



AGENDA

FOR RESOURCES AND GOVERNANCE COMMITTEE MEETING TO BE HELD ON

**17 OCTOBER 2016 AT CONCLUSION OF BUDGET AND FINANCE COMMITTEE
IN COMMITTEE ROOM 1, 12 JAMES STREET, SALISBURY**

MEMBERS

Cr B Vermeer (Chairman)
Mayor G Aldridge (ex officio)
Cr D Balaza
Cr S Bedford
Cr D Bryant
Cr L Caruso
Cr R Cook (Deputy Chairman)
Cr D Pilkington
Cr D Proleta

REQUIRED STAFF

General Manager Business Excellence, Mr C Mansueto
General Manager City Development, Mr T Sutcliffe
Manager Governance, Ms T Norman
Manager Communications and Customer Relations, Mr M Bennington

APOLOGIES

LEAVE OF ABSENCE

PRESENTATION OF MINUTES

Presentation of the Minutes of the Resources and Governance Committee Meeting held on 19 September 2016.

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OTHER BUSINESS

CLOSE



**MINUTES OF RESOURCES AND GOVERNANCE COMMITTEE MEETING HELD IN
COMMITTEE ROOM 1, 12 JAMES STREET, SALISBURY ON**

19 SEPTEMBER 2016

MEMBERS PRESENT

Cr B Vermeer (Chairman)
Mayor G Aldridge (ex officio)
Cr D Balaza
Cr S Bedford
Cr D Bryant
Cr L Caruso
Cr R Cook (Deputy Chairman)
Cr D Pilkington
Cr D Proleta

STAFF

General Manager Business Excellence, Mr C Mansueto
Manager Governance, Ms T Norman

The meeting commenced at 8.00 pm.

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

APOLOGIES

There were no apologies.

LEAVE OF ABSENCE

Nil

PRESENTATION OF MINUTES

Moved Cr D Balaza
Seconded Cr D Bryant

The Minutes of the Resources and Governance Committee Meeting held on 15 August 2016, be taken and read as confirmed.

CARRIED

REPORTS

Administration

3.0.1 Future Reports for the Resources and Governance Committee

Moved Cr L Caruso
Seconded Cr D Balaza

1. The information be received.

CARRIED

Development Control Administration

3.2.1 Road Name Change - Anguilla Lane, Mawson Lakes to Anguilla Court

Moved Cr D Pilkington
Seconded Cr R Cook

1. Deposited Plan 66459 be amended to show Anguilla Lane as Anguilla Court, Mawson Lakes and the necessary statutory processes and notifications to effect the change to the Deposited Plan be implemented.

CARRIED

External Relations

3.4.1 Nominations Sought for LGA President and Metropolitan Adelaide Representative on the LGA Board

Cr Pilkington moved

1. Mayor Lorraine Rosenberg be nominated to the Office of President of the Local Government Association.
2. Cr Brad Vermeer be nominated as a member of the Local Government Association Board representing the Metropolitan Local Government Group.

Cr Vermeer declined the nomination as a member of the Local Government Association Board representing the Metropolitan Local Government Group. On that basis the motion lapsed.

Mayor G Aldridge entered the meeting at 08:05 pm.

Moved Cr D Proleta

Seconded Cr D Balaza

Mayor Aldridge declared a perceived conflict of interest on the basis that she had been nominated for a position, she elected to manage the conflict by remaining in the room and not voting in relation to the item.

Mayor G Aldridge sought leave of the meeting to speak for a second time. Leave was granted

1. Mayor Lorraine Rosenberg be nominated to the Office of President of the Local Government Association.
2. Mayor Gillian Aldridge be nominated as a member of the Local Government Association Board representing the Metropolitan Local Government Group.

CARRIED

*The majority of members present voted IN FAVOUR of the MOTION.
Mayor G Aldridge did not vote in relation to the MOTION.*

Corporate Governance

3.6.1 Representation Review

Moved Cr D Balaza

Seconded Cr D Proleta

1. The information be received.
2. The submission received with respect to the Representation Review Options Paper, released for public consultation in June 2016, be noted.
3. In principle support is granted to the following:
 - a. The principal member of Council continue to be a mayor, elected by the community;
 - b. The Council area continue to be divided into wards;
 - c. The future elected body of Council comprise sixteen (16) ward councillors;
 - d. The Council area be divided into eight wards, as depicted as Option 8.1, pages 20-22, Representation Options Paper (Item No. 3.6.1, Resources and Governance Committee, 16/05/2016, Attachment 1); and
 - e. The proposed wards be named Central (Ward 1); East (Ward 2); South (Ward 3); Hills (Ward 4); Para (Ward 5); North (Ward 6); Levels (Ward 7); and West (Ward 8).

as the basis for preparation of the Representation Review Report to be prepared for consideration by Council pursuant to the provisions of Section 12(8a) of the *Local Government Act 1999*.

CARRIED

3.6.2 Alternative Committee Structures

Moved Cr D Pilkington

Seconded Cr D Proleta

1. The information be received.

CARRIED

3.6.3 Election for Two Representative Members on the Local Government Finance Authority Board of Trustees

Moved Cr D Balaza
Seconded Cr D Bryant

1. Council indicates its two preferences for:
 - a. H Abiad, Councillor, Adelaide City Council; and
 - b. JW Frogley, Councillor, City of Norwood, Payneham and St Peters

for the position of representative members of the Board of Trustees for the Local Government Finance Authority and instructs its delegate to vote accordingly.

CARRIED

3.6.4 Boundary Adjustment Bill Submission

Moved Mayor G Aldridge
Seconded Cr R Cook

1. That the proposed submission on the draft *Local Government (Boundary Adjustment) Amendment Bill 2016*, as set out in Attachment 4 to this report (Item No. 3.6.4, Resources and Governance Committee, 19/09/2016), be endorsed and forwarded to the Minister for Regional Development and Local Government, with a copy also forwarded to the Local Government Association of South Australia.

With leave of the meeting and consent of the seconder Mayor G Aldridge VARIED the MOTION as follows:

1. That the proposed submission on the draft *Local Government (Boundary Adjustment) Amendment Bill 2016*, as set out in Attachment 4 to this report (Item No. 3.6.4, Resources and Governance Committee, 19/09/2016), subject to the insertion of the following words at the end of the dot point dealing with the Cost Recovery Proposal (Clause 32B):

“At the very least, the Government should remove cost burdens on any public initiated boundary review applications.”

be endorsed and forwarded to the Minister for Regional Development and Local Government, with a copy also forwarded to the Local Government Association of South Australia.

CARRIED

OTHER BUSINESS

OBR&G1 Dog Signage within St Kilda Playground

Moved Cr R Cook

Seconded Cr D Proleta

That staff address the inadequate dog control signage at the St Kilda Playground.

CARRIED

The meeting closed at 9.20pm.

CHAIRMAN.....

DATE.....

ITEM	3.0.1
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	17 October 2016
HEADING	Future Reports for the Resources and Governance Committee
AUTHOR	Joy Rowett, Governance Coordinator, CEO and Governance
CITY PLAN LINKS	4.3 Have robust processes that support consistent service delivery and informed decision making.
SUMMARY	This item details reports to be presented to the Resources and Governance Committee as a result of a previous Council resolution. If reports have been deferred to a subsequent month, this will be indicated, along with a reason for the deferral.

RECOMMENDATION

1. The information be received.

ATTACHMENTS

There are no attachments to this report.

1. BACKGROUND

- 1.1 Historically, a list of resolutions requiring a future report to Council has been presented to each committee for noting.

2. CONSULTATION / COMMUNICATION

2.1 Internal

- 2.1.1 Report authors and General Managers.

2.2 External

- 2.2.1 Nil.

3. REPORT

3.1 The following table outlines the reports to be presented to the Resources and Governance Committee as a result of a Council resolution:

Meeting Item	- Heading and Resolution	Officer
22/06/2015 3.3.2	Amendments to the Dog and Cat Management Act 3. Council note that staff will review the need for a cat by-law 12 months after the implementation of the proposed Bill and provide a further report to Council. Due: December 2016 Deferred to: July 2017 Reason: The Dog and Cat Management Act amendments were only passed in Parliament in July 2016 and not likely to be implemented until July 2017.	John Darzanos
28/09/2015 3.6.1	Review of Provision of Elected Member IT Equipment 2. A revised Elected Member Allowances, Facilities and Support Policy be brought back to Council in July 2018. Due: July 2018	Joy Rowett
23/11/2015 NOM2	Local Government Association of SA Governance Review and City of Salisbury Membership status 3. That following release of the adopted recommendations of the LGA Governance Review, the City of Salisbury will consider the role it plays within the Local Government Association, including consultation with other Northern Region Councils on strategies to ensure appropriate representation of the region. Due: October 2016 Deferred to: December 2016 Reason: Awaiting outcome of update report on review to LGA AGM in October 2016.	Charles Mansueto
27/06/2016 3.6.2	Mobile Food Van Policy 3. Once the State Government position in relation to Food Trucks has been finalised a report be prepared setting out a Mobile Food Van Policy for endorsement. Due: January 2017	Tim Starr
26/09/2016 OB2	Council Spokesperson Policy 1. That staff bring back a report and that Council review the media policy with consideration given to how Councillors interact with the media. Due: January 2017	Craig Treloar

4. CONCLUSION / PROPOSAL

- 4.1 Future reports for the Resources and Governance Committee have been reviewed and are presented to Council for noting.

CO-ORDINATION

Officer:	EXECUTIVE GROUP	GMCID	GMBE	GMCD
Date:	10/10/16	4.10.16	4.10.16	4.10.16

ITEM	3.2.1
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	17 October 2016
HEADING	Appointment of Elected Members to the Development Assessment Panel
AUTHOR	Chris Zafiropoulos, Manager Development Services, City Development
CITY PLAN LINKS	1.4 Have well planned urban growth that stimulates investment and facilitates greater housing and employment choice. 4.3 Have robust processes that support consistent service delivery and informed decision making.

RECOMMENDATION

1. That _____, _____, and _____, be appointed as the Elected Member appointments of the Development Assessment Panel for term 30 November 2016 to 30 November 2018.
2. That public notice of the Development Assessment Panel appointment be made in accordance with the provisions of the Development Act 1993.

ATTACHMENTS

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

1. Operating Procedures

1. BACKGROUND

- 1.1 The *Development Act 1993* (the Act) establishes Councils as an authority to administer significant segments of the Act. The Act requires the Council to establish a Development Assessment Panel (the Panel) primarily for the assessment and determination of development applications.
- 1.2 In November 2014, Council resolved the Elected Members membership of the Panel appointing Cr White, Cr Linda Caruso, and Cr Buchanan to the Panel. As an outcome of a Council resolution in April 2016 (resolution 1056/2016), Cr Reynolds was appointed to the Panel to replace Cr Buchanan for the remaining period of this term.
- 1.3 The Act requires that the period of appointment not exceed two years and Council needs to consider the appointment of Elected Members for the next period. Council may reappointment the same Elected Members.
- 1.4 The current term of the Independent Members expires in May 2017.

