

Council Meeting Minutes

6 August 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 (entered the meeting at 7.01pm)

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)
Andrew Alderson (Financial Services Manager)
Scott Dearmanm (Project Manager, Assets)
Matthew Cole (City Arborist)
Tina Zullo (Administration Officer, Governance & Community Affairs)

APOLOGIES Nil

ABSENT Nil

1. KAURNA ACKNOWLEDGEMENT

2. OPENING PRAYER

Cr Wormald entered the meeting at 7.01pm.

The Opening Prayer was read by Cr Kevin Shepherdson.

**3. CONFIRMATION OF THE MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON
1 AUGUST 2018**

Cr Minney moved that the minutes of the Special Council meeting held on 1 August 2018 be taken as read and confirmed. Seconded by Cr Duke and carried.

4. MAYOR'S COMMUNICATION

Monday, 2 July	<ul style="list-style-type: none">• Presided over a Council Meeting, Council Chamber, Norwood Town Hall.
Tuesday, 3 July	<ul style="list-style-type: none">• Pre-recorded interview with ABC Radio 891.
Wednesday, 4 July	<ul style="list-style-type: none">• Meeting with Mr Nigel Paine, Facilities and Maintenance Manager (Sisters of St Joseph of the Sacred Heart), Mayor's Office, Norwood Town Hall.
Wednesday, 4 July	<ul style="list-style-type: none">• Attended the Rotary Club of Norwood Change-over Dinner, Robin Hood Hotel, Norwood.
Saturday, 7 July	<ul style="list-style-type: none">• Attended the Norwood versus Adelaide football match, Cooper's Stadium.
Monday, 9 July	<ul style="list-style-type: none">• Drew the winning ticket for Norwood Parade Precinct Committee (NPPC) Caroma 'Bathroom Makeover' Competition, Norwood Town Hall.
Wednesday, 11 July	<ul style="list-style-type: none">• Attended the 'Beginning of Nature' performance, Adelaide Festival Centre, Adelaide.
Thursday, 12 July	<ul style="list-style-type: none">• Attended the Youth FM Graduation, Mayor's Parlour, Norwood Town Hall.
Friday, 13 July	<ul style="list-style-type: none">• Attended an Extraordinary General meeting of the Local Government Association of South Australia, Adelaide Town Hall.
Saturday, 14 July	<ul style="list-style-type: none">• Attended the pre-match luncheon at Bazaar, Unley Road, followed by the Sturt versus Norwood football match, Peter Motley (Unley) Oval.
Tuesday, 17 July	<ul style="list-style-type: none">• Meeting with the General Manager, Governance & Community Affairs and Events Officers, Mayor's Parlour, Norwood Town Hall.
Tuesday, 17 July	<ul style="list-style-type: none">• Meeting with the General Manager, Urban Services and Manager, City Services, Mayor's Office, Norwood Town Hall.
Tuesday, 17 July	<ul style="list-style-type: none">• Presided over a Special Council meeting, Council Chamber, Norwood Town Hall.
Wednesday, 18 July	<ul style="list-style-type: none">• Attended a meeting with the General Manager, Governance & Community Affairs and Events Officers, Mayor's Office, Norwood Town Hall.
Friday, 20 July	<ul style="list-style-type: none">• Attended the pre-match dinner at the Norwood RSL, followed by the Norwood versus West Adelaide football match, Cooper's Stadium.
Saturday, 21 July	<ul style="list-style-type: none">• Attended the High Spirits Harmony Choir concert, Spicers Uniting Church, St Peters.

Monday, 23 July	<ul style="list-style-type: none">• Presided over a meeting of the St Peters Child Care Centre & Pre-School Committee, St Peters Child Care Centre & Pre-School, Stepney.
Monday, 23 July	<ul style="list-style-type: none">• Attended a meeting of the Audit Committee, Mayor's Parlour, Norwood Town Hall.
Tuesday, 24 July	<ul style="list-style-type: none">• Presided over a meeting of the Norwood Parade Precinct Committee, Mayor's Parlour, Norwood Town Hall.
Thursday, 26 July	<ul style="list-style-type: none">• Officially opened the Youth Forum, Payneham Library & Community Complex, Felixstow.
Wednesday, 1 August	<ul style="list-style-type: none">• Officially launched the SALA Exhibition, Norwood Town Hall Foyer.
Wednesday, 1 August	<ul style="list-style-type: none">• Presided over a Special Council Meeting, Council Chamber, Norwood Town Hall.
Saturday, 4 August	<ul style="list-style-type: none">• Attended the 'Build the Fort' event for financial contributors and supporters of the project, Cooper's Stadium.
Monday, 6 August	<ul style="list-style-type: none">• Interview with <i>Government News</i> newspaper.

5. DELEGATES COMMUNICATION

- Cr Whittington advised that on Sunday 8 July 2018, she attended a luncheon to celebrate Statehood Day with the Lithuanian community at the Lithuanian House, Eastry Street, Norwood.
- Cr Whittington advised that on Friday 27 July 2018, she attended on behalf of Mayor Bria, the Prince Alfred College Old, Old Boys' Assembly at Prince Alfred College, Kent Town. The eldest old scholar was 92 years of age.
- Cr Shepherdson advised that on Saturday 14 July 2018, he attended on behalf of Mayor Bria, The Church of Jesus Christ of Latter-Day Saints' Faith Matters Interfaith Event for Young Adults at The Church of Jesus Christ of Latter-Day Saints, Gage Street, Firle.

6. QUESTIONS WITHOUT NOTICE

Nil

Cr Stock left the meeting at 7.07pm.

Cr Stock returned to the meeting at 7.08pm.

7. QUESTIONS WITH NOTICE

Nil

8. DEPUTATIONS

**8.1 DEPUTATION – PAVED FOOTPATH MAINTENANCE AND FOOTPATH SWEEPING PROGRAM
IN STREETS WITH QUEENSLAND BOX TREES**

REPORT AUTHOR: General Manager, Urban Services
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4523
FILE REFERENCE: S/00422 S/0004 S/02925
ATTACHMENTS: Nil

SPEAKER/S

Mr Hugh Greville

ORGANISATION/GROUP REPRESENTED BY SPEAKER/S

Not Applicable.

COMMENTS

Mr Hugh Greville has written to the Council requesting that he be permitted to address the Council in relation to paved footpath maintenance and footpath sweeping program in streets with Queensland Box trees.

In accordance with the Local Government (Procedures at Meetings) Regulations 2013, Mr Hugh Greville has been given approval to address the Council.

Mr Hugh Greville addressed the Council in respect to this issue.

9. PETITIONS
Nil

10. WRITTEN NOTICES OF MOTION

10.1 QUEENSLAND BOX TREES HAZARD – RESIDENTIAL AGED CARE FACILITIES – SUBMITTED BY CR KEVIN DUKE

NOTICE OF MOTION: Queensland Box Trees Hazard – Residential Aged Care Facilities
SUBMITTED BY: Cr Kevin Duke
FILE REFERENCE: S.00232 S/0004
ATTACHMENTS: Nil

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

NOTICE OF MOTION

That a report be prepared for the Council meeting to be held on 3 September 2018 on options for addressing the hazards associated with Queensland Box trees growing on Council footpaths in locations near Residential Aged Care Facilities.

REASONS IN SUPPORT OF MOTION

This danger presented to older residents by the nuts falling from these trees, not only for those with mobility issues but any ageing person, is real. The danger for residents slipping on these nuts on hard surfaces is akin to walking on ball bearings. This is the single biggest issue raised by residents in Aged Care Facilities, with several members sustaining serious personal injuries. Even a staff member of an Aged Care Facility was seriously injured in one event on the footpath near her office. I believe these Queensland Box trees present a real risk to the ageing members of our community, and that Council has a responsibility to remove or minimize this risk

STAFF COMMENT

At its meeting held on 2 July 2012, the Council resolved to reduce the total Street and Footpath Sweeping Program by \$312,000, which included discontinuing the sweeping of footpaths from the Council's operations (\$210,000).

At the time (2012), the Footpath Sweeping Program was based upon an eight (8) and twelve (12) weekly cycle, depending on the level of the risk associated with the various tree species of tree level, pedestrian activity and location of schools, shopping centres and known aged care homes and retirement villages of significant size.

Queensland Box trees are a prominent tree species throughout the City, comprising approximately 5,000 trees out of a total tree stock of approximately 21,800.

At the time of discontinuing the Footpath Sweeping Program, it was argued that to be effective, the cycle had to be more frequent as an eight (8) to twelve (12) week cycle effectively achieved very little, as the pods are dropped frequently.

In short, whilst Queensland Box trees present well as a street tree from an amenity and streetscape perspective, there are significant issues associated with the debris which is continuous.

As such, a strategic approach to this issue needs to be put in place which deals with the immediate issue of the risks which are caused by the debris and the possible long term strategy of replacing the trees.

A report as requested can be prepared.

Cr Duke moved:

That a report be prepared for the Council meeting to be held in October 2018 on options for addressing the hazards associated with Queensland Box trees growing on Council footpaths in locations near Residential Aged Care Facilities.

Seconded by Cr Whittington and carried.

10.2 INTRODUCTION OF A DEDICATED FOOTPATH SWEEPING PROGRAM IN STREETS WITH QUEENSLAND BOX TREES – SUBMITTED BY CR PAUL WORMALD

NOTICE OF MOTION: Introduction of a Dedicated Footpath Sweeping Program in Streets with Queensland Box Trees
SUBMITTED BY: Cr Paul Wormald
FILE REFERENCE: S.00232 S/0004
ATTACHMENTS: Nil

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

NOTICE OF MOTION

That Council Staff prepare a report and present this to Council as soon as possible on the introduction of a regular (possibly bi-annual) footpath sweeping program in streets containing Queensland Box Trees in our City.

REASONS IN SUPPORT OF MOTION

Queensland Box trees are planted along many streets in our City. These trees in many ways are a fine street tree however their seed pods pose a major safety hazard to less nimble pedestrians in our City and are the cause of many serious falls for them which can have crippling (and in some cases life-ending) consequences.

Their seed pods are small with a very hard case with a long life and when spread across a smooth footpath it can be compared (as one elderly neighbour said to me) to 'walking over ball-bearings', which requires great care maintaining your balance, particularly if you are elderly or disabled or in a hurry or heavily laden. While these seed pods are dropped all year round this is particularly an issue in late summer when these (sub-tropical) trees are stressed by a lack of ground water and shed copious quantities of seed pods in response.

Because of this I believe they are a major un-managed health and safety risk on many public footpaths in this City.

Despite this we currently have no policy for their regular clean-up and it seems this only occurs when individuals complain or they are in streets which also contain plane or cedar trees for which we have annual clean-up schemes coinciding with their leaf fall. Because of this lack of a regular clean-up many small streets in West Norwood and Kent Town and elsewhere accumulate large quantities of these seed pods, particularly in their 'nooks and crannies'.

This seems to me to be gross negligence by ourselves as the responsible body for maintenance of these many footpaths in our City and we can no longer avoid this responsibility by arguing such a program would be 'too costly'. Council some years ago agreed to cease planting these trees because of the danger posed by these seed pods and my memory is that at the same time it also agreed to increase maintenance of these streets to address this problem.

This has simply not occurred! With drier weather in recent years this problem is now worse than ever and action is needed by Council as soon as possible!

STAFF COMMENT

At its meeting held on 2 July 2012, the Council resolved to reduce the total Street and Footpath Sweeping Program by \$312,000, which included discontinuing the sweeping of footpaths from the Council's operations (\$210,000).

At the time (2012), the Footpath Sweeping Program was based upon an eight (8) and twelve (12) weekly cycle, depending on the level of the risk associated with the various tree species of tree level, pedestrian activity and location of schools, shopping centres and known aged care homes and retirement villages of significant size.

Queensland Box trees are a prominent tree species throughout the City, with approximately 5,000 trees out of a total tree stock of approximately 21,800.

At the time of discontinuing the Footpath Sweeping Program, it was argued that to be effective, the cycle had to be more frequent as an eight (8) to twelve (12) week cycle effectively achieved very little, as the pods are dropped frequently.

In short, whilst Queensland Box trees present well as a street tree from an amenity and streetscape perspective, there are significant issues associated with the debris which is continuous.

As such, a strategic approach to this issue needs to be put in place which deals with the immediate issue of the risks which are caused by the debris and the possible long term strategy of replacing the trees.

A report as requested can be prepared.

Cr Wormald moved:

That Council Staff prepare a report and present this to Council as soon as possible on the introduction of a regular (possibly bi-annual) footpath sweeping program in streets containing Queensland Box Trees in our City.

Seconded by Cr Whittington and carried.

**10.3 INCREASED MONITORING ON THE CONDITION OF OLDER PAVED FOOTPATHS IN OUR CITY
– SUBMITTED BY CR PAUL WORMALD**

NOTICE OF MOTION: Increased Monitoring of the Condition of Older Paved Footpaths in our City
SUBMITTED BY: Cr Paul Wormald
FILE REFERENCE: S.00232 S/02925
ATTACHMENTS: Nil

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

NOTICE OF MOTION

As part of its annual footpath maintenance program that Council Staff ensure that older paved footpaths are monitored annually to ensure trip hazards caused by raised or missing pavers receive timely repair

REASONS IN SUPPORT OF MOTION

In response to a strong complaint from Hugh and Trish Grevile in Brown Street about the poor maintenance of their local streets in West Norwood and the danger this posed for them as pedestrians, Cr Sue Whittington and myself inspected Brown Street and the neighbouring streets and had to agree. We raised the issues of many sections of upraised pavers and accumulated heaps of Qld box tree seed pods with staff who then carried out prompt cleaning and repairs. This prompt response by staff was pleasing to see.

However the footpath pavers in Church Street were among the first laid in a suburban street by the old Kensington & Norwood Council and are therefore at least 25 years old. And there are many more locally laid more than 20 years ago. Currently there is a problem with these as we found in our investigation that many have sections of upraised or damaged or missing pavers, often due to tree or past developer action. These pose a serious health and safety risk to their users and it seems that because they have already been 'modernised' with pavers their maintenance is not a priority in the City's footpath program.

Currently it seems they are repaired in response to 'complaints' rather than as a structured regular maintenance program. My view is maintenance of these footpaths as safe for local pedestrians is part of our City's health and safety responsibility and the older paved footpaths in our City should be inspected at least annually to ensure Council's maintenance staff fix their problems before there are complaints, rather than afterward.

In a City whose houses in Norwood and elsewhere (according to media reports this week) sell on average for more than \$1m, the footpaths and other Council infrastructure outside these homes has to be maintained at a standard where they are readily usable by these owners without risking their life and limb!

STAFF COMMENT

Currently the Council maintains footpaths throughout the City in two ways:

1. The first is by reconstructing footpaths as part of its Capital Works Program. The footpaths selected in any one year are derived from the Council's Asset Register for Footpaths. This register is updated every five (5) years and the priorities are re-assessed at that time. The list of footpaths selected to be reconstructed annually are derived from this Register. Unfortunately, the Register does not allocate priorities for trip points along a footpath, but rather on the life of the asset material inspected at the time of the inspection. That is the footpath may have uplifted in certain locations, but the works required are categorised as maintenance rather than total replacement of the footpath. This is predominantly the case with block paved footpaths. The asset life for the footpath constructed in concrete block pavers is fifty (50) years.
2. The second part of the Council's strategy involves the maintenance of existing footpaths. Streets where footpaths are repaired are selected on complaints received rather than a structured regular maintenance program. In short, to date a reactive rather than proactive approach is undertaken.

Recently there has been a re-allocation of duties of staff with the objective of allocating resources to achieve a more proactive approach to the maintenance of footpaths, kerb and water tables and the road networks. As part of the re-organisation, a Civil Works Co-ordinator will commence with the Council on Wednesday 8 August 2018. One of the major selection criteria used in the recruitment of this position was the ability and experience that this person has demonstrated in their previous employment on the scheduling of maintenance works.

On that basis, one of the initial tasks to be undertaken by the Civil Works Co-ordinator, is to prioritise and schedule works associated with footpaths, kerb and watertables and roads on a regular basis. In order to achieve this, staff will be tasked with monitoring the civil infrastructure on a regular basis, so that both the extent of the work required is identified and programmed to be undertaken in a structured way.

The approach and methodology to be used will be presented to Elected Members at an Information Session later this year.

In respect to Brown Street, an inspection will be undertaken to determine the extent of maintenance required and then undertake the necessary maintenance.

Cr Wormald moved:

As part of its annual footpath maintenance program that Council Staff ensure that older paved footpaths are monitored annually to ensure trip hazards caused by raised or missing pavers receive timely repair

Seconded by Cr Whittington and carried unanimously.

10.4 MESSENGER NEWSPAPERS - LITTER – SUBMITTED BY CR KEVIN DUKE

NOTICE OF MOTION: Messenger Newspapers - Litter
SUBMITTED BY: Cr Kevin Duke
FILE REFERENCE: S.00232
ATTACHMENTS: Nil

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

NOTICE OF MOTION

That Council request Messenger Newspapers to address the issue of their weekly newspapers frequently littering our footpaths, verges and gutters.

REASONS IN SUPPORT OF MOTION

It used to be the practice of placing these publications in the letter boxes. This practice has largely disappeared, particularly since the newspapers now coming in plastic envelopes, with the delivery persons just dropping them in driveways or on the footpaths. Indeed, I have witnessed some deliveries being made by motor vehicles with the papers being thrown from the moving vehicle. I believe this type of littering comes under the auspices of the "Local Nuisance and Litter Control Act 2016" which specifically allows Councils to act against all littering including that of Corporations.

STAFF COMMENT

This matter can be referred to Messenger Newspapers in accordance with the Motion.

Cr Duke moved:

This matter can be referred to Messenger Newspapers in accordance with the Motion.

Seconded by Cr Dottore and carried unanimously.

11. STAFF REPORTS

Section 1 – Strategy & Policy

Reports

11.1 MANAGING TREES AROUND POWER LINES

REPORT AUTHOR: General Manager, Urban Services
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4523
FILE REFERENCE: S/00229
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to advise the Council of a Discussion Paper on possible amendments to the Electricity (Principles of Vegetation Clearance) Regulations 2010.

BACKGROUND

SA Power Networks (SAPN) is seeking comments on a Discussion Paper on possible amendments for the Electricity (Principles of Vegetation Clearance) Regulations 2010 (Regulations). A copy of the letter and the Discussion Paper is contained in **Attachment A**.

Section 55 (1) of the Electricity Act, 1996 (SA) (The Act) imposes a duty of care for SAPN to take “reasonable steps” to:

- keep vegetation of all kinds clear of public power lines under its control; and
- keep naturally occurring vegetation clear of all private powerlines under its control in accordance with the principles of vegetation clearance.

These principles are set out in the Regulations which provide a mandatory and prescriptive program and regime for the clearance of vegetation in both bushfire risk and non-bushfire risk areas. These include:

- a cyclic cutting program of not more than three years; and
- defined ‘clearance zones’, with specific references to clearance distances for use in making judgements on the extent and nature of cutting required.

The Principles of Vegetation Clearance were introduced in 1988, following the 1983 Ash Wednesday bushfires with the focus being on bushfire risk mitigation. While it was accepted that there was a risk difference between bushfire risk areas and non-bushfire areas, the clearance requirements were based on the need to create a defined distance between vegetation and electricity infrastructure. This position has always been opposed by this Council and Local Government generally.

Since the introduction of the Regulations, a more risk based approach in the non-bushfire areas has evolved, but not to the point that if pruning occurs within the Regulations as they currently stand, the trees will be severely pruned and thereby compromised and either destroy the appearance and structure of the tree.

Under the current Regulations, SAPN is required to inspect and clear vegetation from around overhead powerlines, so that vegetation does not grow, regrow or bend into the ‘clearance zone’ (CZ) around the powerline prior to the next scheduled inspection and clearance (maximum of three (3) year cycles), in which winds that might reasonably be expected in the area.

The Regulations also prevent SAPN from clearing vegetation beyond the applicable buffer zone (BZ) for the powerline.

The table shown in Attachment A summarises the proposed amendments to the Regulations, describing what they are proposing and the rationale for seeking the change.

A recommended response to the proposed amendments is provided in the discussion section of this report.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

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

Outcome 4: Environmental Sustainability **A leader in environmental sustainability.**

Objectives:

3. Sustainable quality streetscapes and open spaces.

The Council recognises the importance of tree pruning around powerlines and acknowledges SA Power Network's statutory requirements. However, it is the method and extent of clearance which this Council has concerns with and continues to question.

