



AGENDA

FOR COUNCIL MEETING TO BE HELD ON

26 APRIL 2016 AT 6:30 PM

IN THE COUNCIL CHAMBER, 12 JAMES STREET, SALISBURY

MEMBERS

Mayor G Aldridge
Cr D Balaza (Deputy Mayor)
Cr S Bedford
Cr D Bryant
Cr C Buchanan
Cr G Caruso
Cr L Caruso
Cr R Cook
Cr E Gill
Cr D Pilkington
Cr D Proleta
Cr S Reardon
Cr G Reynolds
Cr B Vermeer
Cr S White
Cr J Woodman
Cr R Zahra

REQUIRED STAFF

Chief Executive Officer, Mr J Harry
General Manager Business Excellence, Mr C Mansueto
General Manager City Development, Mr T Sutcliffe
General Manager, Community Development, Ms J Trotter
General Manager City Infrastructure, Mr M van der Pennen
Manager Governance, Ms T Norman
Manager Communications and Customer Relations, Mr M Bennington
Team Leader Corporate Communications, Mr C Treloar
Governance Coordinator, Ms J Rowett
Governance Support Officer, Ms K Boyd

PRAYER

*Lord, we ask for your blessing on this Council meeting,
That you direct our deliberations for the benefit of Salisbury
And the true welfare of the people of this City.*

KAURNA ACKNOWLEDGEMENT

The City of Salisbury acknowledges that we are meeting on the traditional Country of the Kurna people of the Adelaide Plains and pays respect to Elders past and present. We recognise and respect their cultural heritage, beliefs and relationship with the land. We acknowledge that they are of continuing importance to the Kurna people living today.

APOLOGIES

An apology has been received from Cr E Gill.

LEAVE OF ABSENCE

PUBLIC QUESTION TIME

DEPUTATIONS

No Deputations have been received.

PRESENTATION OF MINUTES

Presentation of the Minutes of the Council Meeting held on 29 March 2016.

Presentation of the Minutes of the Confidential Council Meeting held on 29 March 2016.

QUESTIONS ON NOTICE

QON1 Part Payment of Council Rates

At the 29 March 2016 Council meeting, Cr Proleta asked the following question:

Cr D Proleta asked a question in relation to the minimum payment allowable at a Post Office.

The question was taken on notice.

General Manager Business Excellence, Charles Mansueto has provided the following response:

The minimum payment at Australia Post Offices is determined by the relevant agency, which for the City of Salisbury is \$50 per payment. This minimum amount was put in place (mid-2014) due to the higher cost of transacting lower payments. The transaction cost at that time was \$1.60 for the over the counter service plus fees for the payment type (cheque or credit card). The fee is now \$2.01, and this is applied to each over the counter payment processed through Australia Post.

The cost to serve low value Australia Post Over the Counter (APOTC) payments is high compared to the amount received. Analysis in early 2014 for the previous 6 months showed that the cost to Council for payments below \$100 was \$11,000 with only \$260k being received, compared to \$33,000 for \$12.2M being received through APOTC for payments over \$100.

Council has a number of payment methods available in addition to Australia Post, including:

- In person at the Council office and Ingle Farm Recreation Centre, with cash/cheque/credit card and debit card being available, minimum payment is \$20*
- Online payments with credit/debit card, minimum \$20*
- Pay by phone with credit/debit card*
- Bpay with credit/debit card or direct from bank account*

It is acknowledged that some residents prefer the ability to make regular small payments, which can be done through all of the payment options detailed above. Whilst some residents may still prefer to pay at Australia Post branches, particularly if unable to access online services, staff have had limited feedback since introducing the \$50 minimum but will undertake a review of the minimum payment.

QUESTIONS WITHOUT NOTICE

NOTICES OF MOTION

NOM1 Speed Limit for Bicycles on Footpaths

Cr B Vermeer has submitted the following Notice of Motion:

1. That staff report back in relation to the implementation of a ‘walking pace’ speed limit for all bicycles on footpaths (other than specifically constructed joint use paths) within the city of Salisbury, with the report to include consideration of:
 - Policy and implementation issues
 - Interface with by-laws
 - Assessment of speed and enforcement of breaches
 - Consultation requirements for implementation
 - Costs for implementation including infrastructure requirements and ongoing administration
 - Communication/education requirements

PETITIONS

No Petitions have been received.

COMMITTEE REPORTS

1 Policy and Planning Committee Meeting

Chairman - Cr L Caruso

Consideration of the minutes of the Policy and Planning Committee Meeting - 18 April 2016 and adoption of recommendations in relation to item numbers:

Administration

1.0.1 Future Reports for the Policy and Planning Committee

It is recommended to Council that:

1. The information be received.

1.0.2 City of Tea Tree Gully Proposed Suburb Boundary Alteration - Salisbury Heights to Greenwith

It is recommended to Council that:

1. A response be provided to the Surveyor General to advise that the City of Salisbury objects to the proposed boundary realignment of the suburbs Greenwith and Salisbury Heights within the Tea Tree Gully Council area due to the removal of a historical suburb title which is likely to increase community confusion and the lack of any tangible benefits to the community.

Community Development

1.1.1 Review of the Twelve25 Advisory Group

It is recommended to Council that:

1. The Twelve25 Youth Advisory Group continue with a further review to be conducted in February 2017.
2. Councillors Betty Gill, Riccardo Zahra, Steve White and Robyn Cook continue as members of the Twelve 25 Advisory Group pending the outcome of the review in February 2017.

1.1.2 Suicide Prevention Action Plan

It is recommended to Council that:

1. Council continue to support the development of the Salisbury Community Suicide Prevention Network.
2. Staff provide a status update report on the Salisbury Community Suicide Prevention Network to council in six months' time. The report to include a copy of the community owned action plan for council's information and an overview of an ongoing role and commitment for City of Salisbury staff.

1.1.3 Minutes of the Youth Council Sub Committee meeting held on Tuesday, 12 April 2016

1.1.3-YC2 Twelve25 Salisbury Youth Enterprise Centre April Update

It is recommended to Council that:

1. That the information be received and noted.

1.1.3-YC3 Youth Action Plan

It is recommended to Council that:

1. The report be received and contents noted.

1.1.3-YC4 Youth Council Membership

It is recommended to Council that:

1. The resignation of Shamsiya Mohammadi be received and noted.
2. Council advise Marziya Mohammadi that as a consequence of non-attendance at Youth Council and Working Party meetings their membership has been terminated.

1.1.3-YC5 Youth Council Working Parties

It is recommended to Council that:

1. The following working groups be endorsed to be undertaken in 2016 by the Youth Council
 - Diversity - LGBTIQ Community
 - Diversity - CALD Community
 - Development - Health. Leader to be decided
 - Development - Education and Employment. Leader to be decided
 - Leisure - Sports. Leader to be decided
 - Leisure - The Arts. Leader to be decided
2. Joel Winder be appointed as the Leader for the Diversity- LGBTIQ Community Working Group.
3. Julie Ping be appointed as the Leader for the Diversity – CALD Community Working Group.

Urban Development

1.3.1 City Plan 2030

It is recommended to Council that:

1. The submissions received during the consultation process for the City Plan be noted.
2. The Draft City Plan 2030 at Attachment 2 to this report (Item No. 1.3.1, Policy and Planning Committee, 18/04/2016), incorporating amendments in response to public consultation outcomes, be endorsed.

1.3.2 Rural Aircraft Noise Direk Industry and Residential Interface DPA Update

It is recommended to Council that:

1. The Rural (Aircraft Noise) Direk Industry and Residential Interface Development Plan Amendment be reviewed and amended in accordance with the Minister for Planning's requirements, and the amended DPA and report be further considered by Council for endorsement prior to forwarding to the Minister for Planning to again seek approval for public consultation.

2 Works and Services Committee Meeting

Chairman - Cr J Woodman

Consideration of the minutes of the Works and Services Committee Meeting - 18 April 2016 and adoption of recommendations in relation to item numbers:

Administration

2.0.1 Future Reports for the Works and Services Committee

It is recommended to Council that:

1. The information be received.

Community Centres and Youth

2.1.1 Burton Park Community Centre

It is recommended to Council that:

1. That Option 3, Pre School Demolition, improved car parking and landscaping at the Burton site, including Kaurna Park, be endorsed.
2. That a new initiative bid to fund the Burton pre-school demolition, car parking establishment costs and landscaping be considered in the 2016/17 budget.

Landscaping

2.4.1 Tree Management Framework

It is recommended to Council that:

1. The information be received.
2. The Tree Management Policy as set out in Attachment 2 to this report (Item No 2.4.1 Works and Services Committee, 18/4/2016), be endorsed.
3. The revised and updated Tree Removal Procedure, with track changes accepted, as set out in Attachment 3 to this report (Item No 2.4.1 Works and Services Committee, 18/4/2016, be endorsed; with option 1, the Development Assessment Unit, as the preferred mechanism for processing requests to review tree removal decisions related to Regulated/Significant trees where removal is supported (Clause 2.7 of Tree Removal Procedure).
4. The previous Tree Maintenance Policy be discontinued.

Public Works

2.6.1 Kerb and Gutter Maintenance Program

It is recommended to Council that:

1. The information be received.

2.6.2 Capital Works Progress Report - March 2016

It is recommended to Council that:

1. The information be received.
2. The capital works underway in the Cobbler Creek Linear Park be noted.
3. The construction of new footpaths in sections of, Erin Court, Gulfview Heights; Golden Court, Paralowie; London Drive, Salisbury East; Mosel Grove, Paralowie; Shepherdson Road, Parafield Gardens and Target Hill Road, Salisbury Heights; be included as part of the Council Footpath Program.
4. St Augustine's Soccer Club, Salisbury Park, be included within the Priority Access Building Upgrades Program.
5. Acquisition of a Parks & Landscape Team Truck due to accident, utilising uncommitted funds associated with the Plant and Fleet Replacement Program, be included.
6. Conduct an audit of play equipment within the 2015/16 Parks and Streetscape Planning Program in lieu of the irrigation network and system.

Confidential Items

Refer to CONFIDENTIAL ITEMS section of Council Agenda

2.9.1 Little Para Par 3 Golf Course

3 Resources and Governance Committee Meeting

Chairman - Cr B Vermeer

Consideration of the minutes of the Resources and Governance Committee Meeting - 18 April 2016 and adoption of recommendations in relation to item numbers:

Administration

3.0.1 Future Reports for the Resources and Governance Committee

It is recommended to Council that:

1. The information be received.

External Relations

3.4.1 Nominations Sought for the Development Assessment Commission

It is recommended to Council that:

1. Cr. L Caruso be nominated for the Development Assessment Commission.

Corporate Management

3.5.1 Request to Attend Interstate Activity - National General Assembly of Local Government, Canberra

It is recommended to Council that:

1. Approval be given for Cr Betty Gill to attend Day 1 of the National General Assembly of Local Government on 20 June 2016.
2. Cr Gill be the City of Salisbury voting delegate at the National General Assembly of Local Government in Canberra while in attendance.
3. Council endorse:
 - a) The CEO and Mayor meet with the voting delegate and provide guidance on voting for NGA motions that is in the best interest of the City of Salisbury.

Corporate Governance

3.6.1 Variations to Delegations

It is recommended to Council that:

1. Having conducted a review of Delegations in accordance with Section 44(6) of the *Local Government Act 1999*, the Council hereby revokes its previous delegations to the Chief Executive Officer, effective from 16 May 2016 of those powers and functions under the following:
 - 1.1 *Local Government Act 1999*
 - Sections 48(1), 50(4), 50(6), 90(8a)(a), 90(8c), 92(5), 123(5), 123(9), 132(3), 169(15)(b), 202(4), 219(7), 237(4), 270(a1) and 299
2. Council makes the following delegations under the Local Government Act 1999:
 - 2.1 In exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the following Acts and Regulations and specified in the proposed 'Instruments of Delegation', are hereby delegated from Tuesday 17 May 2016 to the person occupying the office of Chief Executive Officer, subject to the conditions and or limitations specified within the Delegations Register.
 - 2.1.1 Local Government Act 1999
 - Sections 48(1), 50(4), 50(6), 90(8a)(a), 90(8c), 92(5), 123(5), 123(9), 132(3), 169(15)(b), 202(4), 219(7), 237(4), and 270(a1).
3. Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated in the conditions and/or limitations specified in the Delegations Register.

4 Audit Committee Meeting

Chairman - Mr P Brass

Consideration of the minutes of the Audit Committee Meeting - 12 April 2016 and adoption of recommendations in relation to item numbers:

Administration

4.0.1 Future Reports for the Audit Committee of Council

It is recommended to Council that:

1. The information be received.

Reports

4.2.1 Strategic Asset Management Delivery Report

It is recommended to Council that:

1. The information be received.

4.2.2 Draft 2016/17 Annual Plan and Budget

It is recommended to Council that:

1. The information be received

4.2.3 Treasury Policy Update

It is recommended to Council that:

1. The information be received
2. The Treasury Policy, as set out in Attachment 1 to this Report (Item No. 4.2.3, Audit Committee, 12/04/2016) be endorsed.

4.2.4 Internal Audit Update

It is recommended to Council that:

1. The information be received.

6 Budget and Finance Committee Meeting

Chairman - Cr D Pilkington

Consideration of the minutes of the Budget and Finance Committee Meeting - 18 April 2016 and adoption of recommendations in relation to item numbers:

Administration

6.0.1 Future Reports for the Budget and Finance Committee

It is recommended to Council that:

1. The information be received.

Finance

6.1.1 Project Budget Delegations

It is recommended to Council that:

1. A Financial Delegation (the Project Budget Delegation) be provided to the relevant General Manager to increase an approved budget of an individual capital project in the financial year provided that the program (Information Technology, Transportation, Property and Buildings, Drainage and Waterways, Parks and Streetscapes, Plant, Furniture and Equipment, Water Business Unit, Strategic Projects and Strategic Property) and sub-classification (new, renewal) will not exceed budget, and that there is no change in project scope as a result.
2. The Project Budget Delegation limit be set at \$15,000 per individual capital project with a budget up to \$150,000 in each financial year, and 10% of the project value for projects with budgets greater than \$150,000 in each financial year.
3. In any quarter when the Project Budget Delegation is exercised a separate, standalone report be presented to the Budget and Finance Committee at the end of that quarter with details also to be reported in the Quarterly Budget Review.
4. The Project Budget Delegation be reviewed during the 2017/18 Budget process.

Financial Sustainability

6.2.1 Financial Indicators

It is recommended to Council that:

1. The Operating Ranges for Financial Sustainability Indicators be set as follows
 - a. Operating Surplus Ratio: between 0% and 5%
 - b. Net Financial Liabilities Ratio: less than 40%
 - c. Asset Sustainability Ratio: between 90% and 110%
2. The Operating Ranges for Financial Sustainability Indicators be reviewed as part of considering future Long Term Financial Plan updates.

Annual Plan and Budget

6.4.1 Belgravia Business Plans – 2016/17

It is recommended to Council that:

1. The 2016/17 Business Plans for the:
 - Gardens Recreation Centre,
 - Ingle Farm Recreation Centre, and
 - Salisbury Recreation Precinctbe approved.
2. The proposed 2016/17 Fees and Charges for the Recreation Facilities managed by Belgravia Leisure be approved.

6.4.2 New Initiative Bids 2016/17

It is recommended to Council that:

1. The Capital New Initiatives (including Strategic Property) totalling \$29,759,093 net expenditure be endorsed for inclusion in the Draft 2016/17 Annual Plan and Budget.
2. The IT New Initiatives totalling \$672,000 net expenditure be endorsed for inclusion in the 2016/17 Draft Annual Plan and Budget.
3. The Plant, Furniture and Equipment New Initiatives totalling \$1,864,200 net expenditure be endorsed for inclusion in the 2016/17 Draft Annual Plan and Budget.
4. The Operating New Initiatives totalling \$1,633,752 net expenditure be endorsed for inclusion in the 2016/17 Draft Annual Plan and Budget.
5. A further report be brought back on Items NAM23444 on the development process for the multicultural strategy and NAM23466 incorporating further information on the priority actions in adapting the Northern Adelaide Plans and Green Industries Program, prior to formal adoption of the budget.

6.4.3 Budget Workshop Action Update

It is recommended to Council that:

1. Information be received and noted.
2. Report on Outcomes of the Your Tutor Trial to be included on the futures report for Works and Services, and scheduled for March 2017.

6.4.4 Budget Status Update

It is recommended to Council that:

1. Information be received.

6.4.5 Rating Strategy 2016/17

It is recommended to Council that:

1. Information be received.
2. The rate increase based on a 2.9% average increase, including the minimum, be endorsed as the basis for setting rates in 2016/17 and included in the Draft Annual Plan & Budget for public consultation.
3. The current general rate capping policy (as set out in section 3.6 of this report, Item No. 6.4.5, Budget and Finance Committee 18/04/2016) remains unchanged for 2016/17.
4. The application of the currently endorsed Life Style Village Rate Capping, which provides an automatic rate cap of 10% to be applied annually until such time as rate parity is achieved, remains unchanged for 2016/17.

6.4.6 Higher Value Property Review

It is recommended to Council that:

1. The Higher Property Value Rate Remission for 2016/17 for residential properties be set on the following basis:

Tier	Value Range	Rate Adjustment
1	0- \$467,000	0
2	\$467,000 - \$570,000	15%
3	\$570,000 +	35%

6.4.7 Draft 2016/17 Annual Plan and Budget

It is recommended to Council that:

1. Information be received.
2. Draft 2016/17 Annual Plan and Budget be endorsed for the purposes of Public Consultation, subject to further editing and formatting improvements without changing the substantive nature of the document, and changes required to reflect decisions of Council made at Budget and Finance Meeting 18 April and Council 26 April 2016.

6.4.8 Council Solutions 2016/17 Budget

It is recommended to Council that:

1. The proposed Council Solutions Regional Subsidiary 2016/17 Annual Budget be considered and noted.

6.4.9 Natural Resource Management (NRM) Levy Collection

It is recommended to Council that:

1. Council note the Adelaide and Mount Lofty NRM Board proposed 6% levy increase and express its concern at the quantum of the increase.
2. The Local Government Association's lobbying of the State Government in seeking alternate NRM Levy arrangements and its proposed campaign be noted and supported.
3. Staff investigate projects within the City of Salisbury which could be submitted to the NRM Board for funding.

Confidential Items

Refer to CONFIDENTIAL ITEMS section of Council Agenda

6.9.1 Action of Rates Accounts Outstanding under Section 184 of the Local Government Act 1999

7 Sport, Recreation and Grants Committee Meeting

Chairman - Cr D Proleta

Consideration of the minutes of the Sport, Recreation and Grants Committee Meeting - 11 April 2016 and adoption of recommendations in relation to item numbers:

Administration

7.0.1 Future Reports for the Sport, Recreation and Grants Committee

It is recommended to Council that:

1. The information be received.

Sport and Recreation

7.1.1 Applications to Sports Lighting Assistance Program - Salisbury Amateur Athletics Club

It is recommended to Council that:

1. The report be received and noted.
2. The application by the Salisbury Amateur Athletics Club to the Sports Lighting Assistance Program and award of \$90,000 for the installation of lighting for running training at Rundle Park in Salisbury South be approved.
3. The \$90,000 funding awarded to the Salisbury Amateur Athletics Club for the installation of lighting at Rundle Park under the Sports Lighting Assistance Program be carried forward to the 2016/17 financial year, in light of the timeframe for consideration of the SAAC's application for matching funding and to enable project implementation if that application is successful.
4. In the event that the Salisbury Amateur Athletics Club is unsuccessful in its application for matching funding for the installation of lighting at Rundle Park then the \$90,000 Sports Lighting Assistance Program funding offer will lapse and the funds will be returned to the budget.

7.1.2 Minor Capital Works Grants - April Allocations

It is recommended to Council that:

1. That using its delegated powers outlined in the adopted Terms of Reference the Sports, Recreation and Grants Committee assess and allocate funding for the April 2016 round of Minor Capital Works Grants Program as follows:
 - a. Para Hills Boxing Club - \$20,000 for the installation of air-conditioning and storage shelves.

Community Grants

7.2.1 Youth Sponsorship - March Applications

It is recommended to Council that:

1. The information be received.

7.2.2 Community Grants Program Applications for April 2016

It is recommended to Council that:

1. The information be received and noted.

7.2.3 47/2015: Pooraka Netball Club Inc. Community Grants Program Application

It is recommended to Council that:

1. The information be received and noted.

7.2.4 50/2015: Tatar Bashkurt Association of Australia Inc. - Community Grants Program Application

It is recommended to Council that:

1. The information be received and noted.

7.2.5 51/2015: Macedonia United Lions Soccer Club Inc. - Community Grants Program Application

It is recommended to Council that:

1. The information be received and noted.

7.2.6 11/2016: Trinity Green Residents' Association Inc. - Community Grants Program Application

It is recommended to Council that:

1. It be noted that, in accordance with delegated powers set out in the endorsed Terms of Reference, the Sport, Recreation and Grants Committee assessed and allocated funding for the April 2016 round of Community Grants as follows:
 - a. Grant No. 11/2016: Trinity Green Residents' Association Inc. be awarded the amount of **\$2,000.00** to assist with the purchase of indoor bowls carpet for ongoing use as outlined in the Community Grant Application.