2. CONSULTATION / COMMUNICATION

2.1 No internal or external consultation has been undertaken in relation to this matter.

3. REPORT

3.1 In considering membership of the Panel, the Act requires that the following should be taken into consideration when making appointments to the Panel:

3.1.1 The Panel must comprise seven (7) members with not more than three Elected Members. (Note that the Planning Development and Infrastructure Act passed by State Parliament on 21 April 2016 will limit Elected Member Panel membership to one, and the total number of Panel members to five, when the Act is commenced).

3.1.2 The Presiding Member must be an independent member (currently Mr Doug Wallace).

3.1.3 There must be at least one male and one female on the Panel with a balance of gender being desirable. (There are currently two female members on the Panel, one Independent Member, Ms Stephanie Johnson, and Cr Linda Caruso).

3.1.4 It is desirable that members of the Panel have a range of skills and experience relative to their role as a development assessment authority. (Note however that training will be offered to the Elected Members appointed by Council to the Panel if they have not participated in recent training).

3.2 The Act requires that the Panel establish its Operating Procedures. A copy of the current Operating Procedures is attached for Members' information (Attachment 1).

3.3 Whilst Council has previously resolved to appoint three Elected Members to the Panel, the Development Act provides for a maximum of three Elected Members, but no minimum. Council could choose to reduce the number of Elected Members on the Panel to one, two or zero. A consequential change to the Panel Operating procedures will be required if that is the case.

3.4 The Panel is appointed for a period not exceeding two years. The appointment that is the subject of this report is for the two year term, expiring 30 November 2018, which is also the balance of the current Council term.

3.5 The current independent Members of the Panel are:

- Doug Wallace (Presiding Member);
- Stephanie Johnston;
- Ross Bateup; and
- John Watson.

4. CONCLUSION / PROPOSAL

- 4.1 Council direction is sought in relation to the appointment of Elected Members to the Panel for the term 30 November 2016 to 30 November 2018.

CO-ORDINATION

Officer:	GMCID	Executive Group
Date:	5/10/16	10/10/2016



City of Salisbury
DEVELOPMENT ASSESSMENT PANEL
General Operating Procedures

Adopted - 23 February 2016

1. TIMING & NOTICE OF MEETINGS

- 1.1 DAP meetings will be scheduled by the DAP on the fourth Tuesday of the month, or another date as determined by the Presiding Member, subject to there being business to consider.
- 1.2 The DAP will meet in the Council Civic Centre at 12 James Street Salisbury or at such other place as the Presiding Member may determine.
- 1.3 The Delegated Officer pursuant to the Development Act 1993 , must provide written notice detailing the date, time and place of a meeting to all DAP members at least three working days before the meeting. The notice shall include the Agenda for the meeting. The Presiding Member may include late items in the Agenda of a meeting, with the leave of the DAP.
- 1.4 Notice of DAP meetings may be given to DAP members by email, to an email address nominated by a DAP Member, or by personal delivery or post to the usual residence of a DAP Member, or via such other means as authorised by a DAP Member.
- 1.5 A copy of the Agenda (without attachments) for every ordinary meeting of the DAP shall be available for viewing by the public at the Council's offices and on the Council's web site at least three working days before the meeting of the DAP *(Due to copyright restrictions it is not appropriate to provide copies of building plans for the public agenda).*
- 1.6 A special meeting of the DAP may be convened by the Presiding Member, at any time, to consider urgent business by giving not less than two working days written notice to all DAP Members.
- 1.7 Notice of a special meeting of the DAP must be accompanied by an Agenda stating the item(s) of business for which the meeting has been convened. A special meeting must only deal with the business for which the meeting has been convened.

2. COMMENCEMENT OF MEETINGS & QUORUM

- 2.1 DAP Meetings will be conducted in accordance with the requirements of the Development Act 1993 ('the Act') and these Operating Procedures.
- 2.2 Meetings will commence on time, or as soon as a quorum is present. If a quorum is not present within thirty minutes of the time for commencement, the Presiding Member may adjourn the meeting to the next scheduled meeting time and date, or to another time and date.
- 2.3 A quorum for a meeting of the DAP is four (4) DAP Members.
- 2.4 If the number of apologies received by the Delegated Officer in advance of a meeting indicate that a quorum will not be present at a meeting, the Presiding Member may, by notice from the Delegated Officer, provide to all DAP Members in advance of the meeting, a notice adjourning the meeting to a future time and date as specified in the notice (a copy of this notice will be displayed at the Council Offices and on the Council's website).
- 2.5 If a meeting is required to be adjourned by the Presiding Member, the reason for the adjournment, and the date and time to which the meeting is adjourned will be recorded in the Minutes.
- 2.6 A Deputy Presiding Member of the DAP must be appointed by resolution of the DAP, and will preside at any meeting, or part thereof, when the Presiding Member is not present.
- 2.7 If both the Presiding Member and Deputy Presiding Member are absent from a DAP meeting (or part thereof), a DAP Member will be appointed from those present by means of resolution, and will preside at the meeting. That member will have all of the powers and duties of the Presiding Member.
- 2.8 Subject to the Act and these Operating Procedures, the Presiding Member will facilitate the meeting in a manner which promotes relevant, orderly, constructive, respectful and expeditious discussion, but not repetitious discussion, with the intent of ensuring well-informed decisions and debate leading to a determination of any matters before the Panel.
- 2.9 The Presiding Member may adjourn a meeting in the event of a disruption or disturbance by a DAP Member, an applicant, a representor, or any other person present at the DAP meeting, until such time as the disruption or disturbance ceases.

- 2.10 The Presiding Member may ask a member of the public who is present at a meeting of a DAP, who is:
 - 2.10.1 behaving in a disorderly manner; or
 - 2.10.2 causing an interruption; or
 - 2.10.3 using audio and video recording devices, without the prior agreement of the Presiding Member, to leave the meeting.

3. DECISION MAKING

- 3.1 The DAP will conduct its meetings, and undertake all considerations, in accordance with Section 56A(11) and (12) of the Act.
- 3.2 Subject to circumstances where it excludes the public from attendance at a meeting or part thereof pursuant to Section 56A(12)(a) of the Act, the Panel will generally discuss and determine applications for Development Plan Consent in public.
- 3.3 The Presiding Member will invite all Panel members to speak on any matter before the Panel prior to calling for a motion.
- 3.4 Subject to a DAP Member having a direct or indirect personal or pecuniary interest in a matter before the DAP (other than an indirect interest that exists in common with a substantial class of persons), each DAP Member present at a meeting of the DAP must vote on a question arising for decision.
- 3.5 Decisions of the Panel will be where possible by consensus determined through debate and discussion of the agenda item, and where a consensus is reached the Presiding Member shall then call for a mover and put the matter to a formal vote to confirm the consensus.
- 3.6 Where it is evident through debate and discussion that a consensus will not be reached by the Panel, the Presiding Member shall call for a mover and a seconder and put the matter to a formal vote to determine.
- 3.7 Each DAP Member present at a meeting is entitled to one vote on any matter arising for decision and, if the votes are equal, the Member presiding at the meeting is entitled to a second or casting vote.
- 3.8 All decisions of the DAP shall be made on the basis of a majority decision of the Members present and the Minutes shall record that decision only (Votes for/against will not be recorded, and are not relevant once the majority is determined).

- 3.9 The DAP must use the Development Plan as the basis for its decisions, having had regard to any relevant written and verbal representations made in accordance with the provisions of the Act, or any other relevant legislation.
- 3.10 The DAP will, for each and every application, determine whether the proposal is seriously at variance with the Development Plan, and expressly record its determination on this matter in the Minutes. If the DAP determines that the proposal is seriously at variance with the Development Plan, the DAP must provide reasons for its determination, and must expressly record those reasons in the Minutes.
- 3.11 A development application that is assessed by the DAP as being seriously at variance with the Development Plan will be refused.
- 3.12 The DAP must, for each and every application, provide reasons for granting or refusing Development Plan Consent, and for the imposition of any conditions, and express or record those reasons in the Minutes.
- 3.13 Subject to the Act, a person who has lodged a valid representation in relation to a Category 2 or 3 development application, and has indicated their desire to be heard on their representation, is entitled to appear before the DAP and be heard in support of their representation, in person or by an agent.
- 3.14 Applicants and Representors will be allowed 5 minutes to address the DAP, unless a longer time is allowed by the Presiding Member. Where a person is nominated in a representation or by notice of the representors as representing three or more representors (including themselves) the Presiding Member may allow a longer time to address the Panel. Where an applicant is responding to a significant number of representations or a significant number of issues raised in representations, the Presiding Member may allow a longer time to address the Panel.
- 3.15 Should there be no Representor wishing to be heard for a non-complying development application, Category 2 or Category 3 development application, and the recommendation is for a refusal, the Applicant will be entitled to appear before the DAP and be heard in support of the application. Applicants will be allowed 5 minutes to address the DAP, unless a longer time is allowed by the Presiding Member.
- 3.16 Should there be no Representor wishing to be heard for a non-complying development application, Category 2 or Category 3 development application, and the recommendation is for approval, the Presiding Member may allow the Applicant to address the Panel to seek clarification and/or further information that may be required by the Panel in order to determine the application.

- 3.17 At the discretion of the Presiding Member, any new or additional material to be submitted to the DAP by a person who has made a development application or a valid representation in relation to a matter may be accepted and considered by the DAP. A copy of any additional material accepted shall be provided to the applicant or representors by the party presenting the additional material.
- 3.18 A DAP Member may ask questions of any person appearing before the DAP. Subject to the Presiding Member's determination, all questions shall be relevant to the subject of the development application before the panel.

4. MINUTES AND REPORTING

- 4.1 The Delegated Officer is responsible for ensuring that accurate Minutes are kept of Panel meetings, and that they are confirmed by the Panel and signed by the Presiding Member.
- 4.2 The Minutes of the proceedings of a DAP meeting will record:
- 4.2.1 the names of the DAP Members present;
 - 4.2.2 the name and time that a DAP Member enters or leaves the meeting;
 - 4.2.3 the name of a person who has made a representation to the DAP at the meeting;
 - 4.2.4 the decision of the DAP, including an express opinion on whether the proposed development is seriously at variance with the Development Plan (including reasons as appropriate);
 - 4.2.5 reasons for granting or refusing Development Plan Consent, and for the imposition of any conditions on a Development Plan Consent;
 - 4.2.6 in the absence of a decision, the deferral of the application including the reasons for the deferral;
 - 4.2.7 any disclosure of interest, or reasonably perceived interest, in a matter made by a DAP Member and the nature of the interest;
 - 4.2.8 a decision to exclude public attendance; and
 - 4.2.9 a notation, describing the confidential nature of the information and matter, in the event a matter has been excluded from the Minutes.