One of the Council's key objectives is to provide, enhance and maintain healthy street trees both on the verges and in the Council reserves and landscape areas.

FINANCIAL AND BUDGET IMPLICATIONS

Not Applicable.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

The Council's *CityPlan 2030* acknowledges that 'the Council's street trees and landscaped areas are highly valued and treasured assets within the City.

The pruning of the Council's street trees by SAPN, as provided for within the current regulations, often results in severe pruning and reduces the amenity and appearance of trees and streetscapes and importantly the structural stability of the trees.

RESOURCE ISSUES

The current pruning practices by SAPN have resulted in Council staff and its contractors spending a considerable amount of time (and money) in inspecting the proposed pruning before and after the pruning has taken place.

This results in Council staff resources being taken away from their normal duties and results in significant expenditure on consultants to either cover for staff or undertake inspections of SAPN's work.

RISK MANAGEMENT

The Principles of Vegetation Clearance were introduced following the 1983 Ash Wednesday bushfires. The Regulations do not distinguish the difference between bushfire risk areas and non-bushfire risk areas where the clearance requirements were based on the need to create a defined distance between vegetation and electricity infrastructure. Ever since this legislation was introduced, the three (3) former Councils (Payneham, St Peters and Kensington & Norwood) and this current Council have asked the question as to why this has been and still is the case considering that the damage that resulted from the 1983 bushfires was entirely concentrated on the bushfire risk area. To date, SAPN has yet to provide reasons why the risks associated with bushfire and non-bushfire risk areas are the same.

CONSULTATION

- **Elected Members**

The Council has been an active participant in this issue for many years.

- **Community**

Nil.

- **Staff**

Acting Manager, City Assets
City Arborist

- **Other Agencies**

SAPN has worked closely with Local Government and key stakeholders over the last four (4) years to understand the issues and identify strategies to improve vegetation management.

Their consultation has included:

- Arborist Reference Group
- LGA Working Group
- Local Government Forum

Two Local Government Forums were held in March 2016 (metropolitan Adelaide and Clare) and long-term future considerations for legislated changes were discussed.

Key comments from the Councils at the forums were:

- Inflexibility of the current legislative requirements and the need for a more risk-based approach.
- Cutting requirements based solely on clearance distances resulted in poor outcomes for trees e.g. structurally unbalanced, poor visual outcome.
- Review of the bushfire risk boundaries required to reduce clearance requirements whilst managing risk.
- Support changes to reduce side clearance requirements.
- Some flexibility required to consider tree size, species and form.
- Tree removal problematic under the current legislation.
- Difference in legislation for non-bushfire risk areas, between Adelaide metro (i.e. prescribed areas) and rural townships.
- Focussing on improving amenity in the high visual areas i.e. 'what's in the visual eye'.
- Allowing pruning to Australian Standard if outside the buffer zone for collar cuts and crown reductions.

DISCUSSION

Proposed Amendments

The proposed responses recommended to the Council for the 10-year review of the Regulations are based upon the following key principles:

- It is understood the importance of vegetation clearance around powerlines (Section 55 (1) of the Electricity Act, 1996 (SA)) imposes a duty on SA Power Networks to take 'reasonable steps' to keep vegetation of all kinds clear of public powerlines under its control.
- The Council must contend with competing demands as outlined in the Council's *CityPlan 2030: Shaping Our Future*, and the objectives and outcomes within the Plan.
- The 30-Year Plan for Greater Adelaide (The Plan) outlines a number of targets to build a more liveable, competitive and sustainable region. Target 5 of the Plan, states that a green liveable City aims for a 20% increase in urban green canopy cover in metropolitan Adelaide by 2045.
- Why is there no distinction in associated risk's between bushfire and non-bushfire risk areas.

In accordance with the above principles, the following recommendations are made in respect to the proposed amendments which are set out in the Discussion Paper.

1. Tree Removal and Replacements

The proposed amendment is to allow the removal of trees (less than five (5) years old) directly below the Clearance Zone.

The rationale for seeking this change is primarily to remove inappropriate trees located under powerlines and to meet the community expectations regarding removal versus pruning.

Tree amenity value would need to be considered and weighed up against the decision to remove trees. Whilst the removal of trees may have a financial benefit to the service provider, (in this case SAPN), the loss of amenity to the streetscape may have the potential to lower the value of properties in areas which are aesthetically pleasing due to the trees.

There must be consultation with stakeholders (e.g. the Council), prior to the removal of any trees and alternate solutions must be considered. In any event, as the Council owns the trees the decision to remove any tree rests with the Council. Therefore the Council should not support the amendment.

In addition, even if the Council agrees with the strategy of removing trees before they mature, it is most likely that the type of tree which is replanted is likely to be a species which suits the needs and requirements of SAPN, rather than a species which fulfils the streetscapes environmental and appearance requirements.

As such, it is recommended that this proposal is not supported by the Council.

2. Customer Notifications

The Council should support any amendment that will improve communications and customer notifications. However, the Council will require the minimum timeframe of one (1) month to consider any programs that are being considered by SAPN for the pruning of street trees. This is necessary so that the Council can assess the impact of the pruning of the trees and also what impact this may have on the streetscape. In some circumstances, depending on the size of the program, the consultation period should be two (2) months.

3. Bushfire/Non-Bushfire Boundaries

The Council should support and welcome any proposed amendment by SAPN to revise the criteria to differentiate the risks associated with bushfire and non-bushfire boundaries, particularly if the clearance requirements for non-bushfire risk areas are based on the risks identified and reduced as compared to bushfire risk areas.

4. Visual Amenity

The main issue with the amenity is the unbalanced look of the trees following the pruning and to make changes to ensure that both the tree and streetscape are more aesthetically pleasing.

The introduction of clauses within the Australian Standard associated with pruning methods will assist in ensuring that the appearance of the tree is not significantly compromised as currently is the case.

The Council should support any amendment that takes into consideration the Council and community expectations, that is, improved tree health and amenity of the streetscape.

5. Risk Based Approach

As mentioned in item 3 above, the Council should support any amendment which will reflect risk as part of the clearance and pruning regime. This should result in reduced clearance requirements.

6. Swing and Sag and Side Clearances

The rationale for the proposed amendment is to reflect the risk and reduce excessive clearances.

The Council should support any amendment that reduces excessive clearance.

7. Buffer Zone Shape

The rationale for the proposed amendment is to review the buffer zone shape and clearance for collar cuts and crown reductions. The proposed amendment allows for pruning to override the buffer zone to improve the health and amenity of the tree. This will assist in reducing the unbalanced shape of the tree following pruning, as is the current practice at the moment. This amendment should be supported.

8. Tree List

The proposed amendment seeks to provide a greater flexibility and additional new species over time. The Council should consider a tree list that allows for greater flexibility and consider new specimens. However, the Council should reserve the right to determine what tree species will be planted within the City.

9. Technical Infringements

Any tree removals inside the clearance zone, but leaning away from the powerlines should require consultation with the Council prior to the trees being removed. It is recommended that this proposed amendment not be endorsed.

10. Planting Over Underground Assets

Currently these restrictions only apply to 66kV powerlines. The proposed amendment seeks to extend the Regulations for planting restrictions to all underground powerlines, that is for 33kV, 11kV and less.

Any restrictions for planting trees over all underground powerlines will require consultation between SAPN and the Council.

It is recommended that this proposed amendment should not be supported.

11. ABC (Aerial Bundled Cables) and Neutral Screen

The Council should support a risk based approach to allow light and leafy growth and reduce cutting requirements.

12. Mulch

The proposed amendment is to allow SAPN to have the mulch on site where appropriate, in order to reduce the disposal cost. The proposed amendment should only be supported if SAPN consults with the Council to ensure there is a need for the mulch.

If agreed by both parties, then the mulch can be used in areas as determined by the Council. Another alternative is for SAPN to liaise directly with adjacent property owners to determine whether they may want to use the mulch on their garden beds.

Proposed Approach and Time Frames

The Discussion Paper outlines the approach and time frames to progress the review. With respect to feedback to be received on the Draft Discussion Paper, there is an eight (8) week consultation period and comments were to be received by the end of July 2018. Staff have contacted officers from SAPN who have agreed to receive the Council's comments in early August 2018.

OPTIONS

Not Applicable.

CONCLUSION

Whilst (Section 55 (1) of the Electricity Act 1996 (SA)) imposes a duty on SAPN to undertake "reasonable steps" to keep vegetation of all kinds clear of public powerlines under its control, the Council has been concerned with how this statutory obligation is executed by SAPN.

Since the introduction of the Regulations following the Ash Wednesday bushfires and with a focus on bushfire risk mitigation, this Council has been active in opposing tree pruning as required under the existing Regulations, as many trees have been savaged and the aesthetics and appearance of streetscapes downgraded.

The Council has always questioned the rationale that currently exists within the Regulations based on a need to create a defined distance between vegetation and electricity infrastructure differential overtime, without defining the risks associated with bushfire and non-bushfire risk areas. To date, the Council has yet to receive a response as to why this is the case.

The Council owns and maintains some 22,000 street trees. It is therefore important that the pruning of the trees to achieve the appropriate clearance is at a minimum wherever possible and is appropriately undertaken by SAPN.

The proposed amendments, whilst not totally desirable, are at least trying to minimise pruning within the clearance zone, by using a risk based approach. In particularly there is merit in addressing the risk differential between bushfire and non-bushfire risk areas. On that basis, any proposed amendment that reduces the degree of pruning and improves the shape of the trees and the amenity of the Council's streetscapes should be supported.

COMMENTS

Not Applicable.

RECOMMENDATION

1. With respect to the Discussion Paper and proposed amendments by South Australia Power Networks for the 10-year Review of the Electricity (Principles of Vegetation Clearance) Regulations 2010, the following recommendations be endorsed:

- 1.1. Tree Removal and Replacements

The Council does not support this amendment.

- 1.2. Customer Notifications

The Council supports this amendment; however the Council will require the minimum consultation period timeframe of one (1) month to consider any programs that are being considered by SAPN for the pruning of street trees and two (2) months for larger pruning programs.

- 1.3. Bushfire/Non-Bushfire Boundaries

The Council supports this amendment.

- 1.4. Visual Amenity

The Council supports this amendment.

- 1.5. Risk Based Approach

The Council supports this amendment.

- 1.6. Swing and Sag and Side Clearances

The Council supports this amendment.

- 1.7. Buffer Zone Shape

The Council supports this amendment.

- 1.8. Tree List

The Council supports this amendment; however reserves the right to determine what tree species will be planted within the City.

- 1.9. Technical Infringements

The Council does not support this amendment.

- 1.10. Planting Over Underground Assets

The Council does not support this amendment.

- 1.11. ABC (Aerial Bundled Cables) and Neutral Screen

The Council supports this amendment.

- 1.12. Mulch

The Council will only support this amendment if SA Power Networks consults with the Council to ensure the need for the mulch or alternatively liaises directly with adjacent property owners to determine whether the property owners require the mulch on their property.

2. That South Australia Power Networks be advised of the Council's comments.
 3. That the Office of the Technical Regulator be advised of the Council's comments on the Discussion Paper.
 4. That the Premier of South Australia and Member for Dunstan, the Hon Steven Marshall MP be advised of the Council's position in respect to the Discussion Paper.
-

Cr Stock left the meeting at 8.12pm.
Cr Stock returned to the meeting at 8.13pm.

Cr Dottore moved:

1. *With respect to the Discussion Paper and proposed amendments by South Australia Power Networks for the 10-year Review of the Electricity (Principles of Vegetation Clearance) Regulations 2010, the following recommendations be endorsed:*

- 1.1. *Tree Removal and Replacements*

The Council does not support this amendment.

- 1.2. *Customer Notifications*

The Council supports this amendment; however the Council will require the minimum consultation period timeframe of one (1) month to consider any programs that are being considered by SAPN for the pruning of street trees and two (2) months for larger pruning programs.

- 1.3. *Bushfire/Non-Bushfire Boundaries*

The Council supports this amendment.

- 1.4. *Visual Amenity*

The Council supports this amendment.

- 1.5. *Risk Based Approach*

The Council supports this amendment.

- 1.6. *Swing and Sag and Side Clearances*

The Council supports this amendment.

- 1.7. *Buffer Zone Shape*

The Council supports this amendment.

- 1.8. *Tree List*

The Council supports this amendment; however reserves the right to determine what tree species will be planted within the City.

- 1.9. *Technical Infringements*

The Council does not support this amendment.

1.10. *Planting Over Underground Assets*

The Council does not support this amendment.

1.11. *ABC (Aerial Bundled Cables) and Neutral Screen*

The Council supports this amendment.

1.12. *Mulch*

The Council will only support this amendment if SA Power Networks consults with the Council to ensure the need for the mulch or alternatively liaises directly with adjacent property owners to determine whether the property owners require the mulch on their property.

2. *That South Australia Power Networks be advised of the Council's comments.*
3. *That the Office of the Technical Regulator be advised of the Council's comments on the Discussion Paper.*
4. *That the Premier of South Australia and Member for Dunstan, the Hon Steven Marshall MP, be advised of the Council's position in respect to the Discussion Paper.*

Seconded by Cr Frogley.

Variation

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

4. *That the Premier of South Australia and Member for Dunstan, the Hon Steven Marshall MP and the Member for Bragg, be advised of the Council's position in respect to the Discussion Paper.*

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 carried unanimously.

11.2 ST PETERS BILLABONG (STAGE 2) – RIVER TORRENS LINEAR PARK

REPORT AUTHOR: Project Manager - Assets
GENERAL MANAGER: General Manager, Urban Services
CONTACT NUMBER: 8366 4538
FILE REFERENCE: S/04263
ATTACHMENTS: A - C

PURPOSE OF REPORT

The purpose of this report is to seek the Council's approval of a revised scope of work for Stage 2, which has been proposed by the Adelaide and Mount Lofty Ranges Natural Resources Management Board ("the NRM Board") for the St Peters Billabong ("the Billabong").

BACKGROUND

At its meeting held on 2 March 2015, the Council considered a report which outlined the NRM Board's proposed upgrades to the Billabong, including the Stage 1 Works & Works Agreement, the Stage 2 scope of works (initial and revised) and a peer review of the Stage 2 revised scope of works which was undertaken by Tonkin Consulting.

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

1. *That in respect to **Stage 1** of the upgrade works proposed by Adelaide & Mount Lofty Ranges Natural Resources Management Board, for the St Peters Billabong, the Council notes and endorses the following:*
 - a) *The scope of works comprising the following:*
 - *prevention of the outflow at the northern pond of the Billabong will be via the installation of a valve not through raising the overflow weir as initially proposed ;*
 - *removal of the diversion weirs in the Second Creek drainage pipes upstream of the Billabong as initially proposed;*
 - *diversion of all Second Creek flows from the Billabong as initially proposed; and*
 - *decommissioning the existing Gross Pollutant Trap (GPT) as initially proposed.*
 - b) *That the NRM Board, having undertaken a procurement process, will now award the Contract for the delivery of the proposed works.*
 - c) *That the Chief Executive Officer is to execute the Works Agreement which has been drafted by the NRM Board, for and on behalf of the Council.*
2. *That in respect to **Stage 2** of the upgrade works proposed by the Adelaide & Mount Lofty Ranges Natural Resources Management Board, for the St Peters Billabong, the Council notes and endorses in principle the following:*

The scope works are likely to be:

- *water control levels and flow measurements being achieved through the installation of a water level control valve at the outlet of the southern pond for the whole of the Billabong, not the construction of a chamber in the causeway to connect the northern and southern ponds and the installation of a weir plate, as initially proposed;*
- *the northern and southern ponds will not be drained and desilted and the desilted material will not be retained for use on-site, as initially proposed and given the advice which has been received from the Environment Protection Agency (EPA), Tonkin Consulting and Eco Management Services;*

- *the rehabilitation of the southern pond overflow to accommodate the desilted material will not be undertaken, as initially proposed, and given the desilting of the northern pond will not be occurring;*
 - *a take-off chamber and connection pipe will still be installed to the existing outlet pipe, as initially proposed;*
 - *the southern overflow will not be backfilled with the desilted material and will not be revegetated, as initially proposed; and*
 - *the Billabong will not be replanted as initially proposed as bank reshaping will now not occur but that consideration will be given to some replanting.*
3. *The Council's endorsement "in principle" of the works as set out above is subject to the Adelaide & Mount Lofty Ranges Natural Resources Management Board adhering to the following:*
- *following the completion of the Stage 1 works (i.e. primarily isolation of the Billabong to stormwater flows from Second Creek) periodic ecological monitoring is undertaken to document the changes which occur to the Billabong. The scope of the monitoring will include both water quality and extent of establishment of aquatic plants;*
 - *the results of the ecological monitoring will guide the preparation of a Revegetation Plan for the St Peters Billabong, as part of the works associated with Stage 2 of the Project;*
 - *the revegetation works will be undertaken as part of the works associated with Stage 2 of the Project;*
 - *the salinity of the Billabong will be managed through a combination of ecological monitoring and flushing with "fresher" River Torrens water at periods to be determined based on the actual documented performance of the Billabong;*
 - *the South Australian Research & Development Institute ("SARDI") be engaged by the NRM Board to assist in determining the best methodology for addressing the large number of carp in the Billabong. A strategy to address this issue is to be included in Stage 2 of the Project; and*
 - *a Site Management Plan be developed by the NRM Board, for the on-going maintenance of the Billabong, as part of Stage 2 of the Project.*
4. *The Council reserves its right to give further consideration to the 'final' scope of works for Stage 2 of the Project, in the event that this differs significantly from the above, or in the event the Adelaide & Mount Lofty Ranges Natural Resources Management Board does not adhere to the Council requirements and conditions as set out above.*
5. *The Council will not assume the on-going maintenance responsibilities for the St Peters Billabong until it is deemed by the Council and the Council is satisfied that the St Peters Billabong is functioning in a manner which meets the stated objectives and outcomes of this Project.*
6. *That the Adelaide & Mount Lofty Ranges Natural Resources Management Board be advised of the Council's decisions regarding this matter.*

The Stage 1 works was awarded to T & J Constructions, and Practical Completion of the works granted on 23 May 2016.

Following the completion of the Stage 1 works the NRM Board engaged Australian Water Environments ("AWE"), to undertake monitoring of the ecology and the trial plantings of aquatic plants within the Billabong, together with the development of a carp management strategy in conjunction with the South Australian Research and Development Institute ("SARDI"), as required by the Council as part of the decision made at its 2 March 2015 meeting. The ecological monitoring was completed in June 2017 and the final trial planting review was conducted in Spring 2017. The results of the Water Quality Monitoring and Vegetation Mapping are contained in **Attachment A** and will be expanded on in the Discussion section of this report.

The NRM Board has also engaged AWE to undertake the final design of Stage 2 of the works which have been based on the results of the ecological monitoring and trial plantings. The updated design and proposed plantings extents have been amended to minimise the civil works component and maximise the revegetation of the Billabong. The updated design is contained in **Attachment B** and additional commentary regarding the design changes is included in the Discussion section of this report.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

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

Outcome 4: Environmental Sustainability

A leader in environmental sustainability

Objectives

4.1 Sustainable and efficient management of water, energy and other resources

The proposed hydrological changes to the Billabong are proposed in order to better manage the water quality.

4.2 Healthy and sustainable watercourses

The proposal seeks to improve its water quality and ability to sustain aquatic life.

4.4 Thriving habitats for native flora and fauna

The proposed hydrological changes to the Billabong seek to provide healthier aquatic and riparian environments, which in turn will support more robust and diverse flora and fauna populations.

FINANCIAL AND BUDGET IMPLICATIONS

Capital Cost

The Council is not required to make any financial capital contributions for the works which are proposed by the NRM Board. To this end, the Project is funded entirely by the NRM Board.

Maintenance Cost

At this point in time, the Council does not have a specific maintenance budget for the Billabong. At this stage, it is difficult to quantify the maintenance requirements that will result from implementing the revised scope of works for Stage 2 of the Project. The Council will not be taking over the on-going maintenance of the Billabong until such time as it has been monitored following the completion of the proposed works and it has been determined that it is functioning as required. At that time, an accurate estimate can be made with respect to any on-going maintenance costs.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

The current environmental performance of the Billabong, as well as ways in which this can be improved, is set out in the Discussion Section of this report.