7.2.7 12/2016: Old English Game Fowl Club of Australia Inc. - Community Grants Program Application

It is recommended to Council that:

1. It be noted that, in accordance with delegated powers set out in the endorsed Terms of Reference, the Sport, Recreation and Grants Committee assessed and allocated funding for the April 2016 round of Community Grants as follows:
 - a. Grant No. 12/2016: Old English Game Fowl Club of Australia Inc. be awarded the amount of **\$1,745.00** to assist with the purchase of trophies and ribbons for The Old English Game Fowl Club of Australia Annual Show as outlined in the Community Grant Application.

8 CEO Review Committee Meeting

Chairman - Mayor G Aldridge

Consideration of the minutes of the CEO Review Committee Meeting - 19 April 2016 and adoption of recommendations in relation to item numbers:

Administration

8.0.1 CEO Key Performance Indicators Update

It is recommended to Council that:

1. Information be received and progress towards achievement of the endorsed 2015/2016 Key Performance Indicators to be noted and endorsed.

8.0.2 Appointment of an Independent Advisor

It is recommended to Council that:

1. Hender Consulting is appointed as the Independent Advisor to the CEO Review Committee for the remainder of the term of the CEO Employment Agreement.

GENERAL BUSINESS

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OTHER BUSINESS

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CONFIDENTIAL ITEMS**C1 Local Government Governance Panel - Report on the Investigation of Code of Conduct Complaint 01/2016**

Pursuant to section 83(5) of the *Local Government Act 1999* the Chief Executive Officer has indicated that, if Council so determines, this matter may be considered in confidence under Part 3 of the *Local Government Act 1999* on that grounds that:

1. *Pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999, the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter because:*
 - *it relates to information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).*
2. *In weighing up the factors related to disclosure,*
 - *disclosure of this matter to the public would demonstrate accountability and transparency of the Council's operations*
 - *non-disclosure would protect information related to the Local Government Governance Panel Report on the investigation of Code of Conduct complaint 01/2016 until such time as Council is able to consider the information contained within the report and determine the ongoing status of the report*

*On that basis the public's interest is best served by not disclosing the **Local Government Governance Panel - Report on the Investigation of Code of Conduct Complaint 01/2016** item and discussion at this point in time.*

3. *Pursuant to Section 90(2) of the Local Government Act 1999 it is recommended the Council orders that all members of the public, except*
 - *The Chief Executive Officer*
 - *The Manager Governance*
 - *The Governance Support Officer**be excluded from attendance at the meeting for this Agenda Item.*

C2 Military Museum - Request for Assistance

Pursuant to Resolution 1064/2016 item C2 is now a public document, effective 20/07/2016

Pursuant to section 83(5) of the *Local Government Act 1999* the Chief Executive Officer has indicated that, if Council so determines, this matter may be considered in confidence under Part 3 of the *Local Government Act 1999* on that grounds that:

1. *Pursuant to Section 90(2) and (3)(b)(i) and (b)(ii) of the Local Government Act 1999, the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter because:*
 - *it relates to information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and*
 - *information the disclosure of which would, on balance, be contrary to the public interest.*
2. *In weighing up the factors related to disclosure,*
 - *disclosure of this matter to the public would demonstrate accountability and transparency of the Council's operations*
 - *non-disclosure will protect the financial position of Council in relation to the level of support it is willing to provide to the Military Museum*

*On that basis the public's interest is best served by not disclosing the **Military Museum - Request for Assistance** item and discussion at this point in time.*
3. *Pursuant to Section 90(2) of the Local Government Act 1999 it is recommended the Council orders that all members of the public, except staff of the City of Salisbury on duty in attendance, be excluded from attendance at the meeting for this Agenda Item.*

The following recommendation has been inserted into this agenda since it was originally published. Refer to end of this agenda for report C2.

C2 Military Museum – Request for Assistance

Pursuant to Resolution 1064/2016 item C1 is now a public document, effective 20/07/2016

It is recommended to Council that:

1. A one off contribution of up to \$80,000, which is the current shortfall of funds required to purchase the property at 10 – 20 Sturton Road Edinburgh, be provided to the Military Museum to facilitate purchase of the property.
2. The final contribution amount payable by Council to be adjusted based on contributions received by the Military Museum from the RSL, exemption of stamp duty or other pledges from external parties.
3. The contribution of up to \$80,000 to facilitate purchase of the property at 10 – 20 Sturton Road Edinburgh by the Military Museum is to be funded as a non-discretionary bid.

-
4. The Chief Executive Officer, or his delegate, be authorised to communicate the decisions of Council to the Military Museum in order to facilitate the process related to the purchase of the property at 10 – 20 Sturton Road Edinburgh.
 5. Pursuant to Section 91(7) of the Local Government Act 1999, it is recommended that the report, recommendations and minutes for this item will remain confidential and not available for public inspection until the purchase of the property by the Military Museum at 10 – 20 Sturton Road Edinburgh has been finalised.
 6. Pursuant to Section 91(9)(c) of the Local Government Act 1999, the power to revoke the order under Section 91(7)(a)&(b) prior to any review or as a result of any review is delegated to the Chief Executive Officer.

2.9.1 Little Para Par 3 Golf Course

Pursuant to section 83(5) of the *Local Government Act 1999* the Chief Executive Officer has indicated that, if Council so determines, this matter may be considered in confidence under Part 3 of the *Local Government Act 1999* on that grounds that:

1. *Pursuant to Section 90(2) and (3)(b)(i) and (b)(ii) and (d)(i) and (d)(ii) of the Local Government Act 1999, the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter because:*
 - *it relates to information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and*
 - *information the disclosure of which would, on balance, be contrary to the public interest; and*
 - *commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and*
 - *commercial information of a confidential nature (not being a trade secret) the disclosure of which would, on balance, be contrary to the public interest.*
2. *In weighing up the factors related to disclosure,*
 - *disclosure of this matter to the public would demonstrate accountability and transparency of the Council's operations*
 - *Non disclosure of the discussion of this item would protect commercial information provided by Belgravia Leisure and information relating to the proposed commercial negotiations regarding land associated with the Little Para Par 3 Golf Course and enable Council to consider detailed options and information prior to determining the most appropriate course of action.*

*On that basis the public's interest is best served by not disclosing the **Little Para Par 3 Golf Course** item and discussion at this point in time.*
3. *Pursuant to Section 90(2) of the Local Government Act 1999 it is recommended the Council orders that all members of the public, except staff of the City of Salisbury on duty in attendance, be excluded from attendance at the meeting for this Agenda Item.*

6.9.1 Action of Rates Accounts Outstanding under Section 184 of the Local Government Act 1999

Pursuant to section 83(5) of the *Local Government Act 1999* the Chief Executive Officer has indicated that, if Council so determines, this matter may be considered in confidence under Part 3 of the *Local Government Act 1999* on that grounds that:

1. *Pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999, the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter because:*
 - *it relates to information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).*
2. *In weighing up the factors related to disclosure,*
 - *disclosure of this matter to the public would demonstrate accountability and transparency of the Council's operations*
 - *Non-disclosure of the matter and discussion of this item in confidence would protect information related to the personal affairs of any person (living or dead) and proposed action by Council where the rates for a property have been outstanding for a period of not less than three years.*

*On that basis the public's interest is best served by not disclosing the **Action of Rates Accounts Outstanding under Section 184 of the Local Government Act 1999** item and discussion at this point in time.*

3. *Pursuant to Section 90(2) of the Local Government Act 1999 it is recommended the Council orders that all members of the public, except staff of the City of Salisbury on duty in attendance, be excluded from attendance at the meeting for this Agenda Item.*

CLOSE



John Harry
CHIEF EXECUTIVE OFFICER



MINUTES OF COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, 12 JAMES STREET, SALISBURY ON

29 MARCH 2016

MEMBERS PRESENT

Mayor G Aldridge
Cr D Balaza (Deputy Mayor)
Cr S Bedford
Cr D Bryant
Cr G Caruso
Cr L Caruso
Cr R Cook
Cr E Gill
Cr D Pilkington
Cr D Proleta
Cr S Reardon
Cr G Reynolds
Cr B Vermeer
Cr S White
Cr J Woodman
Cr R Zahra

STAFF

Chief Executive Officer, Mr J Harry
General Manager Business Excellence, Mr C Mansueto
Acting General Manager City Development, Mr G Ratsch
General Manager, Community Development, Ms J Trotter
General Manager City Infrastructure, Mr M van der Pennen
Manager Governance, Ms T Norman
Manager Communications and Customer Relations, Mr M Bennington
Team Leader Corporate Communications, Mr C Treloar
Governance Coordinator, Ms J Rowett
Governance Support Officer, Ms K Boyd

The meeting commenced at 7:01 pm.

OPENING PRAYER AND WELCOME

The Mayor welcomed the members, staff and the gallery to the meeting.

The Chief Executive Officer read the Opening Prayer.

The Mayor read the Kurna Acknowledgement.

APOLOGIES

An apology was received from Cr C Buchanan.

LEAVE OF ABSENCE

Nil.

PUBLIC QUESTION TIME

The Mayor advised there were no questions received for Public Question Time.

DEPUTATIONS

No Deputations have been received.

PRESENTATION OF MINUTES

Moved Cr D Bryant

Seconded Cr J Woodman

The Minutes of the Council Meeting held on 22 February 2016, be taken and read as confirmed.

**CARRIED
0939/2016**

Moved Cr L Caruso

Seconded Cr D Balaza

The Minutes of the Confidential Council Meeting held on 22 February 2016, be taken and read as confirmed.

**CARRIED
0940/2016**

QUESTIONS ON NOTICE

QON1 Local Government Storm Water Management Bill

At the 22 February 2016 Council meeting, Cr Vermeer asked the following question:

Cr B Vermeer asked a question in relation to the LGA position on the Local Government Storm Water Management Bill currently before Parliament and the LGA position on Local Government representatives on that panel.

The question was taken on notice.

General Manager City Infrastructure, Mark van der Pennen provided the following response:

The Bill before Parliament is the “Planning, Development and Infrastructure Bill 2015. Whilst it is not directly worded around Stormwater Management, it has significant consequences for the management and funding of future infrastructure. For example, with respect to funding mechanisms, the Commission/Sub-regions may have the ability to create special rate areas to fund upgrades in Stormwater Infrastructure, independent of the Council.

The LGA’s position is outlined in the “LGA Submission- Planning, Development & Infrastructure Bill 2015”, available on the LGA Website.

The key issues that are currently of concern to the LGA are summarised below:

- *The role and influence of local communities to shape the future of their community will be*
- *significantly reduced, but the expectation for Councils and rate payers to fund the planning system remains;*
- *Without a significant funding and resource commitment from the State Government, Councils are concerned about the capacity to implement significant reforms and realise the benefits of a better planning system;*
- *There are many instances where the Bill does not require consultation with the LGA or Councils; specifically, the appointment of members to the Commission, the establishment of sub-regions, the establishment of an environment and food production area, the development of the Community Engagement Charter, and the detailed scoping and funding arrangements for an infrastructure scheme;*
- *There is also no prescribed role for individual Councils or communities in the preparation of important strategic and policy documents such as State Policies, Regional Plans and the Planning and Design Code;*

- *It is not clear from the Bill whether the Minister can enter into a planning agreement and initiate a joint planning board that does not involve a Council. There is concern about local communities being locked out through agreements between the Minister and the private sector;*
- *A state-wide Planning and Design Code is likely to result in the loss of local policy that has been developed with communities over many years. There will be less local content in the policies that shape communities;*
- *A substantial amount of work needs to be done to work through the detail of the proposed infrastructure scheme. As drafted, Councils and ratepayers could end up paying far more than their fair share;*
- *Council members will be ineligible for assessment panel membership. These panels will consequently have no democratic connection to the local community;*
- *Community members will be distanced from decision makers by more centralised assessment of contentious developments by the Commission;*
- *There is less chance for community to have a say on developments that impact them and it is not clear how greater engagement in policy will be achieved to justify the scaling back of public notification at the assessment stage; and LGA Submission-Planning, Development & Infrastructure Bill 2015*
- *Councils should not have a role in determining whether a person can access private property. This should remain as a civil matter.*
- *These issues raised by the LGA highlight significant challenges for the Council in the future planning, management and development of infrastructure in the City*

QON2 Captured Dogs

At the 22 February 2016 Council Meeting, Cr Vermeer asked the following question:

Cr B Vermeer asked a question in relation to information available on the number of captured dogs that are not released and are ultimately euthanased.

The question was taken on notice.

Acting General Manager City Development, Greg Ratsch provided the following response:

In addition to the above question being taken on notice, the following resolution was passed:

1. *That staff report back on the number of stray and lost dogs and cats captured by Council over the last three financial years and how many of those animals were eventually euthanased.*
2. *The report to address potential strategies to reduce the number of captured animals that are euthanased and the potential for achieving a zero kill rate.*

This information has been requested from the Animal Welfare League and is not available at this time. It is expected a report detailing the requested information will be presented to Council in June or sooner if the data is provided earlier.

QON3 St Kilda Development Policy

At the 22 February 2016 Council Meeting, Cr Buchanan asked the following question:

Cr C Buchanan asked a question in relation to Council's current policy for development of St Kilda.

The question was taken on notice.

General Manager Community Development, Jane Trotter provided the following response:

In March 2013 Council resolved that the St Kilda Master Plan would be developed in four stages:

- *stage 1: adventure playground and associated car parking/green space;*
- *stage 2: the marine recreation & mangroves;*
- *stage 3: existing residential area; and*
- *stage 4: future development options of sounding areas (Penrice Salt Pans).*

This approach was adopted due to the complexity of the St Kilda Master Plan and was based on the approach adopted for the development of the original St Kilda Township Plan, in 1998.

Stage one of the Master Plan (adventure playground and associated car parking/green space) has been undertaken and all implementation works are nearing completion. A St Kilda Master Plan Completion report will be presented to Council by May 2016 which will provide a breakdown of the works undertaken.

Work has now commenced for the development of the stage two of the St Kilda Master Plan which will incorporate the following area:

- *mangrove trail, boardwalk & interpretative centre;*
- *the boating channel, boat ramps, marina and breakwater;*
- *car parking, boat wash down and fish cleaning areas (located between Cockle Street and in front of Tackle and Tucker); and*
- *boat club area.*

Workshops with external stakeholders are being held during March. It is proposed that the proposed Master Plan for stage two will be presented to Council in June 2016.

Once the Master Plan for stage two is complete work will commence on stage 3 which incorporates the following areas:

- *existing residential;*
- *incorporating the St Kilda Hotel and Progress Association building.*

The timeframe for the completion of stages three and four of the St Kilda Master Plan are unknown at this time.

QUESTIONS WITHOUT NOTICE

QWON1 Part Payment of Council Rates

Cr D Proleta asked a question in relation to the minimum payment allowable at a Post Office.

The Question was taken on Notice.

QWON2 Salisbury Police Station Operating Hours

Cr B Vermeer asked a question in relation to a reported reduction in the operating hours at the Salisbury Police Station.

The Question was answered by the Mayor.

QWON3 Waste Levy Fund

Cr B Vermeer asked a question in relation to any push by the Local Government Association regarding expenditure of the \$65,000,000 in the Waste Levy Fund.

The Question was answered by the Mayor.

NOTICES OF MOTION

NOM1 Duplication of 'Wave Slide' at St Kilda Playground

Moved Cr D Pilkington

Seconded Cr R Zahra

1. In preparation for the proposed upgrade to the 'Wave Slide' at the St Kilda Playground (as per information contained in the current budget preparation information), staff report back on opportunities to duplicate the slide, with the report to include details of:
 - Additional costs for the duplication of the 'Wave Slide'
 - A risk assessment and feasibility of the duplication

**CARRIED
0941/2016**

NOM2 Variation to Part 2 of Council Resolution 0753/2015 dealing with elected member stationery

Moved Cr B Vermeer

Seconded Cr D Balaza

1. That Part 2 of Council Resolution 0753/2015 as follows:

3.6.10 Updated Elected Member Allowances, Facilities and Support Policy . . .

2. *To assist with identification of Elected Member correspondence, the Council Crest be used for letterhead, business cards and other relevant stationery.*

be varied to read:

2. Staff report back with design options and costs for business cards, letterhead and other relevant stationery incorporating the Council Crest in place of the City of Salisbury logo to assist with identification of Elected Member correspondence and communication.

**CARRIED
0942/2016**

NOM3 Tourism and Visitor Sub Committee Establishment

Cr L Caruso left the meeting at 07:20 pm.

Cr L Caruso returned to the meeting at 07:21 pm.

Moved Cr R Zahra

Seconded Cr R Cook

1. The Tourism and Visitor Sub Committee Terms of Reference, as set out in Attachment 1, Policy and Planning Committee Item No. 1.9.1, 21/03/2016, be endorsed.
2. Membership of the Tourism and Visitor Sub Committee comprise:
 - One representative from the local commercial tourism industry
 - One representative from a local history club
 - One Kaurua representative
 - Two representatives from the business community connected with the City of Salisbury
 - A representative of the South Australian Government nominated by the Minister for Tourism
 - Two Elected members
 - The Mayor (ex-officio)
3. The two Elected Members to be appointed to the Tourism and Visitor Sub Committee for the current term of Council be Cr S Reardon and Cr R Zahra.
4. Staff be authorised to commence processes to fill the necessary positions on the Tourism and Visitor Sub Committee, and to report back to Council with persons recommended for appointment to the Sub Committee.
5. Cr S Reardon be appointed as Chairman of the Tourism and Visitor Sub Committee for a 12 month term concluding 31 March 2017.
6. The Tourism and Visitor Sub Committee be reviewed after 12 months.

**CARRIED
0943/2016**

NOM4 Change to start time for Council Meeting (variation to previous Council decision 0745/2015)

Moved Cr D Pilkington
Seconded Cr G Reynolds

1. That Council Resolution 0745/2015, which endorsed the 2016 Formal Meeting Schedule as follows:

3.6.2 Formal Meeting Schedule for 2016

1. *The 2016 Formal Meeting Schedule as attached to this report (Item 3.6.2, Resources and Governance Committee, 16/11/2015) be endorsed.*

be varied to read:

1. The 2016 Formal Meeting Schedule, as attached to Resources and Governance Committee Item No. 3.6.2 (16/11/2015) and incorporating a start time of 6.30pm for Council Meetings effective April 2016, be endorsed.

**CARRIED
0944/2016**

Cr D Proleta moved a FORMAL MOTION that the MOTION be PUT

Seconded Cr R Cook

**CARRIED
0945/2016**

The MOTION on BEING PUT was CARRIED

NOM5 Review of Policies and Interactions with Business

Moved Mayor G Aldridge
Seconded Cr B Vermeer

1. Staff undertake a review of Council policies and interactions with businesses to ensure that, wherever possible, Council policies and practices stimulate and support local business growth, employment creation and the attraction of new businesses to the local area.

**CARRIED
0946/2016**

NOM6 NRM Levy Collection

Cr B Vermeer declared an interest due to his employer being a member of the Natural Resources Standing Committee of the South Australian Parliament.

Moved Cr B Vermeer
Seconded Cr D Balaza

1. Council notes and supports the LGA's recent announcement of its intention to review the role of Local Government as the State Government's collection agent of the Natural Resources Management (NRM) levy.
2. Staff report back with information on the following:
 - The cost to Council of collecting the NRM levy
 - The impact of timing of payment of the NRM levy on Council's financial position
 - The amount Council recovers on an annual basis in accordance with Regulation 4C of the *Natural Resources Management (Financial Provisions) Regulations*
 - Options for seeking legislative change to Council's obligation to collect the NRM levy.
3. Council write to the Adelaide and Mount Lofty Ranges Natural Resources Management Board requesting information as to how funds collected from City of Salisbury rate payers via the NRM Levy is spent within the City of Salisbury on NRM initiatives.
4. Council write to the Adelaide and Mount Lofty Ranges Natural Resources Management Board requesting that the Board look at options to minimise the financial impact of the 2016/17 NRM Levy on City of Salisbury rate payers at the time the levy is being set.
5. Council write to the Chair of the Joint Parliamentary Standing Committee on Natural Resources, the Hon. Steph Key MP and ask the Committee not approve any levy rise above Local Government CPI.

CARRIED
0947/2016

PETITIONS

No Petitions were received.

COMMITTEE REPORTS

1 Policy and Planning Committee Meeting

Minutes of the Policy and Planning Committee Meeting held on 21 March 2016 were considered by Council.