- 4.3 Minutes shall not be formal Minutes of a meeting until adopted by the DAP at its next meeting. This does not, however, preclude the issue of a Decision Notification under the Act, or advising of the determination of the DAP of Development Applications immediately after a meeting at which the DAP determined the particular application.
- 4.4. On the adoption of the Minutes, the Presiding Member will:
 - 4.4.1 initial each page of the Minutes, which pages are to be consecutively numbered; and
 - 4.4.2 place his or her signature and the date of adoption at the foot of the last page of the Minutes.
- 4.5. The Minutes of a DAP meeting must be forwarded to the Council and must be publicly available within two business days after their confirmation by the DAP.
- 4.6 The Panel shall prepare and consider an Annual Report for presentation to the Council via the appropriate Standing Committee. The Annual Report may be presented by the Presiding Member and may contain (but not be limited to) statistical information in relation to the number of items considered, the outcomes of decisions on those items, and matters identified by the Panel in the course of its assessment of development applications that warrant referral to Council for consideration of Development Plan policy, legislative, or procedural change.
- 4.7 The Annual Report shall be presented to Council on or around the anniversary date of the appointment of the Panel, subject to Council meeting timing.

5. DAP PROCEDURES & SUPPORT

- 5.1 Insofar as the Act and these Operating Procedures do not prescribe the procedure to be followed at a DAP meeting, the DAP may determine the procedure at the time. Any such determination may be added to these Operating Procedures.
- 5.2 The DAP will permit and encourage the active participation of Council staff in attendance at a meeting in providing advice to the DAP.
- 5.3 The DAP may call for and consider such professional assistance from Council staff and other professional advisors as it deems necessary and appropriate.

- 5.4 For the purpose of facilitating constructive debate on a development application under consideration by DAP, electronic communication or other telecommunication devices may be acceptable delivery method, at the discretion of the Presiding Member, for the purpose of conducting the meeting and hearing verbal representation from a person, or their representative, in support of their representation concerning a development application, and providing the applicant, or their representative, the opportunity to verbally respond to any relevant matter. Should electronic communication or other telecommunication devices be utilised they should ensure fair and equitable communication to all attendees to the DAP meeting.
- 5.5 Should electronic communication or other telecommunication devices be utilised for the conduct of a DAP meeting, all voting shall be conducted on the voices, with the Presiding Member verbally acknowledging each individual vote before declaring the outcome of the vote, and noted in the minutes of the meeting, consistent with Part 3 of the Operating Procedures.
- 5.6 Should electronic communication or other telecommunication devices be utilised for the conduct of a DAP meeting, the Presiding Member and the Delegated Officer shall be present at the meeting place as nominated in the DAP Agenda for that meeting.

ITEM	3.6.1
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	17 October 2016
HEADING	Review of Building Inspection Policy
AUTHOR	Chris Zafiropoulos, Manager Development Services, City Development
CITY PLAN LINKS	1.4 Have well planned urban growth that stimulates investment and facilitates greater housing and employment choice. 4.3 Have robust processes that support consistent service delivery and informed decision making.
SUMMARY	Council is required to prepare and adopt a Building Inspection Policy for various classes of buildings that are constructed in the Council area. This report seeks Council endorsement on a revised Building and Swimming Pool Inspection Policy.

RECOMMENDATION

1. That the Building and Swimming Pool Inspection Policy 2016, forming Attachment 1 to this report (Item No. 3.6.1, Resources and Governance Committee, 17/10/2016), be endorsed.

ATTACHMENTS

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

1. Building and Swimming Pool Inspection Policy 2016
2. Current Building Inspection Policy 2012

1. BACKGROUND

- 1.1 The inspection of buildings/development is part of the overall Development Services provided by Council.
- 1.2 Council is required to prepare and adopt a:
 - 1.2.1 Building Inspection Policy for the classes of buildings prescribed by the Development Regulations 2008 (pursuant to section 71A(1) of the Development Act);
 - 1.2.2 Swimming pool inspection policy (pursuant to section 71AA(7) of the Development Act); and
 - 1.2.3 Minimum inspection rate as prescribed by regulation 76D(4b) and regulation 80AB(2) of the Development Regulations 2008.
- 1.3 Council last considered its Building Inspection Policy in 2012. The review of the Policy has been pending the program review of the Development Services Division and organisational changes.

2. CONSULTATION / COMMUNICATION**2.1 Internal****2.1.1 Relevant staff within the Development Services Division****2.2 External**

2.2.1 Council is not required to undertake any consultation in relation to the preparation and adoption of the policy.

3. REPORT

3.1 In preparing and adopting the Policy, Section 71A(4) of the Act requires Council to take into account:

3.1.1 the financial and other resources of the council, and of its local community;

3.1.2 the impact that a failure to inspect a certain number of buildings of the relevant classes over a period of time may have on its local community;

3.1.3 past practices of the council with regard to inspections and the assessment of building work in its area;

3.1.4 whether the area, or a particular part of the area, of the council is known to be subject to poor building conditions;

3.1.5 information in the possession of the council on poor building standards within its local community; and

3.1.6 the public interest in monitoring the standard of building work within the community and in taking steps to provide for the safety and health of people who use buildings.

3.2 Council's current Building Inspection Policy encompasses the following inspection types:

3.2.1 Building Rules - those statutory inspections prescribed under the Act including inspections for high risk areas/developments that have been identified within the Council area. These inspections are generally undertaken during the construction process.

3.2.2 Development Plan - are not prescribed as minimum statutory requirements but relate to compliance of development primarily with the planning approval aspects of the relevant development approval. These inspections are generally undertaken at the completion of the development.

3.2.3 Resident/third party initiated complaints - in relation to developments that have been undertaken without approval, or are contrary to conditions of approval or have some issue/concern for the resident.

3.3 Council does not have a statutory requirement under the Act to establish a Development Plan or Resident/third party initiated complaints inspection policy. Council's inclusion of these inspection types supports the broader community service standards of Council under the Local Government Act 1999, and within Council's Enforcement Policies.

- 3.4 The current inspection practices have resulted in some 1030 inspections being undertaken in the 2015/16 financial year. The priority areas have been:
- 3.4.1 Building Rules (471 inspections).
 - 3.4.2 Swimming pools (155 inspections).
 - 3.4.3 Resident / third party initiated complaints (204 inspections).
 - 3.4.4 Land division for issuing of titles (38 inspections).
 - 3.4.5 Development Plan / Planning site inspection (163 inspections).
- 3.5 The inspection program has generally found a range of non-compliance matters. The common issues generally relate to unauthorised development, non-compliance with conditions of approval, unsightly premises, unauthorised and non-complaint building work, stormwater drainage issues, dangerous structures, storage of hazardous materials, and non-compliant swimming pool safety barriers.
- 3.6 In addition Council has undertaken a pro-active program to check the compliance of safety fences with existing swimming pools in the Council area. The program contains two components.

Voluntary Inspection

- 3.6.1 This service provides an owner the opportunity to confirm that the swimming pool is compliant with the relevant requirements. This often is triggered by a seller or prospective purchaser when a property is sold. There is no legislative requirement for Council to perform this function. Owners have an obligation when they sell their property to ensure the fence meets the relevant safety standards and would ordinarily obtain independent advice. This service however provides a high level of service to the community and has been effective in upgrading established pools at the point of sale. Some 200 pools have been inspected since this service was established by Council.
- 3.6.2 This service is proactive as it captures any non-compliance early. Council has a statutory obligation in any case to inspect a pool if a complaint is made in respect to any pool in the Council area.

Existing Swimming Pools Compliance Review Program

- 3.6.3 This pro-active program involves Council inspecting the safety requirements of existing pools within the Council area where records show that a pool has been approved or constructed but there is no record of a pool fence inspection.
- 3.6.4 This program commenced in 2008 and a total of 1450 pools have been identified for review. Following individual inspections of each of these pools, a total of 1303 of these pools were determined to be compliant at the time of final inspection.
- 3.6.5 The number of inspections undertaken over this period has been 3583. This has been a resource intensive program as on average it has taken 2.76 inspections before a swimming pool is rendered compliant by the owner.

- 3.6.6 This is an ongoing program and a number pools are still being investigated. While an owner is required to notify Council before the pool is filled with water, the program has revealed a number of pools where owners have failed to notify council.
- 3.7 The swimming pool inspections are high priority on the basis of potential risk to life safety and therefore has been the main focus of resource for inspections. The program has been successful ensuring compliance with the high majority of known pools with the Council area and is considered to be a leading program within local government.
- 3.8 While the swimming pool inspections results have been very successful, the level of inspections for other types of inspections has not achieved the levels prescribed in the current Inspection Policy. This has been due principally to the very high level of inspections prescribed in the current Inspection Policy and the resources that are assigned to other functions, including resident/third party initiated complaints (based upon customer service responsiveness), and the swimming pool inspection program (based upon potential risk).
- 3.9 A 2014 internal audit and the 2015 program review of the division have identified reasons for not meeting the targets of the Inspection Policy, including:
- 3.9.1 The high number of matters requiring follow up, particularly in respect to third party generated complaints. Third party complaints are generally resource intensive, requiring considerable time in investigating issues and liaising with affected parties, and often requiring multiple inspections. In the last financial year a total of 204 third party complaints were received and investigated. This included serving a total of 15 enforcement notices pursuant to the Act, directing individuals to take action to refrain from breaching the Act.
- 3.9.2 Some shortcomings in mechanisms to monitor compliance and receipt of notifications. Internal systems have been improved to better monitor the inspection program. However factors that affect fulfilling the inspection levels that are not in Council's direct control include:
- inconsistent notification from builders/owners for the mandatory inspections
 - the difficulty in setting an inspection target due to the total number of applications of different building classes not being known for the forthcoming year. A pragmatic approach is taken to adopt percentage of previous financial year applications to set a target number of inspections.
- 3.9.3 Resourcing of the function - as outlined in the Development Services Program Review, Councils' statutory function has comparatively less planning and building officers relative to development activity than other councils. Independent comparative analysis has revealed that officers assess between 400 to 460 applications each, compared to other councils that average between 250 to 350 applications per officer.

- 3.10 Benchmarking the Policy with other council policies also reveals Salisbury's Policy encompasses more inspection types than required by legislation and required in other councils' policies. Other councils generally limit inspection policy to the prescribed statutory and high risk matters. Planning and complaint-generated inspections are not prescribed in their Policy, but rather provided as service levels.
- 3.11 The statutory requirements of the Act prescribe the following inspections for all class of building that involve the construction of any roof framing, except class 10 buildings (carports, garages and the like) that are freestanding:
- 3.11.1 66% of the approved buildings where there is a licensed building work contractor.
 - 3.11.2 90% of buildings where there is no licensed building work contractor.
 - 3.11.3 100% of approved pools, with 80% being inspected within 2 weeks of council being notified and 20% within 2 months of the notification.
- 3.12 An additional lodgment fee of \$182 is charged for swimming pool applications to account for the mandatory inspection. All other costs for this statutory function are embedded in the standard development application fee.
- 3.13 A revised policy approach, which takes into consideration the likely developments approved and constructed per year, will require approximately 900 inspections to be undertaken over the financial year. This better aligns Council's resources to the prescribed legislative requirements of the Act, and the higher risk developments within the Council area.