RESOURCE ISSUES

The NRM Board will undertake the Project management responsibilities of the proposed works, including the procurement and delivery of the works. Stage 2 of the works have already been tendered by the NRM Board but the awarding of the contract has been placed on hold until the Council considers the revised scope of works for Stage 2.

RISK MANAGEMENT

The Billabong does not function in the manner it was intended to and in turn, this potentially could create a number of risks.

The current situation needs to be addressed and the NRM Board has acknowledged this. The proposed works to rectify the issue comprise the NRM Board's approach to improve the functionality of the Billabong and address the situation. The Council has endorsed the proposal albeit that it now needs to consider the revised scope of works which are proposed by the NRM Board.

With respect to financial risk, maintaining the status quo would result in increased remediation costs in the future and increasing maintenance expenditure on an annual basis.

As with all projects of this nature, the principal (in this case the NRM Board) will be exposed to the normal risks associated with construction works, including those of a contractual nature and the financial risk of encountering latent conditions on-site, etc.

As mentioned earlier in the report which was considered by the Council at its meeting held on 2 March 2015, given the history associated with the site and the on-going issues, the Council will not be taking over the on-going maintenance of the Billabong until such time as the completed works have been monitored and it is determined that the Billabong is functioning in accordance with the agreed outcome. In addition, there is uncertainty regarding the NRM Board's ongoing commitment to the project. There is funding within the NRM Board's current financial year's budget to undertake the works as described in the Discussion Section. However, this may not be the case in the future.

It is important to note that the works are proposed to be undertaken on Council owned land. As such, the necessary and required Works Agreement is required to be entered into between the NRM Board and the Council. Further information on this matter is outlined in the Discussion Section of this report.

CONSULTATION

- **Elected Members**

At its meeting held on 2 March 2015, the Council considered a report outlining the findings of the review which had been undertaken and the preferred recommendation that was put forward to the Council by the NRM Board. The preferred and recommended option presented to the Council by the NRM Board at that time was to convert the Billabong into a groundwater dominated system to improve the quality of water. This is still the case, albeit with a revised scope of works for Stage 2 of the Project and the NRM Board is now seeking approval from the Council to proceed.

- **Community**

Representatives of the Friends of the Billabong have been consulted with respect to the proposals and are supportive of its objectives and stated outcomes, including the revised scope of works for Stage 2 of the Project.

- **Staff**

General Manager, Urban Services
Acting Manager, City Assets

- **Other Agencies**

The NRM Board is responsible for the Project. Representatives of the NRM Board have been closely liaising with Council staff and representatives of the Friends of the Billabong with respect to this Project.

DISCUSSION

Ecological Monitoring and Trial Plantings following Stage 1 (Jan 2016 – June 2017)

Water quality in Billabong has been impacted upon as a consequence of inflows from Second Creek that occurred between 2002 -2016. High organic loads and an ineffective gross pollutant trap has led to accumulation of organic debris in the Billabong. Declining water quality has been a contributing factor and has limited the re-establishment of aquatic macrophytes (an aquatic plant which grows in or near water) that can uptake nutrients and limit the potential for algal blooms.

The NRM Board engaged AWE to undertake a review of the Stage 2 design and documentation (which was prepared by Aurecon). Initial phases of the assessment concluded that further data was required on the water quality changes within the Billabong associated with the completion of Stage 1 works (including the disconnection of the Billabong from Second Creek).

Water quality and ecological monitoring was undertaken to complement existing monitoring data at six (6) locations and two depths (10cm and 1m). In-situ field measurements were taken for:

- dissolved oxygen (DO);
- salinity;
- temperature;
- turbidity (measured/estimated by Secchi depth readings); and
- water level.

Salinity measurements show a relatively stable trend over the monitoring period. One notable exception was in September 2016 when a large stormwater inflow event from the adjacent urban catchment provided a brief reduction in salinity. Dissolved oxygen (DO) remained high in the norther section of the Billabong with a trend of increasing DO between November to April, as phytoplankton concentration exceeds the demand of the resident organic load. DO continued to recover in the South Billabong but was notably higher in the upper levels during the warmer months due to phytoplankton blooms. These phytoplankton blooms are also responsible for significant reductions in secchi depth during these months.

Across the system, there is an abundance of available nutrients for plants. As there is a long-term legacy of sediment deposited via the Torrens main channel and Second Creek catchments. It is anticipated that nutrient levels in the system will remain relatively high for some time, however the project team believe that as the plantings mature and colonise a greater area of the Billabong and further species are planted, the nutrient uptake will increase.

Returning the Billabong to a healthy aquatic ecosystem will be dependent on establishing aquatic vegetation, including both submerged and emergent macrophytes. Existing aquatic vegetation in the Billabong was dominated by large stands of *Phragmites australis* (Common Reed), *Typha domingensis* (Bulrush) and *Cyperus* spp. (Flat-sedges). These monocultural stands were generally discontinuous. A number of potential mechanisms could be contributing to the lack of macrophytes at Billabong.

Vegetation trials were designed with two different types of trial plots. The first type was open and exposed to grazing pressure. The second consisted of the plants being enclosed within a bird-proof cage. Additional plantings around the water edge, within the zone of moderate sediment depth, were planted to establish the viability of macrophytes to survive and grow in organic sediment around the edge of the Billabong. Species were chosen based on their (un)palatability to waterbirds, to limit the potential influence of grazing.

The results of the vegetation trial show that most unnetted quadrats experienced heavy grazing with a consequent high plant mortality. Any Stage 2 plantings will therefore be under threat from the ubiquitous grazing waterbirds. The best survivorship and growth of aquatic macrophytes occurred in the ungrazed i.e. netted quadrats. Lush growth was observed within all cells on the inside of representative netted quadrats which supported that the substrate is capable of supporting vegetation establishment in the absence of other pressures. While Carp are certainly present in the Billabong, it is apparent submerged macrophytes have been able to survive and spread. Disturbance of sediments by Carp is unlikely to be a significant limitation on the revegetation of the Billabong.

Overall, water quality monitoring since inflows from Second Creek have been diverted from the Billabong, indicate relatively stable or improved water quality conditions. With the accumulated organic load there will continue to be elevated nutrient levels and oxygen demand for some time but the successful establishment of emergent and submerged macrophytes would limit the potential for future algal blooms. Vegetation trials have been successful where grazing pressures from waterbirds have been eliminated. This provides confidence that dredging of accumulated sediments would not be required and revegetation will be effective provided waterbirds can be excluded from plantings during the establishment period of 12-24 months.

It is recommended that nutrient (and other water quality monitoring) continue to occur to ascertain the changes associated with the current and future works.

Proposed Carp Management

Carp continue to inhabit the Billabong and impact negatively on the Billabong's ability to recover to a healthier, better functioning ecosystem. Discussion with carp management experts in DEWNR and SARDI, have indicated that carp will always be an issue which requires management.

There are many management options available (e.g. separation cages, exclusion screens, harvesting, biological). All of these options are likely to be deployed over time.

A carp management strategy has been developed for the City of Adelaide with a focus on the Torrens Lake (Thwaites, 2017). This provided an assessment of several trial harvest methods and works to estimate the biomass of carp in the system. The report identified key recommendations in the future management of carp and these outcomes would be directly transferable to the Billabong.

The NRM Board is to provide a detailed carp management strategy for inclusion in the Billabong Site Management Plan prior to the completion of the Stage 2 works.

Stage 2 Scope of Works (Revised)

A comparison of the scope of works considered and endorsed by the Council at its meeting held on 2 March 2015 and the current revised scope of works following the Ecological Monitoring and Trial Planting, as advised by the NRM Board, for Stage 2 of the Project, are summarised below:

- Initial Works - A water level controller and new pipe connection between the northern and southern ponds was proposed to be installed to control water levels between the northern and southern ponds.
Revised Works – A new water level controller is still proposed for the revised works, but the existing pipe connection between the northern and southern ponds will be utilised, rather than constructing a new pipe connection. The existing pipe is to be remediated to ensure functionality.
- Initial Works - A take-off chamber and connection pipe was proposed to be installed from the southern pond weir to the existing River Torrens outlet pipe. The southern pond weir was to also undergo modifications as part of the take-off chamber works.
Revised Works - The existing manual level control pipe work and chamber at the southern pond is to be retained. A field investigation has confirmed that this facility remains functional; remedial works will be carried out to ensure ongoing functionality. No pipe connection to the existing outlet pipe to the River Torrens is proposed as the southern overflow is no longer being filled. There are no changes proposed to the existing southern weir proposed

A sketch showing the comparison of the initial and revised Stage 2 civil works scope is contained in **Attachment C**. The changes proposed by the NRM Board to the scope of works for Stage 2 of the Project, which the Council endorsed on 2 March 2015 are related entirely to the water level control within the northern and southern ponds. The revised scope of work retains the existing water level control infrastructure and expands the capacity to control the water level between the northern and southern ponds, providing the same functionality as the initial design endorsed on 2 March 2015. The NRM Board will utilise the savings from the reduced scope of the Stage 2 civil works to undertake revegetation of the Billabong to the full extent of the Stage 2 budget.

The type of plantings and protection of the planting from grazing by water birds will be directed by the results of the trial plantings undertaken following the Stage 1 works.

Stage 2 Works Agreement

Stage 2 of the works is proposed to be carried out on Council owned land. In this respect, the NRM Board is legally required to enter into a Works Agreement with the Council to facilitate the undertaking of these works on its land. Crown Law has drafted the Works Agreement for and on behalf of the NRM Board, in accordance with the initial Works Agreement entered into for Stage 1 of the works.

The document has been reviewed by the Council's Lawyers (Kelledy Jones Lawyers) and a number of issues have been identified which need to be addressed and/or amended. These amendments have been made. The Works Agreement ostensibly covers issues associated with the NRM Board undertaking works on Council land.

The proposed works do not require Development Approval. Preliminary advice has been sought from Council's Planning staff which indicates that the billabong is not "*in a Watercourse Zone, Flood Zone or Flood Plain delineated by the relevant Development Plan, or in any other zone or area shown as being subject to flooding or inundation in the relevant Development Plan*" and therefore does not require approval.

Site Management Plan

The NRM Board have agreed to provide a site specific plan to reduce the number of carp within the Billabong and to produce a site management plan for the Billabong prior to the completion of the Stage 2 works, inclusive of planting establishment and health requirements of the Billabong prior to Council taking over maintenance.

OPTIONS

At its meeting held on 2 March 2015, the Council considered and endorsed Stage 1 and Stage 2 works of the Project.

Stage 2 of the works have been designed and tendered by the NRM Board. These works have remained relatively unchanged, as outlined in the Discussion Section of this report. The NRM Board intends to award the contract to the preferred tenderer as soon as the Council endorses the revised Stage 2 works.

The options available to the Council regarding this matter are:

Do Nothing

The Council could decide to inform the NRM Board that it does not wish to endorse the progression of the proposed works for Stage 2 of the Project. However, there is little to be gained with this approach in terms of addressing the ongoing issues at the Billabong. The Billabong will continue to not function as intended and the situation will progressively worsen over time.

The NRM Board has identified the need to address the issues and has committed to attempting to solve the issues. This option is not recommended.

Endorse Revised Works

It is recommended that the Council endorse the revised works provided by the NRM Board for the scope of works for Stage 2 of the Project as the only change is to the water level control systems.

CONCLUSION

Nil

COMMENTS

Nil

RECOMMENDATION

1. That in respect to **Stage 2** of the upgrade works proposed by Adelaide & Mount Lofty Ranges Natural Resources Management Board, for the St Peters Billabong, the Council notes and endorses the following:
 - (a) The scope of works comprising the following:
 - water control levels and flow measurements being achieved through the installation of a water level controller in the causeway between the northern pond and southern pond, not the construction of an offtake chamber in the southern pond and to connection to the outlet, as previously proposed; and
 - the Billabong will be extensively replanted to the full extent of the NRM Board's Stage 2 budget.
 - (b) That the NRM Board, having undertaken a procurement process, will now award the Contract for the delivery of the proposed works.
 - (c) That the Chief Executive Officer is to execute the Works Agreement which has been drafted by the NRM Board, for and on behalf of the Council.
 2. The Council will not assume the on-going maintenance responsibilities for the St Peters Billabong until the Council is satisfied that the St Peters Billabong is functioning in a manner which meets the stated objectives and outcomes of this Project.
 3. That the Adelaide and Mount Lofty Ranges Natural Resources Management Board be advised of the Council's decisions regarding this matter.
-

Cr Whittington left the meeting at 8.44pm.
Cr Shepherdson left the meeting at 8.44pm.
Cr Mex left the meeting at 8.45pm.
Cr Whittington returned to the meeting at 8.45pm.
Cr Mex returned to the meeting at 8.45pm.
Cr Shepherdson returned to the meeting at 8.47pm.

Cr Frogley moved:

1. That in respect to **Stage 2** of the upgrade works proposed by Adelaide & Mount Lofty Ranges Natural Resources Management Board, for the St Peters Billabong, the Council notes and endorses the following:
 - (a) The scope of works comprising the following:
 - water control levels and flow measurements being achieved through the installation of a water level controller in the causeway between the northern pond and southern pond, not the construction of an offtake chamber in the southern pond and to connection to the outlet, as previously proposed; and
 - the Billabong will be extensively replanted to the full extent of the NRM Board's Stage 2 budget.
 - (b) That the NRM Board, having undertaken a procurement process, will now award the Contract for the delivery of the proposed works.
 - (c) That the Chief Executive Officer is to execute the Works Agreement which has been drafted by the NRM Board, for and on behalf of the Council.
2. The Council will not assume the on-going maintenance responsibilities for the St Peters Billabong until the Council is satisfied that the St Peters Billabong is functioning in a manner which meets the stated objectives and outcomes of this Project.
3. That the Adelaide and Mount Lofty Ranges Natural Resources Management Board be advised of the Council's decisions regarding this matter.

Seconded by Cr Moore and carried.

11.3 LED STREET LIGHTING TRANSITION

REPORT AUTHOR: Financial Services Manager
GENERAL MANAGER: General Manager, Corporate Services
CONTACT NUMBER: 8366 4585
FILE REFERENCE: S/02749
ATTACHMENTS: Nil

PURPOSE OF REPORT

The purpose of this report is to seek the Council's approval to commence the transition of the Council's Street Lighting stock to Light Emitting Diode (LED) technologies.

BACKGROUND

During the 2016-2017 Financial Year, SA Power Networks (SAPN), the distributor which manages public lighting for Local Government, released new pricing arrangement for LED lighting. This was in response to new technologies and in response to those Councils which were seeking a solution to be able to capitalise on the advantages of LED lighting.

Transitioning Street Lighting to LED lighting solutions, provides an opportunity for the Council to deliver improved public street lighting, reduce carbon emission, improve energy use and financial savings.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The provision of public lighting across the Council contributes to the delivery of the following outcomes and objectives from *City Plan 2030: Shaping Our Future*.

Outcome 1: Social Equity

Objective 2 – A people-friendly, integrated, sustainable and active transport and pedestrian network

2.1 *Promote sustainable and active modes of transport.*

2.2 *Provide safe and accessible movement for people of all abilities.*

2.3 *Work with other agencies to influence or provide improved and integrated public transport networks*

Objective 4 – A strong, healthy and resilient community

4.1 *Encourage physical activity and support mental health to achieve healthier lifestyles and well-being*

Outcome 4: Environmental Sustainability

Objective 1 - Sustainable and efficient management of water, waste, energy and other resources

1.2 *Identify and implement new waste reduction approaches for Council operations and the community.*

1.3 *Employ and promote energy efficiency initiatives and renewable energy resources.*

Objective 5 - Mitigating and adapting to the impacts of a changing climate.

5.1 *Undertake climate change adaptation initiatives for our assets, public spaces, services and operations.*

5.1 *Lead initiatives to substantially reduce our City's 'Ecological Footprint', including reducing carbon emissions.*

FINANCIAL AND BUDGET IMPLICATIONS

The Council currently has approximately 3,700 street lights which are under its control and these are split between 3,000 Pedestrian category Lights (P category) and 700 Vehicular category lights (V category). Transitioning these street lights to an LED lighting solution, offers a reduction of electricity consumption and therefore, a decrease in the cost of electricity consumption of up to \$300,000 per annum, if all of the Council lighting assets are transitioned to an LED light. As with any major project, there are costs associated with funding of the project that impact upon the overall savings achieved. These are discussed later in this report.

This proposal is not currently incorporated into the 2018-2019 Annual Budget or the Long Term Financial Plan. Depending on the proposal being approved and which option is chosen by the Council, the 2018-2019 Annual Budget or the Long Term Financial Plan next review cycle will incorporate all required adjustments.

EXTERNAL ECONOMIC IMPLICATIONS

Nil

SOCIAL ISSUES

Public lighting of P category roads is an issue that the Council needs to consider carefully. While the transition to LED, is not anticipated to impact on the current lighting levels throughout the City, residents may notice an increase in the brightness which is emitted from the street lighting. The increase in brightness is not due to the LED Lighting, but rather the degradation of the light which is being emitted from the existing luminaire. It should be noted that LED lights do not have the same levels of degradation as existing Mercury Vapour lights.

The majority of the Council's existing lighting stock is Sylvania B2224 Mercury Vapour Bucket lights, which have the globe protruding out of the bottom of the light body. Due to the globe protruding out of the bottom the light is not focused in a specific direction towards the footpath and road but in all directions, unless light shields are installed. This uncontrolled disbursement of light, from this style of luminaire is a cause of many lighting complaints from residents within the community. Transitioning to LED lighting should resolve a majority of these complaints as the light is contained within the housing and is more directionally focused toward the footpath and road surface.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Transitioning the Council's existing lighting stock to LED, will result in environmental benefits. Street lighting contributes approximately 6% of the Council's CO₂ emissions, which is the main contributor of CO₂ emissions outside of Waste being the biggest contributor. LED lighting options are substantially more efficient compared to most of the existing lighting stock. Based on current emission levels and sources of power, the transition to LED lighting would result in an approximate reduction of 550 tonnes of CO₂ emissions per annum which represents a 3% reduction in the Council's annual greenhouse gas emission.

It is anticipated that the Federal Government will ratify the Minamata Convention which aims to protect human health and the environment from the emissions and releases of mercury from human activity. This convention basically will result in the prohibition of all lamps containing mercury by 2020. It is understood that SAPN already have a program in place to comply with the Minamata Convention and is one of the major reasons why SAPN no-longer utilise mercury vapour lighting.

RESOURCE ISSUES

Nil

RISK MANAGEMENT

The transitioning to LED lighting will not specifically deal with non-conformance to Australian Public Lighting Standards. Council is currently developing an ongoing program of works that will seek to address issues of non-conformance. It should be noted however, that due to the aging of the current lighting stock within the city, the transition to LED lighting is anticipated to resolve some non-conformity associated with the degradation of lighting levels.

CONSULTATION

- **Elected Members**
Nil
- **Community**
Not Applicable.
- **Staff**
Not Applicable.
- **Other Agencies**
SA Power Networks have been engaged to understand how transition projects are undertaken and the requirements.

DISCUSSION

The responsibility for the provision of street lighting in South Australia is controlled by either Local Government or the Department of Planning, Transport and Infrastructure (DPTI). The level of public lighting which is provided depends on the classification of road and the lighting requirements which are expected by local residents.

The City of Norwood Payneham & St Peters currently has approximately 3,700 street lights under its control, with approximately 3,000 on roads categorised as “Pedestrian”. Within this Council, the major type of lighting installed are 80W Mercury Vapour lights (70-75%) with the residual lights consisting 42 W compact fluro, and 18-50 W sodium lights. The Mercury Vapour lights are old and inefficient when compared to the new LED lights and it is estimated that the new LED lights will reduce energy use by over 75%. This level of reduction in electricity consumption should achieve a saving in excess of 550 tonnes of greenhouse gas emission per annum.

At present, as a street light fails it is replaced by a suitable LED light as part of SAPN strategy. By undertaking a mass transition to LED lighting, the Council will benefit from providing consistent street lighting which allows objects to be clearer to see, minimises glare, reduces environmental impact, reduces light pollution, minimises operating and maintenance costs, and improves public amenity.