Administration

1.0.1 Future Reports for the Policy and Planning Committee

Moved Cr D Balaza
Seconded Cr L Caruso

1. The information be received.

CARRIED
0948/2016

Community Development

1.1.1 Development of Fairbanks Drive Reserve for Joint use with Schools

Moved Cr D Proleta
Seconded Cr J Woodman

1. The information is received and noted.
2. In conjunction with the Reserve Upgrade Program funds, a new initiative bid be considered as part of the 2016/17 budget process for the construction of a sports surface and traffic management measures which will be co-funded by Temple Christian College and Bethany Christian School.
3. The upgrade of Fairbanks Drive Reserve and the Little Para Overflow, which includes the consolidation and upgrade of passive recreation areas to the south west corner, construction of a sports surface for school and community use and traffic management as illustrated in Attachment 2 (Item No. 1.1.1, Policy and Planning Committee, 21/03/2016) be endorsed pending allocation of funds in the 2016/17 budget process.
4. Further consideration is given towards the future uses of unused portions of the Reserve for strategic development in the next iteration of projects for consideration and that the outcomes of this analysis is presented to the Strategic Property Development Subcommittee in due course.
5. The joint use agreement between Council and Temple Christian College and Bethany Christian School in relation to Fairbanks Drive Reserve be returned to Council for review and endorsement.

CARRIED
0949/2016

1.1.2 Reconciliation & NAIDOC Program: 2015 Evaluation and 2016 Program

Moved Cr R Cook

Seconded Cr D Balaza

1. Information be received and noted.
2. An additional \$10,000 to expand the reconciliation and NAIDOC Week program be considered as part of the 2016/17 budget process.

**CARRIED
0950/2016**

Urban Development

1.3.1 Salisbury Heights Encumbrance Removal

Cr G Caruso declared an interest and left the meeting at 8:13pm.

Moved Cr B Vermeer

Seconded Cr D Bryant

1. The encumbrance (registered encumbrance no. 5248154) applying to properties adjoining Coomurra Drive, Salisbury Heights that limits land division, be removed due to the encumbrance being inconsistent with Council's approved policy position reflected in the authorisation of the Salisbury Heights Residential Development Plan Amendment by the Minister for Planning on 2 July 2015.
2. The Chief Executive Officer be authorised to prepare and execute all relevant documents to give effect to the removal of the registered encumbrance no. 5248154.

**CARRIED
0951/2016**

Cr G Caruso returned to the meeting at 8:16pm.

Corporate Plans

1.7.1 Communications Plan - Bringing the 'Living City' to Life

Moved Cr D Balaza

Seconded Cr G Reynolds

1. The information be received.
2. The City of Salisbury Communications Plan – *Bringing the 'Living City' to Life*, forming Attachment 1 to this report (Policy and Planning Committee, Item No. 1.7.1, 21/03/2016) be deferred subject to further development and discussions with Elected Members and be brought back to Council within three months.

**CARRIED
0952/2016**

Other Business
1.9.1 Tourism and Visitor Sub Committee Establishment

Moved Cr R Zahra

Seconded Cr J Woodman

1. The information be received.

CARRIED
0953/2016

2 Works and Services Committee Meeting

Minutes of the Works and Services Committee Meeting held on 21 March 2016 were considered by Council.

*Administration***2.0.1 Future Reports for the Works and Services Committee**

Moved Cr S White

Seconded Cr R Cook

1. The information be received.

CARRIED
0954/2016

*Healthy Ageing and Access***2.2.1 Mid Year Report on Results of Council Funded Transport Options for Older Residents of Salisbury**

Moved Cr D Pilkington

Seconded Cr S Reardon

1. The information be received.

CARRIED
0955/2016

2.2.2 Implementation of Free Bike Hire Scheme (in conjunction with Bike SA) - investigation findings

Moved Cr G Caruso

Seconded Cr G Reynolds

1. The information be received.
2. On the basis of costs, resource requirements and viability challenges a free bike hire scheme not be introduced within the City of Salisbury.
3. The implementation of a Free Bike Hire Scheme within the City of Salisbury be considered again in three years.

CARRIED
0956/2016

2.2.3 Update on the Salisbury Commonwealth Home Support Programme

Moved Cr G Caruso

Seconded Cr L Caruso

1. The information be received.
2. The development of a Standard Fee Schedule for non-subsidised Home and Community Care Services, to provide service choice for older residents of Salisbury, be endorsed.
3. The General Manager Community Development be delegated authority to vary fees charged from those set out in the approved *City of Salisbury Home and Community Care Services Standard Fee Schedule*, including to determine fees applicable for new services.

CARRIED
0957/2016

Landscaping

2.4.1 Duck Feeding Education and Signage

Moved Cr D Balaza

Seconded Cr B Vermeer

1. The information be received.
2. Signage be installed at 21 reserves educating the community on duck and water fowl feeding, with the costs of undertaking these works estimated at \$12,500 funded from the operating budget.
3. Signage be installed along the northern section of Sir Douglas Mawson Lake prohibiting duck and water fowl feeding in this vicinity.
4. The installation of signage be supported through the development of a fact sheet on duck and waterfowl feeding and informing the community on duck feeding practices through Council's website, social media and community publications.

CARRIED
0958/2016

Public Works

2.6.1 Capital Works Progress Report - February 2016

Moved Cr D Pilkington

Seconded Cr G Caruso

1. Include the construction of new kerb ramps in sections of, Montague Road, Pooraka; Strowan Park, Salisbury; Beverley Avenue, Salisbury; Wright Road, Walkley Heights; Taringa Road, Salisbury North; within the 2015/16 Kerb Ramp Construction/Upgrade Program.
2. Transfer \$40,500 Expenditure Budget from PR17205 Watercourse Management Works Program to Pt Wakefield Service Rd Culverts Project.
3. An allocation of \$40,500 Income Budget for the installation of box culverts, Pt Wakefield Service Road, Parafield Gardens be included as part of the 2015/16 Third Quarter Budget Review.
4. An allocation of \$170,000 for drainage modifications Sunburnt Street, Ingle Farm be approved as a non-discretionary capital budget at the 2015/16 Third Quarter Budget Review.
5. Staff report back on what further work they believe is required in the Cobbler Creek Linear Park and justification for this work.

**CARRIED
0959/2016**

Traffic Management

2.7.1 Change to Road Rules to Accommodate Cyclists - Application within the City of Salisbury

Cr D Pilkington left the meeting at 08:35 pm.

Cr D Pilkington returned to the meeting at 08:36 pm.

Moved Cr B Vermeer

Seconded Cr D Balaza

1. The report to be received.
2. Council to approve the use of “cyclist free zones” to be enforced along footpaths on Old John Street in the Salisbury Town Centre, and The Promenade in the Mawson Lakes Town Centre to maintain safety for pedestrians or patrons involved in outdoor dining/trading by separating these two primary modes of transport.
3. Council to approve the installation of “No Bicycle” pavement marking consisting of a bicycle symbol with a diagonal line across it, and the words “NO BICYCLES” in accordance with the attached plan.

**CARRIED
0960/2016**

Cr G Caruso moved a FORMAL MOTION that the MOTION be PUT

Seconded Cr D Proleta

**CARRIED
0961/2016**

The MOTION on BEING PUT was CARRIED

Cr S Bedford left the meeting at 08:44 pm.

Cr S Bedford returned to the meeting at 08:45 pm.

Moved Cr S White

Seconded Cr B Vermeer

FURTHER MOTION – left/right separation on footpaths

Cr S White moved a FURTHER MOTION that :

1. Council staff report on left/right lane separation marking on main road footpaths where cycling is allowed, as is currently provided on Park Way, Mawson Lakes.

With leave of the meeting and consent of the seconder Cr S White VARIED the MOTION as follows

1. Council staff report on left/right lane separation marking on main road footpaths where cycling is allowed and there is currently high levels of cycling and pedestrian activity, as is currently provided on Park Way, Mawson Lakes.

**CARRIED
0962/2016**

Cr G Caruso moved a FORMAL MOTION that the MOTION be PUT

Seconded Cr R Cook

**CARRIED
0963/2016**

The MOTION on BEING PUT was CARRIED

3 Resources and Governance Committee Meeting

Minutes of the Resources and Governance Committee Meeting held on 21 March 2016 were considered by Council.

Administration

3.0.1 Future Reports for the Resources and Governance Committee

Moved Cr R Cook

Seconded Cr D Pilkington

1. The information be received.

**CARRIED
0964/2016**

Development Control Administration

3.2.1 Building Fire Safety Committee

Moved Cr D Pilkington

Seconded Cr R Cook

1. That the following persons be appointed to the City of Salisbury Building Fire Safety Committee for a period of three (3) years, concluding 31 March 2019:

Members

- Mr Jeff Shillabeer (City of Salisbury staff) –an accredited Building Surveyor;
- Mr Bahaa Tabet (City of Salisbury staff) – an accredited Building Surveyor;
- Mr Rene Arens – Member with specialist fire safety knowledge and an accredited Building Surveyor; and
- Mr David Kubler – Member nominated by the Chief Officer South Australian Metropolitan Fire Service.

Deputy Members

- Mr Andrew Sharred – Deputy for Mr Kubler nominated by the Chief Officer South Australian Metropolitan Fire Service.
2. That once established, the Building Fire Safety Committee appoint an appropriate Presiding Member (Chairperson) and Deputy Presiding Member, and review its *Terms of Reference* including where necessary alterations to the terms of reference to be consistent with the State Government's "*Guide to Council Building Fire Safety Committees*".

**CARRIED
0965/2016**

External Relations

3.4.1 Nominations Sought for the South Australian Public Health Council

Moved Cr D Pilkington

Seconded Cr D Balaza

1. No nomination be made for the position of Local Government Member on the South Australian Public Health Council.

**CARRIED
0966/2016**

3.4.2 Nominations Sought for the Local Roads Advisory Committee

Moved Cr D Balaza

Seconded Cr R Cook

1. Cr D Pilkington and Cr B Vermeer be nominated as a Local Government representative on the Local Roads Advisory Committee.

CARRIED
0967/2016

Corporate Governance

3.6.1 Informal Gatherings Policy

Moved Cr B Vermeer

Seconded Cr G Caruso

1. The information be received.
2. The Informal Gatherings Policy, as set out in Attachment 1 to this report (Resources and Governance Committee, Item No. 3.6.1, 21/03/2016), be endorsed to take effect from the commencement of inserted provisions in section 90 of the *Local Government Act 1999* relating to the adoption of an *Informal Gatherings Policy*.

CARRIED
0968/2016

3.6.2 Summary of Attendance at Event - Cr Bryant - Public Speaking

Moved Cr D Pilkington
Seconded Cr S Bedford

1. The information be received.

CARRIED
0969/2016

3.6.3 Review of Transfer of Cemetery Licences Policy

Moved Cr D Pilkington
Seconded Cr R Cook

1. The Information be received.
2. The Transfer of Cemetery Licences Policy as set out in Attachment 1 to this report (Resources and Governance Committee, Item No. 3.6.3, 16/11/2015), be endorsed.

CARRIED
0970/2016

BREAK

Moved Cr D Pilkington

In accordance with section 10 (2) of the Code of Practice for Meeting Procedures, the presiding member provided a break to all present. The meeting was suspended at 8:56 pm.

The meeting reconvened at 9:05 pm.

Cr G Reynolds entered the meeting at 9:06 pm.

Cr D Bryant entered the meeting at 9:06 pm.

3.6.4 Review of 'City of Salisbury Code of Practice for Meeting Procedures'

Moved Cr D Pilkington

Seconded Cr R Cook

1. The information be received.
2. The updated Code of Practice for Meeting Procedures (as set out in Attachment 1, Resources and Governance Committee, Item No. 3.6.4, 21/03/2016) and incorporating the following items:
 - a. *S.NOM – Member who places a notice of motion on Agenda Absent*
 - (1) *In circumstances where a Notice of Motion has been placed on the Council Agenda and the member who placed the Notice of Motion is not in attendance at the meeting the Notice of Motion will lapse.*
 - b. *S.MCT – Meeting Conclusion Time - no provision to be included in relation to the meeting conclusion time.*
 - c. *removal of the current City of Salisbury variation that provides a member with the right to speak twice at a Committee meeting (clause 12 (10)(S.e)).*

be endorsed, with staff authorised to amend any subsequent clauses affected by the above changes if required.

CARRIED
0971/2016

Confidential Items

Refer to CONFIDENTIAL ITEMS section of Council Minutes

3.8.1 Request for Extension of Confidentiality Order: Appeal Against ERD Court Decision - Old Spot Farmers Market

5 Development Assessment Panel Meeting

A meeting of the Development Assessment Panel took place on 23 February 2016. The minutes were distributed to all members for information.

6 Budget and Finance Committee Meeting

Minutes of the Budget and Finance Committee Meeting held on 21 March 2016 were considered by Council.

Administration

6.0.1 Future Reports for the Budget and Finance Committee

Moved Cr S Reardon

Seconded Cr R Cook

1. The information be received.

CARRIED
0972/2016

6.0.2 Minutes of the Program Review Sub Committee meeting held on Tuesday 15 March 2016

6.0.2-PRSC1 Program Review Brief - Property and Buildings

Moved Cr D Proleta

Seconded Cr G Caruso

1. The information be received.
2. The Property and Buildings Program Review Background Paper and Project Brief as set out in Attachments 1 and 2 to this report (Item No. PRSC1, Program Review Sub Committee, 15/03/2016) be endorsed.

CARRIED
0973/2016

6.0.2-PRSC2 Program Review Brief - Business Support

Moved Cr D Proleta

Seconded Cr G Caruso

1. The information be received.
2. The Business Support Program Review Project Brief and Background Paper as set out in Attachments 1 and 2 to this report (Item No. PRSC2, Program Review Sub Committee, 15/03/2016) be endorsed.

CARRIED
0974/2016

6.0.2-PRSC3 Projects Division Program Review Update

Moved Cr D Proleta
Seconded Cr G Caruso

1. That the information be received.

CARRIED
0975/2016

6.0.2-PRSC4 Technical Services Program Review Update

Moved Cr D Proleta
Seconded Cr G Caruso

1. That the information be received.

CARRIED
0976/2016

Budget Review

6.5.1 Salisbury Water Budget 2016/17 Report

Moved Cr D Pilkington
Seconded Cr G Caruso

1. The Salisbury Water 2016/17 Budget, including New Initiative Bids and Fees and Charges, be endorsed for consideration in the 2016/17 Council Budget.

CARRIED
0977/2016

6.5.2 Building Rules Certification Unit Budget 2016/2017 Report

Moved Cr G Caruso
Seconded Cr D Proleta

1. The Building Rules Certification Unit Budget be endorsed for consideration in the 2016/17 Council Budget.

CARRIED
0978/2016

6.5.3 Waste Transfer Station Budget 2016/2017 Report

Cr D Balaza declared an interest due to being on the Board of NAWMA.

Cr E Gill declared an interest due to being a Deputy Board Member of NAWMA.

Cr J Woodman declared an interest due to being on the Board of NAWMA.

Cr G Reynolds declared an interest due to being a Deputy Board Member of NAWMA.

Moved Cr G Caruso

Seconded Cr S Reardon

1. The Waste Transfer Station 2016/17 Budget including the New Initiative Bid and Fees and Charges be endorsed for consideration in the 2016/17 Council Budget.

CARRIED
0979/2016

6.5.4 Salisbury Memorial Park Budget 2016/2017 Report

Moved Cr G Caruso

Seconded Cr D Balaza

1. The Salisbury Memorial Park 2016/17 Budget and Fees and Charges be endorsed for consideration in the 2016/17 Council Budget.
2. The fee for a burial site in perpetuity of \$23,000 be included in the Salisbury Memorial Park 2016/17 fees and charges.
3. The General Manager City Infrastructure be given delegated authority to vary fees up to a maximum of \$300 (+/-) on the approved Salisbury Memorial Park fee schedule for special circumstances.

CARRIED
0980/2016

Rating Matters

6.6.1 Mawson Central Car Parking Separate Rate

Moved Cr B Vermeer

Seconded Cr S White

1. Council notes the report.
2. Council ceases to collect the Mawson Central Car Parking Separate Rate effective from the 2016/17 rating period.
3. Mawson Central Car Parking Separate Rate funds collected for the period up to and concluding 30 June 2016, and any accumulated interest, be applied to the ongoing purpose of maintaining, renewing and developing carparking facilities within the area defined as the Mawson Central Area (for the purpose of application of the Mawson Central Car Parking Separate Rate) and as set out in Attachment 1 to this report (Budget and Finance Committee, Item No. 6.6.1, 21/03/2016).

**CARRIED
0981/2016**

Confidential Items

Refer to CONFIDENTIAL ITEMS section of Council Minutes

**6.9.1 Request for Extension of Confidentiality Order: SA Water
Expression of Interest**

7 Sport, Recreation and Grants Committee Meeting

Minutes of the Sport, Recreation and Grants Committee Meeting held on 15 March 2016 were considered by Council.

Administration

**7.0.1 Future Reports for the Sport, Recreation and Grants
Committee**

Moved Cr D Pilkington

Seconded Cr D Proleta

1. The information be received.

**CARRIED
0982/2016**

Community Grants

7.2.1 Youth Sponsorship - February Applications

Cr G Reynolds left the meeting at 09:40 pm.

Moved Cr D Pilkington

Seconded Cr D Proleta

1. The information be received.

**CARRIED
0983/2016**

7.2.2 Community Grants Program Applications for March 2016

Moved Cr S Reardon

Seconded Cr D Bryant

1. The information be received and noted.

**CARRIED
0984/2016**

7.2.3 01/2016: Mawson Lakes Junior Soccer Club Inc. - Community Grants Program Application

Moved Cr B Vermeer
Seconded Cr S White

1. It be noted that, in accordance with delegated powers set out in the endorsed Terms of Reference, the Sport, Recreation and Grants Committee assessed and allocated funding for the March 2016 round of Community Grants as follows:
 - a. Grant No. 01/2016: Mawson Lakes Junior Soccer Club Inc. be awarded the amount of **\$2,000.00** to assist with the purchase of sport equipment for ongoing use as outlined in the Community Grant Application and additional information.

**CARRIED
0985/2016**

7.2.4 07/2016: Adelaide FX Drilldance Team Inc. - Community Grants Program Application

Moved Cr B Vermeer
Seconded Cr D Balaza

1. It be noted that, in accordance with delegated powers set out in the endorsed Terms of Reference, the Sport, Recreation and Grants Committee assessed and allocated funding for the March 2016 round of Community Grants as follows:
 - a. Grant No. 07/2016: Adelaide FX Drilldance Team Inc. be awarded the amount of **\$1,475.00** to assist with the purchase of costumes and props for the 2016 National Drilldance Championships as outlined in the Community Grant Application and additional information.

**CARRIED
0986/2016**

7.2.5 08/2016: Brahma Lodge Sports Club Inc. - Community Grants Program Application

Moved Cr D Balaza

Seconded Cr E Gill

1. It be noted that, in accordance with delegated powers set out in the endorsed Terms of Reference, the Sport, Recreation and Grants Committee assessed and allocated funding for the March 2016 round of Community Grants as follows:
 - a. Grant No. 08/2016: Brahma Lodge Sports Club Inc. be awarded the amount of **\$2,000.00** to assist with the purchase of a defibrillator for ongoing use as outlined in the Community Grant Application.

**CARRIED
0987/2016**

7.2.6 09/2016: Westside Housing Association Inc. - Community Grants Program Application

Moved Cr D Pilkington

Seconded Cr D Proleta

1. It be noted that, in accordance with delegated powers set out in the endorsed Terms of Reference, the Sport, Recreation and Grants Committee assessed and allocated funding for the March 2016 round of Community Grants as follows:
 - a. Grant No. 09/2016: Westside Housing Association Inc. be awarded no funding.

**CARRIED
0988/2016**

GENERAL BUSINESS

GB1 Code of Conduct Complaint 09/2014 - Ombudsman's Investigation Findings

Cr G Caruso declared an interest and left the meeting at 09:43 pm.

Cr G Reynolds left the meeting at 9:43 pm.

Cr G Reynolds returned to the meeting at 09:44 pm.

Cr D Pilkington sought leave of the meeting to speak for a further five minutes and leave was granted.

Cr D Balaza sought leave of the meeting to speak for a second time and leave was granted.

Cr S Reardon sought leave of the meeting to speak for a second time and leave was granted.

Cr R Cook left the meeting at 10:21 pm.

Cr R Cook returned to the meeting at 10:23 pm.

Moved Cr B Vermeer

Seconded Cr D Bryant

1. The Ombudsman's Report dated 15 February 2016 detailing the outcomes of the investigation into whether Cr Buchanan's actions amounted to repeated or sustained breaches of Part 2 of the Code of Conduct for Council Members be received and noted.
2. The Ombudsman's finding that Cr Buchanan has repeatedly breached Part 2 of the Code of Conduct for Council Members, has acted contrary to 3.17 of Part 3 of the Code of Conduct for Council Members and acted in a manner that was unreasonable within the meaning of section 25(1)(b) of the *Ombudsman Act* be acknowledged and supported.
3. Council lodge a complaint against Cr C Buchanan to the District Court pursuant to Section 264 of the Local Government Act.