4. CONCLUSION / PROPOSAL

- 4.1 Taking into consideration the statutory requirements of the Act, the matters discussed in this report it is recommended that:
- 4.1.1 The Policy be renamed the *Building and Swimming Pool Inspection Policy*.
 - 4.1.2 A risk based approach to inspections is adopted in line with statutory requirements and community service standards, commensurate with the resource allocation. This targeted focus on higher risk areas is to improve public safety and to meet statutory requirements.
 - 4.1.3 Non-statutory inspections form part of the Development Services Division service standards and will maintain the service provision to the wider community for these non-statutory matters.

CO-ORDINATION

Officer:	GMCID	Executive Group
Date:	4.10.16	10/10/2016



Building and Swimming Pool Inspection Policy

Policy Type:	Policy		
Approved By:		Decision No:	
Approval Date:		Last Reapproval Date:	
Review Date:		Internal Reference No.:	
Department:	City Development	Division:	Development Services
Function:	3 - Development Control	Responsible Officer:	Manager, Development Services

A - PREAMBLE

The Development Act 1993 (the Act) requires Council to have a building inspection policy and a swimming pool inspection policy. The policy must set the level of inspections and the criteria used to select buildings to be inspected.

B - SCOPE

This Policy applies to all development approvals issued for the Council area.

C – POLICY PURPOSE/OBJECTIVES

To establish guidelines in relation to the inspection of building work within the Council area that fosters a safe built environment in accordance with community expectations and Councils statutory obligations.

D - DEFINITIONS

Words and phrases defined by the Act and associated regulations have the same meaning when used in this Policy.

In addition, the following words and phrases defined:

audit inspection

an *inspection* which determines (within the scope of the inspection and only insofar as the inspection is able to do so) whether or to what degree the inspected building work complies with:

- the relevant development approval or any applicable exemption
- if applicable, any other relevant documents (for example a required checklist)

an audit inspection does not involve any assessment of building work against the building rules at large, nor any assessment of the structural or functional adequacy of any building work.

inspection

A comparison by an *inspector* (with or without assistants) of

- (a) visual observations of that building work, and
- (b) measurements of selected parts of that building work,

with:

- the plans and details (if any) which form part of a development approval (or exemption) which relates to that building work, and
- if applicable, any other relevant documents (for example a required checklist)

and may include the interview of any person associated with the building work.

Building Surveyor/s/Building Officer/s

An authorised officer of the Council, appointed under Section 18 of the Development Act.

person

Includes all legal persons including bodies corporate.

Except within the above table, where this Policy refers to an inspection that is a reference to an audit inspection as defined above. Where this Policy uses the word “inspect”, that means “undertake an audit inspection”.

E - POLICY STATEMENT

1) Level of Building Inspection

In accordance with the relevant provisions of the Act, this Policy specifies the following minimum inspection levels for all classes of buildings, other than Class 10 buildings which are not attached to any part of the roof framing of a building of another class.

a) Buildings Involving the Construction of Roof Framing

Where the building work involves the construction of any roof framing within the area of the Council:

- i) A number of inspections equal to 66% of the building rules consents issued over the course of the year for building work involving the construction of any roof framing where a licensed building work contractor is responsible for the relevant building work; and
- ii) A number of inspections equal to 90% of the building rules consents issued over the course of the year for building work involving the construction of any roof framing where a licensed building work contractor is not responsible for the relevant building work.

b) New Swimming Pools

Where the building work involves the construction of a swimming pool (including safety fences and barriers associated with such swimming pools) within the area of the Council the number of inspections equal to 100% of the building rules consents issued over the course of the year for building work involving the construction of swimming pools. Of these:

- i) at least 80% of swimming pools will be inspected within 2 weeks of Council being notified of completion of the permanent swimming pool child-safety barriers;
- ii) No more than 20% of swimming pools will be inspected within 2 months of Council being notified of the completion of the permanent swimming pool child- safety barriers.

c) Existing Swimming Pool Inspection Program

Council will inspect existing pools within the Council area where the property owner has requested that Council undertakes the inspection.

2) Counting inspections

The number of buildings rules consents issued over the course of the year will not be known until the end of the year. By that time it will be too late to determine whether there is a shortfall between the number of inspections conducted and the prescribed minimum levels.

Council will establish an inspection target based on the previous 12-month development approvals and will set target minimum levels on a month-by-month basis, with the aim to make up any for shortfall where possible.

3) Notification

For the purpose of compliance with the Act and the effective implementation of the Policy, the required notifications prescribed in section 59 of the Act and regulation 74(1) will be required.

The notifications require a person undertaking building work to give Council generally one days' notice of the commencement or completion of nominated stages of building work and the submission of prescribed forms.

4) Criteria for selection of Buildings to be Inspected

Criteria for determining which building approvals will be inspected includes:

- Legislative requirements
- Whether or not the building work is being undertaken by an owner builder or a registered builder. Where the work is being undertaken by a registered builder, the reputation of the builder and the experiences Council in dealing with the builder.
- Local environmental factors relative to the area in which the building work is being undertaken (e.g. wind speeds, flooding, poor soil conditions).
- Whether the building work was approved conditionally or unconditionally.
- Any other reason for which, in the professional opinion of Council's authorised officers, the building work should be inspected.

5) Monitoring and Reporting

Detailed records will be kept accounting for the performance of Council in meeting the requirements of this policy. On an annual basis, the following details, measured against the policy, will be reported to Council.

- Number of building consents/development approvals issued.
- The number of inspections performed in each of the categories detailed in the policy.
- The number of sites where non-compliance was detected.

F - LEGISLATION

Development Act 1993

G - REFERENCES

Nil

H - ASSOCIATED PROCEDURES

1. Council's Enforcement Policy

1. Document Control

2. Document ID	3. Building and Swimming Pool Inspection Policy
4. Prepared by	5. Chris Zafiropoulos
6. Release	7. 1.00
8. Document Status	9. Draft
10. Date Printed	11. 13/10/2016



BUILDING INSPECTION POLICY

DEVELOPMENT ACT 1993

JULY 2012

1.0 Introduction

Section 71A(1) of the Development Act 1993 requires Council to prepare and adopt a Building Inspection Policy for the Classes of building prescribed by Regulation.

Regulation 80AB prescribes that a Council's Building Inspection Policy must address Class 1 and 2 buildings. However, this requirement does not limit the Policy to these Classes and it is proposed that the Policy also encompass Classes 3-10.

The Act requires that a Council must, when preparing its Building Inspection Policy or considering an alteration, take into account the following :

1. *the financial and other resources of the council, and of its local community; and*
2. *the impact that a failure to inspect a certain number of buildings of the relevant classes over a period of time may have on its local community; and*
3. *past practices of the council with regard to inspections and the assessment of building work in its area; and*
4. *whether the area, or a particular part of the area, of the council is known to be subject to poor building conditions; and*
5. *information in the possession of the council on poor building standards within its local community; and*
6. *the public interest in monitoring the standard of building work within the community and in taking steps to provide for the safety and health of people who use buildings.*

2.0 Notification

Regulation 74(1) requires a person undertaking building work to give Council:

- One business days notice of commencement of building work on site;
- One business days notice of intended commencement of any stage of the building work if specified by the Council at the time of granting approval;
- One business days notice of intended completion of any stage of the building work if specified by the Council at the time of granting approval;
- One business day's notice of the completion of all roof framing forming part of the building work (including top and bottom chord restraints, bracing and tie-downs);
- One business days notice of completion of the building work

For the purpose of compliance with the Act and Regulations, and the effective implementation of the Building Inspection Policy, it is proposed that the following minimum notification will be required:

Class 1

- One business days notice of commencement of building work;

- One business days notice of completion of the roof framing forming part of the building work (including top and bottom chord restraints, bracing and tie-downs);
- One business days notice of completion of building work.

Class 2 – 9

- One business days notice of commencement of building work
- One business days notice of completion of the roof framing forming part of the building work (including top and bottom chord restraints, bracing and tie-downs) where the new building work is to be attached to the existing roof structure
- One business days notice of completion of building work

Class 10a

- One business days notice of commencement of building work
- One business days notice of completion of the roof framing forming part of the building work (including top and bottom chord restraints, bracing and tie-downs) where the new building work is to be attached to the existing roof structure

Class 10b

- One business days notice of commencement of building work
- One business days notice of completion of building work, and prior to the swimming pool being filled with water

The Council will advise all applicants of these notification requirements in writing at the time of issuing the Development Approval.

Building Rules compliance inspections

(to be undertaken in accordance with the following table)

Class	Description	% to be Inspected	Stages To Inspect (where notified)	Reason
1	Dwellings – New	66 %	Completion of roof frame or final completion where there is a licenced building works contractor engaged	Legislative compliance and community expectation Significant proportion of development investment within the City Increased inspection levels has reduced non compliance
		90%	Completion of roof frame or final completion where there is no licenced building works contractor engaged	Legislative compliance and community expectation
1	Dwellings – Additions	66 %	Completion of roof frame or final completion where there is a licenced building works contractor engaged	Legislative compliance and community expectation Significant proportion of development investment within the City Increased inspection levels has reduced non compliance
		90%	Completion of roof frame or final completion where there is no licenced building works contractor engaged	Legislative compliance and community expectation
2 – 9	Commercial / Industrial / Community	66 %	Completion of roof frame or final completion where there is a licenced building works contractor	Legislative compliance and community expectation Significant proportion of development investment within the City Increased inspection levels has reduced non

		90%	engaged Completion of roof frame or final completion where there is no licenced building works contractor engaged	compliance Legislative compliance and community expectation
10a	Verandahs / Carports free standing or detached from the main structure	5 %	Final completion	Minimal evidence of non compliance Minimal impact of non compliance Generally able to be inspected at completion Minor investment
10a	Verandahs / Carports where the building work is attached to the existing roof structure	66 % 90%	Completion of roof frame or final completion where there is a licenced building works contractor engaged Completion of roof frame or final completion where there is no licenced building works contractor engaged	Legislative compliance and community expectation Significant proportion of development investment within the City Increased inspection levels has reduced non compliance Legislative compliance and community expectation
10b	Swimming Pools	100 %	Prior to filling pool with water	Significant risk to public safety through non compliance Ensure compliance with safety barrier requirements

Development Plan compliance inspections

(to be undertaken in accordance with the following table)

Building Class	Description	% to be Inspected (where notified)	Stage To Be Inspected	Reason
1	Dwellings	10 %	Completion	Emphasis on two storey dwellings Majority are complying or have no conditions Not including ResCode or stimulus package development
2 – 9	Apartments/Commercial/ Industry/Community	100 %	Completion	Generally all have planning conditions Significant area of non compliance Focus on regions / groupings where consistent non compliance
10a	Carports/Verandahs	5 %	Completion	Very few have planning conditions. Minor impact of non compliance Not including ResCode or stimulus package development Focus on structures forward of dwelling or close to boundaries

NOTES :1) *This level of inspection, with a focus on long term areas of non compliance*2) *All forms of building may be inspected at any stage of construction at the discretion of Council*3) *All category 2 and 3 (public notification) applications to be inspected irrespective of building class.*

3.0 Other Inspections

To ensure compliance with all aspects of development, the following inspections will also be undertaken.