Since the introduction of the LED lighting option by SAPN, Councils have been active in this area. A number of metropolitan Councils and some regional Councils that have either completed, commenced or in negotiation with SAPN to transition their respective street lighting to LED technologies. These Councils include but are not limited to the Cities of Charles Sturt, Marion, Onkaparinga, Mitcham, Tea Tree Gully, Holdfast Bay, Victor Harbor, Unley, Burnside, Campbelltown City Council and Port Pirie Regional Council.

If supported by the Council, it is proposed that the project be broken down into three (3) stages as outlined below:

Stage 1 – Transition of all non-decorative Pedestrian category street light to LED solutions. This would be undertaken immediately to capitalise on cost savings and CO₂ emission reductions.

Stage 2 – Transition of decorative lighting to a LED solution. To complete this stage, the Council will be required to undertake further investigation to gain an understanding of the number, styles and locations of decorative lights within the Council area. Lighting solutions to replace decorative lighting would then need to be determined and a program of works developed.

Stage 3 – V-Category LED lighting transition. This program of work will require liaison with DPTI, as well as design cost to ensure conformance to lighting standards. This stage may take an extended period of time given the complexity of this lighting category.

Should the Council approve the transition of street lighting to LED street lighting on mass, the decision of how to fund the cost of acquiring the lights needs to be considered. There are two (2) options that should be considered. One option involves the Council funding the acquisition of the P category lighting stock, which result in the Council assuming responsibility for replacement costs and is referred to as the PLC tariff. Alternatively, the acquisition of the lighting stock is funded by SAPN, which is known as SAPN tariff. The SAPN tariff is the LED equivalent of the existing Street Lighting Use of Supply (SLUOS) tariff, which means that SAPN are responsible for the maintenance and replacement of the light. The majority of this Council’s existing street lighting is currently on a SLUOS tariff. The SAPN tariff incorporates the costs of the new LED light and a replacement light, amortised over a 20 year term, as well as ongoing lighting network maintenance costs. Whereas a PLC tariff incorporates only the ongoing lighting network maintenance costs, as the Council have purchases the LED light and be responsible for any non-warranty replacements.

Should the Council select the PLC tariff and therefore own the LED lighting stock, the Council will fund the acquisition of the lights for the completion of Stage 1, which is estimated to be in the order of \$1 million. The annual (Principal and Interest) servicing cost will be approximately \$100,000 to \$120,000 per year depending on the term of the borrowings. Additional funds would be required to complete Stage two (2) and Stage three (3). As the owner of the LED lights, the Council would be responsible any non-warranty failures. The current LED lighting stock that is being installed has a life expectancy of in excess of 15 years and projects which have been rolled out interstate and pilot projects locally, have shown low rates of failure in the first 3-5 year period.

It is important to note that under the SAPN tariff, replacement of LED lighting has been paid for under the tariff, whereas under the PLC tariff, replacement lighting is paid for as it occurs.

The current cost for the provision of street lighting is \$620,000, which includes consumption charges of \$330,000 and maintenance (tariff) costs of \$290,000. The transition to LED lighting, will result in savings between \$175,000 to \$190,000 per annum, depending on the option which is chosen. Table 1 below details the comparison of the PLC tariff (Council owning the luminaires) and the SAPN tariff (SAPN owning the luminaires). The analysis is based on information which has been provided by SAPN and is for Stage 1 only – non decorative P category lights.

TABLE 1 – COMPARISON OF LED LIGHTING TARIFFS

	Energy Cost Savings \$	Tariff Savings \$	Depreciation Costs \$	Interest	Total Savings \$
SAPN Tariff	247,180	(57,801)	-		189,378
PLC Tariff	247,180	39,267	(66,667)	(45,000)	174,780

It should be noted that the Council will be responsible for the replacement luminaires under the PLC tariff. The extent of replacement costs are unknown at this stage and so these have been excluded from the analysis. In addition to this under the PLC tariff the Council has a financial commitment to fund \$55,000 to \$75,000 of principal repayments on the borrowings.

OPTIONS

The Council has a number of options with respect to progressing this initiative.

Option 1: Status quo

Under this option, the Council would retain the current approach, with SAPN undertaking a “piecemeal” transition to LED lighting, as the existing lighting stock fails.

This option is not recommended due to the lack of public amenity, as the residential streets will have a combination of existing Mercury Vapours and LED lights, which won’t provide consistency of lighting throughout the streets.

In addition, the environmental and financial benefits of LED lighting will not be achieved for some time.

Option 2: Transition to LED Lights on mass opting for PLC Tariff.

Under this option, the Council will engage with SAPN to undertake a mass replacement of existing non-decorative pedestrian category street lighting with LED luminaires, with the Council funding and taking ownership responsibility for the luminaries.

This option is not recommended.

This option will deliver improved public amenity and safety for users of the Council's pedestrian roads (ie residential streets), reduction in CO₂ emissions and financial savings. However, the Council would be responsible for the funding of the upfront costs of the light replacement. In addition, the Council will also be responsible for the future replacement of the LED luminaires eroding the future financial benefits.

The Council, does not have the economies of scale to engage staff to manage the street lighting stock. These tasks would be effectively contracted out to SAPN and therefore questionable given the small financial benefit.

Option 3: Transition to LED Lights on mass opting for the SAPN Tariff.

As with Option 2, this option achieves improved public amenity and safety for users of the Council's pedestrian roads (ie residential streets), reduction in CO₂ emissions and financial savings.

While the SAPN Tariff is higher than the PLC Tariff, the annual lifecycle costs are less than the PLC Tariff, due to the SAPN funding the upfront costs of the lighting replacement, plus ongoing maintenance and future replacement of the LED luminaries. Based on current lighting information, this option delivers greater annual savings to the Council.

This option is recommended.

CONCLUSION

The transition of the Council's street lighting to LED luminaires is inevitable. The Council can manage the transition in a controlled manner by engaging with SAPN to undertake a mass transition or alternatively continue to be subject to the current piecemeal approach, of lights being replaced when they fail.

As part of *City Plan 2030: Shaping Our Future*, one of the Council's objectives is to provide people friendly integrated and active transport and pedestrian network. The mass transition to LED lighting will deliver four (4) strategies outlined in *City Plan 2030: Shaping Our Future*.

In addition, the Council has an objective to have sustainable and efficient management of water, waste, energy and other resources. Again, the mass transition to LED lighting delivers on four (4) of the strategies to achieve this objective.

While on the surface, electing to retain ownership of the LED luminaires, appears to deliver greater financial savings (PLC Tariff), once you take into account the cost of ownership, the upfront funding cost and future replacement the extent of the savings is eroded.

The mass transition of the Council's street lighting to LED, not only delivers on five (5) objectives outlined in *City Plan 2030*, it will also improve the public amenity of the residential street through consistent lighting, reduce the Council's CO₂ emissions by 3%, while delivering a 30% reduction in the Council's overall street lighting costs.

It is therefore recommended that the Council engage with SAPN to undertake the mass replacement of the Council's non-decorative pedestrian category street lighting based on a SAPN tariff.

COMMENTS

Nil

RECOMMENDATION

1. That the Council approve the proposal to undertake the mass transition of the Council's non-decorative pedestrian category street lighting to LED technologies and endorses commencement of discussions and negotiation with SA Power Networks to progress this proposal
 2. That the Council enter into an SAPN tariff for LED street lighting.
-

Cr Minney moved:

1. *That the Council approve the proposal to undertake the mass transition of the Council's non-decorative pedestrian category street lighting to LED technologies and endorses commencement of discussions and negotiation with SA Power Networks to progress this proposal*
2. *That the Council enter into an SAPN tariff for LED street lighting.*

Seconded by Cr Mex and carried unanimously.

11.4 REVIEW OF POLICIES

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

PURPOSE OF REPORT

The purpose of the report is to present a number of draft policies to the Council for consideration and adoption.

BACKGROUND

Policies, Codes of Practice and Codes of Conduct are fundamental components of a Council's good governance framework. Policies set directions, guide decision making and inform the community about how the Council will normally respond and act to various issues.

When a decision is made in accordance with a Council policy or code, both the decision-maker and the community can be assured that the decision reflects the Council's overall aims and principles of action.

Accordingly, policies and codes can be used in many contexts to:

- reflect the key issues and responsibilities facing a Council;
- provide a policy context and framework for developing more detailed objectives and management systems;
- guide staff and ensure consistency in delegated and day-to-day decision-making; and
- clearly inform the community of a Council's response to various issues.

It is therefore important that policies remain up to date and consistent with any position adopted by the Council.

As such, a review of the Council's Policies commenced some months ago and to date a number of policies have been reviewed, updated and amended and a number are in the process of being updated prior to presentation to the Council for consideration and adoption. The following policies have been reviewed and updated and adopted by the Council over the last few months:

- Bad Debt Write-Off
- Bank Accounts
- Budget Policy Guidelines
- Building Inspections
- Credit Card
- Credit
- Disposal of Land & Assets
- Expenditure
- Fringe Benefits Tax
- Funding
- Internal Control
- Outdoor Dining
- Payments
- Petty Cash
- Procurement
- Prudential Management
- Public Liability Insurance for Community Groups when Hiring Council Owned Facilities
- Rating
- Review of Decisions
- Salaries & Wages Administration
- Treasury Management

The following draft Policies have now been reviewed and, where required, amended to ensure that the Policies meet current standards and reflect contemporary organisational requirements:

1. Complaints Handling Policy & Procedure (**Attachment A**)
2. Local Government Elections Caretaker Policy (**Attachment B**)
3. Local Area Traffic Management Policy (**Attachment C**)
4. Conditions of Library Use (**Attachment D**)
5. Collection Development Policy (**Attachment E**).

In addition to the policies set out above, the following policies have been reviewed. Based on the nature of the policy, it has been determined that these policies are redundant and therefore no longer required.

1. Graffiti Removal (**Attachment F**)
2. Kerbside Numbering (**Attachment G**).

The basis for the recommendation to rescind these policies is set out in the Discussion section of this report.

A new Whistleblower Protection Policy has also been prepared for the Council's consideration and adoption.

A copy of the draft Whistleblower Protection Policy is contained within **Attachment H**.

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

Ensuring up to date and contemporary policies ensures the Council meets its legislative responsibilities and provides for good governance in terms of its commitment to ensure transparency and accountability and provide clarity in respect to the manner in which the Council conducts its business across a range of services and programs.

CONSULTATION

- **Elected Members**
Nil.
- **Community**
All policies will be made available to the community via the Council's website.
- **Staff**
General Manager, Urban Services
Manager, City Assets
Manager, City Services
Manager, Governance, Legal & Property
Manager, Libraries & Lifelong Learning
- **Other Agencies**
Not Applicable.

DISCUSSION

Complaints Handling Policy & Procedure

The draft Complaints Handling Policy & Procedure is intended to ensure that complaints are handled fairly, efficiently and effectively and to enable the Council to respond to complaints in a timely and cost-effective way. In addition, the draft Complaints Handling Policy & Procedure recognises that complaints provide information that can be used to improve services and programs and identify system and process enhancements.

The draft Policy also sets out the types of complaints which will not be considered under the Policy on the basis that there are other complaint handling procedures which must be followed, eg (Freedom of Information applications, Code of Conduct for Elected Members, and Decisions made under legislation other than the *Local Government Act 1999*, such as the *Development Act 1993* or *Expiation of Offences Act 1996*).

The draft Policy has been prepared on the basis of the Council's current Complaints Policy and the LGA's Model Complaints Policy, which is broadly based on the Australian Standard for Complaints.

A copy of the draft Complaints Handling Policy & Procedure is contained within **Attachment A**.

Local Government Elections Caretaker Policy

The *Local Government (Elections) Act 1999* (the Act), provides for mandatory Caretaker provisions during Local Government elections. These provisions require each council to adopt a Caretaker Policy, which will govern the conduct of the Council (Elected Members) and its staff during an election period.

The City of Norwood Payneham & St Peters Local Government Elections Caretaker Policy (the Policy), which was adopted by the Council at its meeting held on 4 August 2014, applied to the Local Government Election held in November 2014.

The Policy has now been reviewed, updated and amended to apply to the Local Government Election which will be held in November 2018.

The draft Policy is based on a Model Policy which has been prepared by the Local Government Association of South Australia in conjunction with Wallmans Lawyers and is presented to the Council for consideration and adoption.

The draft Local Government Elections Caretaker Policy affirms the Council's commitment to fair and democratic elections. The Policy aims to ensure that the Council conducts its business throughout the '*election period*' in a responsible and transparent manner and in accordance with the relevant statutory requirements and that the Council avoids actions and decisions which could be perceived as intended to affect the results of an election or have a significant impact on the incoming Council.

The draft Policy recommends that the “Caretaker” period will commence at the close of nominations on Tuesday 18 September 2018 and will expire at the conclusion of the election, being the time at which the last result of the election is certified by the Returning Officer.

A copy of the draft Local Government Elections Caretaker Policy is contained within **Attachment B**.

Local Area Traffic Management Policy

The draft Local Area Traffic Management Policy was originally adopted by the Council in April 2012.

The key principles of the Policy are:

- decisions made by the Council are commensurate within the seriousness of the issue;
- identification of the ‘problem’ must be made in the first instance and the respective decision seeks to address the ‘issue’ rather than the perceived issue or problem;
- an agreed road hierarchy is established for roads in terms of functionality;
- recognition that roads need to provide safe access for vehicles, pedestrians and cyclists;
- ensuring appropriate use of Council resources; and
- outline an agreed process by which traffic management issues will be considered.

The Policy applies to any complaints, concerns and/or issues which are raised regarding traffic management along roads under the care, control and management of the Council.

The draft Policy has been reviewed and no changes are recommended to the draft Policy.

A copy of the draft Local Area Traffic Management Policy is contained within **Attachment C**.

Conditions of Library Use

It is important for the Council to provide a healthy, safe and positive Library environment for both customers and staff. It is therefore necessary to establish the terms upon which the Council will offer access to its Library facilities, buildings and services and ensure that antisocial, nuisance, offensive or prohibited behaviours do not detract from a positive and welcoming environment for the community.

By outlining the range of processes which the Council will utilise to address any breaches of the Conditions of Library Use from a policy perspective, the Council has the ability to address behavioural issues as they arise. The Conditions of Library Use Policy has been revised to reflect current operations within the context of the One Card Library Network and the contemporary operation of the Council’s three Libraries.

A copy of the draft Conditions of Library Use Policy is contained within **Attachment D**.

Collection Development Policy

The Collection Development Policy has been revised and updated to reflect the current operating context regarding Library collection development principles and processes. The Policy will assist in determining how the Council will develop and maintain the Library collection appropriately, and underpins how the Council will offer a diverse range of resources in a variety of hard copy, digital and electronic formats to foster lifelong learning and literacy, reflect local community interests or needs and facilitate recreational or cultural resources to enrich and inspire the community.

The Collection Development Policy will inform the community about the selection criteria which will be applied by the Council and provide a coordinated approach to the development of the Council’s Library collections through a framework for introducing or discarding resources from the collection.

A copy of the Collection Development Policy is contained within **Attachment E**.

As stated previously, in addition to the policies set out above, the following policies have been reviewed and it recommended that these policies are now redundant and therefore no longer required.

Graffiti Removal

The Graffiti Removal Policy was adopted by the Council in September 1998. The Graffiti Removal Policy was established primarily to provide the framework for the management of graffiti within the City, following the establishment of the new Council.

The Graffiti Removal Policy sets out the Council's response to the management of graffiti within the City which includes an education program with schools, community groups and property owners. In addition, the Policy establishes the Volunteer Graffiti Removal Group.

The Council's Volunteer Graffiti Removal Team has been in operation for a number of years now and is managed through the Council's Volunteer Program. The Volunteer Graffiti Removal Team works to remove graffiti from any location throughout the City. Essentially, the management of graffiti is an operational matter which does not require a policy.

It is therefore recommended that the Graffiti Removal Policy be rescinded.

A copy of the current Graffiti Removal Policy is contained within **Attachment F**.

Kerbside Numbering

Kerbside numbering refers to the painting of street numbers on the kerbing adjacent to properties.

This Policy was adopted by the Council in September 2000, in response to a number of requests from groups to paint home numbers on kerbs. The Policy also provided guidance in respect to the assistance the Council would provide to Community groups (primarily Neighbourhood Watch), in response to the community's desire to identify properties particularly in assisting emergency vehicles to more easily find their destination.

The practise of painting street numbers on the kerbing adjacent to a property did not "take off" as there are obvious issues associated with fading, wear and tear and the need to constantly maintain (ie repaint) the numbers. It is therefore recommended that the Kerbside Numbering Policy be revoked.

A copy of the current Kerbside Numbering Policy is contained within **Attachment G**.

Whistleblower Protection Policy

The draft Whistleblower Protection Policy provides a potential Whistleblower with clarity around the Council's treatment of disclosures and the level of protection which is afforded to those who make disclosures in accordance with the *Whistleblowers Protection Act 1993*.

The draft Whistleblower Protection Policy has been prepared on the basis of the LGA's Model Whistleblower Protection Policy which was developed by KelledyJones Lawyers.

This policy is designed to operate in conjunction with the Council's existing Codes and Policies, including:

- Fraud & Corruption Prevention Policy;
- Code of Conduct for Council Members; and
- Review of Decisions Policy & Procedure.

The draft Whistleblower Protection Policy applies to appropriate Disclosures of Public Interest Information, that are made in accordance with the Act by Elected Members, Employees of the Council and members of the public. This Policy is also intended to complement the reporting framework under the *Independent Commissioner Against Corruption Act 2012*.

A copy of the draft Whistleblower Protection Policy is contained within **Attachment H**.

OPTIONS

The Council can determine not to endorse the draft Policies, however as the draft Policies have been prepared for the purpose of either legislative compliance or the Council's position in respect to a particular issue, it is recommended that the Council adopts the draft Policies as presented.

The Council could also determine not to revoke the Policies which have been recommended for revocation, (ie the Graffiti Removal Policy and Kerbside Number Policy). Based upon the fact that these Policies are no longer required, it is recommended that the Policies be revoked.

CONCLUSION

Under the principles of administrative law, a Council should not deviate from an adopted policy without a clear, substantiated reason for doing so.

COMMENTS

As the draft Policies contained within Attachments A, B, C, D, E and H, have been in place for some time and have not been the subject of major change and/or is required by legislation without a requirement for consultation, it is recommended that the Council does not undertake community consultation regarding the draft Policies and adopts the Policies.

In respect to the Policies which have been recommended for revocation, it is recommended that these be revoked without undergoing any community consultation.

RECOMMENDATION

1. That the Council adopts the following Policies:
 - 1.1 Complaints Handling Policy & Procedure (Attachment A);
 - 1.2 Local Government Elections Caretaker Policy (Attachment B);
 - 1.3 Local Area Traffic Management Policy (Attachment C);
 - 1.4 Conditions of Library Use (Attachment D);
 - 1.5 Collection Development Policy (Attachment E); and
 - 1.6 Whistleblower Protection Policy (Attachment F).

 2. That, having conducted a review of the following policies, the Council revokes the following policies:
 - 2.1 Graffiti Removal Policy (Attachment G); and
 - 2.2 Kerbside Numbering Policy (Attachment H).
-

Cr Minney left the meeting at 9.06pm.
Cr Dottore left the meeting at 9.06pm.
Cr Minney returned to the meeting at 9.07pm.
Cr Dottore returned to the meeting at 9.07pm.
Cr Wormald left the meeting at 9.08pm.
Cr Wormald returned to the meeting at 9.13pm.
Cr Granozio left the meeting at 9.15pm.
Cr Granozio returned to the meeting at 9.18pm.
Cr Wormald left the meeting at 9.19pm.
Cr Wormald returned to the meeting at 9.24pm.

Cr Shepherdson moved:

1. *That the Council adopts the following Policies:*

- 1.1 *Complaints Handling Policy & Procedure (Attachment A);*
- 1.2 *Local Government Elections Caretaker Policy (Attachment B);*
- 1.3 *Local Area Traffic Management Policy (Attachment C);*
- 1.4 *Conditions of Library Use (Attachment D);*
- 1.5 *Library Collection Policy (Attachment E); and*
- 1.6 *Whistleblower Protection Policy (Attachment F).*

2. *That, having conducted a review of the following policies, the Council revokes the following policies:*

- 2.1 *Graffiti Removal Policy (Attachment G); and*
- 2.2 *Kerbside Numbering Policy (Attachment H).*

Seconded by Cr Minney and carried.