**CARRIED
0989/2016**

*A **DIVISION** was requested by Cr Zahra and the following members responded to the Mayor's call as having voted in favour of the **MOTION**:*

Crs D Balaza, D Bryant, L Caruso, E Gill, D Proleta, G Reynolds, B Vermeer and J Woodman

*The following members responded to the Mayor's call as having voted against the **MOTION**:*

Crs S Bedford, R Cook, D Pilkington, S Reardon, S White and R Zahra

*The Mayor declared the **MOTION** was **CARRIED***

Cr G Caruso returned to the meeting at 10:27 pm.

OTHER BUSINESS

OB1 Wiki Town

Moved Cr S Reardon
 Seconded Cr D Balaza

1. Staff report back on costs, benefits and implications for the City of Salisbury becoming a Wiki Town.

CARRIED
0990/2016

OB2 Salisbury and Holden Hill Police Stations

Moved Cr B Vermeer
 Seconded Cr D Balaza

Council write to the Commissioner of Police expressing its concern at reports of the reduction of operating hours of Salisbury Police Station and requests that the Commissioner take no such action to limit the operations of this vital public resource.

With leave of the meeting and consent of the seconder Cr B Vermeer
 VARIED the MOTION as follows:

Council write to the Commissioner of Police expressing its concern at reports of the reduction of operating hours of Salisbury and Holden Hill Police Stations and request that the Commissioner take no such action to limit the operation of these vital public resources.

With leave of the meeting and consent of the seconder Cr B Vermeer
 VARIED the MOTION as follows:

1. Council write to the Commissioner of Police expressing its serious concern at reports of the reduction of operating hours of Salisbury and Holden Hill Police Stations and request that the Commissioner take no such action to limit the operation of these vital public resources.

CARRIED
0991/2016

OB3 Waste to Resources Fund

Cr D Balaza declared an interest due to being a Board Member of NAWMA.

Moved Cr B Vermeer

Seconded Cr D Balaza

That

1. Council notes and supports the current push by the LGA, Conservation Council and the Waste Management Association of Australia to have Government use the \$65,000,000 in the Waste to Resources Fund on projects in line with their own state Waste Strategy 2015-2020.
2. Staff bring back a report outlining potential projects which could be submitted by Council for funding from this fund.

**CARRIED
0992/2016**

OB4 Mayor's Diary

Moved Cr B Vermeer

Seconded Cr D Balaza

1. That this information be noted.

**CARRIED
0993/2016**

OB5 Reports from Council Representatives

Cr D Bryant:

- 18/3/16 Attended the opening of the Mobara restaurant with Cr Gill and the Mayor.
- 22/3/16 Attended the Refugee Welcome Zone in the John Harvey Gallery.

Cr E Gill:

Noted the recent open day at the Jack Young Centre

- 25/2/16 Jack Young Centre Advisory Meeting
- 28/2/16 Fringe show at RSL
- 1/3/16 Radio programme
- 3/3/16 ALGWA IWD Celebration - Domestic Violence
- 8/3/16 IWD Mayor's breakfast
- 15/3/16 Radio programme w/- Anglican & Uniting Ministers
- 17/3/16 Jack Young Centre Open Day
- 18/3/16 Opening Mobara Japanese Restaurant
- 18-20/3/16 Rotary Conference Dist 5600 in Barossa

Cr S Reardon:

- 18/2/16 VIP Opening night-Secret Garden Hub -
- 19/2/16 Bombing of Darwin - Commemorative service
- 20/2/16 Neighbourhood Watch State Volunteers Councillors meeting
- 22/2/16 Council meeting
- 23/2/16 NHW 504 General Meeting-Co-ordinator
- 25/2/16 Community meeting at local shopping centre Re: Paddocks update.
- 27/2/16 Para Hills Bowling Club information meeting (10.00-11.00am)
- 27/2/16 Elected Member Weekend Workshop Day 1 (11.00am-1700hrs)
- 27/2/16 Elected Member Weekend Dinner
- 28/2/16 Elected Member Weekend Workshop Day 2
- 29/2/16 Budget Workshop #1
- 02/3/16 LSA NHW Volunteers 1/4 meeting - Deputy Chair
- 03/3/16 Para Hills Wanderers Netball Club Committee meeting
- 08/3/16 Informal Strategy
- 11/3/16 JP - Witness signing of residents forms.
- 16/3/16 Para Hills High School Governing Council - Deputy Chair.

- 17/3/16 Para Hills NHW 504 Planning Meeting for 15th Anniversary event.
- 21/3/16 Council Committees
- 23/3/16 Visit Resident Re compliant.
- 29/3/16 Council Meeting

Cr J Woodman:

Presented a report given by Mafata Conneh, Member of the Student Representative Council at the Valley View Secondary School Governing Council meeting on 23 March 2016.

CONFIDENTIAL ITEMS

3.8.1 Request for Extension of Confidentiality Order: Appeal Against ERD Court Decision - Old Spot Farmers Market

Cr D Bryant left the meeting at 11:04 pm.

Mayor G Aldridge declared an interest on the basis of a family relationship with the appellant and left the meeting at 11:05 pm. Cr D Balaza assumed the chair.

Cr R Zahra declared an interest due to family members being involved in markets.

Cr D Bryant returned to the meeting at 11:05 pm.

Moved Cr D Pilkington

Seconded Cr J Woodman

1. *Pursuant to Section 90(2) and (3)(h) of the Local Government Act 1999, the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter because:*

- it relates to legal advice.

2. *In weighing up the factors related to disclosure,*
 - disclosure of this matter to the public would demonstrate accountability and transparency of the Council's operations*
 - non-disclosure will protect legal advice provided to Council under privilege*

*On that basis the public's interest is best served by not disclosing the **Request for Extension of Confidentiality Order: Appeal Against ERD Court Decision - Old Spot Farmers Market** item and discussion at this point in time.*

3. *Pursuant to Section 90(2) of the Local Government Act 1999 it is recommended the Council orders that all members of the public, except staff of the City of Salisbury on duty in attendance, be excluded from attendance at the meeting for this Agenda Item.*

CARRIED
0994/2016

The meeting moved into confidence at 11:05 pm.

The meeting moved out of confidence at 11:06 pm.

Mayor G Aldridge returned to the meeting at 11:07 pm and resumed the Chair.

6.9.1 Request for Extension of Confidentiality Order: SA Water Expression of Interest

Moved Cr B Vermeer
Seconded Cr S White

1. Pursuant to Section 90(2) and (3)(b)(i) and (b)(ii) and (d)(i) and (d)(ii) and (h) of the Local Government Act 1999, the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter because:
 - it relates to information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
 - information the disclosure of which would, on balance, be contrary to the public interest; and
 - commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
 - commercial information of a confidential nature (not being a trade secret) the disclosure of which would, on balance, be contrary to the public interest; and
 - legal advice.
2. In weighing up the factors related to disclosure,
 - disclosure of this matter to the public would demonstrate accountability and transparency of the Council's operations
 - non disclosure of this information will protect legal advice provided to the Council along with commercial information regarding the operations of Salisbury Water.

On that basis the public's interest is best served by not disclosing the **Request for Extension of Confidentiality Order: SA Water Expression of Interest** item and discussion at this point in time.
3. Pursuant to Section 90(2) of the Local Government Act 1999 it is recommended the Council orders that all members of the public, except staff of the City of Salisbury on duty in attendance, be excluded from attendance at the meeting for this Agenda Item.

CARRIED
0995/2016

The meeting moved into confidence at 11:07 pm.

The meeting moved out of confidence and closed at 11:08 pm.

CHAIRMAN.....

DATE.....

ITEM	GB1
	COUNCIL
DATE	26 April 2016
PREV REFS	Policy and Planning Committee 1.3.1 20/07/2015
HEADING	Mawson Lakes DPA - requirements to receive approval from Minister for Planning
AUTHOR	Peter Jansen, Strategic Planner, City Development
CITY PLAN LINKS	<p>1.2 To enhance and create quality urban areas with high amenity and integrated infrastructure</p> <p>1.4 To deliver suitably integrated infrastructure that maximises economic efficiencies and opportunities for the community</p> <p>2.1 To have sustainable and resilient natural environments that support biodiversity and contribute to quality amenity</p>
SUMMARY	<p>The Minister for Planning has advised that the Mawson Lakes Development Plan Amendment will be required to be separated into components and amended in order to gain Ministerial approval. The main suite of policies will be approved in Part 1 of the DPA. These are the Residential Policy Area, Urban Core Zone and Transition Area, Mawson Innovation Policy Area (Technology Park and University of South Australia), Airport Runway Control Area, Main Shopping Policy Area and the Infrastructure Policy Area. The Minister has indicated that there will be minor amendments to policy relating to fencing and minor works, and a retention of a minimum building height in the Core Area of the Urban Core Zone.</p> <p>Part 2 of the DPA is proposed to be dealt with separately, and incorporates:</p> <ul style="list-style-type: none"> the policy changes proposed to include a portion of the Shoalhaven wetlands in the Residential Zone. The Minister has advised that this area should be retained as the current zone - MFP (Levels); and the Mary/Dan Street area originally proposed to be part of the Residential Zone to be investigated for alternative zoning that will more explicitly allow the retention of existing business. <p>A response to the Minister on the proposal is required by the 18th May 2016.</p>

RECOMMENDATION

1. That the separation and amendments to the Mawson Lakes Development Plan Amendment recommended by the Minister for Planning be supported and the Minister be advised of Council's support for the recommended changes.
2. Staff be authorised to amend the DPA as required to achieve the Minister for Planning's requirements for amendments to the Mawson Lakes Development Plan Amendment Part 1, and submit the DPA as amended to the Minister for approval.
3. That a further report be provided to Council in relation to the proposed Mawson Lakes DPA Part 2 for consideration of the proposed amendments following consideration of appropriate policy content and further discussions with the Department for Planning Transport and Infrastructure.

ATTACHMENTS

This document should be read in conjunction with the following attachments:

1. Letter from Minister for Planning
2. Attachment to letter from Minister for Planning

1. BACKGROUND

- 1.1 Council submitted the Mawson Lakes Development Plan Amendment to the Minister for Planning for approval on 11 September 2015.
- 1.2 The Minister for Planning has advised Council on 6 April that sections 25 (15) (d), (f) of the Development Act 1993 are to be invoked which will require the separation of the DPA into two parts. Part 1 will be approved subject to:
 - 1.2.1 Removal of policies that sought to impose similar requirements to the Mawson Lakes encumbrance on fencing and minor works. The Minister has considered these proposed policies are inconsistent with the SA Planning Policy Library principles which require that Development Plan policies only address matters that require development approval.
 - 1.2.2 Reinstatement of recommended minimum building heights of four stories for the Core Area of the Urban Core Zone. Council had endorsed the removal of the minimum building heights. The Minister considers the reinstatement is necessary to encourage higher density development in these locations.
 - 1.2.3 Minor mapping changes.
- 1.3 As a result it is proposed that Part 2 of the DPA will contain the following:
 - 1.3.1 The 5.5ha of wetlands in the Shoalhaven area that were proposed by Council to be rezoned to Residential will be retained as MFP Zone until such time as the subject land has undergone a Community Land Revocation process under the Local Government Act 1999.

- 1.3.2 The Mary/Dan Streets Policy Area will be retained as MFP Zone until an alternative proposed Zone is proposed by Council. Council sought to re-zone the area to become part of the Residential Zone with a specific policy area reflecting the industrial uses within it. The Minister is concerned that the proposed policies of Council would put unnecessary pressure on the existing businesses to relocate and recommends an alternate zone of a mixed use nature from the planning policy library such as Urban Corridor – Business Policy Area which would allow a mix of non-residential uses and residential uses at higher densities.
- 1.4 The Minister requires a response by 18 May on this proposal to split and amend the DPA.

2. CONSULTATION / COMMUNICATION

- 2.1 Internal
 - 2.1.1 Nil
- 2.2 External
 - 2.2.1 DPTI

3. REPORT

- 3.1 The Development Act 1993 allows for the proposed actions of the Minister. Council is able to consider the proposed actions and amendments and support the proposals. If Council does not support the proposal, it is considered the DPA would not be approved or would result in further lengthy delays for negotiation with no guarantee of change.
- 3.2 The implications of the proposals for Part 1 of the DPA are:
 - 3.2.1 Removal of the policies relating to encumbrance and minor works are not of a significant nature. The design details imposed through the encumbrance have always been external to the Development Plan provisions and assessment process. General design policies will assist in continuing the appearance standards of the Mawson Lakes area. It is considered this can be supported by Council, but it should be noted that the controls applying under the former encumbrance that are not encompassed in Development Plan policy will not be able to be applied to development in the future.
 - 3.2.2 The re-inclusion of a minimum building height for the Core Area may discourage some development interest for remaining allotments, however it is noted that assessment of proposals also includes consideration of existing character. The proposed zone module principles by the Minister refer to 'should' rather than 'shall' in relation to minimum building heights, giving Council discretion in the assessment process to apply this requirement, taking into consideration the range of issues required to be assessed under the Development Plan. The proposed height policy also continues to include building height policy subject to any airport building height restrictions. It is considered this can be supported by Council.

3.3 The implications of the proposals for Part 2 of the DPA are:

- 3.3.1 The proposal to exclude a portion of the Shoalhaven wetlands site from the proposed Residential Zone until a Community Land Revocation process has occurred will not directly affect any proposals from being developed, nor actually stop a development from being considered over the area. The whole of Mawson Lakes is currently zoned Multifunction Polis (Levels) under which the planning policies encourage mixed use, and includes residential uses as a consent use. Accordingly, proposals for residential development in this area could be assessed and, if appropriate, receive development approval now, but still require the Community Land Revocation at a later time. It is considered that the Minister's proposal does not materially impact the development potential of the subject land and maintains the status quo, and can be supported by Council.
- 3.3.2 The proposal to retain the Mary/Dan Street area as MFP (Levels) Zone until an alternative proposed zoning is considered for the area will not greatly impact on the whole of the DPA. Council has previously discussed this issue and the potential impacts of the proposed changes upon the existing businesses in the area were considered. Whilst the continuation of existing lawful non-residential land uses are protected under 'existing use rights' irrespective of the zoning, zone provisions may have an impact upon the capacity for existing non-residential uses to expand or modify development on these sites. Alternative zone options from the planning policy library that address the Minister's concerns and more explicitly protect non-residential uses in the area will be considered and recommended to Council in a later report. It is considered this can be supported by Council.

4. CONCLUSION / PROPOSAL

- 4.1 It is considered that the intention by the Minister for Planning to separate and amend the Mawson Lakes DPA will not significantly impact the development potential and objectives for the Mawson Lakes area, and acceptance of the Minister's proposal will allow the majority of changes proposed in the DPA to progress whilst other issues relating to Shoalhaven and the Mary/Dan Streets area are resolved separately. Should Council support the Minister's proposal, the DPA will require amendment in accordance with the directions of the Minister and will occur in consultation with DPTI. A further report to Council would be presented on the outcomes, including a proposal for an alternate zone for the Mary/Dan Streets area before seeking the approval of the Minister for Part 2 of the DPA.

CO-ORDINATION

Officer:	GMCID	GMBE	GMCI
Date:	11.04.16	12.04.16	12.04.16

The Hon John Rau MP

10241031

6 April 2016

Mayor Gillian Aldridge
City of Salisbury
PO Box 8
SALISBURY SA 5108

Dear Mayor Aldridge

Attention: Peter Jansen

City of Salisbury-Mawson Lakes Development Plan Amendment

I write in relation to my consideration of the Mawson Lakes Development Plan Amendment (DPA) for approval.

Given that this DPA will facilitate development within the short term I consider it important to progress it as a matter of priority. Therefore, in accordance with Sections 25(15)(d) and (f) of the *Development Act 1993*, I am formally writing to Council to advise of my intention to separate the Mawson Lakes DPA into two parts and approve an amended version of Part 1 of the DPA.

In relation to Part 1 of the DPA, I propose to make a number of amendments including the removal of all policy that relates to activities that are not defined as development under the *Development Regulations 2008* (eg fencing policy). This is inconsistent with SAPPL principles, which requires that Development Plan policies only address matters that require development approval under the *Development Act 1993* and is not consistent with intent of the Planning Reforms.

Further to this I also intend to reinstate the minimum height limits in the Core area of the Urban Core Zone to encourage higher density development in these locations. A number of minor technical changes are also proposed. Please refer **Attachment 1** for a detailed listing of the proposed changes.

I also propose that Part 2 of the DPA will contain the following components:

- The 5.5 ha area of existing wetlands to the south of Shoalhaven Circuit, proposed for rezoning from Multi Function Polis to Residential. I consider that rezoning this land now would be pre-empting the Community Land Revocation Process under the *Local Government Act 1999*. I will reconsider this rezoning once this process is complete.
- The existing industrial area which is proposed to be rezoned to the Mary Dan Policy Area under the Residential Zone. I am concerned that the proposed policy framework will unnecessarily pressure the existing businesses to relocate. I recommended that Council



**Government
of South Australia**

Deputy Premier
Attorney-General
Minister for Justice Reform
Minister for Planning
Minister for Industrial Relations
Minister for Child Protection
Reform
Minister for the Public Sector
Minister for Consumer and
Business Services
Minister for the City of
Adelaide

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considers a mixed use zone eg Urban Corridor- Business Policy Area from the SAPPL which would allow for a mix of non residential uses and residential uses at higher densities whilst ensuring that existing long standing industrial uses are not unnecessarily pressured to relocate prematurely.

It would be appreciated if Council could provide a response back to me on my proposal to split and amend the DPA within six weeks from the date of this letter. Please note I will assume if no response is received by this date, which Council has no objection or comment to make.

Please contact Kym Gerner on 7109 7022 should you require further clarification or assistance in relation to the abovementioned matters.

Yours sincerely



John Rau
Deputy Premier
Minister for Planning

Att. Recommended Amendments

ATTACHMENT

**Recommended Amendments to
Part 1 of the City of Salisbury Mawson Lakes DPA**

Reference	Proposed Amendment
Removal of policies that relate to activities that are not development	<p>Removal of the following policies</p> <p>Residential Zone-Mawson Lakes Policy Area 22</p> <p>Fencing</p> <p>6. Fencing should not be a dominant feature in the streetscape.</p> <p>7. Fencing for non-residential development should:</p> <ol style="list-style-type: none"> not occur along front property boundaries of commercial premises be up to 2.4 metres in height for side and rear fences where required for security purposes be of quality materials that match the building, or be high quality painted steel railings where visible from the main and/or secondary street. <p>8. If to be provided, fencing:</p> <ol style="list-style-type: none"> may be located on front, side and rear boundaries where the building does not sit on the boundary should be 1.2 – 1.8 metres in height at the front and 1.8 – 2.0 metres at the rear and side (behind the dwelling facade) should match the residential building materials, style and colour should preferably be of brick, render, stone or steel railing or feature panels. <p>9. If to be provided, fencing to reserve areas should be of quality materials of an open style that match the building in materials and design.</p> <p>10. Privacy fencing, if required, should be set back from a reserve boundary.</p> <p>11. Fencing to side and rear boundaries to residential development may be of colorbond where the fence is:</p> <ol style="list-style-type: none"> located behind the building line not on a secondary street frontage. <p>16. Dwellings should include provision for all of the following:.....</p> <ol style="list-style-type: none"> a common service meter box accommodating the various utility service meters required a crossover (the area between the footpath and the kerb) that is constructed in the same material and design as the footpath. <p>Mawson Lakes Urban Core Zone</p> <p>Fencing</p> <p>18. Fencing should not be a dominant feature in the streetscape.</p> <p>19. Fencing for non-residential development should:</p> <ol style="list-style-type: none"> not occur along front property boundaries of commercial premises be up to 2.4 metres in height for side and rear fences where required for security purposes be of quality materials that match the building or of black plastic coated open wire style.

	<p>20. If to be provided for serviced apartments, student housing and SOHO housing, fencing:</p> <ul style="list-style-type: none"> a) may be located on front, side and rear boundaries where the building does not sit on the boundary b) should be 1.2 – 1.8 metres in height at the front and 1.8 – 2.0 metres at the rear and side (behind the dwelling facade) c) should match the residential building materials, style and colour d) should preferably be of brick, render, stone or steel railing or feature panels. <p>21. Fencing to reserve areas should be of an open style or not provided at all.</p> <p>22. Privacy fencing, if required, should be set back from a reserve boundary.</p>		
Reinstatement of the minimum building height in the core area in the Urban Core Zone	<p>PDC to be amended as follows</p> <p>Building Envelope</p> <p>Building Height</p>		
	Designated area	Minimum building height	Maximum building height
	Core Area	4 storeys	10 storeys and up to 40.5 metres
	Transition Area	No minimum	4 storeys and up to 16.5 metres
<p>Mapping changes</p> <ul style="list-style-type: none"> • minor change to Sal/39, and • retention of the Shoalhaven Circuit and Mary Dan Policy Areas in the MFP Zone 	<p>Amend minor open space boundary issue</p> <p>Amend all the zone and policy maps to retain Shoalhaven Circuit and Mary Dan Policy Areas in the MFP Zone</p> <ul style="list-style-type: none"> • Zone Map Sal/46 • Zone Map Sal/47 • Zone Map Sal/53 • Policy Area Map Sal/46 • Policy Area Map Sal/47 • Policy Area Map Sal/53 		

ITEM	GB2
	COUNCIL
DATE	26 April 2016
PREV REFS	Resources and Governance 3.5.1 Committee 15/06/2015
HEADING	Review of Local Government Association Membership Subscription Formula
AUTHOR	Joy Rowett, Governance Coordinator, CEO and Governance
CITY PLAN LINKS	4.4 To ensure informed and transparent decision-making that is accountable and legally compliant
SUMMARY	<p>The Local Government Association is reviewing how it calculates membership subscriptions in response to new insights realized in collaboration with its member Councils and as part of continuous improvement of its service delivery. As part of the review process a consultation paper has been issued and Council views are being sought as to the preferred approach to membership subscription calculation.</p>

This report provides an outline and analysis of the LGA Subscription Consultation Summary paper which has been released for consideration and input and seeks Council's direction as to the preferred response to the review.