Resident or Third Party Initiated Complaints

Type of Complaint	% to be Inspected	Standard	Reason
Hazardous or dangerous structures & swimming pools	100 %	To be inspected same day Takes highest priority	Public safety
Significant tree removal/pruning	100%	To be inspected same day	Irreversible damage Impairment to amenity
Unauthorised building work requiring a Development Approval	100 %	To be inspected within 2 business days of notification	Non compliance with Act High probability of substandard work
Incomplete or unsatisfactory building work requiring a Development Approval	100 %	To be inspected within 2 business days of notification	Generally not a safety issue Stormwater disposal most frequent issue
Unauthorised use of land (planning)	100 %	To be inspected within 3 business days of notification	To ensure compliance with the Act

4.0 Criteria for Selection of Buildings to be Inspected**4.1 Building Rules compliance inspections**

Only swimming pool inspections require less than 100% of approvals.

Criteria for determining which building approvals will be inspected where the policy calls for less than 100% of approvals includes:

- Whether or not the building work is being undertaken by an owner builder or a licenced builder, and the varying levels of inspection called up by legislation.
- Where the work is being undertaken by a licenced builder, the reputation of the builder and the experiences of this Council, and other Councils, in dealing with that builder.
- Local environmental factors relative to the area in which the building work is being undertaken (eg wind speeds, flooding, poor soil conditions).
- Whether the building work was approved conditionally or unconditionally.
- Any other reason for which, in the professional opinion of Council's officers, the building work should be inspected.

4.2 Development Plan compliance inspections

Only two categories of building work involve inspections of less than 100% of approvals. They are:

1. Class 1 – Dwellings – 10%
2. Class 10a – Carports/Verandahs – 5%

Criteria for determining which building approvals will be inspected where the policy calls for less than 100% of approvals includes:

- All category 2 and 3 (public notification) applications to be inspected.
- Whether or not the application is exempt under the ResCode requirements.
- Where the dwelling is two storey (and has overlooking potential).
- Where the Carport/Verandah is forward of the dwelling or close to adjacent boundaries.
- Where the locality is such that there has been historic non compliance with approved documents and/or conditions imposed.
- Where the work is being undertaken by a licenced builder, the reputation of the builder and the experiences of this Council, and other Councils, in dealing with that builder.

- Local environmental factors relative to the area in which the building work is being undertaken (eg site topography).
- Whether the building work was approved conditionally or unconditionally.
- Any other reason for which, in the professional opinion of Council's officers, the building work should be inspected.

6.0 Monitoring and Reporting

Detailed records will be kept accounting for the performance of Council in meeting the requirements of this policy. On an annual basis the following details, referenced against this Policy, will be reported to Council:

- The number of inspections performed in each of the categories detailed in the Policy.
- The number of sites where non compliance was detected.

7.0 Review of the Policy

Council may alter the building inspection policy from time to time. Factors that may lead to a change in the policy include:

- Legislative changes
- Significant change in the level of development activity.
- Changes in the level of non compliance or unauthorised development/building work.
- Changes in the community's expectations

Classification of Buildings

(as called up in the National Construction Code)

Buildings are classified as follows:

Class 1 : one or more buildings which in association constitute—(a) **Class 1a** — a single dwelling being—

- (i) a detached house; or
- (ii) one of a group of two or more attached dwellings, each being a building, separated by a fire-resisting wall, including a row house, terrace house, town house or villa unit; or

(b) **Class 1b** — a boarding house, guest house, hostel or the like

- (i) with a total area of all floors not exceeding 300 m² measured over the enclosing walls of the Class 1b; and
- (ii) in which not more than 12 persons would ordinarily be resident, which is not located above or below another dwelling or another Class of building other than a private garage.

Class 2 : a building containing 2 or more sole-occupancy units each being a separate dwelling.**Class 3** : a residential building, other than a building of Class 1 or 2, which is a common place of long term or transient living for a number of unrelated persons, including—

- (a) a boarding house, guest house, hostel, lodging house or backpackers accommodation; or
- (b) a residential part of a hotel or motel; or
- (c) a residential part of a school; or
- (d) accommodation for the aged, children or people with disabilities; or
- (e) a residential part of a health-care building which accommodates members of staff; or
- (f) a residential part of a detention centre

Class 4 : a dwelling in a building that is Class 5, 6, 7, 8 or 9 if it is the only dwelling in the building.**Class 5**: an office building used for professional or commercial purposes, excluding buildings of Class 6, 7, 8 or 9.

Class 6 : a shop or other building for the sale of goods by retail or the supply of services direct to the public, including—

- (a) an eating room, cafe, restaurant, milk or soft-drink bar; or
- (b) a dining room, bar, shop or kiosk part of a hotel or motel; or
- (c) a hairdresser's or barber's shop, public laundry, or undertaker's establishment; or
- (d) market or sale room, showroom, or service station.

Class 7 : a building which is—

- (a) **Class 7a** —a carpark; or
- (b) **Class 7b** — for storage, or display of goods or produce for sale by wholesale.

Class 8 : a laboratory, or a building in which a handicraft or process for the production, assembling, altering, repairing, packing, finishing, or cleaning of goods or produce is carried on for trade, sale, or gain.

Class 9: a building of a public nature—

- (a) **Class 9a** —a health-care building, including those parts of the building set aside as a laboratory; or
- (b) **Class 9b** — an assembly building, including a trade workshop, laboratory or the like in a primary or secondary *school*, but excluding any other parts of the building that are of another Class; or
- (c) **Class 9c** — an aged care building.

Class 10: a non-habitable building or structure—

- (a) **Class 10a** — a non-habitable building being a private garage, carport, shed, or the like; or
- (b) **Class 10b** — a structure being a fence, mast, antenna, retaining or free-standing wall, swimming pool, or the like.
- (c) **Class 10c** — a private bushfire shelter.

ITEM	3.6.2
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	17 October 2016
HEADING	Voting Advice to Council Delegate for the Local Government Association Annual General Meeting - 21 October 2016
AUTHOR	Michelle Woods, Projects Officer Governance, CEO and Governance
CITY PLAN LINKS	4.3 Have robust processes that support consistent service delivery and informed decision making.
SUMMARY	In accordance with a previous Council resolution, this report presents the items to be considered at the Local Government Association Annual General Meeting (LGA AGM) to be convened on Friday 21 October 2016 and provides guidance to enable Council to instruct its delegate how to vote in relation to each item.

RECOMMENDATION

1. Council direct its voting delegate in relation to the following Notices of Motion:

1.1.1 **AGM211016/6.3 LGA Governance Review (LGA Board)**

That the Annual General meeting:

1. *notes the report; and*
2. *supports the further development of the LGA governance structures outlined in this report, together with associated changes to the Constitution for adoption at the April 2017 Ordinary General Meeting. – IN FAVOUR/AGAINST*

1.1.2 **AGM211016/6.5 Domestic Violence – Recommendations for Local Government (LGA Board)**

That the Annual General Meeting:

1. *notes the report; and*
2. *supports the following actions whereby local government in South Australia can provide better support for members of their communities impacted by domestic violence:*
 - a) *Local government commits to being part of the solution in the prevention of violence against women in South Australia. As the level of government closest to our communities, we recognise the damaging impact domestic and family violence has on individuals and our communities.*
 - b) *Recognising local government's role to create and maintain healthy, vibrant, inclusive and safe communities, councils in South Australia will seek opportunities to work in partnership with each other and collaborate with specialist non-government organisations and agencies from other levels of government to raise awareness, facilitate, advocate and provide information to support victims of domestic violence.*

- c) *Councils in South Australia will demonstrate leadership by supporting employees through training and HR arrangements where appropriate.*
- d) *Councils will investigate the possibility of taking steps to become a White Ribbon Accredited Workplace.*
- e) *The LGA will help to build the capacity of member councils and promote councils working together by facilitating a workshop and sharing examples of best practice. – IN FAVOUR/AGAINST*

1.1.3 AGM211016/8.1 LGA Subscription Capping (Wattle Range)

That the Annual General Meeting requests the LGA consider the following:

“This Council is concerned that the LGA has proposed to introduce a 5% cap on the rise of membership subscriptions; and any rise should be on a justified needs basis.” – IN FAVOUR/AGAINST

1.1.4 AGM211016/8.2 E-Voting (Adelaide)

That the Annual General Meeting requests the LGA in conjunction with The Local Government Research and Development Scheme partner with the South Australian Electoral Commissioner and Federal Electoral Commissioner to adopt a best practice, secure software, supported by the appropriate procedures, auditing and legislative changes to enable electronic 'remote' voting at the 2018 Local Government elections in South Australia. – IN FAVOUR/AGAINST

1.1.5 AGM211016/8.3 Video Conferencing for Meetings (Adelaide)

That the Annual General Meeting requests the LGA to work with the South Australian Government to make the necessary legislative changes to permit elected members to fully participate (with voting rights) at Ordinary meetings and Special Meetings of Council via the use of secure video conference technology from remote locations. – IN FAVOUR/AGAINST

1.1.6 AGM211016/8.5 Amendment of Local Government (Accountability and Governance) Amendment Act 2015 and Local Government Act 1999 (West Torrens)

That the Annual General Meeting requests the Local Government Association to actively seek the repeal of sections 14 and 17 of the Local Government (Accountability and Governance) Amendment Act 2015 amending sections 73, 74, 75 and 90 of the Local Government Act 1999, related to the new conflict of interest provisions and informal gatherings on the basis that they are impracticable and unworkable. – IN FAVOUR/AGAINST

1.1.7 AGM211016/8.6 Action of Non Amendment of Local Government (Accountability and Governance) Amendment Act 2015 (West Torrens)

That the Annual General Meeting requests the Local Government Association to, if sections 14 and 17 of the Local Government (Accountability and Governance) Amendment Act 2015 are not repealed, seek the application of the same provisions to parliamentarians. – IN FAVOUR/AGAINST

1.1.8 AGM211016/8.21 Election Signage Agreement (West Torrens)

That the Annual General Meeting requests the Local Government Association to seek an end to the tripartite agreement between SA Power Networks (formerly ETSA) and Department of Planning, Transport and Infrastructure (formerly the Department of Highways) which currently enables election signs to be placed on power poles, light poles and similar disallowed infrastructure. – IN FAVOUR/AGAINST

1.1.9 AGM211016/8.22 Planning Policy (Norwood, Payneham & St Peters)

That the Annual General Meeting requests the LGA to advise the Premier of South Australia and the Minister for Planning of its disappointment and concern at the ongoing loss of local development and planning powers of South Australian Councils and calls on the Premier and Minister for Planning to ensure that:

1. Local Government retains control of Planning Policy relevant to their local communities; and

2. the rights of local residents to be consulted in respect to development matters are supported as part of the new Development Assessment processes. – IN FAVOUR/AGAINST

1.1.10 AGM211016/8.25 Deregulate Small Bar Venues Licensing (Prospect)

That the Annual General Meeting requests the LGA liaise with the State Government to deregulate small bar venues licensing as they have recently done with food trucks regulations. – IN FAVOUR/AGAINST

2. Council direct its voting delegate (Mayor Gillian Aldridge or Deputy Mayor David Balaza as proxy) to vote for the Local Government Association Annual General Meeting recommendations as set out in the attachment to this report (Resources and Governance, 17 October 2016, Item 3.6.2).