Section 2 – Corporate & Finance
Reports

11.5 MONTHLY FINANCIAL REPORT – JUNE 2018

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 year ended June 2018.

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 forecast an Operating Surplus of \$3.081 million for the 2017-2018 Financial Year. The Third Budget review was adopted by council on 3 April 2018, increased the Council's Operating Surplus to \$3.450 million.

For the year ending 30 June 2018, the Council's Operating Surplus is \$4.378 million against a revised budgeted Operating Surplus of \$3.450 million, resulting a favourable variance of \$0.928 million. The favourable result is primarily due to favourable variances in Employee Expenses \$0.497 million and Sundry Expenses \$0.271 million, detailed explanations are contained in the discussion section of this report.

It should be noted that not all end of year adjustments have been processed within the operating result within this report. The audit of the Financial Statements is due in August and may result in adjustments, either positive or negative, to the operating result.

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

For the year ending 30 June 2018, the Council's Operating Surplus is \$4.378 million against a revised budgeted Operating Surplus of \$3.450 million, resulting a favourable variance of \$0.928 million. The favourable result is caused by timing variances in the following areas:

- Employee expenses (\$13.515 million expenditure) are favourable to Budget by \$0.497 million or 3%. The drivers of this variance are set out below:
 - Lower than anticipated hours of contract labour being utilised to cover vacancies in Depot Field staff (\$50,000). The vacant positions have recently been filled with permanent staff.
 - Vacancies, which have been unfilled from 1 July 2017, pending a review of the method of service delivery and staffing required (\$172,000).
 - Swimming Centre Staff actual hours are slightly lower than Budget estimates over the season resulting in a favourable variance \$43,000.
 - During 2017-2018, there has been a higher than average amount of Long Service Leave taken which has resulted in a \$150,000 favourable impact on Employee Expenses as not all absences have been backfilled.
 - Rate Revenue is \$127,000 favourable primarily due to a delay in the transfer of properties from the Housing SA to a community housing provider resulting in a lower rebate being granted \$73,000.
- Sundry expenses (\$4.378 million spend) are favourable to Budget by \$0.271 million or 6%. The drivers of this variance are set out below:
 - Recruitment costs were \$34,000 favourable to budget due to all recruitment activities being performed in house without the use of external recruitment consultants.
 - The number of parking studies that were undertaken were less than anticipated, resulting in a \$48,500 favourable variance. In addition the extent of work undertaken on the City Wide Parking Review was also less than anticipated.
 - A lower amount of Fringe Benefits Tax (FBT) being paid (\$20,000) compared to budget due to a reduction in the number of fleet vehicles and a reduction in the value of other taxable benefits provided in the 2017-2018 FBT year.
- Operating project expenditure was higher than the Third Budget expectations, due contractual commitments being in place for projects such as Flood Mapping, Building Condition Audit and Electronic Document Management System, which allows the expenditure associated with these projects to be accounted for in the 2017-2018 Financial Year. These projects were treated as a 2018-2019 carried forward expenditure in the third budget review. Appropriate adjustments have been made to remove this expenditure from the 2018-2019 Annual Budget.

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

OPTIONS

Not Applicable.

CONCLUSION

Nil.

COMMENTS

Nil.

RECOMMENDATION

That the Monthly Financial Report – June 2018, be received and noted.

Cr Minney moved:

That the Monthly Financial Report – June 2018, be received and noted.

Seconded by Cr Frogley and carried unanimously.

11.6 AUDIT COMMITTEE ANNUAL REPORT TO THE COUNCIL

REPORT AUTHOR: General Manager, Corporate Services
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4585
FILE REFERENCE: S/01823
ATTACHMENTS: A - B

PURPOSE OF REPORT

The purpose of the report is to provide the Council with the Audit Committee's Annual Report for the year ended 30 June 2018.

BACKGROUND

The Audit Committee's 2017-2018 Work Program, requires an Annual Report to be provided to the Council which addresses the following:

- *outlining outputs relative to the audit committee's work program and the results of a self-assessment of performance for the preceding period including whether it believes any changes to its Terms of Reference are appropriate;*
- *outlining any identified training needs;*
- *advising future work program proposals; and*
- *invite comment from the Council on all of the above.*

The Audit Committee considered and approved the Annual Report for the year ended 30 June 2018, at its meeting on 23 July 2018.

RELEVANT POLICIES & STRATEGIC DIRECTIONS

Not Applicable.

FINANCIAL IMPLICATIONS

Nil.

SOCIAL ISSUES

Nil.

CULTURAL ISSUES

Nil.

ENVIRONMENTAL ISSUES

Nil.

RESOURCE ISSUES

Nil.

RISK MANAGEMENT

Nil.

CONSULTATION

- **Elected Members**
Mayor Bria, Cr Minney (Presiding Member) and Cr Shepherdson are Members of the Council's Audit Committee.
- **Community**
Not Applicable.
- **Staff**
Not Applicable.
- **Other Agencies**
Not Applicable.

DISCUSSION

The 2017-2018 Audit Committee Work Program, detailing the activities which have been completed during the year is contained in **Attachment A**.

The Audit Committee's Annual Report to the Council for 2017-2018, including the 2018-2019 Audit Committee Work Program, is contained in **Attachment B**.

The Audit Committee Work Program requires the Audit Committee to determine whether its Terms of Reference remain appropriate. In this respect, at its meeting held on 23 July 2018, the Audit Committee determined that its Terms of Reference remain appropriate, and this recommendation has been documented in the Minutes of the Audit Committee meeting held on 23 July 2018.

OPTIONS

Not Applicable.

CONCLUSION

Nil.

COMMENTS

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

RECOMMENDATION

1. That the report be received and noted and that the Audit Committee be thanked for its oversight of the Council's Financial Governance Framework.
2. That the 2018-2019 Audit Committee Work Program, as contained in Attachment B, be adopted.

Cr Minney moved:

1. *That the report be received and noted and that the Audit Committee be thanked for its oversight of the Council's Financial Governance Framework.*
2. *That the 2018-2019 Audit Committee Work Program, as contained in Attachment B, be adopted.*
3. *That the Council pass on its appreciation and thanks to Ms Julie Wobber and Mr Peter Holmes for their contribution to the Council's Audit Committee.*

Seconded by Cr Shepherdson and carried unanimously.

11.7 LIBRARY SERVICES QUARTERLY REPORT

REPORT AUTHOR: Manager, Library Services & Lifelong Learning
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8334 0228
FILE REFERENCE: S/00612
ATTACHMENTS: Nil

PURPOSE OF REPORT

The purpose of this report is to provide the Council with information regarding the use, services and programs associated with the Council's Libraries for the Fourth Quarter of the 2017 - 2018 Financial Year (ie April to June 2018).

BACKGROUND

Through the delivery of Library Services to the community, the Council aims to contribute to the development and enrichment of the community by:

- facilitating free access to ideas and information;
- linking customers with services and products through the provision of lifelong learning and literacy programs;
- providing collections, facilities and technology for education, communication, recreation and pleasure; and
- providing accessible Library Services in both the physical and digital realms tailored to the needs of the local community.

Analysis of the Council's Library Service's use, programs and services, assists in facilitating the continuous improvement of the Libraries to reflect the changing needs of the community and maximise the Council's contribution towards the delivery of Library Services. It is also particularly relevant to monitor the impact of changes to service delivery.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

This report informs the Council on Library Services and supports Council attaining:

Outcome 1: Social Equity

Objective 4: More Community life in public spaces.
Strategy: Host and facilitate community events and activities.

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

The Council's three (3) Libraries are shared spaces and places, which facilitate the pursuit of recreation and leisure, connect people through shared experiences and as a result, assist in building social capital and after lifelong learning experiences. Community participation in recreation programs in libraries encourages the exchange of ideas and information, and facilitates the celebration and promotion of the culturally diverse nature and identity of our community by providing access to a wide range of services, collections and programs to suit the needs and expectations of people who live and work in the City.

The Council's Libraries provide equal access to resources, programs and facilities for people from all ages and backgrounds to learn and develop at their own pace across all stages within their life. The Libraries foster self-development by providing information, technology and study facilities for individuals who engage in both formal and informal learning in a community setting. The Libraries also provide resources that support individuals seeking employment, and provide resources utilised in the development of literacy and community language skills.

FINANCIAL AND BUDGET IMPLICATIONS

There are no financial and budget implications arising from this report.

EXTERNAL ECONOMIC IMPLICATIONS

The provision of Library Services not only provides services to individuals and families within the City, but also local businesses and traders. The Library Service provides small business traders with a variety of information, access to business oriented collections, online reference services and access to statistics which can be of benefit to their future business planning, sales, marketing, and operations. This information is vital to business growth, ongoing professional development of employees and traders and can facilitate sustainable business practices.

SOCIAL ISSUES

Nil

CULTURAL ISSUES

This report has been prepared for information purposes and as such, there are no cultural issues arising from this information. However, the Council's Library Service supports cultural diversity through the provision of community language collections and services that are tailored to the languages spoken or prevalent within the City. Through the provision of resources reflective of social and community life, the Library Service helps individuals to understand other experiences and points of view, developing a culture of understanding based on shared life experiences.

ENVIRONMENTAL ISSUES

There are no environmental issues to be considered as a part of this report. The Council's Library Service provides programs and collections which serve to highlight community awareness of environmental issues and empower individuals with information to change community perception and encourage participation in environmental initiatives.

RESOURCE ISSUES

Nil

RISK MANAGEMENT

This report is for information purposes and as such there are no identified risks arising from this report.

CONSULTATION

- **Elected Members**
Not Applicable
- **Community**
Consultation with the community occurs on a continual basis regarding satisfaction levels with the various programs and services which are offered at the Libraries.
- **Staff**
This report was prepared in consultation with information from the User Education Co-ordinator and Collection Development Team Leader.
- **Other Agencies**
This report was prepared with information supplied by Public Library Services.

DISCUSSION

The statistics included in this report, reflect the utilisation of the Council's Libraries during the 2017-18 financial year. Contrasting data from the previous Quarters during the 2017-2018 financial year have also been provided, together with long term data for the past three (3) financial years, to provide long term comparisons where possible.

Information has been separated between the key aspects of the Library Service, including library use, collections, electronic accessibility and lifelong learning, recreation and literacy programs.

TABLE 1 – LIBRARY USE*

Library Use	Fourth Quarter 2017-2018	Third Quarter 2017-2018	Second Quarter 2017-2018	First Quarter 2017-2018
Total visits	46,465	46,326	44,117	48,792
Total members	14,088	13,867	13,669	13,518

*Note – Library use statistics do not reflect attendance at Library programs. These statistics are reflected in Table 5 and Figure 3.

Total visitation in the Fourth Quarter has increased 0.3% from the Third Quarter of 2017–2018, as shown in Figure 1 below.

FIGURE 1 - LIBRARY SERVICE VISITATION 2014 – 2018

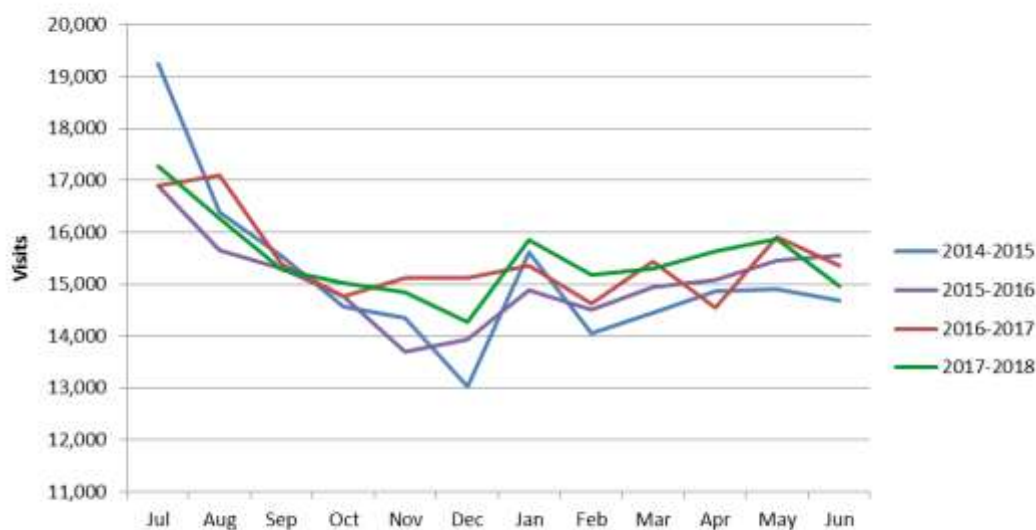


TABLE 2 – USAGE FOR EACH LIBRARY SITE

Site Library Use	Norwood	Payneham	St peters
Library Visits - Fourth Quarter 2017 - 2018	10,302	17,365	18,798
Library Visits - Third Quarter 2017 - 2018	9,914	18,938	17,474
Library Visits - Second Quarter 2017 - 2018	9,742	17,121	17,254
Library Visits - First Quarter 2017 - 2018	11,110	18,572	19,110

In respect to the visitation rates during the last twelve months', as shown in Table 2 above, overall average monthly visitation to the (3) Libraries is 15,475 visits. As evidenced in Table 2 above, the Libraries experienced an overall increase of 0.04% in visitation in 2017-18 with 185,700 visits, as compared to 185,612 visits in the 2016-17 year.

TABLE 3 – LIBRARY COLLECTIONS

THE LIBRARY COLLECTION	Fourth Quarter 2017-2018	Third Quarter 2017-2018	Second Quarter 2017-2018	First Quarter 2017-2018
Total items held	63,138	63,392	63,618	64,906
Total loans for quarter*	83,253	83,266	82,053	86,597
Total holds filled	27,300	28,015	23,294	24,134
Holds filled by NPS stock	11,068	10,885	9,960	10,704
Holds filled by other Council libraries	13,393	14,203	10,778	10,679
NPS items sent to fill holds at other Council libraries	2,839	2,927	2,556	2,661
Items added to the collection	3,291	2,929	3,136	3,337
Digital content loans	5,893	5,615	4,628	4,691

*Note – Total loans for the quarter reports on the loan of physical items held in the collection. Loan statistics on digital content is reported separately and not included in Figure 2 –below.

Physical loans for the Fourth Quarter remain static, (down by 0.016%) as shown in FIGURE 2 – LIBRARY SERVICE LOANS below.

A marginal decrease (1.1%) in physical loans has been experienced with 335,169 loans recorded in 2017-2018 compared to 339,057 for the 2016-2017 year. However, 20,827 digital content loans were recorded in 2017-2018 compared to 15,917 for the 2016-2017 year.

Overall, customers have accessed 355,996 physical and digital loans from the Libraries in 2017-2018 as compared to 354,974 physical and digital loans in 2016-2017. This is an overall increase in loans of 0.3%.

FIGURE 2 - LIBRARY SERVICE LOANS 2014 – 2018

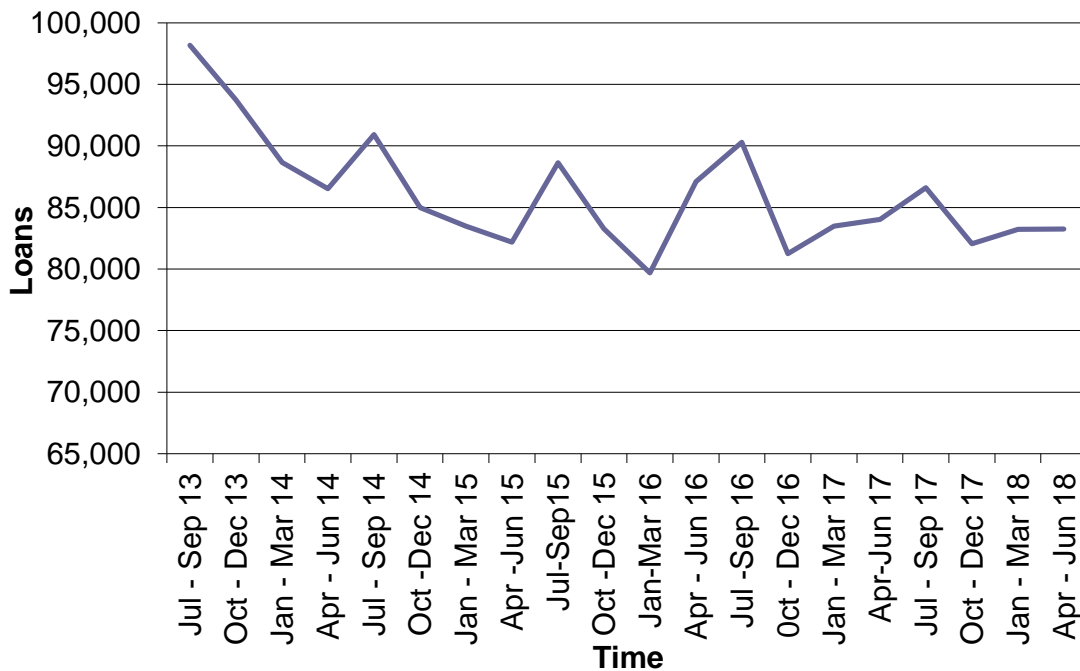


TABLE 4 – ELECTRONIC ACCESSIBILITY

ELECTRONIC SERVICES	Fourth Quarter 2017-2018	Third Quarter 2017-2018	Second Quarter 2017-2018	First Quarter 2017-2018
Internet / word processing sessions	4,739	3,798	4,725	4,781
Catalogue access	143,187	146,480	140,083	152,993
SMS notification	4,676	4,965	4,358	4,735

Remote access to the Library Catalogue online remains strong, with Google Analytics recording 12,214 sessions being activated by 3,248 different users, with 143,187 page views in the Fourth Quarter. The average time spent browsing the catalogue for each visit is 51 minutes.

TABLE 5 – LIFELONG LEARNING, RECREATION AND LITERACY PROGRAMS

LIBRARY PROGRAMS	Fourth Quarter 2017-2018	Third Quarter 2017-2018	Second Quarter 2016-2017	First Quarter 2017-2018
Adult lifelong learning sessions	74	90	63	104
Adult lifelong learning attendance	490	556	657	702
Children's story-time participation	390 children 332 adults	302 children 256 adults	492 children 380 adults	638 children 468 adults
Children's story-time events	20	19	18	20
School holiday program participation	294 children 178 adults	216 children 110 adults	329 children 199 adults	306 children 165 adults
School holiday program events	8	13	9	9
Bouncing Babies participation	230 children 231 adults	201 children 195 adults	158 children 165 adults	192 children 198 adults
Bouncing Babies events	11	10	9	10
Other family programs	662 children 491 adults	59 children 49 adults	1,067 children 295 adults	n/a
Other family events	16	18	22	n/a

Through its Libraries, the Council aims to provide a range of informal and formal Lifelong Learning and recreation opportunities for the community, across a number of age groups.

In the Fourth Quarter, a total of 3,298 people participated in 129 Lifelong Learning sessions provided at the Libraries, as compared to 1,944 people participating in 150 sessions in the Third quarter, an increase of 69%.

Overall in 2017-2018, 11,653 people participated in 543 lifelong learning sessions. This is an increase in attendance of 17.3% from the 2016-2017 year, where 9,931 people participated in 481 lifelong learning programs as shown in FIGURE 3 – LIFELONG LEARNING PROGRAM ATTENDANCE.