RECOMMENDATION

1. The information be received.
2. Subject to any amendments required, the Draft Submission to the Local Government Association in response to the Review of LGA Membership Subscription Formula – Summary for Consultation (as set out in Attachment 2, Item No: GB2, Council, 26/02/2016), be endorsed.

ATTACHMENTS

This document should be read in conjunction with the following attachments:

1. LGA Subscription Consultation Summary
2. Draft Submission to the LGA on the LGA Membership Subscription Formula

1. BACKGROUND

- 1.1 At its April 2015 (Council 27/04/2015, NOM1, Resolution No. 265/2015) meeting Council resolved the following:
1. *That staff bring back a report outlining details of the City of Salisbury's membership of the Local Government Association (LGA), including, but not limited to:*
 - a. *Cost of membership, including any fee for membership/access to associated service providers (e.g. Local Government Risk Services);*
 - b. *Benefits/services provided by the LGA membership (and associated service providers), including any costs of those benefits/services;*
 - c. *Whether benefits/services are member exclusive;*
 - d. *Comparability to other service providers;*
 - e. *Any potential non tangible benefits that arise from being a member of the LGA.*
- 1.2 The information requested was provided to Council via the June 2015 Resources and Governance Committee (Item No 3.5.1, 15/06/2015).
- 1.3 At the November 2015 meeting, Council resolved the following (Council 23/11/2015, NOM1, Resolution No. 719/2015):
1. *That the City of Salisbury reaffirm its commitment to working with the Local Government Association (LGA) as the peak representative group for Local Government.*
 2. *That the City of Salisbury acknowledges the LGA's contribution to the Local Government sector and the many benefits the city derives from being a member council.*
- 1.4 On 24 March 2016 the Local Government Association (LGA) advised that, as part of its overall review, it was reviewing how membership subscriptions are calculated in response to matters raised by constituent Councils and sought input to the review.
- 1.5 To undertake this review a detailed report was commissioned by the LGA and a summary report that outlines four subscription fee calculation options for Council to consider was released.
- 1.6 At the May 2016 Board meeting, the LGA Board will review any feedback received from members as input to determining a preferred formula that achieves a fair and equitable subscription and maintains LGA service standards.
- 1.7 The selected formula will then be applied to determine member subscription fees for 2016/2017 and beyond.

2. CONSULTATION / COMMUNICATION

2.1 Internal

- 2.1.1 Consultation with the General Manager Business Excellence and Senior Accountant with respect to the methodology used and the preferred option.

2.2 External

- 2.2.1 Nil

3. REPORT

- 3.1 As part of the review of membership subscription calculations The Local Government Association (LGA) is seeking input to the review from constituent Councils.

- 3.2 A detailed report was commissioned by the LGA and a summary report that outlines four options for Councils to consider is attached to this report (Attachment 1).

3.3 Methodology in other jurisdictions

- 3.3.1 For the purposes of the review, the author took into account the methodology used in Queensland (LGAQ), New South Wales (LG NSW) and Western Australia (WALGA).

Queensland

- 3.3.2 The LGAQ methodology is based on:

- An equal flat amount per council which in total accounts for 20% of overall subscriptions (\$11,620 in 2015/16 per council);
- The balance distributed equally between population share and operating expenditure share (3 year average);
- Two caps, the first at 3.75 times the average with a second cap (6 times) where any council (only Brisbane) would have a formula subscriptions in excess of this limit.

- 3.3.3 The LGAQ methodology results in the smallest council paying \$14,555 in subscription while the cap of 3.75 has four large councils (all in excess of 280,000 population) paying \$217,898 while Brisbane (over 1 million population) pays \$348,637.

New South Wales

- 3.3.4 Following a review in 2015 the LG NSW methodology adopted for the 2015/16 subscriptions includes equal weightings for both population and expenditure (3 year average). The flat amount remains at the same proportion of subscriptions as previously (40%) resulting in a flat amount per council of \$13,209. The remaining 60% is distributed equally between population and expenditure using the declining block tariff approach which had been used for a number of years.

- 3.3.5 The review also considered a potential post amalgamation situation where the number of councils could reduce by 40%, and recommended that the flat amount collected 25% of total subscriptions which would maintain it at around \$13,200 (2015 values).
- 3.3.6 The smallest councils in NSW currently pay around \$15,000 in total member subscriptions, similar in amount to Queensland Councils. The average subscription in NSW was \$33,022 in 2014/15 which is similar to the SA average of \$30,693.
- 3.3.7 The NSW approach eliminates the need for caps as the rate of decline in the block tariff sets an upper amount for the largest council which is not substantially higher than for other councils. Therefore, the principles related to services that benefit councils relative to the population and revenue/expenditure size are effectively upheld.

Western Australia

- 3.3.8 Western Australia uses a methodology similar to that in Queensland prior to amalgamation, as follows:
- 40% as a flat amount per council;
 - 30% based on population growth;
 - 30% based on revenue growth.
- 3.3.9 No caps are used and in 2015/16 the flat amount was \$6,289 per council.
- 3.3.10 WALGA membership subscriptions are relatively low compared with the number of councils, with a total of \$2.186 million for 139 councils, an average of \$15,727. This is because the WALGA tends to rely on business activities to generate operating revenue rather than membership subscriptions.

3.4 South Australian Review

- 3.4.1 In the past, LGA SA membership subscriptions have taken into account the following basic principles in relation to the benefit of membership:
- Some services have a fixed benefit to all members, irrespective of population or revenue base; and
 - Some services provide benefits relative to the size of the population of the council; and
 - Some services provide benefits relative to the revenue base of the council.
- 3.4.2 As the Summary Paper indicates, the current formula for membership subscriptions includes:
- A flat fee component which varies relative to the population of members with the base amount set at \$2500 for councils less than 10,000 population, increasing to \$5,000 for those 10,000 to 50,000 and to \$7,500 for those greater than 50,000. These population bands are consistent with those set out in the Constitution for member voting rights.

- The balance of subscriptions are then calculated on the basis of population share (40% weighting) and operating revenue (60% weighting).
- A subscription cap of 3 times the average subscription with no council receiving an increase greater than 5% in a year.

The current methodology for SA reflects the principles as set out in 3.13 above, however those principles provide no guidance on the proportion of subscriptions to be funded from each component, i.e. flat, population, expenditure weighted.

3.4.3 There are a number of observations that have been made in relation to the current methodology:

- The flat component is very low given that all members obtain benefit from LGA SA services regardless of size. Generally smaller councils tend to make a relatively higher use of LGA services than larger councils in proportion to their size;
- A cap at 3 times the average results in councils of considerably different capacity making the same contribution as the following table shows:

Council	Population	Revenue	Subscription 2015/16
Onkaparinga	167,659	\$136M	\$92,080
Marion	88,292	\$74.9M	\$92,080
Salisbury	137,310	\$104.92M	\$92,080

- The above three councils, including Salisbury pay the same in subscriptions, despite being vastly different in size. This could be argued as contravening principles 3.13.2 and 3.13.3 above. Nevertheless capping is used in other states reflecting the view that there is some limit to the overall benefit obtained from LGA membership;
- The use of annual revenue data has some problems in terms of significant fluctuations as a result of one-off grants or natural disaster funding. For example, if a council were to be granted one-off or disaster relief funding, this can result in significant increases/decreases in subscriptions for some councils on an annual basis. Other states have moderated this by using three-year averages for revenue or expenditure.
- At the LGA President's Forum held on the 13 April 2016, the LGA sought feedback from participants in a workshop environment. Staff present noted that another method to using annual revenue is to use total property capital valuations used in rate calculations as a more stable base. The model can also incorporate a reducing scale for Council's with higher total property values. It is assumed that the feedback will be collated with other feedback received at the forum.

3.5 The review has identified four options that could be considered by LGA SA in revising its member subscription methodology:

3.5.1 **Option 1** - Based on minor changes to the existing methodology:

- An increase to the flat amount to collect 20% using the three tiers of population as at present starting with \$3,748 for those less than 10,000, \$7,497 for those with population between 10,000 and 50,000 and \$11,245 for those greater than 50,000.
- Maintaining the current population and revenue weightings for the balance of the subscription.
- Using a 3-year average for operating revenue.
- Maintaining the 3 times average cap.

3.5.2 **Option 2**

- Flat amount to collect 20% of subscriptions as for option 1 above;
- Three population and revenue bands for the balance of the subscription as follows:

Population	Levy/capita	Operating Revenue \$000	Levy/,000 revenue
0 to 10,000	\$0.54	\$0 to \$12,000	\$0.67
10,000 to 50,000	\$0.48	\$12,001 to \$60,000	\$0.54
>50,000	\$0.15	>\$60,000	\$0.24

A council such as Salisbury with a population of 137,310 (as stated in the summary report) would pay a subscription of 54 cents for the first 10,000, 48 cents for the next 40,000, and 15 cents for the balance of 80,000 population and with a similar approach being taken with the operating revenue component;

- Using a three year average for operating revenue;
- No upper caps applied;
- No 5% cap or any phase-in.

3.5.3 **Option 3**

- Flat amounts to collect 20% and three year average revenue as for Option 1.
- Four population and revenue bands, i.e. an additional band introduced:

Population	Levy/capita	Operating Revenue \$000	Levy/,000 revenue
0 to 10,000	\$0.55	\$0 to \$12,000	\$0.68
10,000 to 50,000	\$0.50	\$12,001 to \$60,000	\$0.54
50,000 to 100,000	\$0.15	\$60,000 to \$120,000	\$0.24
> 100,000	\$0.04	> \$120,000	\$0.11

A council such as Salisbury with a population of 137,310 would pay a subscription of 55 cents for the first 10,000, 50 cents for the next 40,000, 15 cents for the next 50,000 and 4 cents for the balance of 37,310 population and with a similar approach being taken with the operating revenue component.

3.5.4 Option 4

- As compared with Option 2 but with flat amount set to collect 30% (up from 20%) of total subscriptions with the amounts shown in the following table for the various bands.

Population	Levy/capita	Operating Revenue \$000	Levy/,000 revenue
0 to 10,000	\$0.47	\$0 to \$12,000	\$0.59
10,000 to 50,000	\$0.42	\$12,001 to \$60,000	\$0.47
> 50,000	\$0.13	> \$60,000	\$0.21

3.6 Analysis of Options

- 3.6.1 The following table shows how options 2, 3 and 4 would impact on the City of Salisbury:

Population	Revenue \$,000 (used for calculation of 2015/16 subs)	Current Subs 2015	Option 1 (no phase in)	Option 2	Option 3	Option 4
137,310	\$104,093	\$92,080	\$92,080 (No change)	\$92,973 (+ \$893)	\$90,034 (- \$2,046)	\$88,380 (- \$3,700)

- 3.6.2 Consideration could also be given to phasing-in any new formula over a period of time, e.g. three years.
- 3.6.3 The City of Salisbury is at the top tier of each option and will be one of the highest paying Councils under any proposal. Looking at what has been proposed, Option 4 would, from a financial point of view, be the best for Salisbury as it would result in a lower subscription fee for the current year of \$3,700.
- 3.6.4 The LGA has suggested that written feedback could focus on a number of points and any other matter Council decides it wishes to raise. The points that the LGA has identified are as follows:
- Is the share of revenue obtained from the flat component appropriate (currently 13%), or should this be increased to 20% or some other amount?*
 - If a change is made, should this be phased in to minimize the impact of increases for some councils?*
 - Should the flat component remain tiered to population size as at present?*

4. *Are the population bands, based on the bands outlined in the Constitution for voting rights appropriate? Should an additional band be added?*
5. *Should a three year average be used for the operating revenue component to moderate fluctuations that can occur due to one off grants or natural disaster funding?*
6. *What is the City of Salisbury's view on the use of caps?*
7. *Are the current weighting of population (40%) and revenue (60%) appropriate, or should they be varied?*

3.6.5 A Draft Submission, which responds to each of these points is provided as Attachment 2 to this Report. Feedback is sought from Council as to any additional information that should be included in the submission.

4. CONCLUSION / PROPOSAL

- 4.1 This report provides an outline and analysis of the paper "Review of LGA Membership Subscription Formula – Summary for Consideration" which has been released for Councils' consideration and input.
- 4.2 Council is asked to consider the points raised in the paper and the Draft Submission to the LGA (as contained in Attachment 2 to this report) and provide direction as to its preferred response to the LGA.

CO-ORDINATION

Officer:	CEO	GMBE	MG
Date:	21/04/2016	19/04/2016	20/04/2016



Review of LGA Membership Subscription Formula

Summary for Consultation

Review of LGA SA Membership Subscription Formula

Summary for Consultation

The Local Government Association of South Australia (LGA) is reviewing how it calculates membership subscriptions in response to new insights realised in collaboration with our members and as part of continuous improvement of our service delivery.

This document provides a summary of information on the member subscription formula. The summary was prepared to provide a snapshot of how the current formula is used and to highlight 4 options for calculation of the subscriptions for the membership to consider.

A President's Forum has been organised to gather feedback from members on some key LGA reform topics, including the member subscription formula. In addition, opportunity to provide feedback via submissions up until Friday 29 April is also available to support participation by the membership.

For further information, a copy of the detailed review commissioned by the LGA is available by contacting Natasha Black on 8224 2088 or email natasha.black@lga.sa.gov.au. An overview, as provided in the detailed review is attached to this summary.

The LGA Board will review feedback from members as input to determining a preferred formula that achieves a fair and equitable subscription and maintains the service standards at its meeting in May 2016. This formula will then be applied to determine member subscription fees for 2016/2017 and beyond.

Current Formula

The current formula for membership subscriptions includes:

1. **A flat fee component** which varies relative to the population of members with the base amount set at \$2,500 for councils less than 10,000 population, increasing to \$5,000 for those 10,000 to 50,000 and to \$7,500 for those greater than 50,000. Note that these population bands are consistent with those set in the Constitution for member voting rights.
2. **The balance** of subscriptions are then calculated on the basis of population share (40% weighting) and operating revenue (60% weighting).
3. **A subscription cap** of 3 times the average subscription as well as no council receiving an increase greater than 5% in a year.

As part of the review, the LGA procured the preparation of a detailed report by a suitably qualified expert. The purpose of the review was to identify alternative formula options for calculating LGA membership subscriptions. It was to include:

- A review of the principles applied in setting the subscriptions formula
- Modelling of the approaches used in other states including NSW and Qld and outlining the implications associated with aspects of each methodology
- Consideration as to whether the current flat component of the formula is adequate having regard to all members receiving similar benefits from LGA services regardless of size
- The use of the annual operating revenue figure and whether this results in some inconsistencies as a result of once off grants
- The application of the subscription cap at 3 times the average
- Alternative formula options for calculating LGA membership subscriptions
- Consideration of applying caps to increases so that the impact upon councils is 'phased' in

Based on this, the detailed report prepared for the LGA profiles approaches used by other State Local Government Associations to draw relevant comparisons for South Australia. This research, together with feedback already received has revealed that:

- The current principles guiding membership subscription calculations are sound. They are an investment into local government as a whole and based on the 'benefit principal'. These principles are:
 - a. **some services have a fixed benefit** to all members, irrespective of population or revenue base; and
 - b. **some services provide benefits** relative to the **size of the population** of the council; and
 - c. **some services provide benefits** relative to the **revenue base** of the council.
- the current flat component is very low compared to interstate comparisons.

Formula Options

A number of formula options have been investigated to achieve fairer and more equitable membership subscriptions. Points for consideration include:

1. **Increasing the** proportion of subscriptions collected by the **flat component** from the current 13% **to either 20% or 30%**. For example, an increase to 20% results in councils with a population less than 10,000 having the flat amount increase from \$2,500 to around \$3,750. This assumes that the current steps based on population are maintained.
2. **Maintaining the weighting** for the balance of subscriptions not collected by the flat amount as 40% population and 60% expenditure as at present.
3. **Using a three year moving average** for operating revenue to increase stability in this element.
4. **Removing the subscription cap** and replace it with a declining block rate based on population and revenue bands.

To illustrate how membership subscriptions might change, four options are provided in the detailed report:

Option 1:

Based on some relatively minor changes to the existing methodology:

- An increase to the flat amount to collect 20% using the three tiers of population as at present starting with \$3,748 for those less than 10,000, \$7,497 for those with population between 10,000 and 50,000 and \$11,245 for those greater than 50,000.
- Maintaining the current population and revenue weightings for the balance of the subscription.
- Using 3 year average for operating revenue.
- Maintaining the 3 times average cap.

Option 2:

- Flat amount as for option 1.
- Three population and revenue bands (see Table 1) for the balance of the subscription.

Table 1: Option 2: Three population and revenue bands

Population	Levy/capita	Operating Revenue \$000	Levy/'000 revenue
0 to 10,000	\$0.54	\$0 to \$12,000	\$0.67
10,001 to 50,000	\$0.48	\$12,001 to \$60,000	\$0.54
>50,000	\$0.15	> \$60,000	\$0.24

For example, a council with a population of 70,000 would pay a subscription of 54 cents for the first 10,000, 48 cents for the next 40,000, and 15 cents for the balance of 20,000 population. A similar approach is taken with the operating revenue component.

- Using a three year average for operating revenue.
- No upper caps applied.

Option 3:

- Flat amounts to collect 20% and three year average revenue as for Option 1.
- Four population and revenue bands (see Table 2), i.e. an additional band introduced

Table 2: Option 3: Four population and revenue bands

Population	Levy/capita	Operating Revenue \$000	Levy/'000 revenue
0 to 10,000	\$0.55	\$0 to \$12,000	\$0.68
10,001 to 50,000	\$0.50	\$12,001 to \$60,000	\$0.54
50,001 to 100,000	\$0.15	\$60,001 to \$120,000	\$0.24
> 100,000	\$0.04	> 120,000	\$0.11

Option 4:

As compared with Option 2 but with flat amount set to collect 30% (up from 20%) of total subscriptions with the amounts shown in Table 3 used for the various bands.

Table 3: Bands and Rates with 30% flat component

Population	Levy/capita	Operating Revenue \$000	Levy/'000 revenue
0 to 10,000	\$0.47	\$0 to \$12,000	\$0.59
10,001 to 50,000	\$0.42	\$12,001 to \$60,000	\$0.47
>50,000	\$0.13	> \$60,000	\$0.21

Impact Of Options

Table 4 shows how options 2, 3 and 4 would impact on three notional councils (A, B & C).

Table 4: Indicative Outcomes for different size councils

	Population	Revenue \$ 000	Current Subs.	Option 2	Option 3	Option 4
Council A	4,000	\$9,000	\$10,900	\$12,000	\$12,100	\$12,800
Council B	40,000	\$50,000	\$59,000	\$56,000	\$56,700	\$53,700
Council C	110,000	\$100,000	\$92,080	\$88,000	\$88,000	\$84,000

Consideration could also be given to phasing-in any new formula over say a period of time, e.g three years.

Next Steps – Your Feedback Is Sought

We value your input to this decision process.

As previously mentioned, a copy of the detailed report outlining the full subscription formula review analysis is available by contacting Natasha Black on 8224 2088 or email natasha.black@lga.sa.gov.au. An extract drawn directly from the report is included in this summary.

Your feedback can be provided as follows:

- By attending the President's Forum being held as part of the April Ordinary General Meeting activities. The forum is covering several topics relevant to the future of Local Government and the LGA, including a session on the subscription formula review. Details of the Forum are:

Date: Wednesday 13 April 2016

Time: 1.45pm for 2.00pm till 5.00pm

Where: Royal Banquet Room, Adelaide Showgrounds

Cost: Free

As mentioned above, the forum will address several key issues for our sector in 2016 including:

- **Councils of the Future**
 - Regional Governance Framework
 - Council Boundary Adjustment Process

LGA of the Future

- LGA Governance Review
- LGA Subscriptions Review
- By providing your written feedback on the options presented by Friday 29 April 2016 to: Natasha Black Natasha.black@lga.sa.gov.au

Your written feedback could focus on the following points and any other matter you wish to raise:

- Is the share of revenue obtained from the flat component appropriate (currently 13%), or should this be increased to 20% or some other amount?
- If a change is made, should this be phased in to minimise the impact of increases for some councils?
- Should the flat component remain tiered to population size as at present?
- Are the population bands, based on the bands outlined in the Constitution for voting rights appropriate? Should an additional band be added?
- Should a three year average be used for the operating revenue component to moderate fluctuations that can occur due to one off grants or natural disaster funding?
- What is your council's view on the use of caps?
- Are the current weighting of population (40%) and revenue (60%) appropriate, or should they be varied?