ATTACHMENTS

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

1. LGA Annual General Meeting October 2016 - Guidance for Voting Delegate

1. BACKGROUND

- 1.1 At the February 2015 meeting of Council, it was resolved that Council direct the City of Salisbury's voting delegate in relation to voting on Local Government Association (LGA) General Meeting recommendations. To give effect to this resolution a report is prepared prior to each LGA Ordinary General Meeting (OGM) and Annual General Meeting (AGM) that summarises the matters being considered and puts forward a recommended position for each matter, based on advice from the Chief Executive Officer (CEO).

2. CONSULTATION / COMMUNICATION

2.1 Internal

- 2.1.1 Recommendations contained within this report are as a result of discussions between the Manager Governance and the Chief Executive Officer.

2.2 External

- 2.2.1 Nil.

3. REPORT

- 3.1 Due to the size of the agenda in its entirety (230 pages), a hard copy of the full agenda is not distributed to all Elected Members. Mayor Gillian Aldridge, current voting delegate and Deputy Mayor David Balaza (proxy delegate) have been given a printed copy of the agenda. A printed copy has also been made available for review by Elected Members in the Members' Room adjacent to the Council Chamber.
- 3.2 The full agenda contained within LGA Circular 38.8 dated 21 September 2016 has been circulated by email to Elected Members and is available on the Elected Members Portal.
- 3.3 Attachment A to this report contains a list of each of the recommendations to be considered at the LGA AGM taking place on Friday 21 October 2016. The CEO has provided guidance regarding the appropriate voting position for the City of Salisbury for the majority of motions.
- 3.4 As endorsed by Council, there is one City of Salisbury Notice of Motion on the Annual General Meeting agenda (Page 191) as follows:

3.4.1 AGM211016/8.26 Public Consultation Restrictions for Category 2 Developments Under the Development Act 1993 (City of Salisbury)

That the Annual General Meeting requests the LGA to investigate whether there is sufficient evidence across Local Government to lobby the State Government to remove the current public consultation restrictions for category 2 developments under the Development Act 1993 by amending the definition of "adjacent land" under the Act to ensure that all properties within 60metres of the subject land are notified of the proposed development and able to make a representation, irrespective of whether they are separated from the subject land by another allotment.

- 3.5 Guidance is sought in relation to voting direction for the following Notices of Motion:

3.5.1 AGM211016/6.3 LGA Governance Review (LGA Board)

That the Annual General meeting:

- 1. notes the report; and*
- 2. supports the further development of the LGA governance structures outlined in this report, together with associated changes to the Constitution for adoption at the April 2017 Ordinary General Meeting.*

3.5.2 AGM211016/6.5 Domestic Violence – Recommendations for Local Government (LGA Board)

That the Annual General Meeting:

- 1) notes the report; and*
- 2) supports the following actions whereby local government in South Australia can provide better support for members of their communities impacted by domestic violence:*
 - a) Local government commits to being part of the solution in the prevention of violence against women in South Australia. As the level of government closest to our communities, we recognise the damaging impact domestic and family violence has on individuals and our communities.*
 - b) Recognising local government's role to create and maintain healthy, vibrant, inclusive and safe communities, councils in South Australia will seek opportunities to work in partnership with each other and collaborate with specialist non-government organisations and agencies from other levels of government to raise awareness, facilitate, advocate and provide information to support victims of domestic violence.*
 - c) Councils in South Australia will demonstrate leadership by supporting employees through training and HR arrangements where appropriate.*
 - d) Councils will investigate the possibility of taking steps to become a White Ribbon Accredited Workplace.*
 - e) The LGA will help to build the capacity of member councils and promote councils working together by facilitating a workshop and sharing examples of best practice.*

3.5.3 AGM211016/8.1 LGA Subscription Capping (Wattle Range)

That the Annual General Meeting requests the LGA consider the following:

“This Council is concerned that the LGA has proposed to introduce a 5% cap on the rise of membership subscriptions; and any rise should be on a justified needs basis.”

3.5.4 AGM211016/8.2 E-Voting (Adelaide)

That the Annual General Meeting requests the LGA in conjunction with The Local Government Research and Development Scheme partner with the South Australian Electoral Commissioner and Federal Electoral Commissioner to adopt a best practice, secure software, supported by the appropriate procedures, auditing and legislative changes to enable electronic 'remote' voting at the 2018 Local Government elections in South Australia.

3.5.5 AGM211016/8.3 Video Conferencing for Meetings (Adelaide)

That the Annual General Meeting requests the LGA to work with the South Australian Government to make the necessary legislative changes to permit elected members to fully participate (with voting rights) at Ordinary meetings and Special Meetings of Council via the use of secure video conference technology from remote locations.

3.5.6 AGM211016/8.5 Amendment of Local Government (Accountability and Governance) Amendment Act 2015 and Local Government Act 1999 (West Torrens)

That the Annual General Meeting requests the Local Government Association to actively seek the repeal of sections 14 and 17 of the Local Government (Accountability and Governance) Amendment Act 2015 amending sections 73, 74, 75 and 90 of the Local Government Act 1999, related to the new conflict of interest provisions and informal gatherings on the basis that they are impracticable and unworkable.

3.5.7 AGM211016/8.6 Action of Non Amendment of Local Government (Accountability and Governance) Amendment Act 2015 (West Torrens)

That the Annual General Meeting requests the Local Government Association to, if sections 14 and 17 of the Local Government (Accountability and Governance) Amendment Act 2015 are not repealed, seek the application of the same provisions to parliamentarians.

3.5.8 AGM211016/8.21 Election Signage Agreement (West Torrens)

That the Annual General Meeting requests the Local Government Association to seek an end to the tripartite agreement between SA Power Networks (formerly ETSA) and Department of Planning, Transport and Infrastructure (formerly the Department of Highways) which currently enables election signs to be placed on power poles, light poles and similar disallowed infrastructure.

3.5.9 AGM211016/8.22 Planning Policy (Norwood, Payneham & St Peters)

That the Annual General Meeting requests the LGA to advise the Premier of South Australia and the Minister for Planning of its disappointment and concern at the ongoing loss of local development and planning powers of South Australian Councils and calls on the Premier and Minister for Planning to ensure that:

- 1. Local Government retains control of Planning Policy relevant to their local communities; and*
- 2. the rights of local residents to be consulted in respect to development matters are supported as part of the new Development Assessment processes.*

3.5.10 **AGM211016/8.25 Deregulate Small Bar Venues Licensing (Prospect)**

That the Annual General Meeting requests the LGA liaise with the State Government to deregulate small bar venues licensing as they have recently done with food trucks regulations.

- 3.6 Council has previously resolved (Resolution No 0170/2015) to authorise the voting delegate to the LGA to make a determination on how to vote in relation to any late items that are received for OGM's and AGM's of the Association.

4. CONCLUSION / PROPOSAL

- 4.1 Council is asked to review the items listed in the attachment and confirm or vary the voting guidance provided by the CEO.

CO-ORDINATION

Officer: Executive Group
Date: 10/10/2016

LOCAL GOVERNMENT ASSOCIATION ANNUAL GENERAL MEETING AGENDA

Friday 21 October 2016, 11.00am, Adelaide Entertainment Centre

Item No	Item Description	Agenda Page No	Voting Guidance
6.	DISCUSSION REPORTS FROM THE LGA BOARD		
6.1	Value Proposition of LGA Membership That the Annual General Meeting: <ol style="list-style-type: none"> notes the report; notes the LGA Secretariat will further develop the value proposition of the LGA including the benefit to all Councils of 100% membership of the LGA; and endorses the decision of the Board to quarantine LGA services from non- members. 	29	In favour
6.2	Policy Manual Review That the Annual General Meeting: <ol style="list-style-type: none"> notes the report; and supports the continued work on the review of the LGA Policy Manual based on the future directions for a revised LGA policy mandate. 	31	In favour
6.3	LGA Governance Review That the Annual General Meeting: <ol style="list-style-type: none"> notes the report; and supports the further development of the LGA governance structures outlined in this report, together with associated changes to the Constitution for adoption at the April 2017 Ordinary General Meeting. 	35	Council to decide

Item No	Item Description	Agenda Page No	Voting Guidance
6.4	LGA Schemes Review That the Annual General Meeting: <ol style="list-style-type: none"> 1. notes the report; and 2. supports the continued work on the development and implementation of the findings of the LGA Schemes Review. 	38	In favour

Item No	Item Description	Agenda Page No	Voting Guidance
6.5	<p>Domestic Violence – Recommendations for Local Government</p> <p>That the Annual General Meeting:</p> <ol style="list-style-type: none"> 1. notes the report; and 2. supports the following actions whereby local government in South Australia can provide better support for members of their communities impacted by domestic violence: <ol style="list-style-type: none"> a) Local government commits to being part of the solution in the prevention of violence against women in South Australia. As the level of government closest to our communities, we recognise the damaging impact domestic and family violence has on individuals and our communities. b) Recognising local government's role to create and maintain healthy, vibrant, inclusive and safe communities, councils in South Australia will seek opportunities to work in partnership with each other and collaborate with specialist non-government organisations and agencies from other levels of government to raise awareness, facilitate, advocate and provide information to support victims of domestic violence. c) Councils in South Australia will demonstrate leadership by supporting employees through training and HR arrangements where appropriate. d) Councils will investigate the possibility of taking steps to become a White Ribbon Accredited Workplace. e) The LGA will help to build the capacity of member councils and promote councils working together by facilitating a workshop and sharing examples of best practice. 	40	Council to decide
7.	INFORMATION REPORTS FROM THE LGA BOARD	48 - 85	