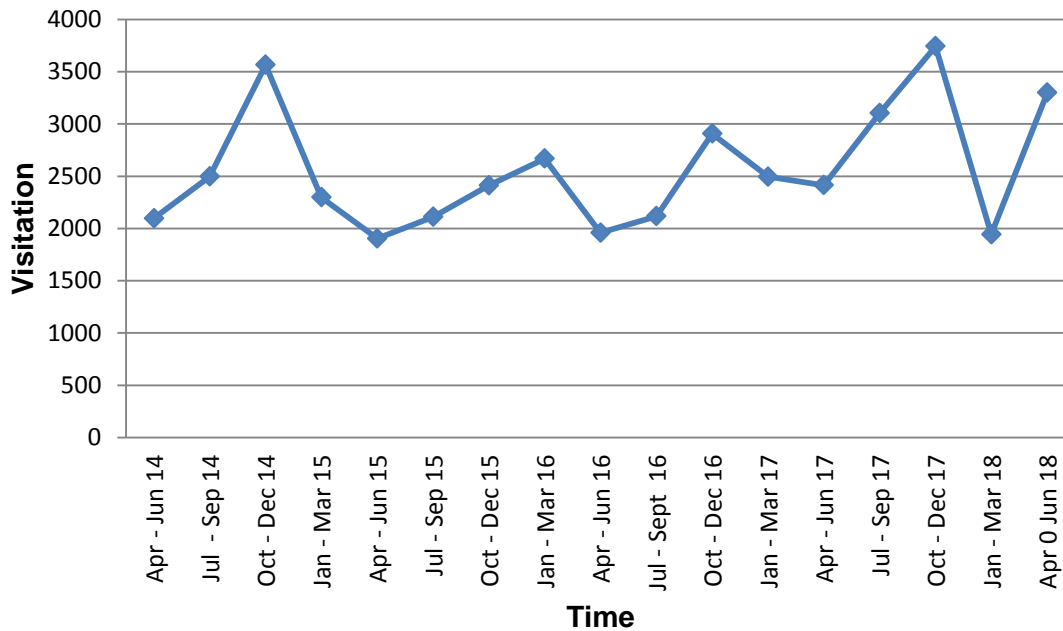
Adult Lifelong Learning events, workshops or information sessions for this Quarter, included (but are not limited to):

- one to one technology device support sessions;
- digital literacy training sessions;
- drop in tech assistance sessions
- the meeting of (6) Library based regular book discussion groups;
- Weekly games afternoons
- Author talks, recreation or skill building workshops for personal growth,
- Weekly Knit and Stitch group; and
- Bi-monthly movie afternoons.

Family oriented programs for the Third Quarter included:

- the School Holiday Program in April 2018;
- weekly Storytime during term time;
- weekly Lego club
- preschool visits
- Baby Bounce and Rhyme sessions in term time.

FIGURE 3 – ATTENDANCE AT LIFELONG LEARNING PROGRAMS



OPTIONS

There are no proposals in this report which present any options for consideration.

CONCLUSION

Through its Library Service the Council is committed to providing innovative and responsive services to the community. Ongoing analysis of usage, collection data and programs is required to position the Council to maximise the net community benefit of the service.

COMMENTS

Nil

RECOMMENDATION

That the report be received and noted.

Cr Mex moved:

That the report be received and noted.

Seconded by Cr Moore and carried.

**Section 3 – Governance & General
Reports**

11.8 REPORTS OUTSTANDING

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

PURPOSE OF REPORT

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

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

BACKGROUND

Nil

DISCUSSION

Nil

RECOMMENDATION

That the report be received and noted.

Cr Duke moved:

That the report be received and noted.

Seconded by Cr Shepherdson and carried unanimously.

11.9 CITY OF NORWOOD PAYNEHAM & ST PETERS BY-LAWS

REPORT AUTHOR: Manager, Governance, Legal & Property
GENERAL MANAGER: General Manager, Governance & Community Affairs
CONTACT NUMBER: 8366 4507
FILE REFERENCE: S/04111
ATTACHMENTS: A - D

PURPOSE OF REPORT

The purpose of the report is to present the draft City of Norwood Payneham & St Peters By-laws to the Council for consideration and adoption.

BACKGROUND

The Council has the ability to make by-laws under the *Local Government Act 1999* (the Act). Each by-law must be contemplated by that Act or another Act, or relate to a matter authorised by the *Local Government (General) Regulations 2013* or another Act.

In particular, by-laws can be made for the following:

- access to and use of Local Government land (Section 238 of the Act);
- use of Roads, including obstruction of any road, footway, water-channel or watercourse in a road (Section 239 of the Act, Regulation 28);
- moveable signs (Section 239, subject to Section 226 of the Act);
- control or management of dogs and cats (*Dog and Cat Management Act 1995*); and
- ports, harbors and other coastal land (*Harbors and Navigation Act 1993*).

The Council also has a general power under Section 246 of the Act to make by-laws for the good rule and government of its area and for the convenience, comfort and safety of its community.

The Council previously had five (5) By-laws, namely:

1. Permits and Penalties;
2. Moveable Signs;
3. Roads;
4. Local Government Land; and
5. Dogs.

By-laws have a seven (7) year life cycle. The Council's previous by-laws were adopted by the Council on 5 May 2008 and expired on 1 January 2016.

A review of the Council's previous By-laws has been undertaken in accordance with the provisions of the *Local Government Act 1999*, to ensure that the By-laws remain relevant in the current climate and to take into account legislative changes over the past few years (eg to the *Dog and Cat Management Act 1995*, and the introduction of the *Local Nuisance and Litter Control Act 2016*).

During the review process, an additional By-law for Waste Management was drafted to assist the Council with the regulation of domestic waste and associated issues (including correct placement of rubbish bins by residents). A provision was also included in the draft Local Government Land and Roads By-laws, to assist the Council in regulating the operation and use of dockless share bike schemes within the City of Norwood Payneham & St Peters. Although Ofo, a dockless share bike company, has recently made a public statement that it intends to withdraw from the Australian market, inclusion of the share bike provision in the Council's draft By-laws, remains a useful tool to regulate other potential operators and users of dockless share bike schemes in the City in the future.

Ms Cimon Burke of Kelledy Jones Lawyers assisted Council staff in the review of the Council's By-laws and preparation of six (6) draft By-laws for the Council's consideration. Ms Burke also attended an Information Session for Elected Members on Wednesday 7 March 2018, to explain the By-law review process, the legal framework and to answer questions on the various provisions and clauses.

At its meeting held on 3 April 2018, the Council endorsed the six (6) draft By-laws for the purposes of community consultation, namely:

1. By-Law No 1 – Permits and Penalties;
2. By-Law No 2 – Moveable Signs;
3. By-Law No 3 – Roads;
4. By-Law No 4 – Local Government Land;
5. By-Law No 5 – Dogs; and
6. By-Law No 6 – Waste Management.

Copies of these By-laws are contained in **Attachment A** for the Council's consideration.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

FINANCIAL AND BUDGET IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

The draft By-laws No 1-6, as presented to the Council, have been prepared in accordance with the requirements of the *Local Government Act 1999*.

CONSULTATION

- **Elected Members**

An Information Session was held with Elected Members on Wednesday 7 March 2018, where a presentation on the draft By-laws was provided by Ms Cimon Burke of Kelledy Jones Lawyers and Council staff.

- **Community**

Community consultation on the draft By-laws was undertaken in accordance with the *Local Government Act 1999* and the Council's Community Consultation Policy.

- **Staff**

Consultation has taken place with relevant staff in relation to the previous and draft By-laws.

- **Other Agencies**

The draft By-law 5 – Dogs has been referred to the Dog and Cat Management Board in accordance with the *Dog and Cat Management Act 1995*, and relevant by-laws have been referred to the Department of Planning, Transport and Infrastructure for comment.

DISCUSSION

Principles for the Making of By-laws

Section 247 of the Act sets out the principles that apply to the making of by-laws. A by-law made by a council must:

- (a) be consistent with the objectives of the provision that authorises the by-law and accord with the provisions and general intent of the enabling Act; and
- (b) adopt a means of achieving those objectives that does not—
 - i. unreasonably burden the community; or
 - ii. make unusual or unexpected use of the power conferred by the enabling Act (having regard to the general intent of the Act); and
- (c) avoid restricting competition to any significant degree unless the council is satisfied that there is evidence that the benefits of the restriction to the community outweigh the costs of the restriction, and that the objectives of the by-law can only be reasonably achieved by the restriction; and
- (d) avoid unreasonable duplication or overlap with other statutory rules or legislation; and
- (e) avoid regulating a matter so as to contradict an express policy of the State that provides for the deregulation of the matter; and
- (f) avoid breaching principles of justice and fairness; and
- (g) be expressed plainly and in gender neutral language.

When considering the making of a by-law, a council must consider what other means are available to achieve the objective of the by-law. This should include consideration of relevant Federal or State legislation, orders and regulations (for example public health controls or other approval processes which could legitimately regulate the activity, such as a development authorisation under the *Development Act 1993*). The Council should also give consideration to non-legislative measures to achieve or regulate the objective, including by voluntary or advisory codes of practice, consultation with special interest groups and the community, and use of the media, press releases, advertisements and education programs.

A balance must be struck between the right of an individual(s) and the public interest in regulating or restricting an individual's activities. In the absence of anything better, reliance must be placed on the informed judgement of the local council.

The six (6) draft By-laws which are presented to the Council for its consideration have been prepared consistently with these principles under the relevant authorising legislation.

Making of By-laws

Section 249 of the Act sets out the process a council must follow when passing by-laws. In making new By-laws for the City of Norwood Payneham & St Peters, the Council must have regard to the following:

- the six (6) By-laws attached to the certificates of validity;
- the response from the Dog and Cat Management Board;
- the outcome of community consultation; and
- the National Competition Policy Report.

Each of these are explained in further detail below.

Certificate of Validity

Before the Council can make the By-laws, a legal practitioner must certify that the By-laws can be made by virtue of the statutory powers available to the Council and that the By-laws are not in conflict with the *Local Government Act 1999*. Certificates of Validity for each of the proposed By-laws are also required under Section 249(4) of the Act for submission to the Legislative Review Committee after the By-laws have been formally made by the Council.

Certification occurs by use of the prescribed form under the *Local Government Act 1999* and includes the following:

- the details of the legal practitioner;
- a description of the by-law sufficient to properly identify it;
- the name of the council proposing to make the By-laws;
- a description of the statutory provision under which the Council has the power to make the by-law;
- the date of execution of the certificate; and
- the signature of the legal practitioner.

These Certificates have been prepared and signed by Ms Cimon Burke of Kelledy Jones Lawyers and form part of the By-laws documentation contained in **Attachment A**.

Consultation and Referrals

Community consultation for the draft By-laws commenced on Monday 2 May 2018 and closed on Friday 25 May 2018, in accordance with Section 249 of the *Local Government Act 1999* and the Council's Community Consultation Policy.

A notice was placed in the local Messenger newspapers advising the community of the By-law Review and inviting written submissions to the Council for consideration. A copy of this notice is contained in **Attachment B**.

This information was also placed on the Council's website, together with links to download copies of the draft By-laws. Hard copies of the draft By-laws were also made available for viewing by members of the community by Library Staff and Customer Service.

No submissions have been received.

In accordance with Section 90(5) of the *Dog & Cat Management Act 1995*, a copy of the draft Dogs By-law was forwarded to the Dog & Cat Management Board (the Board) for its consideration. The Board Secretary (having been delegated the power of the Board to make recommendations on the draft By-laws) was satisfied that the Council's By-law No 5 was broadly consistent with those of other councils and had no recommendations and provided no comment.

A copy of the Board's response is contained in **Attachment C** for the Council's consideration.

Copies of the draft Local Government Land, Roads and Dogs By-laws were also provided to the Department of Planning, Transport and Infrastructure (DPTI) for comment. Although no longer formally required under Section 18A of the *Harbors and Navigation Act 1993*, referral to DPTI is still undertaken to provide DPTI with the opportunity to comment on relevant by-laws. No concerns were raised by DPTI in relation to the draft By-laws.

National Competition Policy Report

Section 247(c) of the Act, reflects the requirements of the National Competition Policy in that it requires a by-law made by a council to avoid restricting competition to any significant degree, unless the council is satisfied that there is evidence that the benefits of the restriction to the community outweigh the costs of the restriction, and that the objectives of the by-law can only be reasonably achieved by the restriction.

Accordingly, any restriction on competition contained in a proposed By-law must be identified before the Council is in a position to make that by-law.

A National Competition Policy Report has been prepared by the Council's lawyers that considers each of the six (6) proposed By-laws as required under the National Competition Policy and Section 247(c) of the Act.

A copy of the Report is contained within **Attachment D** for the Council's consideration.

By-Law No 1 – Permits and Penalties, By-law No 5 – Dogs and By-law No 6 – Waste Management have been identified as not restricting competition.

By-law No 2 - Moveable Signs, By-law No 3 – Roads and By-law No 4 - Local Government Land have been identified as containing provisions that do restrict, or have the potential to restrict, competition to a degree. However, the benefits to the community of these By-laws outweigh the potential restrictions on competition. As such, it is recommended that each of these By-laws be adopted as drafted.

Final steps

For the By-laws to be formally made, Section 249 of the *Local Government Act 1999* requires that a resolution is passed by the Council at a meeting where at least two thirds of the Members of the Council are present and by an absolute majority of all Members of the Council. Since the Council comprises 14 Elected Members, at least 10 members must be present and the resolution must be supported by at least 8 Members.

Once the By-laws are made, the Chief Executive Officer must sign the By-laws. The signed and certified By-laws are then forwarded, within six (6) days of the By-laws being made, to the Legislative Review Committee of the South Australian Parliament for consideration by the Legislative Review Committee.

Referral to Legislative Review Committee

It is a requirement of the *Subordinate Legislation Act 1978* that a report be prepared and presented to the Legislative Review Committee of Parliament for each proposed by-law, outlining the reasons for the by-law, the objectives, the effect of each clause, and the administrative and enforcement strategies for each of the By-laws. The Council's lawyers will prepare the required Legislative Review Committee Reports for each by-law and will attend to this referral on the Council's behalf.

The Legislative Review Committee may inquire into the By-laws and provide an opinion or recommendation as to the viability of the By-laws. The Committee may move to disallow the By-laws, if it forms the opinion that the By-laws ought to be disallowed. This is formally achieved through a motion of disallowance to the Parliament, and requires the Committee to report to both Houses of Parliament. This must be done before the end of the disallowance period, being 14 sitting days from referral to the Committee.

In order to avoid disallowance of the By-laws, it is important that the By-laws do not offend the following requirements:

- exceed the power conferred by the Act under which the By-law is made;
- be inconsistent with this or any other Act, or general law of the State;
- unless authority is conferred by the Act –
 - have retrospective effect,
 - impose a tax,
 - purport to shift the onus of proof to a person accused of an offence, or
 - provide for the further delegation of powers delegated under an Act;
- unreasonably interfere with rights established by law; or
- unreasonably make rights dependent on administrative and not judicial decisions.

To avoid this occurring, the above matters are considered by the legal practitioner who provides the certification of validity of the By-laws.

Gazettal and Public Notice

The By-laws must also be published, in full, in the Government Gazette as soon as practicable after the Council meeting at which the By-laws were made.

In accordance with Section 249(7) of the Act, a notice must also be published in a newspaper circulating in the area of the Council advertising the newly made By-laws to the community.

The By-laws will come into operation four (4) months from the date of publication in the Gazette, unless the By-laws are disallowed by the South Australian Parliament, in which case a notice of disallowance will be published in the Gazette.

A By-law made pursuant to the *Local Government Act 1999* and all subsequent By-laws altering that By-law, expires on 1 January of the year following the year in which the seventh (7th) anniversary of the day on which the by-law was made falls. For the purpose of this provision, a by-law is taken to have been made on the day on which it is published in the Gazette.

OPTIONS

The Council's previous By-laws have expired and the Council is required to make new By-laws for the City of Norwood Payneham & St Peters. The Council may choose to amend a draft By-law, however the process of review would need to commence again, as any changes to a draft By-law at this point are subject to additional community consultation.

CONCLUSION

The draft By-laws No 1-6, as presented to the Council, have been prepared in accordance with the requirements of the *Local Government Act 1999*. There are no impediments to the Council formally making By-Laws No 1-6.

COMMENTS

Nil.

RECOMMENDATION

1. That in exercise of the powers contained in Section 246 of the *Local Government Act 1999*, and having satisfied the requirements of the Act having had regard to the outcome of the consultation process, the National Competition Policy Report, the Certificates of Validity provided by the Council's legal practitioner, and the comments from the Dog and Cat Management Board in relation to By-law No 5, the majority of the Council, in the presence of at least two thirds of its members, hereby makes and passes the following By-laws as contained in Attachment A:

By-Law No 1 – Permits and Penalties By-Law 2018;
By-Law No 2 – Moveable Signs By-Law 2018;
By-Law No 3 – Local Government Land By-Law 2018;
By-Law No 4 – Roads By-Law 2018;
By-Law No 5 – Dogs By-Law 2018; and
By-Law No 6 – Waste Management By-Law 2018.

2. That the Chief Executive Officer be authorised to undertake all steps necessary to finalise the By-law review process and to give effect to the newly adopted By-laws.
-

Cr Frogley moved:

- 1. That in exercise of the powers contained in Section 246 of the Local Government Act 1999, and having satisfied the requirements of the Act having had regard to the outcome of the consultation process, the National Competition Policy Report, the Certificates of Validity provided by the Council's legal practitioner, and the comments from the Dog and Cat Management Board in relation to By-law No 5, the majority of the Council, in the presence of at least two thirds of its members, hereby makes and passes the following By-laws as contained in Attachment A:*

*By-Law No 1 – Permits and Penalties By-Law 2018;
By-Law No 2 – Moveable Signs By-Law 2018;
By-Law No 3 – Local Government Land By-Law 2018;
By-Law No 4 – Roads By-Law 2018;
By-Law No 5 – Dogs By-Law 2018; and
By-Law No 6 – Waste Management By-Law 2018.*

- 2. That the Chief Executive Officer be authorised to undertake all steps necessary to finalise the By-law review process and to give effect to the newly adopted By-laws.*

Seconded by Cr Duke and carried.

11.10 SECTION 221 AUTHORISATION – PAC FOOTBRIDGE OVER THE PARADE WEST, KENT TOWN

REPORT AUTHOR: Manager, Governance, Legal & Property
GENERAL MANAGER: General Manager, Governance & Community Affairs
CONTACT NUMBER: 8366 4507
FILE REFERENCE: S/02795 S/03444 R/0513
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to present the Section 221 Authorisation between the Council and Prince Alfred College (PAC), for the PAC footbridge which is proposed to be constructed over The Parade West, Kent Town, to the Council for consideration and approval.

BACKGROUND

At its meeting on 4 September 2017, the Council considered a proposal by Prince Alfred College to construct a footbridge over The Parade West, Kent Town.

The proposed footbridge was granted Development Plan Consent by the Inner Metropolitan Development Assessment Commission on 19 January 2017. At its meeting held on 4 September 2017, the final plans for the proposed footbridge and independent valuation documentation, were provided to the Council for its consideration, and the Council resolved the following:

- 1. That the plans of the footbridge be approved with the exception of any school advertising (including the school name and logo) and third party advertising other than any advertising which the Council may wish to display on any part of the structure located over the public realm and associated landscaping as shown on the plans as contained in Attachment B.*
- 2. That no charge be sought for the use of the air space to be occupied by the footbridge.*
- 3. That the Council delegates to the Chief Executive Officer, the authority to authorise any Land Management Agreement (LMA) or lease, as is deemed appropriate by the Chief Executive Officer, with respect to the use of the air space over The Parade West for the footbridge, with all associated costs in preparing and executing the LMA or lease to be borne by Prince Alfred College.*

Subsequent to this decision, at its meeting on 3 October 2017, the Council considered a Notice of Motion to rescind the resolution passed by the Council at its meeting held on 4 September 2017, in respect of the PAC footbridge, and replace it with a new motion. Following consideration of the Notice of Motion, the Council resolved the following:

- 1. That the Council approves the plans of the footbridge, including placement of the school name and logo and associated landscaping contained in Attachment B.*
- 2. That no advertising of any type (other than the school's name and logo) be permitted to be placed on the proposed footbridge with the exception of any advertising which the Council may wish to display on any part of the structure located over the public realm.*
- 3. That no charge be sought for the use of the air space to be occupied by the footbridge.*
- 4. That the Council requests the Chief Executive Office to prepare a Land Management Agreement (LMA) or lease, for the Council's consideration, regarding the use of the air space over The Parade West for the footbridge, with all associated costs in preparing and executing the LMA or lease, to be borne by Prince Alfred College.*

As highlighted in the report which was considered by the Council at its meeting on 4 September 2017, an interim authorisation under Section 221 of the *Local Government Act 1999*, can be issued for the construction of the footbridge structure and ongoing use of the air space over The Parade West, while the necessary arrangements for a long-term Lease (including creation of a strata allotment) are completed.

A Section 221 Authorisation has been prepared by the Council's lawyers and its terms have been agreed upon by PAC. The Authorisation is for a maximum term of 42 years, in accordance with the *Local Government Act 1999*, commencing on 1 September 2018 and expiring on 31 August 2060.