5. Overview

This review has identified a number of options that could be considered by LGA SA in revising its member subscription methodology. Four options are presented to illustrate how these changes would impact on member subscriptions.

A key issue to resolve is the level of the flat charge which reflects the current principle 1 – that some services have a fixed benefit to all members, irrespective of population or revenue base.

Methodology of other local government associations considered in this review have a significantly higher proportion of revenue coming from the flat charge which ranges from 20% to 40% compared with only 13% in the current LGA SA methodology. This results in small councils in South Australia having a very low membership fee, much lower than those of other comparable State associations.

If changes are made, consideration should be given to how the change is phased in. The current 5% maximum increase makes it very difficult to increase membership fees for those with relatively low fees at present. As noted earlier, a council on a \$5,000 membership fee can only be increased by \$250 per year under this current approach.

The current approach which uses the latest operating revenue presents a problem with some significant fluctuations on a year to year basis as a result of one off grants or natural disaster funding. Other associations have used three year averages to moderate these fluctuations and this approach has been used in the options examined.

The use of caps can present a problem where the range and capacity of capped councils varies significantly. This is an issue for LGA SA where the largest capped council (Onkaparinga) is around twice the size (population and revenue) of the smallest capped council (Marion).

An approach used by LG NSW provides an option to the use of caps with population and revenue bands with declining fee rates for each band as size increases. This has been used in some of the options presented in this review and is considered as achieving outcomes which better reflect principles 2 and 3 of the current methodology.

While the current weighting of population (40%) and revenue (60%) could be varied, it seems appropriate to the SA situation where one large council from an operating revenue perspective (Adelaide City) has a relatively small resident population which does not reflect its economic status. This suggests that a higher weighting should be given to revenue compared with population as at present.

Obviously, there are many variations that can be made in the options presented. These can readily be refined once decisions are made in relation to the desirable approach.

The most critical variable is the share of revenue to be obtained from the flat component and whether this remains tiered to population size as at present.

Table 5.1 summarises the four options presented in terms of the subscription amount and increase/decrease relative to the current methodology. The subscription amounts for each option are the formula amounts with no phase-in included. As noted earlier, a phase-in approach not based on the current 5% maximum increase could be implemented.

Review of LGA SA Member Subscription Methodology - Extract

Table 5.1: Summary of Subscription Outcome for each Option

	Population	Current Subscription 2015	Option 1 (no phase-in)	Increase \$	Option 2	Increase \$	Option 3	Increase \$	Option 4	Increase \$
Adelaide, City of	22690	\$92,080	\$92,080	\$0	\$79,653	-\$12,427	\$73,683	-\$18,397	\$74,381	-\$17,698
Adelaide Hills Council	39873	\$50,873	\$47,696	-\$3,177	\$48,851	-\$2,022	\$49,482	-\$1,391	\$47,430	-\$3,443
Alexandrina Council	25136	\$42,247	\$40,508	-\$1,739	\$41,131	-\$1,116	\$41,593	-\$654	\$40,675	-\$1,572
Anangu Pitjantjatjara Yunta	2840	\$5,760	\$6,800	\$1,039	\$6,882	\$1,122	\$6,930	\$1,170	\$8,364	\$2,604
Barossa Council	22964	\$37,362	\$36,747	-\$615	\$37,517	\$155	\$37,934	\$572	\$37,513	\$150
Barunga West DC	2453	\$7,235	\$8,061	\$826	\$8,317	\$1,081	\$8,373	\$1,138	\$9,620	\$2,385
Berri Bamera Council	10530	\$21,184	\$21,561	\$377	\$22,642	\$1,458	\$22,849	\$1,665	\$24,497	\$3,313
Burnside, City of	44734	\$54,081	\$50,796	-\$3,285	\$52,065	-\$2,016	\$52,758	-\$1,324	\$50,243	-\$3,839
Campbelltown City Council	51344	\$56,758	\$55,656	-\$1,102	\$56,985	\$227	\$57,734	\$976	\$56,890	\$132
Ceduna DC	3696	\$10,227	\$11,209	\$982	\$11,960	\$1,733	\$12,056	\$1,829	\$12,808	\$2,580
Charles Sturt, City of	112714	\$92,080	\$92,080	\$0	\$88,870	-\$3,209	\$88,587	-\$3,493	\$84,790	-\$7,290
Clare & Gilbert Valleys Council	9029	\$17,803	\$18,377	\$574	\$19,598	\$1,796	\$19,799	\$1,997	\$19,491	\$1,689
Cleve DC	1808	\$6,378	\$7,408	\$1,029	\$7,549	\$1,171	\$7,595	\$1,216	\$8,948	\$2,570
Cooper Pedy DC	1810	\$13,546	\$13,850	\$304	\$14,506	\$960	\$14,608	\$1,062	\$15,036	\$1,489
Copper Coast DC	13924	\$25,966	\$26,925	\$959	\$27,819	\$1,853	\$28,092	\$2,127	\$29,027	\$3,061
Elliston DC	1068	\$5,690	\$6,819	\$1,129	\$6,853	\$1,164	\$6,887	\$1,197	\$8,340	\$2,650
Flinders Ranges Council	1637	\$6,580	\$7,396	\$816	\$7,531	\$951	\$7,575	\$994	\$8,932	\$2,352
Franklin Harbour DC	1227	\$5,155	\$6,413	\$1,258	\$6,393	\$1,238	\$6,424	\$1,269	\$7,937	\$2,781
Gawler, Corp of the Town	22219	\$30,548	\$30,701	\$154	\$31,917	\$1,370	\$32,284	\$1,736	\$32,613	\$2,066
Goyder Regional Council	4242	\$10,735	\$13,129	\$2,393	\$14,163	\$3,427	\$14,281	\$3,546	\$14,735	\$4,000
Grant DC	8174	\$15,066	\$14,952	-\$114	\$16,348	\$1,281	\$16,515	\$1,449	\$16,647	\$1,580
Holdfast Bay, City of	37006	\$60,284	\$55,620	-\$4,665	\$55,895	-\$4,389	\$56,562	-\$3,722	\$53,593	-\$6,691
Kangaroo Island Council	4583	\$13,240	\$13,483	\$242	\$14,531	\$1,291	\$14,656	\$1,415	\$15,058	\$1,817
Karoonda East Murray DC	1027	\$5,472	\$6,745	\$1,273	\$6,768	\$1,296	\$6,801	\$1,328	\$8,265	\$2,792
Kimba DC	1101	\$5,466	\$6,733	\$1,268	\$6,757	\$1,291	\$6,790	\$1,324	\$8,255	\$2,789

Review of LGA SA Member Subscription Methodology - Extract

	Population	Current Subscription 2015	Option 1 (no phase-in)	Increase \$	Option 2	Increase \$	Option 3	Increase \$	Option 4	Increase \$
Kingston DC	2368	\$7,339	\$8,191	\$852	\$8,463	\$1,124	\$8,520	\$1,181	\$9,748	\$2,409
Light Regional Council	14648	\$23,876	\$24,706	\$829	\$25,840	\$1,964	\$26,103	\$2,226	\$27,296	\$3,419
Lower Eyre Peninsula DC	5079	\$11,199	\$11,901	\$702	\$12,792	\$1,593	\$12,906	\$1,707	\$13,536	\$2,337
Loxton Waikerie DC	11477	\$23,715	\$23,598	-\$118	\$24,581	\$866	\$24,811	\$1,095	\$26,194	\$2,479
Mallala DC	8692	\$13,180	\$13,341	\$161	\$14,545	\$1,366	\$14,703	\$1,523	\$15,070	\$1,890
Marion, City of	88292	\$92,080	\$92,080	\$0	\$78,623	-\$13,457	\$79,621	-\$12,459	\$75,823	-\$16,256
Mid Murray Council	8262	\$18,700	\$18,908	\$208	\$19,985	\$1,286	\$20,183	\$1,483	\$19,830	\$1,130
Mitcham, City of	66182	\$74,968	\$71,360	-\$3,607	\$67,032	-\$7,935	\$67,889	-\$7,079	\$65,682	-\$9,286
Mount Barker DC	31950	\$45,328	\$43,445	-\$1,884	\$44,346	-\$982	\$44,883	-\$445	\$43,488	-\$1,840
Mount Gambier, City of	26246	\$34,232	\$33,198	-\$1,034	\$34,515	\$283	\$34,932	\$699	\$34,886	\$654
Mount Remarkable DC	2827	\$8,759	\$9,755	\$997	\$10,269	\$1,510	\$10,344	\$1,585	\$11,328	\$2,569
Murray Bridge, Rural City of	20740	\$35,905	\$34,967	-\$938	\$35,714	-\$191	\$36,101	\$195	\$35,935	\$30
Naracoorte Lucindale Council	8449	\$17,909	\$17,670	-\$240	\$18,874	\$965	\$19,065	\$1,155	\$18,858	\$949
Northern Areas Council	4512	\$10,852	\$11,354	\$503	\$12,149	\$1,297	\$12,253	\$1,402	\$12,973	\$2,122
Norwood Payneham & St Peters, City of	37074	\$49,158	\$46,389	-\$2,768	\$47,438	-\$1,719	\$48,038	-\$1,120	\$46,194	-\$2,964
Onkaparinga, City of	167659	\$92,080	\$92,080	\$0	\$104,316	\$12,236	\$96,643	\$4,563	\$98,305	\$6,225
Orroroo / Carrieton DC	861	\$5,003	\$6,328	\$1,324	\$6,285	\$1,281	\$6,312	\$1,309	\$7,842	\$2,839
Peterborough DC	1701	\$6,393	\$7,497	\$1,104	\$7,648	\$1,256	\$7,693	\$1,301	\$9,035	\$2,642
Playford, City of	86869	\$92,080	\$92,080	\$0	\$79,305	-\$12,775	\$80,306	-\$11,774	\$76,420	-\$15,659
Port Adelaide Enfield, City of	122205	\$92,080	\$92,080	\$0	\$90,410	-\$1,669	\$89,102	-\$2,978	\$86,137	-\$5,942
Port Augusta, City of	14557	\$34,142	\$33,069	-\$1,072	\$33,501	-\$641	\$33,824	-\$317	\$33,998	-\$143
Port Lincoln, City of	14888	\$23,014	\$23,661	\$646	\$24,901	\$1,886	\$25,157	\$2,143	\$26,474	\$3,459
Port Pirie Regional Council	17646	\$27,495	\$28,253	\$758	\$29,322	\$1,828	\$29,635	\$2,140	\$30,343	\$2,848
Prospect, City of	21247	\$28,970	\$28,980	\$11	\$30,265	\$1,296	\$30,611	\$1,641	\$31,168	\$2,198
Renmark Paringa DC	9292	\$14,602	\$14,582	-\$19	\$15,985	\$1,383	\$16,158	\$1,557	\$16,329	\$1,728
Robe DC	1431	\$7,461	\$8,385	\$923	\$8,658	\$1,197	\$8,709	\$1,248	\$9,918	\$2,457

Review of LGA SA Member Subscription Methodology - Extract

	Population	Current Subscription 2015	Option 1 (no phase-in)	Increase \$	Option 2	Increase \$	Option 3	Increase \$	Option 4	Increase \$
Roxby Downs, Municipal Council	5032	\$13,161	\$15,658	\$2,496	\$16,584	\$3,423	\$16,728	\$3,567	\$16,854	\$3,692
Salisbury, City of	137310	\$92,080	\$92,080	\$0	\$92,973	\$893	\$90,034	-\$2,046	\$88,380	-\$3,700
Southern Mallee DC	2076	\$7,764	\$8,813	\$1,049	\$9,168	\$1,404	\$9,228	\$1,464	\$10,365	\$2,601
Streaky Bay DC	2251	\$8,434	\$9,460	\$1,026	\$9,914	\$1,479	\$9,982	\$1,547	\$11,017	\$2,583
Tatiara DC	6667	\$15,247	\$15,618	\$371	\$16,761	\$1,514	\$16,920	\$1,673	\$17,009	\$1,762
Tea Tree Gully, City of	98575	\$92,080	\$92,080	\$0	\$80,950	-\$11,129	\$81,989	-\$10,090	\$77,860	-\$14,220
The Coorong DC	5585	\$13,424	\$13,722	\$298	\$14,882	\$1,458	\$15,017	\$1,593	\$15,364	\$1,940
Tumby Bay DC	2642	\$7,785	\$8,468	\$684	\$8,789	\$1,004	\$8,851	\$1,066	\$10,033	\$2,248
Unley, City of	39014	\$51,190	\$48,805	-\$2,385	\$49,802	-\$1,388	\$50,434	-\$756	\$48,262	-\$2,928
Victor Harbor, City of	14938	\$26,170	\$27,190	\$1,020	\$28,140	\$1,970	\$28,423	\$2,253	\$29,308	\$3,138
Wakefield Regional Council	6885	\$14,387	\$14,736	\$350	\$15,981	\$1,595	\$16,135	\$1,749	\$16,326	\$1,940
Walkerville, Corp of the Town	7401	\$11,342	\$11,777	\$436	\$12,716	\$1,375	\$12,848	\$1,507	\$13,470	\$2,128
Wattle Range Council	11578	\$24,927	\$25,308	\$380	\$26,157	\$1,229	\$26,400	\$1,472	\$27,573	\$2,645
West Torrens, City of	58625	\$77,164	\$73,242	-\$3,922	\$73,665	-\$3,499	\$74,602	-\$2,562	\$71,485	-\$5,679
Whyalla, Corp of the City	22754	\$34,028	\$33,403	-\$625	\$34,435	\$407	\$34,826	\$798	\$34,816	\$788
Wudinna DC	1284	\$5,795	\$7,082	\$1,288	\$7,162	\$1,367	\$7,200	\$1,405	\$8,609	\$2,815
Yankalilla DC	4630	\$12,859	\$13,302	\$443	\$14,372	\$1,513	\$14,495	\$1,636	\$14,918	\$2,059
Yorke Peninsula DC	11068	\$27,663	\$27,491	-\$172	\$28,119	\$456	\$28,374	\$711	\$29,290	\$1,627
Total	1681298	\$2,117,835	\$2,117,835	-\$0	\$2,117,835	\$0	\$2,117,835	\$0	\$2,117,836	\$1



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Attachment 2 – Draft Submission to the LGA on the LGA Membership Subscription Formula

Point No.	Heading	Comment
1.	Is the share of revenue obtained from the flat component appropriate (currently 13%), or should this be increased to 20% or some other amount?	<p>An increase to the flat fee component is consistent with the principle that some services have a fixed benefit to all members, irrespective of population or revenue base.</p> <p>There is scope for an increase of the current flat fee component, with 13% very low in comparison to other states evaluated in the study. The City of Salisbury supports consideration of an increase to the current flat fee of the order of 20% - 30%.</p>
2.	If a change is made, should this be phased in to minimize the impact of increases for some councils?	<p>Wherever possible, changes that will result in a significant impact to Councils should be managed through a phase in process. Councils are faced with significant challenges to balance budgets and the intent of any adjustment to a more equitable subscription calculation formula is not to impose a further financial burden on Councils. In determining any phase in approach the dollar value of any increase should be considered, not just the percentage value of the increase (noting the commentary in the consultation paper that a 5% increase can be very little in dollar terms for some councils).</p>
3.	Should the flat component remain tiered to population size as at present?	<p>The fixed benefit principle supports the application of a flat fee amount per Council, rather than a tiered to population on the basis that irrespective of size there is benefit provided to Councils from the LGA membership. The City of Salisbury supports the application of a flat fee amount per Council, recognising that this may result in a larger increase for smaller Councils.</p>
4.	Are the population bands, based on the bands outlined in the Constitution for voting rights appropriate? Should an additional band be added?	<p>Just as it is important to manage the impact of any change/increase to subscription fees for smaller Councils, it is important to ensure balanced representation through population bands. It is appropriate that larger Councils make a greater financial contribution to the operation of the LGA (consistent with the principle that some services provide benefits relative to the size of the population of the Council). It is also appropriate to ensure that larger Councils are not overburdened with significant subscription fee increases solely as a consequence of population size.</p> <p>The City of Salisbury would support the introduction of an additional population band to provide some greater balance to increases affecting larger Councils.</p>

Point No.	Heading	Comment
5.	Should a three year average be used for the operating revenue component to moderate fluctuations that can occur due to one off grants or natural disaster funding?	In light of the impact on operating revenue of one off grant payments or natural disaster funding it would be appropriate to apply a three year average to the calculation of operating revenue for subscription calculation purposes. This appropriately reflects a Council's capacity to pay, without disadvantaging them as a consequence of any 'one off' funding or other substantial fluctuations that may impact operating revenue. The City of Salisbury also supports the investigation of the use of property capital valuations as a basis for subscription contributions on the basis that this provides a more stable base and is reflective of capacity to pay.
6.	What is the City of Salisbury's view on the use of caps?	The City of Salisbury supports the use of caps.
7.	Are the current weighting of population (40%) and revenue (60%) appropriate, or should they be varied?	The current weightings are appropriate.

ITEM	GB3
	COUNCIL
DATE	26 April 2016
HEADING	City of Salisbury Submission to the LGA on the Private Member's Bill 'Disability Services (Inclusion and Monitoring) Amendment Act 2016'
AUTHOR	Michael Taggart, Inclusion Project Officer, Community Development
CITY PLAN LINKS	<p>1.2 To enhance and create quality urban areas with high amenity and integrated infrastructure</p> <p>3.2 To have an engaged community with a strong sense of vitality, pride and belonging</p> <p>3.3 To have a city where a quality of life is achievable</p>
SUMMARY	<p>This report addresses only the mandatory access and inclusion plan provisions in the Private Member's Bill. The report describes the City of Salisbury's access and inclusion achievements as the basis for its submission to the LGA on this Bill. This report does not support mandating access and inclusion plans without a mechanism and the resources to develop a quality planning framework. It illustrates this point by comparing Local Government access and inclusion planning performance and State Government assistance in SA and Victoria.</p> <p>The report recommends four key elements for a submission to the LGA including extra amendments to the Disability Services Act to build access and inclusion planning capacity in Local Government and among people with disability. A draft submission is attached to the report.</p>
RECOMMENDATION	<ol style="list-style-type: none"> The City of Salisbury make a submission to the Local Government Association about the Private Member's Bill <i>Disability Services (Inclusion and Monitoring) Amendment Act 2016</i> as expressed in Attachment 1 to this report (Item No GB3., Council Meeting, 26/04/2016).
ATTACHMENTS	<p>This document should be read in conjunction with the following attachments:</p> <ol style="list-style-type: none"> Proposed Draft Submission to the LGA on the Private Member's Bill 'Disability Services (Inclusion and Monitoring) Amendment Act 2016'

1. BACKGROUND

- 1.1 A Bill to amend the *SA Disability Services Act (1993)* has been introduced into Parliament by Dr Duncan McFetridge MP. The key proposal in the Bill that would affect Local Government is the mandatory requirement for Councils to develop a disability inclusion action plan and report on it in the Annual Report. The Bill also provides for an expanded role for the Ombudsman to investigate reportable incidents and convictions within the disability sector.
- 1.2 The LGA is seeking feedback on the Bill by 29 April 2016.

2. REPORT

- 2.1 This report proposes that the City of Salisbury provide a submission to the LG on the proposed mandatory requirement for councils to develop disability inclusion action plans and report on it in the Annual Report. The draft submission is contained in the attachment. In summary the submission contains the following information:
- 2.1.1 That the City of Salisbury does not support mandating access and inclusion plans without a mechanism and the resources to develop a quality planning framework. It illustrates this point by comparing Local Government access and inclusion planning performance and State Government assistance in SA and Victoria.
- 2.1.2 The report illustrates how the Victorian Government resources community building.
- 2.1.3 The submission proposes additional amendments to the SA Disability Services Act to strengthen Local Government's capacity to develop and implement access and inclusion plans:
- Creation of an Office for Disability Inclusion in the SA Department of Premier and Cabinet tasked with oversight of and support for access and inclusion plans for public authorities;
 - Creation of a statutory advisory body to the Premier representing the diversity of people with a disability.

3. CONCLUSION / PROPOSAL

- 3.1 The Private Member's Bill in its current form, will not deliver significant change in the lives of people with disability. Mandatory access and inclusion plans and processes may only achieve minimum compliance. The amendment will not lead to sustainable cultural change in Local Government or the community.
- 3.2 This is an opportunity for the City of Salisbury and the LGA to advocate for:
- Better SA legislation and funding to increase access and inclusion planning in Local Government;
 - Support for the voice of people with disability at a State level.