Item No	Item Description	Agenda Page No	Voting Guidance
8.	COUNCIL NOTICES OF MOTION		
8.1	LGA Subscription Capping (Wattle Range) That the Annual General Meeting requests the LGA consider the following: “This Council is concerned that the LGA has proposed to introduce a 5% cap on the rise of membership subscriptions; and any rise should be on a justified needs basis.”	86	Council to decide
8.2	E-Voting (Adelaide) That the Annual General Meeting requests the LGA in conjunction with The Local Government Research and Development Scheme partner with the South Australian Electoral Commissioner and Federal Electoral Commissioner to adopt a best practice, secure software, supported by the appropriate procedures, auditing and legislative changes to enable electronic 'remote' voting at the 2018 Local Government elections in South Australia.	89	Council to decide
8.3	Video Conferencing for Meetings (Adelaide) That the Annual General Meeting requests the LGA to work with the South Australian Government to make the necessary legislative changes to permit elected members to fully participate (with voting rights) at Ordinary meetings and Special Meetings of Council via the use of secure video conference technology from remote locations.	92	Council to decide
8.4	Informal Gatherings (Mitcham) That the Annual General Meeting requests the LGA to seek clarification on the new laws/rules in relation to open and closed informal gatherings.	94	In favour

Item No	Item Description	Agenda Page No	Voting Guidance
8.5	Amendment of Local Government (Accountability and Governance) Amendment Act 2015 and Local Government Act 1999 (West Torrens) That the Annual General Meeting requests the Local Government Association to actively seek the repeal of sections 14 and 17 of the Local Government (Accountability and Governance) Amendment Act 2015 amending sections 73, 74, 75 and 90 of the Local Government Act 1999, related to the new conflict of interest provisions and informal gatherings on the basis that they are impracticable and unworkable.	98	Council to decide
8.6	Action of Non Amendment of Local Government (Accountability and Governance) Amendment Act 2015 (West Torrens) That the Annual General Meeting requests the Local Government Association to, if sections 14 and 17 of the Local Government (Accountability and Governance) Amendment Act 2015 are not repealed, seek the application of the same provisions to parliamentarians.	100	Council to decide
8.7	State Government Funding of Regional Roads (Wattle Range) That the Annual General Meeting requests the LGA to advocate "That the State Government commit substantial additional funding to maintain and upgrade the State's regional road network to improve safety, freight and primary production."	102	In favour
8.8	Major Road Maintenance (West Torrens) That the Annual General Meeting requests the Local Government Association to seek the increase in funding for South Australian road maintenance on the basis that major roads have deteriorated and the current budget allocation of \$6 million is not sufficient.	105	In favour
8.9	Extended Producer Responsibility (Alexandrina) That the Annual General Meeting requests the LGA to lobby the State and Federal Government to implement stronger legislation to reduce waste at the source such as Extended Producer Responsibility.	107	In favour

Item No	Item Description	Agenda Page No	Voting Guidance
8.10	Legislative Controls over Rivers and Creeks on Private Land (Adelaide Plains Council (formerly Mallala)) That the Annual General Meeting requests the LGA to investigate whether there is sufficient evidence across Local Government to liaise with the State Government in order to develop guidelines and/or appropriate legislation to enable local government to control and manage flooding caused by rivers and creeks on private land.	111	In favour
8.11	Regulation of Trail Bike Riding (Adelaide Plains Council (formerly Mallala)) That the Annual General Meeting requests the LGA formally write to the Minister for Planning, the Minister for Local Government and the Minister for Environment and Conservation - all of which preside in some manner over the regulation of nuisance, noise and amenity intrusion - requesting that they commence a process of reviewing and amending their respective legislative frameworks to enable activities such as trail bike riding on both public and private land to be regulated through relevant instruments.	114	In favour
8.12	DPTI (Department of Planning, Transport and Infrastructure) Bus Service (Playford) That the Annual General Meeting requests the LGA lobby DPTI to consider buses be allocated of a size that meets the needs and use of the public.	118	In favour
8.13	DPTI (Department of Planning, Transport and Infrastructure) Bus Shelter Funding Program (Playford) That the Annual General Meeting requests the LGA lobby DPTI to re-establish the Bus Shelter Funding Program to include bus shelters at all remaining bus stops currently maintained by Local Government which require works to ensure compliance with the Disability Standards for Accessible Public Transport 2002.	121	In favour

Item No	Item Description	Agenda Page No	Voting Guidance
8.14	DECD (Department for Education and Child Development) to Provide for Appropriate School Car Parking (Playford) That the Annual General Meeting requests the LGA lobby DECD (Department for Education and Child Development) to provide adequate parking and 'kiss and drop' zones within local school grounds.	141	In favour
8.15	Abandoned Shopping Trolleys (Playford) That the Annual General Meeting requests the LGA to investigate options for local government to proactively address the issues associated with discarded shopping trolleys in suburban streets and parks.	144	In favour
8.16	Consistent Financial Assistance Grants (Prospect) That the Annual General Meeting requests the LGA lobby the Federal Treasurer and to seek support from LGA's counterparts in other States, to ensure consistent quarterly dispersing of the annual Financial Grants and the Local Road Grants.	159	In favour
8.17	High Visibility Identification (West Torrens) That the Annual General Meeting requests the Local Government Association approach the State Government to amend Part 15 of the Australian Road Rules to introduce a requirement that all cyclists and motorised mobility scooters are to wear high visibility identification on helmets and their person at all times to improve safety.	161	In favour
8.18	Operation of Bus Only Lanes (West Torrens) That the Annual General Meeting requests the Local Government Association to lobby the South Australian Government to operate bus lanes in the City as clearway lanes, for buses and trucks, only in the morning and evenings peak periods and enabling any vehicle to use those bus lanes between 10am and 3pm.	164	In favour

Item No	Item Description	Agenda Page No	Voting Guidance
8.19	Signage for Bicycle Lanes (West Torrens) That the Annual General Meeting requests the Local Government Association to approach the South Australian Government to ensure that bicycle lanes on roadways have more effective signage stating that it is an offence to park a vehicle in a bike lane during particular time periods.	167	In favour
8.20	Change to Legislation to Enable Expiations to be Issued in Relation to Election Signs (Mount Barker) That the Annual General Meeting requests the LGA to investigate whether there is sufficient support across Local Government to lobby State Government for changes to legislation to enable Councils to expiate political parties if they place election signs up earlier than allowed for in legislation.	170	In favour
8.21	Election Signage Agreement (West Torrens) That the Annual General Meeting requests the Local Government Association to seek an end to the tripartite agreement between SA Power Networks (formerly ETSA) and Department of Planning, Transport and Infrastructure (formerly the Department of Highways) which currently enables election signs to be placed on power poles, light poles and similar disallowed infrastructure.	172	Council to decide

Item No	Item Description	Agenda Page No	Voting Guidance
8.22	<p>Planning Policy (Norwood Payneham & St Peters)</p> <p>That the Annual General Meeting requests the LGA to advise the Premier of South Australia and the Minister for Planning of its disappointment and concern at the ongoing loss of local development and planning powers of South Australian Councils and calls on the Premier and Minister for Planning to ensure that:</p> <ol style="list-style-type: none"> 1. Local Government retains control of Planning Policy relevant to their local communities; and 2. the rights of local residents to be consulted in respect to development matters are supported as part of the new Development Assessment processes. 	175	Council to decide
8.23	<p>Live Music Policy (Norwood Payneham & St Peters)</p> <p>That the Annual General Meeting requests that the LGA initiates the development of an online resource page to support member councils in developing Live Music Policies and Live Music Action Plans.</p>	179	In favour
8.24	<p>Heritage Projects Funding (Prospect)</p> <p>That the Annual General Meeting requests the LGA liaise with the State Government to investigate the feasibility of establishing a state based lottery to assist in subsidising heritage projects and heritage property upgrades.</p>	183	In favour
8.25	<p>Deregulate Small Bar Venues Licensing (Prospect)</p> <p>That the Annual General Meeting requests the LGA liaise with the State Government to deregulate small bar venues licensing as they have recently done with food trucks regulations.</p>	188	Council to decide

Item No	Item Description	Agenda Page No	Voting Guidance
8.26	<p>Public Consultation Restrictions for Category 2 Developments Under the Development Act 1993 (Salisbury)</p> <p>That the Annual General Meeting requests the LGA to investigate whether there is sufficient evidence across Local Government to lobby the State Government to remove the current public consultation restrictions for category 2 developments under the Development Act 1993 by amending the definition of “adjacent land” under the Act to ensure that all properties within 60metres of the subject land are notified of the proposed development and able to make a representation, irrespective of whether they are separated from the subject land by another allotment.</p>	191	In favour
8.27	<p>Environmental Protection Practices (Adelaide)</p> <p>That the Annual General Meeting requests the LGA to investigate ways in which South Australian Councils can adopt environmental procurement practices.</p>	195	In favour
8.28	<p>Renewable Energy Sourcing (Gawler)</p> <p>That the Annual General Meeting requests the LGA negotiations for power supplies for Councils include:</p> <ol style="list-style-type: none"> an assessment of the environmental benefits of increasing the level of renewable energy sources; an assessment of how the Carbon Neutral policy of the State Government can be supported by Council power procurement; how a partnership of Councils with the State Government may assist; whether there may be economic and environmental benefits for Councils sourcing renewable energy through contracting with electricity retailers who source large and small scale generation certificates; looking at template contracts which have options within them for Councils to choose higher levels of renewable energy; and consideration of having template agreements with more than one supplier. 	198	In favour

Item No	Item Description	Agenda Page No	Voting Guidance
8.29	Energy Production and Costs (Grant) That the Annual General Meeting requests the LGA to investigate with both the State and Federal Governments, on behalf of Local Government and Business, to seek improved outcomes and stability with regards to energy production and significant cost variations in SA.	206	In favour
8.30	Increased Allocation of Stormwater Funding (West Torrens) That the Annual General Meeting requests the Local Government Association to actively pursue an increase in the allocation of stormwater funding in South Australia (excluding the Brownhill Keswick Creek).	212	In favour
8.31	Establishing Local Treaties (Prospect) That the Annual General Meeting requests the LGA to investigate potential for Councils to establish localised Treaties with Aboriginal groups, including what these could incorporate and steps to successfully achieve endorsement.	214	In favour
8.32	Women Representation in Local Government (Prospect) That the Annual General Meeting requests the LGA work in partnership with key stakeholders in order to address the low representation of women in Local Government, currently 29 percent, compared to the proportion of women in society, currently 51 percent of the population.	218	In favour
8.33	First Female Politician – 100th Anniversary Celebrations (Prospect & Holdfast Bay) That the Annual General Meeting requests the LGA to initiate a project to promote and celebrate the 100th anniversary (in 2019) of the election of Susan Grace Benny to Brighton Council and thus becoming the first female politician in South Australia and Australia.	221	In favour

Item No	Item Description	Agenda Page No	Voting Guidance
8.34	Protecting the Rights of Breastfeeding Women (Prospect) That the Annual General Meeting requests the LGA establish a policy guideline to assist Councils in setting their own policy to reflect the legislative provisions protecting the rights of breastfeeding women, particularly with regard to council staff and elected members.	227	In favour

ITEM	3.6.3
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	17 October 2016
HEADING	Elector Representation Review
AUTHOR	Joy Rowett, Governance Coordinator, CEO and Governance
CITY PLAN LINKS	4.3 Have robust processes that support consistent service delivery and informed decision making.
SUMMARY	This report presents the Elector Representation Review Report and seeks Council endorsement for public consultation pursuant to section 12(9) of the <i>Local Government Act 1999</i> .