Under the Authorisation, PAC is solely responsible for the upkeep and maintenance of the footbridge and must keep it in good repair and condition at all times. PAC is also required to maintain public liability insurance in respect of the footbridge and to indemnify the Council against relevant risks.

Once a Lease for the footbridge has been prepared and finalised, the Lease can be entered into between the parties in place of the Authorisation. The Lease can be for a maximum term of 99 years, in accordance with the *Local Government Act 1999*, which reflects the long-term nature of the footbridge structure and will provide PAC with greater security of tenure.

PAC is required to remove the footbridge structure from the road upon the expiry or earlier cancellation of the Authorisation and must repair, at its cost, any damage caused to the road or Council property in the removal. A similar requirement will be included within the Lease.

A copy of the Authorisation is contained within **Attachment A**.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

FINANCIAL AND BUDGET IMPLICATIONS

As resolved by the Council at its meeting held on 3 October 2017, no charge will be sought under the Section 221 Authorisation for the use of the air space which will be occupied by the PAC footbridge. However, consistent with that resolution and in accordance with Clause 14.2 of the Authorisation, PAC must bear all reasonable costs of the Council incurred in connection with the drafting, negotiation, finalisation and execution of the Authorisation.

RISK MANAGEMENT

Not Applicable.

RECOMMENDATION

That the Chief Executive Officer be authorised to execute the Section 221 Authorisation between the Council and Prince Alfred College, for the PAC footbridge which is proposed to be constructed over The Parade West, Kent Town, on behalf of the Council.

Cr Minney moved:

- 1. That the Council requests Prince Alfred College to submit to the Council a structured program of maintenance and/or inspection for the footbridge, to ensure that it remains structurally sound and in good condition and repair throughout the term of the Authorisation and that the Chief Executive Officer be authorised to negotiate an amendment to the Authorisation prior to execution to incorporate compliance with such a program.*
- 2. That the Chief Executive Officer be authorised to execute the Section 221 Authorisation between the Council and Prince Alfred College (as amended in accordance with the negotiations conducted by the Chief Executive Officer pursuant to this resolution), for the PAC footbridge which is proposed to be constructed over The Parade West, Kent Town, on behalf of the Council.*

Seconded by Cr Stock and carried unanimously.

11.11 LOCAL GOVERNMENT FINANCE AUTHORITY OF SOUTH AUSTRALIA ANNUAL GENERAL MEETING

REPORT AUTHOR: General Manager, Governance & Community Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: S/00020
ATTACHMENTS: A - B

PURPOSE OF REPORT

The purpose of the report is to advise the Council that the Local Government Finance Authority of South Australia is holding its Annual General Meeting on Friday 26 October 2018.

BACKGROUND

The Annual General Meeting of the Local Government Finance Authority of South Australia (LGFA), will be held on Friday 26 October 2018, at the Adelaide Entertainment Centre. This meeting will again coincide with the Local Government Association of South Australia Annual General Meeting. The commencement time of the LGFA AGM is yet to be advised.

The LGFA require that a number of procedural matters must be attended to in order to ensure compliance with the LGFA Rules.

DISCUSSION

Appointment of Council Representative

Section 15 (1) of the Local Government Finance Authority of South Australia Act 1983 (the Act), provides that:-

“Every Council is entitled to appoint a person to represent it at a general meeting of the Authority.”

Traditionally, the Mayor has been appointed as the Council Representative.

The LGFA will be notified of the City of Norwood Payneham & St Peters representative, via the appropriate documentation (**Attachment A**), by 17 August 2018, in accordance with the prescribed timeframes.

Notices of Motion

The Rules of the LGFA in relation to the Annual General Meeting procedures, require that a Notice of Motion specifying the resolution which is to be proposed must be given to the Chief Executive Officer not less than forty two days prior to the meeting. To comply with this rule, it is necessary for any Notices of Motion to be submitted to the LGFA no later than Friday 17 August 2018.

Notices of Motion must be lodged stating the following:

- the Notice of Motion;
- the reason for the Notice of Motion; and
- the suggested action.

Any Notices of Motion submitted by the Council, will be forwarded to the LGFA via the appropriate documentation (**Attachment B**).

OPTIONS

The Council is entitled to appoint a person to represent it at the LGFA AGM.

It is at the discretion of the Council as to whether or not it forwards a Notice of Motion/s to be considered at the Annual General Meeting.

CONCLUSION

All relevant information must be forwarded to the Local Government Finance Authority for inclusion with the Agenda for the LGFA AGM, by Friday 17 August 2018.

COMMENTS

Nil.

RECOMMENDATION

Appointment of Council Representative

1. The Council appoints Mayor Bria as the City of Norwood Payneham & St Peters Representative at the Local Government Finance Authority Annual General Meeting to be held in October 2018.
2. The Council appoints _____ as the City of Norwood Payneham & St Peters Proxy Representative at the Local Government Finance Authority Annual General Meeting to be held in October 2018.

Notices of Motion

1. The Council notes the report and declines the invitation to submit a Notice of Motion to the Local Government Finance Authority Annual General Meeting.

Or

2. The Council forwards a Notice of Motion to the Local Government Finance Authority Annual General Meeting in relation to the following item:
-

Cr Duke moved:

Appointment of Council Representative

The Council appoints Mayor Robert Bria as the City of Norwood Payneham & St Peters Representative at the Local Government Finance Authority Annual General Meeting to be held in October 2018.

Seconded by Cr Minney and carried.

Cr Duke moved:

Appointment of Proxy Representative

The Council appoints Cr John Minney as the City of Norwood Payneham & St Peters Proxy Representative at the Local Government Finance Authority Annual General Meeting to be held in October 2018.

Seconded by Cr Stock and carried unanimously.

Cr Wormald left the meeting at 9.46pm.

Cr Duke moved:

Notices of Motion

The Council notes the report and declines the invitation to submit a Notice of Motion to the Local Government Finance Authority Annual General Meeting.

Seconded by Cr Minney and carried unanimously.

11.12 NOMINATION TO THE LOCAL GOVERNMENT FINANCE AUTHORITY OF SOUTH AUSTRALIA BOARD

REPORT AUTHOR: General Manager, Governance & Community Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: S/00020
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of the report is to advise the Council of the call for nominations by the Local Government Finance Authority (LGFA), for election to the Local Government Finance Authority Board (the Board) and invite the Council to submit a nomination.

Local Government Finance Authority Board

The LGFA is seeking nominations for the Local Government Finance Authority Board to replace two (2) current Members, whose term of office expires on 31 December 2018. The two (2) positions are currently held by Ms Annette Martin, City of Charles Sturt and Cr John Frogley, City of Norwood Payneham & St Peters.

The LGFA of South Australia was established in January 1984, under the Local Government Finance Authority Act 1983, and is managed and administered by a Board of Trustees. The Authority is a statutory authority established for the benefit of councils and other prescribed local government bodies within the State.

The role of the Board is to develop and implement investment and borrowing programs for the benefit of councils and prescribed local government bodies and to engage in such other financial activities as are determined by the Minister for State/Local Government Relations, after consultation with the Local Government Association of South Australia, to be in the interests of local government.

The term of office is for a two (2) year period, commencing on 1 January 2019 to 31 December 2020.

Nominations for the Local Government Finance Authority Board must be forwarded by Friday 16 August 2018, via the Nomination and Resume forms contained in **Attachment A**.

In accordance with the Rules of the LGFA, if more than two (2) persons are nominated an election for the two (2) representative members will be determined by postal ballot.

The successful candidates will be declared elected at the LGFA AGM on Friday 26 October 2018.

Cr Frogley was first appointed to the Board in 2008. He has made a significant contribution to the Board over that time (ie 10 (ten) years), in his capacity as Member, Deputy Chairman of the Board and Chair of the Audit Committee.

Cr Frogley has however, advised that he is not seeking to be re-nominated or re-appointed to the Board.

RELEVANT POLICIES & STRATEGIC DIRECTIONS

Not Applicable.

RECOMMENDATION

Council notes the report and declines the invitation to submit a nomination to the Local Government Finance Authority of South Australia for the Local Government Finance Authority of South Australia Board.

Or

Council nominates _____ to the Local Government Finance Authority of South Australia for the Local Government Finance Authority of South Australia Board.

Cr Wormald returned to the meeting at 9.49pm.

Cr Moore moved:

- 1. Council notes the report and declines the invitation to submit a nomination to the Local Government Finance Authority of South Australia for the Local Government Finance Authority of South Australia Board.*
- 2. That the Council thanks and expresses its appreciation to Cr Frogley for the work that he has carried out as a Member of the Local Government Finance Authority of South Australia Board.*

Seconded by Cr Marcuccitti and carried unanimously.

Cr Whittington left the meeting at 9.50pm.

11.13 DRAFT GUIDELINES FOR COUNCIL BOUNDARY CHANGE PROPOSALS

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

PURPOSE OF REPORT

The purpose of the report is to advise the Council of the release of draft *Council Boundary Change Proposals Guidelines* and to enable the Council to provide comments to the Office of Local Government.

BACKGROUND

The *Local Government Act 1999* (the Act), sets out the process associated with proposed Council boundary adjustments to the Local Government Areas. In addition, the Act establishes the Boundary Adjustment Facilitation Panel, which was established at the commencement of the Act, to refine Council boundaries following the various Council amalgamations which occurred in South Australia around 1997.

The role of the Panel was to:

- receive and consider proposals from Councils and elector initiated submissions for boundary adjustment;
- support Councils and members of the public in the formation, development and implementation of proposals and submissions;
- conduct inquiries on matters referred to the Panel by electors and, if appropriate, formulate proposals; and
- prepare and publish guidelines consistent with the requirements of the legislation relevant to the formulation, development or implementation of boundary adjustment proposals.

The Boundary Adjustment Facilitation Panel was abolished in 2015, as part of the State Government's review of Boards and committees. Following abolishment of the Boundary Adjustment Facilitation Panel, its functions were subsequently transferred to the Minister for Local Government.

The Local Government Association of South Australia (LGA) has worked with the Office of Local Government to review the initiation, assessment and decision making processes for boundary adjustments to Local Government Areas.

As part of the review process, the following documents were prepared:

- LGA Discussion Paper, *Local Government Boundary Adjustment Reform July 2015*, which formed the basis of a submission to the Minister by the LGA, to streamline the process for Council boundary adjustments and amalgamations; and
- LGA Discussion Paper *Guideline and Action Topics for Development and Assessment, and Implementation of Local Government Boundary Changes June 2016*;

The Discussion Papers, as set out above, formed the basis of consultation with councils and subsequently the comments which were received from councils were to form the basis of the LGA's submission to the Minister. The LGA's submission, which was endorsed by the LGA Board, outlined a potential model that included three (3) main components - the initiation process, the development and assessment process and the implementation process.

Notwithstanding the above, in August 2016, the Minister for Local Government released the *Local Government (Boundary Adjustment) Amendment Bill 2016* (the Bill), which was intended to amend the boundary adjustment provisions as set out in the *Local Government Act 1999* (the Act).

At its meeting held on 5 September 2016, the Council considered the *Local Government (Boundary Adjustment) Amendment Bill 2016*, and resolved the following:

1. *That the Council supports the establishment of an Independent Panel to oversee the process associated with Local Government boundary adjustments and that the Panel could be based on the Electoral Districts Boundaries Commission model.*
2. *With the exception of the amendments to Section 4 of the Local Government Act 1999, as set out in the Local Government (Boundary Adjustment) Amendment Bill 2016, which make provision for the establishment of the Commission and as set out above, the Council advises the Minister for Local Government and the Local Government Association of South Australia, **that the Council strongly opposes the Local Government (Boundary Adjustment) Amendment Bill 2016 and requests that the current provisions as set out in the Local Government Act 1999, which outline the process associated with Local Government boundary adjustments, be retained.***

Whilst the Council opposed (and advised the LGA of its position), the amendments to the *Local Government Act 1999*, as set out in the *Local Government (Boundary Adjustment) Amendment Bill 2016*, with the exception of the amendments to Section 4, the *Local Government (Boundary Adjustment) Amendment Act 2017* (the Amendment Act), will commence operation on 1 January 2019.

A copy of the Council's submission dated 23 September 2016 to the LGA is contained within **Attachment A**.

The Amendment Act will significantly reform the processes within the *Local Government Act 1999* for boundary reform. The new laws are intended to provide for a simpler initiation process, streamlined assessment pathways for minor or administrative matters, and provide for the independent analysis of significant boundary change or amalgamation proposals by investigators with relevant expertise.

A copy of the *Local Government (Boundary Adjustment) Amendment Act 2017* is contained within **Attachment B**.

As part of the new arrangements, the Local Government Grants Commission (LGGC), will take on the role of Boundaries Commission, the independent body that will assess and investigate boundary change proposals and make recommendations to the responsible Minister.

As such, the LGGC has prepared draft *Council Boundary Change Proposals Guidelines* (the draft Guidelines), that detail the process by which it will receive, assess and progress council boundary change proposals. The draft Guidelines, are separated into the following nine (9) sections:

- Guideline 1 - General Information;
- Guideline 2 - Administrative Proposals;
- Guideline 3 - General Proposals - Submitting a Proposal to the Commission;
- Guideline 4 - General Proposals – Investigations;
- Guideline 5 - General Proposals - Appointing Investigators;
- Guideline 6 - Public Initiated Submissions;
- Guideline 7 - Public Initiated Proposals for Changes in a Council's Composition or Representative Structure;
- Guideline 8 – Costs; and
- Guideline 9 - Engagement and Consultation.

The LGGC has written to councils seeking comments on the draft Guidelines.

A copy of the letter dated 1 June 2018, which has been received from the LGGC regarding the *Council Boundary Change Proposals Guidelines* is contained within **Attachment C**.

A copy of the draft *Council Boundary Change Proposals Guidelines* is contained within **Attachment D**.

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 considered the proposed changes to the *Local Government Act 1999*, regarding the boundary change provisions, at the Council meeting held on 5 September 2016.
- **Community**
Nil.
- **Staff**
Not Applicable.
- **Other Agencies**
Not Applicable.

DISCUSSION

The *Local Government (Boundary Adjustment) Amendment Act 2017 (the Amendment Act)*, aims to remove the limitations and inefficiencies in the current boundary change processes contained within the *Local Government Act 1999*. Some of these include current restrictions on who can initiate reform proposals, procedural requirements and the necessity for two (2) or more councils to agree with reform proposals from members of the public.

The key elements of the Amendment Act are:

- a simpler and broader initiation process, allowing proposals to be initiated by a single council or the Minister for Local Government;
- the introduction of a simplified pathway for administrative (minor) proposals;
- establishing the Local Government Grants Commission (the Commission) as an independent Commission to undertake the initial assessment of proposals, oversee investigations, and make recommendations to the Minister;

- independent analysis of general proposals, significant boundary changes, amalgamations or significant structural reform, by one or more investigators with the relevant expertise for each proposal; and
- an independent analysis of significant boundary change or amalgamation proposals, by investigators with expertise relevant to each proposal.

The Amendment Act amends Chapter Three, Part Two of the *Local Government Act 1999* (the Act), and will commence operation on 1 January 2019.

As part of the new provisions, on 1 January 2019, the Local Government Grants Commission (LGGC) will take on an additional role as the Boundaries Commission, the independent body that will assess and investigate boundary change proposals, and make recommendations to the Minister responsible for the Act.

The primary role of the LGGC will be to:

- assess proposals to determine their validity and significance;
- oversee a simple, essentially administrative process for the assessment of minor administrative proposals;
- appoint one or more investigators to undertake detailed work on major proposals; and
- provide recommendations to the Minister for Local Government at the completion of these processes.

The LGGC has prepared draft *Council Boundary Change Proposals Guidelines* (the draft Guidelines), that detail the process by which it will receive, assess and progress council boundary change proposals, to provide clarity in respect to the process and ensure transparency in its approach to boundary change proposals.

Guideline 1 - General Information

Guideline 1 provides an introduction to the process, the role of the Boundaries Commission (ie the LGGC), who can submit a boundary change proposal and the role of the Minister as part of the process.

Guideline 2 - Administrative Proposals

Guideline 2 defines Administrative Proposals as set out in Section 30 of the Amendment Act:

- to facilitate a development that has been granted an authorisation under the *Planning, Development and Infrastructure Act 2016*;
- to correct an anomaly (eg, where a boundary intercepts one or more privately owned properties);
- where the common boundary of two or more councils requires adjustment following the physical realignment of a common road;
- a proposal to incorporate vacant unincorporated land into a council area; or
- any other matter prescribed in regulation.

In addition, Guideline 2 sets out who can lodge a submission, how to prepare a submission and the process following the lodgement of a submission.

Guideline 3 - General Proposals - Submitting a Proposal to the Commission

As set out above, Section 30 of the Amendment Act clearly defines an “administrative proposal”. A general proposal is a proposal that is defined as “other than an administrative proposal” (for example, general proposals may include a significant boundary change or amalgamation).

It is important to note that whilst members of the public can submit a proposal to the Boundaries Commission to consider boundary alterations, changes in the composition of a council or its representative structure, or the inclusion of unincorporated land into a council, they cannot, however, initiate a council amalgamation or the creation of a new council.

General Proposals are also subject to a two (2) stage process whereby the Boundaries Commission will consider the potential proposal and provide initial advice to the council prior to accepting a formal submission for a general proposal.

Guideline 4 - General Proposals – Investigations

Guideline 4 provides information regarding the assessment of general proposals and how a submission will be considered and progressed by the Boundaries Commission.

Guideline 5 - General Proposals - Appointing Investigators

The Amendment Act provides for an independent analysis of major proposals by one or more investigators consisting of expertise that is determined to be necessary for each proposal.

Section 31 of the Amendment Act therefore stipulates that the Boundaries Commission must appoint one or more investigators to conduct the inquiry into General Proposals. The Boundaries Commission must also consult with affected councils when appointing investigator(s).

This Guideline has been prepared to provide information on the appointment of investigators for general proposals and the powers conferred on investigators in terms of accessing information relevant to a general proposal.

Guideline 6 - Public Initiated Submissions

Public initiated proposals can be submitted to the Boundaries Commission by members of the public regarding council boundary alterations, changes in Ward or Representation structures or the inclusion of land not within a council area into a council area.

Guideline 6 assists members of the public wishing to prepare a public initiated proposal to alter the external boundary of a council. It sets out the process that needs to be undertaken when preparing a proposal and how a proposal is considered and progressed by the Boundaries Commission.

To deter vexatious, frivolous or trivial proposals from members of the public, the following statement is set out within Guideline 6:

“It’s important to note at the outset that dissatisfaction with the services provided by a council is not sufficient reason to make a proposal to the Commission. For example, you may be unhappy with the rates that your council imposes. This is not a reason for changing council area but is something that you should discuss and resolve with your council.”

Guideline 7 - Public Initiated Proposals for Changes in a Council’s Composition or Representative Structure

This Guideline has been prepared to assist members of the public who wish to initiate a public proposal requesting consideration of changes to the composition and/or the structure of a council, including:

- changing Ward boundaries;
- establishing or abolishing Wards;
- changing the composition of the Council (ie changing the number of Elected Members or changing from an elected Mayor to a Chairperson elected by the Council).

This Guideline also provides information regarding a council’s requirement to undertake representation reviews in accordance with Section 12 of the Act, and therefore stipulates that a public initiated proposal to consider changes to a council boundary cannot be made less than two (2) years after the council has completed a representation review or two (2) years prior to the date a council is required to undertake a representation review.

Guideline 7 also makes provision for the deferral of a proposal by the Boundaries Commission if the proposal is received close to Local Government elections.

Guideline 8 – Costs

The Boundaries Commission is entitled to recover the costs associated with a general proposal, in accordance with Section 32 of the Amendment Act.

Guideline 8 provides clarity around these provisions and the requirement for the Boundaries Commission to consult with councils regarding the anticipated costs prior to proceeding to an investigation of a proposal.

Guideline 9 - Engagement and Consultation

The Boundaries Commission is required to have a consultation guideline and is also required to consult with councils affected by boundary change proposals, their communities and entities that represent the interests of council employees affected by proposals.

Guideline 9 sets out the process which the Boundaries Commission has determined it will undertake in respect to the required engagement and consultation.

The approach proposed by the Boundaries Commission is flexible allowing for a tailored approach for each proposal rather than a prescriptive, 'one size fits all' approach.