CO-ORDINATION

Officer: GMCD
Date: 21/04/2016



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Ms Andrea Malone
Director, Legislation
Local Government Association
148 Frome Street
ADELAIDE SA 5001

Dear Andrea,

Re: Circular 12.1: Response from the City of Salisbury on the Private Member's Bill "Disability Services (Inclusion and Monitoring) Amendment Act 2016"

The City of Salisbury has considerable experience in access and inclusion planning and implementation. This submission:

- Makes recommendations about:
 - the access and inclusion planning components in the Private Member's Bill which proposes amendments to the SA Disability Services Act 1993;
 - new amendments which will improve Councils' capacity to develop and implement access and inclusion plans in consultation with people with disability.
- Questions the effectiveness of mandatory access and inclusion plans for Local Government without legislative and resourcing support for these.
- Contrasts SA Government and Victorian Government approaches to access and inclusion planning and Local Government.
- Illustrates the depth of access and inclusion planning based on cultural change from the City of Salisbury's experience, in contrast to minimum outcomes likely from the proposed amendments.

Initial comment about the proposed amendments

The Private Member's Bill highlights the current Act's current focus on only on disability specific services. There is no SA legislation enabling the National Disability Strategy's priority for inclusion of people with disability in the mainstream.

But we believe this Bill, in its current form, will not deliver significant change in the lives of people with disability. It will increase the level of Local Government's compliance without extra resourcing. Mandatory access and inclusion plans and processes may only achieve minimum compliance. The amendment will not lead to sustainable cultural change in Local Government or the community.

This is an opportunity for the LGA to advocate for increased legislative and funding support for access and inclusion planning.

Article I. Recommendations

The City of Salisbury recommends that the LGA:

1. Affirms the Private Member's Bill's recognition that the SA Disability Services Act 1993 needs revision especially to mandate mainstream access and inclusion for people with disability
2. Opposes the current Private Member's Bill as it will not make substantial changes to people with a disability and to Councils, comparing SA's and Victorian legislation and resourcing for local government access and inclusion plans, highlighting the absence of critical State support.
3. Proposes additional amendments to the SA Disability Services Act to strengthen Local Government's capacity to develop and implement access and inclusion plans:
 - a. Creation of an Office for Disability Inclusion in the SA Department of Premier and Cabinet tasked with oversight of and support for access and inclusion plans for public authorities;
 - b. Creation of a statutory advisory body to the Premier representing the diversity of people with disability.

Reasons for Proposing Extra Amendments

A high level Office for Disability Inclusion will provide:

- A whole of Government focus under the Premier's oversight instead of the current limited resourcing within the Disability SA office in the Dept. of Communities and Social Inclusion.
- Basic resourcing for inter-governmental cooperation in access and inclusion planning along the lines of the Victorian Government's "Community Building" Program of metro, rural and deaf access roles in Local Government.
- A statutory advisory body of people with disability fills the current vacuum of advice to the SA Government, complements advisory bodies supported by a number of Councils and provides the foundation for a state-wide network of these bodies.

Article II. Considerations for these recommendations

Two considerations lead to these recommendations:

- The futility of mandating access and inclusion plans without supporting measures
- The negative impact of this incomplete approach on Councils and on people with disability.

Section 2.01 Promoting development of Local Government Access & Inclusion plans, resources and State law: SA & Victorian government approaches

(a) SA Councils' Access and Inclusion Plan status

Only fourteen SA Councils have an access and inclusion plan registered with the Australian Human Rights Commission since 2010, with 3 more on the way plus two with many access and inclusion achievements but no stand-alone plan.

These plans have been developed from within Council resources with some LGA support. The recent increase in access and inclusion plans is in part due to the staff support provided through the Local Government Access & Inclusion Network (LGAIN) set up by the Cities of Adelaide, Playford, Salisbury and Tea Tree Gully in 2010/11. Only since LGAIN's development has the SA Government provided assistance by:

- Developing a planning toolkit and reporting template (2014)
- Creating the SA Disability Access and Inclusion Planning Steering Committee, representing each Government Department and Local Government (2013/14).

But without any funding from other levels of Government only two SA Councils have dedicated roles to develop and coordinate implementation of access and inclusion plans, the Cities of Playford and Salisbury.

(b) Victorian Comparison

Funding

By contrast the Victorian government's funding to Local Government for full-time Access Officers had significant results 2006 – 2012 with 90% of Councils having such plans. The SA Government has not funded positions to support Local Government specifically. Successive Victorian Governments have funded access and inclusion roles in local Councils and community organisations since 2006. Even taking into account the difference in Gross State Product the comparison is informative:

- "RuralAccess, MetroAccess and DeafAccess are part of the Disability Services Community Building Program.
- The Community Building Program supports communities to develop new ways of including people with a disability in local community life.
- MetroAccess workers are based in each of the 31 local councils across metropolitan Melbourne.
- RuralAccess workers are located in 25 local governments and community health services across rural and regional Victoria.
- Deafaccess workers are based in five community service organisations across rural Victoria.

These workers plan and develop strategies across the full range of community infrastructure including education and training, transport, health, accommodation and housing, physical access planning, sport, recreation and the arts”.

Source: Victorian Dept. of Human Services

<http://www.dhs.vic.gov.au/for-individuals/disability/community-life-and-jobs/community-involvement/community-involvement-ruralaccess,-metroaccess,-deafaccess>

Legislation

The SA Disability Services Act 1993 has no reference to access and inclusion planning in mainstream sectors.

In the Victorian legislation there was no requirement for Councils to develop “Disability Action Plans” but reporting was mandatory if a Plan were developed:

- (3) A public sector body must report on the implementation of their Disability Action Plan in its annual report.
- (4) If a Council determines to prepare a Disability Action Plan, the Disability Action Plan should be consistent with this section”.
(Section 38, Victorian Disability Act 2006).

This changed after amendments in 2012. Now Victorian Councils have only two options:

- develop and report on an access and inclusion plan; *or*
 - incorporate elements required in these plans in the Council Plan.
- (4) If a Council determines to prepare a Disability Action Plan, the Disability Action Plan should be consistent with this section.
 - (5) If a Council determines not to prepare a Disability Action Plan, the Council must ensure that the matters referred to in sub-section (1) are addressed in the Council Plan prepared under the Local Government Act 1989”.
(Section 38, Victorian Disability Act 2006 amended 2012).

Article III. Impact of Proposed Amendments

Section 3.01 Council's with current access and inclusion plans

These amendments remove Council choice about access and inclusion planning with no other legislative change to facilitate these plans. Beyond this these Councils will experience minimal impacts other than extra reporting. They may be approached by others for advice as new planning processes start up.

Section 3.02 Council's with quality outcomes but no plan

There will be moderate impact on councils that are already leaders in many aspects of access and inclusion. Plan development required by these amendments may divert resources from access and inclusion initiatives for a time.

Section 3.03 Councils with no plan or action

These Council's will bear the greatest burden especially smaller Councils without capacity to divert staff resources into the planning process. There is a risk that the outcome will be minimalist plans with minimum results for access and inclusion of people with disability.

Section 3.04 People with disability

The amendments will increase consultations with people with disability. This is one of the most consulted populations already with the least results. Unless plans are comprehensive and well implemented this will confirm their view that consultations are token. Councils will be the target of their dissatisfaction.

Article IV. City of Salisbury's Experience in Access and Inclusion

The above recommendations and comments arise from this City's experience in access and inclusion planning and culture change. Highlights of the City's experience are listed below.

The City of Salisbury was the first Council in SA to:

- develop an Access and Inclusion Plan (Beyond the Ramp: Strategic Inclusion Planning Framework endorsed by council in February 2012;
- create an access and inclusion planning position;
- make this full-time;
- appoint a staff member living with disability to this role

The City of Salisbury has:

- Encouraged more than minimum accessibility in the "Beyond the Ramp: Strategic Inclusion Planning Framework", building on its 1999 Disability Discrimination Act Action Plan;
- Appointed, trained and supported more than 20 staff to be inclusion champions
- Funded 15 staff in universal design and access training courses
- Provided a half day universal design and access workshop for other staff and community members
- Renewed the streetscape along John Street (West) removing step entries into businesses, educating retailers about market opportunities when access and inclusion measures are made part of daily operations
- Adopted the first Council Footpath Policy acknowledging the need to remedy access barriers experienced by people with mobility impairments
- Sustained consultation with citizens with disability since the mid 1990s using innovative approaches such as the annual Inclusion Forum and the recently formed Disability Access and Inclusion Network
- Received the inaugural Community Engagement Award from the SA Chapter of the Planning Institute of Australia for the 2013 Footpath and Kerb Ramp consultation
- Collaborated with other Councils to:
 - Set up a state-wide staff network to support access and inclusion planning under the LG Professionals Community Managers' Network
 - Initiated with Barossa Council and the City of Playford an annual network meeting of access and inclusion community advisory bodies.

Yours sincerely,

Mayor Gillian Aldridge
 City of Salisbury
 Phone: 8406 8222
 Email: galdridge@salisbury.sa.gov.au

ITEM	GB4
	COUNCIL
DATE	26 April 2016
HEADING	Recommendation to amend Council Decision 0224/2015 regarding Tranche 2 Business Case and Project Status Update
AUTHOR	John Harry, Chief Executive Officer, CEO and Governance
CITY PLAN LINKS	4.4 To ensure informed and transparent decision-making that is accountable and legally compliant
SUMMARY	Council is asked to rectify a drafting error in a resolution of Council from March 2015, in relation to the renaming of a portion of Walpole Road, Paralowie.

RECOMMENDATION

1. Part 2 of Council resolution number 0224/2015 of the Council Meeting of 23 March 2015 in relation to Tranche 2 Business Case and Project Status Update be amended to read as follows:
 2. *That Council initiate public consultation to rename the section of Walpole Road, Paralowie between Greentree Boulevard and Melvina Road, to be named 'Greentree Boulevard', pursuant to Section 219 of the Local Government Act 1999.*

ATTACHMENTS

There are no attachments to this report.

1. BACKGROUND

- 1.1 In March 2015 Council resolved to initiate public consultation to rename the section of Walpole Road, Paralowie between Greentree Walk and Melvina Road.
- 1.2 The full resolution of Council is as follows:

SPDSC3 *Tranche 2 Business Case and Project Status Update*

Moved Cr S Bedford

Seconded Cr S Reardon

1. *That the report be received and the update on the status, prioritisation and timing for completion of the Tranche 2 Business Cases be noted.*
2. *That Council initiate public consultation to rename the section of Walpole Road Paralowie between Greentree Walk and Melvina Road, to be named 'Greentree Walk', pursuant to Section 219 of the Local Government Act 1999.*

CARRIED
0224/2015

- 1.3 Section 21 of the *Local Government (Procedures at Meetings) Regulations 2013* provides:

21 – Chief Executive Officer may submit a report recommending revocation or amendment of council decision

- (1) *The chief executive officer may submit a report to the council recommending the revocation or amendment of a resolution passed since the last general election of the council.*
- (2) *The chief executive officer must ensure that the report is placed on the agenda for the meeting at which the report is to be considered.*
- 1.4 This provision enables a recommendation to amend a previous decision of council to be placed on the Council agenda by the CEO.

2. REPORT

- 2.1 A report was presented to the Strategic Property Development Sub Committee on 10 March 2015 providing an update of the status, prioritisation and timing for completion of Tranche 2 Business Cases (Walpole Road Stage 3, Hoyle Green, Lake Windemere, Shoalhaven South Stage 1 and Walpole Road Infrastructure).
- 2.2 Paragraph 2.2.3 of that report addresses a proposal to undertake community consultation to investigate renaming the section of Walpole Road between Greentree Boulevard and the roundabout constructed at Melvina Road, Paralowie to Greentree Boulevard. The map attached to the report also refers to the renaming to Greentree Boulevard.
- 2.3 At the time of preparing the report, rather than recommending to rename the section of Walpole Road, Paralowie between Greentree *Boulevard* and Melvina Road to Greentree *Boulevard*, the recommendation incorrectly contained the proposed name as Greentree *Walk*.
- 2.4 Greentree Walk was therefore resolved in the minutes of Council.

3. CONCLUSION / PROPOSAL

- 3.1 Council is asked to correct the reference to Greentree Walk by resolving to amend the previous decision of Council to reflect the originally intended street name of Greentree Boulevard.
- 3.2 This will enable staff to continue with the renaming process.

CO-ORDINATION

Officer:	CEO	MG
Date:	21/04/2016	20/04/2016

ITEM	GB5
	COUNCIL
DATE	26 April 2016
HEADING	Recommendation to amend Council Decision 0989/2016 regarding Code of Conduct Complaint 09/2014 - Ombudsman's Investigation Findings
AUTHOR	John Harry, Chief Executive Officer, CEO and Governance
CITY PLAN LINKS	4.4 To ensure informed and transparent decision-making that is accountable and legally compliant
SUMMARY	At the March 2016 Council meeting a decision was made to lodge a complaint against Cr Buchanan to the District Court. In seeking to implement this decision of Council staff received advice that the statutory timeframes for lodgement of a complaint to the District Court had been exceeded. This report returns the previous resolution of Council to enable Council to consider whether it wishes to amend the decision.

RECOMMENDATION

1. Council resolution number 0989/2016 of the Council Meeting of 29 March 2016 in relation to Code of Conduct Complaint 09/2014 – Ombudsman’s Investigation Findings be amended to read as follows:
 1. *The Ombudsman’s Report dated 15 February 2016 detailing the outcomes of the investigation into whether Cr Buchanan’s actions amounted to repeated or sustained breaches of Part 2 of the Code of Conduct for Council Members be received and noted.*
 2. *The Ombudsman’s finding that Cr Buchanan has repeatedly breached Part 2 of the Code of Conduct for Council Members, has acted contrary to 3.17 of Part 3 of the Code of Conduct for Council Members and acted in a manner that was unreasonable within the meaning of section 25(1)(b) of the Ombudsman Act be acknowledged and supported.*
 3. *~ To be determined by Council ~*

ATTACHMENTS

There are no attachments to this report.

1. BACKGROUND

- 1.1 In March 2016 Council resolved to lodge a complaint against Cr C Buchanan to the District Court pursuant to section 264 of the *Local Government Act 1999*.
- 1.2 The full resolution of Council is as follows:

GB1 *Code of Conduct Complaint 09/2014 - Ombudsman's Investigation Findings*

Moved Cr B Vermeer

Seconded Cr D Bryant

1. *The Ombudsman's Report dated 15 February 2016 detailing the outcomes of the investigation into whether Cr Buchanan's actions amounted to repeated or sustained breaches of Part 2 of the Code of Conduct for Council Members be received and noted.*
2. *The Ombudsman's finding that Cr Buchanan has repeatedly breached Part 2 of the Code of Conduct for Council Members, has acted contrary to 3.17 of Part 3 of the Code of Conduct for Council Members and acted in a manner that was unreasonable within the meaning of section 25(1)(b) of the Ombudsman Act be acknowledged and supported.*
3. *Council lodge a complaint against Cr C Buchanan to the District Court pursuant to Section 264 of the Local Government Act.*

**CARRIED
0989/2016**

- 1.3 Section 21 of the *Local Government (Procedures at Meetings) Regulations 2013* provides:

21 – Chief Executive Officer may submit a report recommending revocation or amendment of council decision

- (1) *The chief executive officer may submit a report to the council recommending the revocation or amendment of a resolution passed since the last general election of the council.*
- (2) *The chief executive officer must ensure that the report is placed on the agenda for the meeting at which the report is to be considered.*

- 1.4 This provision enables a recommendation to amend a previous decision of council to be placed on the Council agenda by the CEO.

2. REPORT

Process/Timeframe Advice

- 2.1 Following Council's decision in March to lodge a complaint against Cr Buchanan to the District Court pursuant to section 264 of the *Local Government Act 1999* (the LG Act) legal advice was sought in relation to the process. The advice received is that the statutory timeframe for the lodgement of a complaint to the District Court has expired, which means that Council is not able to take that course of action.
- 2.2 Section 264 of the LG Act sets out the relevant provisions for the making of a complaint to the District Court, including the conditions that must be met before a complaint can be made. Subsection 264(4) provides:

264 (4) The complaint must be lodged within a time prescribed by the rules of court [my emphasis].
- 2.3 Chapter 12B, subrule 279B(4) of the *District Court Civil Rules 2006* (the Rules) provides:

- (4) *A complaint under section 264 of the Local Government Act 1999 must be lodged within 12 months after the grounds of the complaint first arose.*

Complaint Timeline

2.4 A timeline of consideration Code of Conduct Complaint 09/2014 is as follows:

- 2.4.1 Code of Conduct Complaint 09/2014 was lodged on 26 August, alleging a breach of Part 2 and Part 3 of the Code of Conduct for Council Members (the Code) based on behaviour occurring at the Council meeting held on 25 August 2014.
- 2.4.2 Allegations of breach of Part 3 of the Code were referred directly to the Ombudsman by the CEO, in accordance with the Dealing with Complaints Procedure, via email dated 29 August 2014.
- 2.4.3 Acknowledgement of approach to Ombudsman Office was received via email dated 1 September 2014 with advice that an officer would assess the approach and make contact within 14 days.
- 2.4.4 Advice received from the Ombudsman, via letter dated 22 September 2014, that a preliminary investigation would be conducted into the Part 3 breach allegations. Part 2 breach allegations were referred to Council for consideration.
- 2.4.5 At the Council meeting on 27 October 2014 allegations of breach of Part 2 of the Code in complaint 09/2014 were considered. At that meeting Council resolved to escalate the complaint to Misconduct under Part 3 of the Code and to refer the complaint to the Ombudsman for investigation.
- 2.4.6 Escalated complaint referred to the Ombudsman via letter dated 25 November 2014.
- 2.4.7 Advice received from the Ombudsman via letter dated 16 January 2014* that a preliminary investigation would be conducted into the complaint and requested information in relation Code of Conduct Complaints 05/2014, 06/2014, 07/2014 and 08/2014.
**While the letter is dated 16 January 2014 this appears to be an error, as it makes reference to previous correspondence dated November 2014 and was received in January 2015.*
- 2.4.8 Advice received from the Ombudsman via letter dated 14 October 2015 that a full investigation under section 18(1a) of the Ombudsman Act was being conducted and setting out provisional views about the escalated complaint. The letter sought a response from the Mayor in relation to the provisional views by 30 October 2015.
- 2.4.9 Mayoral response to the Provisional Report provided to the Ombudsman via letter dated 3 November 2015.
- 2.4.10 Revised Provisional Report received from the Ombudsman via letter dated 8 December 2015, seeking a response from the Mayor in relation to the revised provisional views by 22 December 2015.
- 2.4.11 Mayoral response to the Revised Provisional Report provided to the Ombudsman via letter dated 21 December 2015.

- 2.4.12 Final Investigation Report received (18 February 2016) from the Ombudsman via letter dated 15 February 2016.
- 2.4.13 Final Investigation report presented to Council Meeting dated 29 March 2016.
- 2.5 In summary, the complaint was originally submitted on 26 August 2014, in relation to behaviour occurring on 25 August 2014 (the grounds on which the complaint first arose). Any complaint to the District Court is required to be lodged within 12 months “*after the grounds of the complaint first arose*” which occurred on 25 August 2015.

Decision Options

- 2.6 The report presented to Council in March included options for Council to consider in response to the findings of the Ombudsman. These options were:
 - “2.5 *In circumstances where a breach of the Code of Conduct for Council Members by a Council member is found, the Council may, by resolution:*
 - 2.5.1 *Take no action*
 - 2.5.2 *Pass a censure motion in respect of the Council member*
 - 2.5.3 *Request a public apology, whether written or verbal*
 - 2.5.4 *Request the Council member to attend training on the specific topic found to have been breached*
 - 2.5.5 *Resolve to remove or suspend the Council member from a position within the Council (including Council Committees or Sub Committees, but not including the member’s elected position on Council).*
 - 2.5.6 *Request the member to repay monies to Council.*
 - 2.6 *Further, as noted by the Ombudsman, it is open to Council to lodge a complaint against Cr Buchanan to the District Court pursuant to section 264 of the Local Government Act.”*
- 2.7 It is now evident that the option to lodge a complaint to the District Court was not available to Council, and should not have been included for consideration.
- 2.8 As a consequence, it is appropriate for Council to consider amending its decision in relation to the item ***Code of Conduct Complaint 09/2014 - Ombudsman’s Investigation Findings*** considering only the remedies available.
- 2.9 Given the circumstances surrounding this matter further advice was sought in relation to remedies that Council may consider. Ordinarily, when a complaint is investigated by an external party (in this case, the Ombudsman) any finding of a breach would be supported by recommendations to Council of action to take in response to the finding.
- 2.10 Where a report from the Ombudsman finds a breach of Part 3 has occurred, the report must be provided to a public meeting of the Council and the Council must pass resolutions that give effect to any recommendations received from the Ombudsman within two ordinary meetings of the Council. The obligation on Council is to ‘give effect’ to recommendations made by the external body. In circumstances where the Ombudsman (or external body) does not make a recommendation, the obligation on Council to ‘give effect’ to the recommendations does not exist.

