Bria

Minutes Confirmed on _____
(date)