Summary

Generally, the draft Guidelines are well set out and provide a detailed explanation of the requirements associated with boundary change proposals.

Notwithstanding this, there are two (2) definitions of “eligible electors” set out within the draft Guidelines (ie Guidelines 2 and 7).

Whilst the draft Guidelines aim to provide clarity regarding the various components associated with boundary change proposals, it is suggested that the definitions within the draft Guidelines, whilst they too have been simplified are now more confusing.

Section 27 (1) of the Amendment Act sets out the following definition:

eligible elector, in relation to a proposal, is—

- (a) in the case of a proposal to alter the boundaries of 2 or more councils to incorporate land within the area of a council into the area of another council (a **receiving council**)—an elector in respect of a place of residence or rateable property within the area of a receiving council, or within the area that would be so incorporated; or
- (b) in the case of a proposal that relates to the composition of a council or the issue of wards within the area of a council—an elector in respect of a place of residence or rateable property within the area of the council; or
- (c) in the case of a proposal to incorporate within the area of a council a part of the State that is not within the area of a council (the **outside area**)—a person, body corporate or group within the outside area who or which would, if the proposal were to proceed, be an elector in respect of a place of residence or rateable property within the area that would be so incorporated;

The definition of eligible elector as set out in Section 21(1)(b), which refers to “*a proposal that relates to the composition of a council or the issue of wards within the area of a council*”, is slightly different (ie it does not provide for “within the area that would so be incorporated”), to the definition of eligible elector for proposals as set out in Section 21(1)(a) and (c) above.

This could be confusing and needs refinement.

It is recommended that the definition within the Guidelines should be set out in accordance with the Act and that some wording to clarify the distinctions between the various elements of the definitions and their practical application be included within the relevant Guidelines (ie Guidelines 2 and 7).

OPTIONS

The Council can resolve to provide comments to the Office of Local Government in respect to the draft *Council Boundary Change Proposals Guidelines* or decline the opportunity.

As stated previously, the Council opposed the changes to the current provisions within the Act regarding the proposals for boundary change, however notwithstanding this, the amendments to the current provisions will come into effect on 1 January 2019. It is therefore important the Council considers the draft *Council Boundary Change Proposals Guidelines* (the draft Guidelines), which have been prepared by the LGGC and forward any comments to the LGGC prior to the finalisation of the draft Guidelines.

CONCLUSION

The Office for Local Government will consider all comments which are received in respect to the draft *Council Boundary Change Proposals Guidelines* to ensure the Guidelines are finalised and available when the amendments to the Act come into operation on 1 January 2019.

COMMENTS

Nil.

RECOMMENDATION

That the Council advises the Office of Local Government that the *Council Boundary Change Proposals Guidelines*, clearly set out the process by which the Local Government Grants Commission will receive, assess and progress proposals to change council boundaries, with the exception of the definition of “eligible elector” as set out in Guidelines 2 and 7 and that the definitions as set out in these Guidelines should reflect the definition as set out in the *Local Government Act 1999*, and additional commentary around the practical application of the definition.

Cr Knoblauch moved:

That the Council advises the Office of Local Government that the Council Boundary Change Proposals Guidelines, clearly set out the process by which the Local Government Grants Commission will receive, assess and progress proposals to change council boundaries, with the exception of the definition of “eligible elector” as set out in Guidelines 2 and 7 and that the definitions as set out in these Guidelines should reflect the definition as set out in the Local Government Act 1999, and additional commentary around the practical application of the definition.

Seconded by Cr Duke and carried unanimously.

11.14 EASTSIDE BUSINESS ENTERPRISE CENTRE

REPORT AUTHOR: Chief Executive Officer
GENERAL MANAGER: Not Applicable
CONTACT NUMBER: 8366 4539
FILE REFERENCE: S/03705
ATTACHMENTS: A - B

PURPOSE OF REPORT

The purpose of this report is to advise the Council on the status of the operations of the Eastside Business Enterprise Centre (EBEC).

BACKGROUND

The Eastside Business Enterprise Centre (EBEC) has operated within the eastern metropolitan region for some 17 years and provides business advice to small and medium sized businesses.

EBEC is governed by a Board which comprises a representative from each of the participating Councils (ie. Campbelltown, Walkerville, Prospect, Burnside, Unley and Norwood Payneham & St Peters) and six (6) members representing small businesses. The Council's Chief Executive Officer is this Council's nominee on the Board with the other Councils appointing their respective economic development staff.

The Chairperson of EBEC has historically been a representative from the small business sector and currently Ms Mary Nizamis holds the position of Chairperson.

Over the last 17 years, EBEC has been funded by the Federal, State and Local Government. The State Government withdrew its funding several years ago.

For the past three (3) years, funding has been provided by the Federal Government through the Australian Small Business Advisory Service (ASBAS). In addition, each of the participating councils have provided funding with a total aggregate of \$89,246 of which this Council's contribution is \$22,000 (GST exclusive).

Recently, the ASBAS program has changed to a 'digital only' program. This on-line component has not previously been a key area of expertise for EBEC and as such, new funding from ASBAS has not been pursued, as it would be unlikely to be approved by the Federal Government. Notwithstanding this, EBEC has successfully completed its current three (3) year contract with the Federal Government's ASBAS program. As no additional Federal and State funding is immediately available and with EBEC having only minimal cash reserves, EBEC will be unable to continue to provide its services. That is, its only form of grant funding is through Local Government and the total quantum of this funding is insufficient to continue to operate EBEC in its current form.

In light of this situation, the participating Councils are being asked to consider whether they wish to continue to fund EBEC under a revised structure and program/service delivery model.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

FINANCIAL AND BUDGET IMPLICATIONS

The Council's 2018-2019 Budget contains an allocation of \$22,000 which is paid to EBEC.

EXTERNAL ECONOMIC IMPLICATIONS

Irrespective of the future of EBEC, there is an ongoing need for Councils in the eastern region to engage with the business sector.

The model which is currently being pursued by EBEC, is not sustainable without significant input from State and Federal Government.

This presents an opportunity for the Council to 'tailor' programs and services to meet the needs of the City's business sector.

Implementation of the strategy implemented will not have an adverse impact on the City's business sector. In fact, if implemented, there will be a more tailored approach to meet the needs of the City's business sector.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

There are no risk management issues associated with this matter.

CONSULTATION

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

DISCUSSION

The Eastside Business Enterprise Centre (EBEC) has operated in the eastern region for over 17 years and has provided advice to small and medium sized businesses.

Notwithstanding this, the impact which EBEC has had in respect to fostering and nurturing businesses is difficult to measure. EBEC has traditionally been measured by the State and Federal Government through the number of engagements with new or existing businesses. The outcomes which are achieved as a result of the advice/assistance which has been provided by EBEC is difficult to quantify and measure.

EBEC has to date, relied substantially on grant funding from Federal, State and Local Government.

State Government funding ceased some time ago and in respect to Federal Government funding, given the transition to a new funding model, these funds have also ostensibly disappeared for the foreseeable future – unless of course circumstances change in respect to Federal Government policy in terms of how it will assist small to medium enterprises.

In addition to grant funding from the State and Federal Government, each of the Councils within the EBEC geographic area also contributed funds.

The combined contributions of the Council make up around 25% of the funding which is used by EBEC to provide its current level and scope of services.

In light of the possible removal of Government funding, several years ago EBEC attempted to transition from an organisation which relies significantly on grant funding, to an organisation which operates independent from Government funding and is based on membership and sponsorships.

Whilst in principle this strategy was sound, reliance on membership fees and sponsorships has its own inherent problems and consequences. In this respect, membership and sponsorship has been declining.

What has been realised through this process, is that organisations such as EBEC are by their nature of the activities and service which they provide, very reliant upon Government funding.

In this respect, the next round of Federal Government funding is understood to be for digital implementation only and will not fund generalist advisory services such as those offered by EBEC. It is understood that only three (3) contracts will be awarded across Australia, with the contract for South Australia being ‘bundled’ together with Victoria and Tasmania.

As such, EBEC cannot and would not compete and survive under this scenario. It is understood that the new Commonwealth Digital Services Program will include an assessment of small business’ needs, tailored digital plans where required and advisory support in respect to one or more of the following priority digital capabilities:

- websites and on-line selling;
- social media and digital marketing’
- using small business software; and
- on-line security and data privacy.

As these areas fall outside the scope of EBEC’s capabilities, no submission has been made for funding from the Federal Government.

In light of the above, recently the EBEC Board has been discussing alternative options aimed at maintaining EBEC in some form and continuing to provide the services which EBEC has provided since its establishment.

Given the absence of State and Federal Government funding, in order to continue to provide the same (or similar) services, these services would no longer be subsidised – except through sponsorship for the various functions and activities.

What has evolved during these discussions, is that EBEC is now unviable in its current form and will, if it continues, need to operate with limited resources which again will impact on the scope of its operations and the services which it provides.

In summary, the Board has resolved to restructure the organisation, rather than to wind-up the entity.

This position was put to members of the EBEC at a Special Meeting held on 28 June 2018, at which those members present, voted to restructure the entity.

All employee contracts concluded recently and as such, EBEC is currently operating through the efforts of Board Members.

To progress the restructuring of EBEC, the Constitution will now be amended and a review of income streams will be undertaken, together with a review of funding opportunities.

Notwithstanding this, at the Special General Meeting, the members also resolved that members be advised by no later than 30 September 2018, whether EBEC will be financially viable to successfully continue beyond 31 December 2018.

From a Local Government perspective, three (3) Councils (Burnside, Campbelltown and Walkerville) have indicated that they will continue to provide funding to EBEC, provided certain service outcomes are achieved.

It should be noted that these Councils currently are not very active in the area of business and economic development and hence they see the continuing support of EBEC, as part of their contribution to business and economic development.

The City of Prospect has determined to hold their funding contribution in abeyance until firm commitments to EBEC are made by the State and Federal Governments.

In respect to funding commitments from the State and Federal Governments, it has been estimated that this would need to be in the order of at least \$200,000 per annum (for a minimum of three (3) years) to ensure that a quality service is provided.

It should be noted that given the new Federal Government funding arrangements, the ability to secure grant funding from the Federal Government is most unlikely. In respect to the State Government, it is understood that recently, the Minister for Small Business was approached and declined to provide emergency funding to enable EBEC to continue – that is, continue to operate in the short to medium term.

EBEC has provided services to a number of local businesses over the last 17 years. Notwithstanding this, it is clear that sustaining EBEC as a membership-based organisation (with sponsorship), has been and will continue to be difficult. In short, it is very much reliant upon grant funding.

EBEC's membership peaked at 258 members in 2014-2015 (during a period when there was a concerted effort to attract new members) and this subsequently has decreased to 149 (as at 31 January 2018).

The total number of members from the combined Local Government Areas of Burnside, Campbelltown, Norwood Payneham & St Peters, Prospect, Unley and Walkerville) is 66, with this Council recording 27 members.

Notwithstanding the commitment which has been made by Burnside, Campbelltown and Walkerville, EBEC will not have sufficient funds to continue to provide the range and scope of services which it has to date been providing.

EBEC's operations will also be made difficult without full-time staff. In this respect, its current budget includes the employment of a co-ordinator (0.6 FTE), to co-ordinate the delivery of services, sell and administer sponsorship and advertising, manager membership and delivery networking events. The Board has also noted that the delivery of networking events will require some support from volunteers or Board Members and will need to be hosted by a Board Member.

Whilst these targets may be achieved, it is clear that it will be difficult without support from Federal and State Governments.

As such, the situation has been reviewed by Council staff, taking into account the benefit of continuing to be involved with EBEC and whether this Council can take over a number of the services which have been provided by EBEC (similar to the strategy which has been adopted by the Cities of Prospect and Unley).

In this respect, the City of Prospect has established a successful program of networking events and specific training and awareness workshops for businesses within the City of Prospect.

The City of Unley has pursued a similar strategy.

This Council has also, over the last 18 months, delivered a number of network events and more recently has conducted a number of Business Training and Workshops (refer to **Attachment A**) which have been successful and well attended.

During 2018, in association with Big Futures and Leap Sheep, the Council will be running the Eastside Startup Services at Brick + Mortar Creative (refer to **Attachment B**).

In addition, the Council recently, in association with The Advertiser, conducted the Eastside Business Awards, which were a resounding success and are planned to be held again this financial year.

What is clear from the program which has been implemented by this Council and both Prospect and Unley, is that local businesses are looking to their respective councils to provide services such as training sessions and networking events.

Whilst the Councils have not provided mentor schemes or business advice per se (these were provided by EBEC), these are available from organisations such as Business SA.

It is considered that a consolidation and scheduling of the Council's current programs, together with the scheduling of networking events, will successfully fill much of the void resulting from the changes which are occurring at EBEC.

In addition, the Council could also consider partnering with Business SA (and/or other training providers) to offer specific training to businesses as well as purchasing services from EBEC in the future.

Given the significant number of businesses located within the City of Norwood Payneham & St Peters, there is a tremendous opportunity for the Council to respond with a structured, well promoted program of training, development and networking opportunities.

Should circumstances for EBEC change, then the Council can always re-assess its position.

As such, it is recommended that the current allocation of \$22,000 in the Council's 2018-2019 Budget, be allocated to conducting a program of networking events and training development workshops for businesses located within the City of Norwood Payneham & St Peters.

OPTIONS

The Council can choose to continue to provide funds for EBEC or it can choose to pursue a strategy as recommended and adopt a similar approach which has been taken by the Cities of Unley and Prospect.

CONCLUSION

Economic Development is an important function of Local Government, as set out in Section 7 of the Local Government Act 1999.

When EBEC was first established, it was financially supported by both State and Federal Governments. While this model has worked, it is no longer a viable model, particularly as grant funding is no longer available. The strategy which has been adopted by the Cities of Prospect and Unley provide for a logical involvement by Local Government in the promotion, marketing and sustainability of local businesses.

There is no doubt that some business operators will require assistance in starting a business, running a business and mentoring these services, can be sourced from various providers.

Moving to the strategy as recommended in this report, will require staff to take a more structured and programmed approach to setting up networking events, training, etc. This can be achieved through existing resources.

COMMENTS

Nil

RECOMMENDATION

1. That the Council acknowledges the value which the Eastside Business Enterprise Centre has provided to local businesses within the City of Norwood Payneham & St Peters over the past 17 years.
 2. That the EBEC Board be advised that the Council will not be allocating any funding for the 2018-2019 financial year and will review this position in twelve (12) months.
 3. That the allocation of \$22,000 contained in the Council 2018-2019 Budget, be allocated to the implementation of a structured program of networking events and training and development workshops for businesses located within the City of Norwood Payneham & St Peters.
 4. That the Council thanks the Board of EBEC for its contribution to the City of Norwood Payneham & St Peters' business sector.
-

Cr Whittington returned to the meeting at 9.53pm.

Cr Wormald moved:

1. *That the Council acknowledges the value which the Eastside Business Enterprise Centre has provided to local businesses within the City of Norwood Payneham & St Peters over the past 17 years.*
2. *That the EBEC Board be advised that the Council will not be allocating any funding for the 2018-2019 financial year and will review this position in twelve (12) months.*
3. *That the allocation of \$22,000 contained in the Council 2018-2019 Budget, be allocated to the implementation of a structured program of networking events and training and development workshops for businesses located within the City of Norwood Payneham & St Peters.*
4. *That the Council thanks the EBEC Board for its contribution to the City of Norwood Payneham & St Peters' business sector.*
5. *That the Council advises the EBEC Board, should there be further opportunities of State or Federal funding on a regional basis, the Council would be willing to review this decision.*

Seconded by Cr Frogley.

Amendment

Cr Moore moved:

1. *That the Council acknowledges the value which the Eastside Business Enterprise Centre has provided to local businesses within the City of Norwood Payneham & St Peters over the past 17 years.*
2. *That the EBEC Board be advised that the Council will not be allocating any funding for the 2018-2019 financial year and will review this position in twelve (12) months.*
3. *That the allocation of \$22,000 contained in the Council 2018-2019 Budget, be allocated to the implementation of a structured program of networking events and training and development workshops for businesses located within the City of Norwood Payneham & St Peters.*
4. *That the Council thanks the EBEC Board for its contribution to the City of Norwood Payneham & St Peters' business sector.*
5. *The Council advises the EBEC Board, that should there be further opportunities of State or Federal funding on a regional basis, the Council would be willing to review this decision.*
6. *That the Council advises the Premier of South Australia of its disappointment with the loss of State Government funding for the Eastside Business Enterprise Centre and the Federal Minister for Small and Family Business, the Workplace and Deregulation, regarding the loss of Federal Funding for the Eastside Business Enterprise Centre.*

Cr Stock left the meeting at 10.12pm.

Seconded by Cr Whittington.

Cr Marcuccitti left the meeting at 10.14pm.

Cr Stock returned to the meeting at 10.14pm.

Cr Marcuccitti returned to the meeting at 10.16pm.

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

12. ADOPTION OF COMMITTEE MINUTES

REPORT AUTHOR: General Manager, Governance & Community Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: Not Applicable
ATTACHMENTS: A - C

PURPOSE OF REPORT

The purpose of the report is to present to the Council the Minutes of the following Committee Meetings for the Council's consideration and adoption of the recommendations contained within the Minutes:

- St Peters Child Care Centre & Pre-School Committee – (23 July 2018)
(A copy of the Minutes of the St Peters Child Care Centre & Pre-School Committee meeting is contained within **Attachment A**)
- Audit Committee – (23 July 2018)
(A copy of the Minutes of the Audit Committee meeting is contained within **Attachment B**)
- Norwood Parade Precinct Committee – (24 July 2018)
(A copy of the Minutes of the Norwood Parade Precinct Committee meeting is contained within **Attachment C**)

ADOPTION OF COMMITTEE MINUTES

- **St Peters Child Care Centre & Pre-School Committee**

Cr Moore moved that the minutes of the meeting of the St Peters Child Care Centre & Pre-School Committee held on 23 July 2018, be received and that the resolutions set out therein as recommendations to the Council are adopted as decisions of the Council. Seconded by Cr Granzio and carried unanimously.

- **Audit Committee**

Cr Minney moved that the minutes of the meeting of the Audit Committee held on 23 July 2018, be received and that the resolutions set out therein as recommendations to the Council are adopted as decisions of the Council. Seconded by Cr Shepherdson and carried unanimously.

- **Norwood Parade Precinct Committee**

Cr Whittington moved that the minutes of the meeting of the Norwood Parade Precinct Committee held on 24 July 2018, be received and that the resolutions set out therein as recommendations to the Council are adopted as decisions of the Council. Seconded by Cr Marcuccitti and carried unanimously.

13. OTHER BUSINESS

13.1 Inquiry – Operation of the Heritage System in South Australia

Cr Mex moved:

That Council make a written submission to the Heritage Inquiry, announced by the Environment, Resources and Development Committee through an advertisement in The Advertiser on 4 August 2018, by the deadline of 14 September 2018.

Seconded by Cr Whittington.

Cr Minney left the meeting at 10.31pm.

Cr Minney returned to the meeting at 10.33pm.

The motion was put and carried unanimously.

14. CONFIDENTIAL REPORTS

14.1 ADOPTION OF CONFIDENTIAL MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 26 FEBRUARY 2018 (APPOINTMENT OF AUDITOR)

RECOMMENDATION 1

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

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

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

RECOMMENDATION 2

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

Cr Dottore 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 and Administration Officer, Governance & Community Affairs], be excluded from the meeting on the basis that the Council will receive, discuss and consider:

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

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

Seconded by Cr Shepherdson and carried.

Cr Minney moved:

That the resolution of the Audit Committee meeting held on 26 February 2018, as set out below as a recommendation to the Council, be adopted as a decision of the Council:

Pursuant to Section 128(2) of the Local Government Act 1999, the Audit Committee recommends to the Council that BDO Advisory (SA) Pty Ltd, be appointed as the Council's Auditors with the term of audit appointment being for a maximum of five (5) years commencing on 1 July 2017 for the 2017-2018 Financial Statements through to the conclusion of the 2022-2023 Financial Statements.

Seconded by Cr Shepherdson and carried unanimously.

Cr Minney moved:

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

Seconded by Cr Wormald and carried unanimously.

15. CLOSURE

There being no further business, the Mayor declared the meeting closed at 10.42pm.

Mayor Robert Bria

Minutes Confirmed on _____
(date)