- 2.11 In these circumstances, there is no prohibition on Council determining that action is required in response to the finding of a breach.
- 2.12 Unlike within Part 2-Behavioural Code, there are no remedies specifically set out within Part 3-Misconduct of the Code, from which Council may choose. Section 2.25 provides remedies when a breach of the Part 2-Behavioural Code is found, but these are not directly applicable when a breach of Part 3-Misconduct is found. Council may, amongst other things, consider the Part 2 remedies, by way of examples, when determining what, if any, action is to be taken in response to a Part 3 breach of the Code.

3. CONCLUSION / PROPOSAL

- 3.1 On the basis that Council considered a remedy that was not open to it in response to Code of Conduct Complaint 09/2014, it is open to Council to amend a previous decision that cannot be actioned.
- 3.2 Council may consider alternative action it wishes to take in response to the findings set out in the report of the Ombudsman. The following remedies are provided, by way of example, for Councils consideration:
 - 3.2.1 Take no action
 - 3.2.2 Pass a censure motion in respect of the Council member
 - 3.2.3 Request a public apology, whether written or verbal
 - 3.2.4 Request the Council member to attend training on the specific topic found to have been breached
 - 3.2.5 Resolve to remove or suspend the Council member from a position within the Council (including Council Committees or Sub Committees, but not including the member's elected position on Council).
 - 3.2.6 Request the member to repay monies to Council.
- 3.3 Council may also choose to leave the original resolution unchanged, recognizing that it is not possible to action the decision.
- 3.4 As previously noted, Council must ensure that any action taken in response to a breach of the Code is proportionate to the offence. In this instance, Council should also give consideration to penalties imposed following previous findings of breach of the Code of Conduct for Council Members.
- 3.5 Any decision of Council in relation to a penalty that may apply will need to be included in the final resolution voted on at the Council meeting.

CO-ORDINATION

Officer:

Date:

ITEM	GB6
	COUNCIL
DATE	26 April 2016
HEADING	Code of Conduct Complaint 01/2016 - Local Government Governance Panel Investigation Findings
AUTHOR	John Harry, Chief Executive Officer, CEO and Governance
CITY PLAN LINKS	4.4 To ensure informed and transparent decision-making that is accountable and legally compliant
SUMMARY	This report presents the findings and recommendations of the Local Government Governance Panel following investigation of Code of Conduct Complaint 01/2016.

RECOMMENDATION

1. Information be received.
2. It be noted that having investigated the alleged breach of the *Code of Conduct for Council Members*, the Local Government Governance Panel finds that Councillor White has breach Part 2 Clauses 2.3 and 2.4.
 - 2.3 *Act in a reasonable, just, respectful and non-discriminatory way when dealing with people*
 - 2.4 *Show respect for others if making comments publicly.*
3. Written advice regarding the investigations findings, and Council's decision in relation to action to be taken in response to the Local Government Governance Panel report following the investigation of Code of Conduct Complaint 01/2016 be provided to the complainant.
4. *[Council to determine what action is required in response to the report]*

ATTACHMENTS

There are no attachments to this report.

1. BACKGROUND

- 1.1 In accordance with Council resolution number 0936/2016, Code of Conduct Complaint 01/2016 was referred to the Local Government Governance Panel (LGGP) for investigation. The final report of the LGGP has now been received and the findings and recommendations are presented in this report for Council consideration.

2. REPORT

- 2.1 The Code of Conduct for Council Members provides the following:

“2.25 *If, following investigation under the Council’s complaints handling process, a breach of the Behaviour Code by a Council member is found, the Council may, by resolution:*

2.25.1 Take no action;

2.25.2 Pass a censure motion in respect of the Council member;

2.25.3 Request a public apology, whether written or verbal;

2.25.4 Request the Council member to attend training on the specific topic found to have been breached;

2.25.5 Resolve to remove or suspend the Council member from a position within the Council (not including the member’s elected position on the Council);

2.25.6 Request the member to repay monies to the Council.”

2.2 Similarly, Council’s endorsed “Code of Conduct for Council Members – Dealing with Complaints Procedure” provides:

“4. *Investigation Findings and Remedies*

a. Where the investigation has determined that a breach of Part 2 of the Code has occurred, the breach must be the subject of a report to a public meeting of the Council. The Council may, by resolution, take any of the following actions:

i. Take no action

ii. Pass a censure motion in respect of the Council member;

iii. Request a public apology, whether written or verbal;

iv. Request the Council member to attend training on the specific topic found to have been breached;

v. Resolve to remove or suspend the Council Member from a position within the Council (not including the Member’s elected position on the Council);

vi. Remove a member from their position as a Council representative on an outside body where Council has resolved their appointment;

vii. Request the member to repay monies to the Council; or

viii. Any combination of the above.

b. Council will not enter into any process of appeal in relation to findings of a breach of Part 2 of the Code.

2.3 Set out below is a direct extract of the findings and recommendations arising from the report:

Findings

Council has expectations of the role of Councillor’s on the Youth Council and part of that is to understand issues faced by young people and to act as a role model. An example has been set by Councillor Zahra who without compromising his own personal views, presents as a wise elder to the Youth Council allowing them to present their thoughts in

a safe place and giving guidance about how to negotiate them with the City of Salisbury Council. The Youth Council is a section 41 Committee of Council and therefore this style is appropriate and helpful.

Councillor Steve White is less experienced and has shown good will as a member of the Youth Council in the past. His intervention at the youth camp breached the trust of young people who feel diminished by the force of his arguments and intolerance to their ideas. They feel they are not safe in his presence to express controversial views.

However, Councillor White admits that he reacted too strongly and appreciates that he has much to learn about his role. The guidelines for the role of Councillor on the Youth Council state that the Councillors would have knowledge of issues facing young people. Councillor White did attend the three day training session and had the opportunity to increase his understanding of issues facing young people. His strong reaction to the young people presenting ideas with which he may not agree, inhibited his chance to learn.

However in the view of the investigator, Councillor White should be given the opportunity to change his approach somewhat and rebuild the trust with the young people. He has other opportunities in other places to present his personal views.

2.2 Act in a way that generates community trust and confidence in the Council

As a result of this incident, there has been a loss of trust in Councillor White by the young people on the Youth Council. However the actions of Councillor Zahra and Council staff at the time and subsequently ensured that trust in the Council was maintained. There was no breach of the Code of Conduct.

2.3 Act in a reasonable, just, respectful and non-discriminatory way when dealing with people

Everyone interviewed commented on the manner of Councillor White's intervention as outlined in the report.

A breach of this clause was found.

2.4 Show respect for others if making comments publicly

The representatives of the community present at the meeting could be considered to constitute the public. Although a restricted group, the mentors were external appointments and the young people present were drawn from a wide spectrum of society as individuals and members of groups. Councillor White's comments and the dominating style of presentation were not considered respectful.

A breach of this clause was found.

2.10 Not bully or harass other Council members

The other Councillor present did not report being bullied or harassed. He was not impressed with the nature of Councillor White's intervention and believed had [sic] could have defused and not escalated the debate but there was no personal threat to himself.

No breach occurred.

Recommendations

Having considered all of the evidence, the Panel finds that Councillor Steve White has breached the Code of Conduct for Council Members clauses 2.3 and 2.4. No breach was found of clause 2.10.

It is a matter for Council to consider what action if any it wishes to take however, the panel recommends that Council:

1. Notes that having investigated the alleged breach of the *Code of Conduct for Council Members*, the Local Government Governance Panel finds that Councillor White has breach Part 2 Clauses 2.3 and 2.4.
 - 2.3 *Act in a reasonable, just, respectful and non-discriminatory way when dealing with people*
 - 2.4 *Show respect for others if making comments publicly.*
2. Accepts the offer of Councillor White to apologise in person with a written apology to the City of Salisbury Youth Council for the manner in which he expressed his personal views at the Youth Council Residential Training Session on 1 February 2016. The apology to acknowledge his role as a supporter willing to understand the issues facing young people and not to impose his personal views inappropriately.
3. Requests the CEO to ensure that Councillor White is briefed and receives more training on the role of an Elected Member to the Youth Council.
4. Extends training to Councillor White so that he understands his obligations under the *Local Government Act 1999* and the *Code of Conduct for Council Members*.

Clause 2.24 of the Code of Conduct for Council Members requires that a breach of Part 2 Behavioural must be the subject of a report to a public meeting of Council.

This reports concludes the investigation of the complaint by the Local Government Governance Panel.

3. CONCLUSION / PROPOSAL

- 3.1 Having considered the Findings and Recommendations arising from the Report of the Local Government Governance Panel, as set out in section 2.3 of this Report, Council must now, by resolution, determine what action it wishes to take.
- 3.2 Paragraphs 2.1 and 2.2 provide details of the options available to the Council in response to the finding that a breach of the Code of Conduct for Council Members has occurred. These remedies are in addition to the Recommendations made by the LGGP.
- 3.3 The recommendations currently contained within this report are administrative in nature, in that they receive the report, note the findings, and direct that the findings and details of actions taken by Council be reported to the complainant.
- 3.4 Council will need to specify its preferred course of action in response to the LGGP report to be included as part of the final resolution.

CO-ORDINATION

Officer:

Date:

ITEM OB1

COUNCIL

DATE 26 April 2016

HEADING Mayor's Diary

RECOMMENDATION

1. That this information be noted.

22 March - 20 April 2016

Date	Time	Function
23/03/2016	10:00 AM	Document signing
23/03/2016	10:30 AM	Meeting with Dara Khiev
23/03/2016	04:00 PM	Meeting with resident
23/03/2016	06:30 PM	Community Grants Program Cheque Presentation Ceremony
28/03/2016	06:30 PM	Council Meeting
29/03/2016	05:00 PM	Council Meeting Briefing
30/03/2016	04:30 PM	China Mission pre-departure reception
30/03/2016	06:30 PM	Budget Workshop #3
1/04/2016	02:15 PM	Opening & Dedication of Middle Years Building
1/04/2016	12 Noon	Bruce Linn, LGGP - re Code of Conduct Complaint (Bryant v Buchanan)
4/04/2016	06:00 AM	Depart Adelaide
4/04/2016	11:45 PM	Arrive Jinan
5/04/2016	03:30 PM	Jinan - Local Government Delegate Briefing
5/04/2016	04:00 PM	Jinan - Delegate Welcome Reception and Briefing
5/04/2016	07:30 PM	Dinner hosted by City of Onkaparinga
6/04/2016	09:40 AM	Premiers opening speech - Official Launch, 30th Anniversary of Shandong-South Australia Sisterhood Relationship
6/04/2016	10:30 AM	South Australian Business Fair
6/04/2016	12:30 PM	12.30pm - Informal Stand Up Networking Lunch
6/04/2016	04:00 PM	Meeting with Jinan City Government
6/04/2016	05:45 PM	5.45pm - 30th Anniversary of SA-Shandong Sister Province-State Relationship Gala Dinner
7/04/2016	09:00 AM	Speed railway to Jinan- to Zaozhuang
7/04/2016	02:00 PM	Visit Linyi Planning Exhibition hall
7/04/2016	03:00 PM	Visit Linyi Economic and technological zone (India Software Industry Park, Shandong Lingong Machinery Group, Zhongtai automobile Industry Based
7/04/2016	04:45 PM	Linyi comprehensive Bonded Zone
7/04/2016	05:00 PM	Shandong Lichen Logistics
7/04/2016	05:30 PM	Meeting with Mayor Zhang Shuping and other City Leaders
7/04/2016	07:00 PM	Dinner Huagshan Hall
7/04/2016	12 Noon	Lunch within Nan Xi Hall meeting Linyi leaders

ITEM OB1

Item OB1

8/04/2016	09:00 AM	Visit Linyi Trade Centre
8/04/2016	11:00 AM	Visit Linyi University
8/04/2016	02:00 PM	Visit Jinluo Meat Produce Group
8/04/2016	03:30 PM	Visit Bancheng Water Factory of Linyi Water group.
8/04/2016	06:00 PM	Delegation to have dinner with State. Executives
9/04/2016	09:45 AM	Join State Government Delegation to meet PARTY secretary Lin Fenghai
9/04/2016	02:00 PM	Visiting local business
9/04/2016	04:00 PM	Cultural event hosted by past Vice Mayor
9/04/2016	06:00 PM	Minister of Cultural and Media Miss Li
10/04/2016	09:00 AM	Agricultural and logistics
10/04/2016	11:00 AM	Lanling Government Mayor Yang Jintong meeting re Logistics
10/04/2016	01:00 PM	Lunch with Mayor and city leaders
10/04/2016	04:00 PM	Airport Linyi
15/04/2016	11:00 AM	China Debrief - protocols, future delegation planning etc
17/04/2016	10:00 AM	50th Anniversary - Holy Trinity Church
17/04/2016	01:30 PM	40th year Celebration for Netball at Brahma United
18/04/2016	01:00 PM	Signing and correspondence
18/04/2016	03:00 PM	Mayor Aldridge Tour of Intervolve Data Centre
18/04/2016	05:00 PM	FW: Discussion - Military Museum
18/04/2016	05:30 PM	Meeting to discuss lunch with Minister Maher
18/04/2016	06:30 PM	Policy & Planning / Budget & Finance / Works & Services / Resources & Governance Committees
19/04/2016	10:00 AM	PBA Radio
19/04/2016	11:45 AM	Meeting with Resident
19/04/2016	12:15 PM	Media/Communications Catch up
19/04/2016	06:30 PM	TRAINING SESSION - New Conflict of Interest Provisions (Local Government Act 1999)
19/04/2016	08:30 PM	CEO Review Committee
20/04/2016	09:00 AM	Interview with Messenger News Paper
20/04/2016	10:00 AM	China Report
20/04/2016	11:00 AM	Mayor/CEO/EA
20/04/2016	12 Noon	Lunch between Minister Maher, Mayor Docherty, Mayor Aldridge and Mayor Johanson
20/04/2016	01:30 PM	Meeting Request with Imam Tawhidi
20/04/2016	06:00 PM	Citizenship Ceremony - Evening Session

Events attended by Elected Members on behalf of the Mayor

Date	Member	Function
23/3/2016	Deputy Mayor David Balaza	Para Districts Cricket Association Senior Presentation Night
1/4/2016	Cr Betty Gill	WAY2GO Bike Ed Presentation
4/4/2016	Cr Julie Woodman	Watershed Art Prize – Pre-Selection
5/04/2016	Cr Betty Gill	PBA Radio
9/4/2016	Deputy Mayor David Balaza	Northern Youth Arts Market
9/4/2016	Deputy Mayor David Balaza	Commemoration of King Hung Anniversary
10/4/2016	Deputy Mayor David Balaza	National Military Vehicle Museum – 40 th Birthday
16/4/2016	Cr Julie Woodman	Khmer New Year
17/4/2016	Deputy Mayor David Balaza	ANZAC Commemoration Service

EX-CONFIDENTIAL

Pursuant to Resolution 1064/2016 item C2 is now a public document, effective 20/07/2016

ITEM	C2
	COUNCIL
DATE	26 April 2016
HEADING	Military Museum - Request for Assistance
AUTHOR	Karen Pepe, Manager Property and Buildings, City Infrastructure
CITY PLAN LINKS	3.2 To have an engaged community with a strong sense of vitality, pride and belonging 3.1 To have a community that embraces healthy and active lifestyles
SUMMARY	The Military Museum (MM) has signed a contract to purchase the property they currently lease at 10 – 20 Sturton Road Edinburgh and have made a request of Council to give a contribution towards the funding of the purchase.

RECOMMENDATION

1. A one off contribution of up to \$80,000, which is the current shortfall of funds required to purchase the property at 10 – 20 Sturton Road Edinburgh, be provided to the Military Museum to facilitate purchase of the property.
2. The final contribution amount payable by Council to be adjusted based on contributions received by the Military Museum from the RSL, exemption of stamp duty or other pledges from external parties.
3. The contribution of up to \$80,000 to facilitate purchase of the property at 10 – 20 Sturton Road Edinburgh by the Military Museum is to be funded as a non-discretionary bid.
4. The Chief Executive Officer, or his delegate, be authorised to communicate the decisions of Council to the Military Museum in order to facilitate the process related to the purchase of the property at 10 – 20 Sturton Road Edinburgh.
5. Pursuant to Section 91(7) of the Local Government Act 1999, it is recommended that the report, recommendations and minutes for this item will remain confidential and not available for public inspection until the purchase of the property by the Military Museum at 10 – 20 Sturton Road Edinburgh has been finalised.
6. Pursuant to Section 91(9)(c) of the Local Government Act 1999, the power to revoke the order under Section 91(7)(a)&(b) prior to any review or as a result of any review is delegated to the Chief Executive Officer.

ATTACHMENTS

There are no attachments to this report.

Confidential Item C2

1. BACKGROUND

- 1.1 The MM is a not for profit organisation that save, restore, operate and display historical military vehicles and other memorabilia strongly preserving this aspect of Australian military heritage.
- 1.2 The MM are currently on a month by month lease agreement with the Trust Company of Australia Ltd (Landowner) of 10 – 20 Sturton Road Edinburgh.
- 1.3 In 2014 Goodman Property Services of Australia Pty Ltd (GPS), acting on behalf of the owners, offered the property to the MM to purchase at a price of \$300k.
- 1.4 As the MM was unable to secure funds at that time to undertake the purchase they approached Council for assistance in any way, which included the possibility of Council purchasing the property and leasing back to the MM.
- 1.5 In June 2014 Council resolved not to proceed with the purchase or be a guarantor if the MM were able to secure a loan.
- 1.6 Even though the main warehouse can be still be occupied there are many costly issues with all the buildings at the site, some in worse condition than the others. It has also been confirmed by DEWNR that the buildings are all heritage listed which puts restrictions on what can be done with the buildings as well as the land. When reported to Council, staff recommended that Council not purchase the property due to the condition of the buildings and the potential costly implications moving forward to undertake any upgrades, renewal or compliance works.

2. REPORT

- 2.1 Recently the MM have re-approached Council for assistance with the purchase of the property as GPS have advised that they will be putting the property on the open market for sale if the MM is not able to raise the necessary funds for the purchase.
- 2.2 The MM has signed a contract to purchase with settlement to take place on the 30th May 2016. If the sale does not proceed GPS have advised that they will be charged interest as a penalty.
- 2.3 The MM are in a better financial position than they were previously and have been able to raise most of the funds they require, but still fall short of the total amount needed.
- 2.4 An outline of the costs and funds raised to date are as follows:

	EXPENSES	INCOME	
	\$300,000		Purchase price of the property
	\$ 30,000		GST
	\$ 25,000		Stamp Duty payable as advised by MM
		\$ 10,000	Deposit paid upon signing the contract
		\$ 30,000	Private funding by member for payment of the GST
		\$ 36,000	Private pledges
		\$200,000	Private loan secured under favorable conditions
TOTAL	\$355,000	\$276,000	

Currently there is a shortfall of \$79,000 (round up to \$80,000) which needs to be funded

- 2.5 The MM has approached the RSL and asked them to make a contribution of up to \$50k towards the purchase. Negotiations between both parties have been very positive to date. At the time of writing this report no notification had been received from the RSL as to whether they were prepared to contribute funds.
- 2.6 The MM have applied for an exemption of the stamp duty payable but at the time of writing this report no notification had been received on whether their application was successful.
- 2.7 If any additional funds are received from the RSL, or if the MM are granted an exemption from paying stamp duty or receive any further pledges from external parties these amounts will be deducted from the contribution requested from Council.
- 2.8 The MM had approached financial institutions for assistance. They have subsequently been advised by these financial institutions that they are not prepared to lend any funds or will consider Council to go guarantor.

3. CONCLUSION / PROPOSAL

- 3.1 The MM is a not for profit organisation that save, restore, operate and display historical military vehicles and other memorabilia strongly preserving this aspect of Australian military heritage.
- 3.2 They are leasing their property from the Landowner on a month by month lease arrangement.
- 3.3 GPS approached the MM to purchase the entire site for \$300k with the settlement to take place on the 30th May 2016. MM have been able to raise most of the funds through a private loan and pledges made by members but are still short of the funds required.
- 3.4 The MM have approached Council to contribute \$80,000 which is the shortfall of funds they require to proceed with the purchase.
- 3.5 The purchase of this property will ensure that the MM can continue their operations at the current site and will also secure the valuable collection for enjoyment by all. It would be a great loss to the City of Salisbury if the MM were not able to secure this property.
- 3.6 The retention of the facility within the City of Salisbury also has the potential to make a valuable contribution to the tourism initiatives/strategies currently being developed by Council in that it provides a tourism/interpretive destination that showcases the military history of our city.
- 3.7 It is therefore recommended that Council contribute \$80,000 as a one off payment for the MM to purchase the property and make payment to the MM's nominated legal representatives where these funds will be deposited into their trust account and held until the property transfer takes place.

CO-ORDINATION

Officer:	GMCI	GMBE	CEO
Date:	21/04/2016	21/04/2016	21/04/2016