RECOMMENDATION

1. The information be received.
2. The Elector Representation Review report (Item No. 3.6.3, Resources and Governance Committee, 16/05/2016, Attachment 1) be endorsed to release for community consultation.
3. That, on conclusion of the consultation period, staff provide a further report to Council to consider submissions in the context of the Report and to make its final determination on the Review.

ATTACHMENTS

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

1. Representation Review Report - October 2016

1. BACKGROUND

- 1.1 At its February meeting, Council resolved:

“The Chief Executive Officer be delegated the power to appoint a qualified Independent Person to prepare the Representation Options Paper, following the conduct of a procurement process in accordance with Council’s Procurement Policy.”

(Council, 22 February 2016, Item No. 3.6.3 – Resolution No 0907/2016)

- 1.2 CL Rowe and Associates Pty Ltd were engaged to facilitate the Elector Representation Review process and prepared a Representation Options Paper to be endorsed by Council.
- 1.3 An initial Elected Member briefing was conducted by Craig Rowe on 6 April 2016, at which he outlined a range of matters which must be considered in a representation review.

- 1.4 A subsequent Elected Member workshop was conducted by Craig Rowe on 3 May 2016, at which he presented Elected Members with a range of options for consideration for inclusion in the Options Paper to be released for the first round of public consultation.
- 1.5 At its May meeting Council resolved:
 - “1. *The information be received.*
 2. *The Representation Options Paper document (Item No. 3.6.1, Resources and Governance Committee, 16/05/2016, Attachment 1) be endorsed to release for community consultation, containing options 1-6.”*

(Council, 23 May 2016, Item 3.6.1 – Resolution No 1088/2016)
- 1.6 The required six (6) week public consultation period commenced on 2 June 2016 and concluded on 15 July 2016. One (1) submission was received.
- 1.7 On 22 August 2016, Council considered the outcome of the first round of public consultation on the elector Representation Review Options paper and resolved:
 1. *The submission received from a resident of the City of Salisbury, with respect to the Representation Review Options Paper – May 2016, released for public consultation in June 2016, be noted.*
 2. *Agreement in principle be given to:*
 - a. *The principal member of Council continue to be a mayor, elected by the community;*
 - b. *The Council area continue to be divided into wards;*
 - c. *The future elected body of Council comprise twelve (12) ward councillors;*
 - d. *The Council area be divided into four wards, as depicted as Option 8.5 in the Representation Options Paper – May 2016 (Item No. 3.6.1, Resources and Governance Committee, 16/05/2016, Attachment 1); and*
 - e. *The proposed wards be named River (Ward 1); Baynes (Ward 2); Mawson (Ward 3); and Vista (Ward 4)*

as the basis for preparation of the Representation Review Report to be prepared for consideration by Council pursuant to the provisions of Section 12(8a) of the Local Government Act 1999.

(Council, 23 May 2016, Item 3.6.1 – Resolution No 1305/2016)

2. REPORT

- 2.1 Further to the September 2016 meeting, Craig Rowe of CL Rowe and Associates has now, and in accordance with the *Local Government Act 1999*, prepared the Representation Review Report in the above terms (Item No. 3.6.3, Resources and Governance Committee, 16/05/2016, Attachment 1) for Council consideration and endorsement for referral to further public consultation.
- 2.2 Following endorsement by Council and in accordance with Section 12(9) of the Act, Council is required to place a Public Notice on its website, in the Northern Messenger and the Government Gazette indicating public consultation for a period of at least 3 weeks.

- 2.3 Copies of the Representation Review Report will be made available on Council's website and also at Council's James Street office.
- 2.4 Those who make submissions will be invited to address Council if they wish in accordance with the requirements of 12(10) of the Act.
- 2.5 Following the conclusion of the public consultation period, the Report and all submissions on the Elector Representation Review Report will be referred back to the December Council meeting where the Council will be requested to consider submissions in the context of the Report and make its final determination on the Review.
- 2.6 As and when a final version of the Elector Representation Review Report is endorsed by Council, it will then be referred to the Electoral Commissioner for approval and Gazettal.

3. CONCLUSION / PROPOSAL

- 3.1 Council is requested to endorse the Elector Representation Review Report which will form the basis of the next round of public consultation.

CO-ORDINATION

Officer:	EXECUTIVE GROUP	MG
Date:	10/10/2016	12/10/2016



Representation Review Report

Prepared in accordance with
Section 12(8a) of the Local Government Act 1999

October 2016

Prepared for the City of Salisbury by C L Rowe and Associates Pty Ltd, October 2016 (Version 1)

Disclaimer

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1. Introduction

Section 12(4) of the Local Government Act 1999 (the Act) requires each Council to undertake a review of all aspects of its composition and the division (or potential division) of the Council area into wards, as prescribed by the Minister from time to time by a notice published in the Government Gazette.

The City of Salisbury last completed an "elector representation review" in November 2009 and is now required to undertake and complete another review by April 2017, in accordance with the provisions of the Local Government (General) Regulations 1999, so as to ensure fair and equitable representation of all electors prior to the 2018 Local Government elections.

This report has been prepared in accordance with the requirements of Section 12 (8a) of the Act. It:

- provides information on the initial public consultation undertaken by Council and Council's response to the issues raised within the submissions received;
- sets out the proposal that Council considers should be carried into effect; and
- presents an analysis of how Council's proposal relates to the relevant provisions and principles of the Act.

The key issues that need to be addressed during the review include:

- the principal member of Council, more specifically whether it should be a mayor elected by the community or a chairperson selected by (and from amongst) the elected members;
- the composition of council, including the number of elected members required to provide fair and adequate representation to the community and the need for area councillors in addition to ward councillors (where the Council area is to be divided into wards);
- the division of the Council area into wards or the abolition of wards; and
- if wards are to be retained, the level of ward representation within, and the names of, any future proposed wards.



2. Background

Council currently comprises the Mayor and sixteen ward councillors. The Council area is divided into eight wards, with each ward being represented by two councillors. The current structure was adopted by Council during the previous elector representation review which was undertaken in 2008/2009 and came into effect at the 2010 Local Government elections.

Table 1 provides data pertaining to the number of electors within each of the current wards and demonstrates the variance between the ward elector ratios and the elector ratio for the Council area.

Table 1: Elector data per ward and variance to quota

Ward	Crs	H of A Roll	Council Roll	Electors	Ratio	% Variance
Central	2	10,023	12	10,035	1:5,018	- 11.4
East	2	10,811	2	10,813	1:5,407	- 4.5
South	2	11,147	2	11,149	1:5,575	- 1.5
Hills	2	11,249	5	11,254	1:5,627	- 0.6
Para	2	12,742	5	12,747	1:6,374	+12.6
North	2	11,038	2	11,040	1:5,520	- 2.5
Levels	2	12,202	16	12,218	1:6,109	+ 7.9
West	2	11,320	5	11,325	1:5,663	+ 0.0
Total	16	90,532	49	90,581		
Average					1:5,661	

Source: Electoral Commission SA, House of Assembly Roll (February 2016)
Council Voters Roll (February 2016)

The current structure cannot be retained because the elector ratios (i.e. the average number of electors represented by a councillor) within the Para and Central wards lay outside the specified 10% quota tolerance limit prescribed under Section 33(2) of the Act.

Council commenced its elector representation review in March 2016 and completed the initial six (6) week public consultation period on Friday 15th July 2016. One submission was received.

At its meeting on the 26th September 2016, Council considered all matters relevant to the review, including the public submission received, and resolved to agree, in principle, to retain an elected mayor as the principal member of Council, but to make changes to both its composition and ward structure with the view of providing fair and adequate representation to the community.



3. Initial Public Consultation

Public consultation commenced on Wednesday 1st June 2016 with the publishing of a public notice in the "Northern Messenger" newspaper, and this was followed by the publishing of a notice in the Government Gazette on Thursday 2nd June 2016. In addition, the public consultation process included promotion of the review (and the opportunity for electronic feedback) on the Council website; and provision of the Representation Options Paper and associated documents in the "Consultation Corner" of the Civic Centre.

At the expiration of the public consultation period (i.e. close of business on Friday 15th July 2016) Council had received one submission which expressed support for:

- the retention of a mayor elected by the community;
- the retention of the division of the Council area into wards;
- a ward structure comprising three wards;
- a Council comprising fifteen ward councillors (5 councillors per ward); and
- the proposed wards being named Vista, Coast and River.

The respondent also provided a ward structure for consideration by Council. The ward structure incorporated three large wards with boundaries which primarily aligned with existing suburb boundaries; and the elector ratios within each of the proposed wards lay comfortably within the specified quota tolerance limits. Overall the proposed ward structure was sound and was considered to be an acceptable alternative.

Council considered the receipt of only one submission to be disappointing but not entirely unexpected, given that at this stage of the previous elector representation review in 2009 only two submissions were received. Whilst the opinions and comments expressed in the submission received could not be considered to represent the attitudes of a community which comprises over 90,000 electors, they did provide some insight in respect to several specific issues being addressed by the representation review.

Council's comments regarding the key issues of the review and the submission received are provided hereinafter (refer 5. Proposal Rationale).



4. Proposal

Having duly considered all relevant provisions of the Local Government Act 1999, the information and alternatives contained within the Representation Options Paper and the matters raised in the written submission, Council proposes the following in respect to its future composition and structure.

- The principal member of Council continue to be a mayor, elected by the community.
- The Council area continue to be divided into wards.
- The Council area be divided into four (4) wards, as depicted as Option 8.5 in the Representation Options Paper (refer Map 1).
- The future elected body of Council comprise twelve (12) ward councillors.
- The proposed wards be identified as River Ward (proposed ward 1); Baynes Ward (proposed ward 2); Mawson Ward (proposed ward 3); and Vista Ward (proposed ward 4).

The proposed ward structure comprises four wards, with each of the proposed wards being represented by three councillors. The proposed wards are described as follows.

Ward 1: Comprising the suburbs of Edinburgh, Direk, Salisbury North, Burton, Paralowie, Waterloo Corner, St Kilda and Bolivar.

Ward 2: Comprising the suburbs of Elizabeth Vale, Salisbury, Salisbury Downs, Salisbury South, Salisbury Park, Salisbury Plain, Brahma Lodge, Salisbury Heights and Salisbury East.

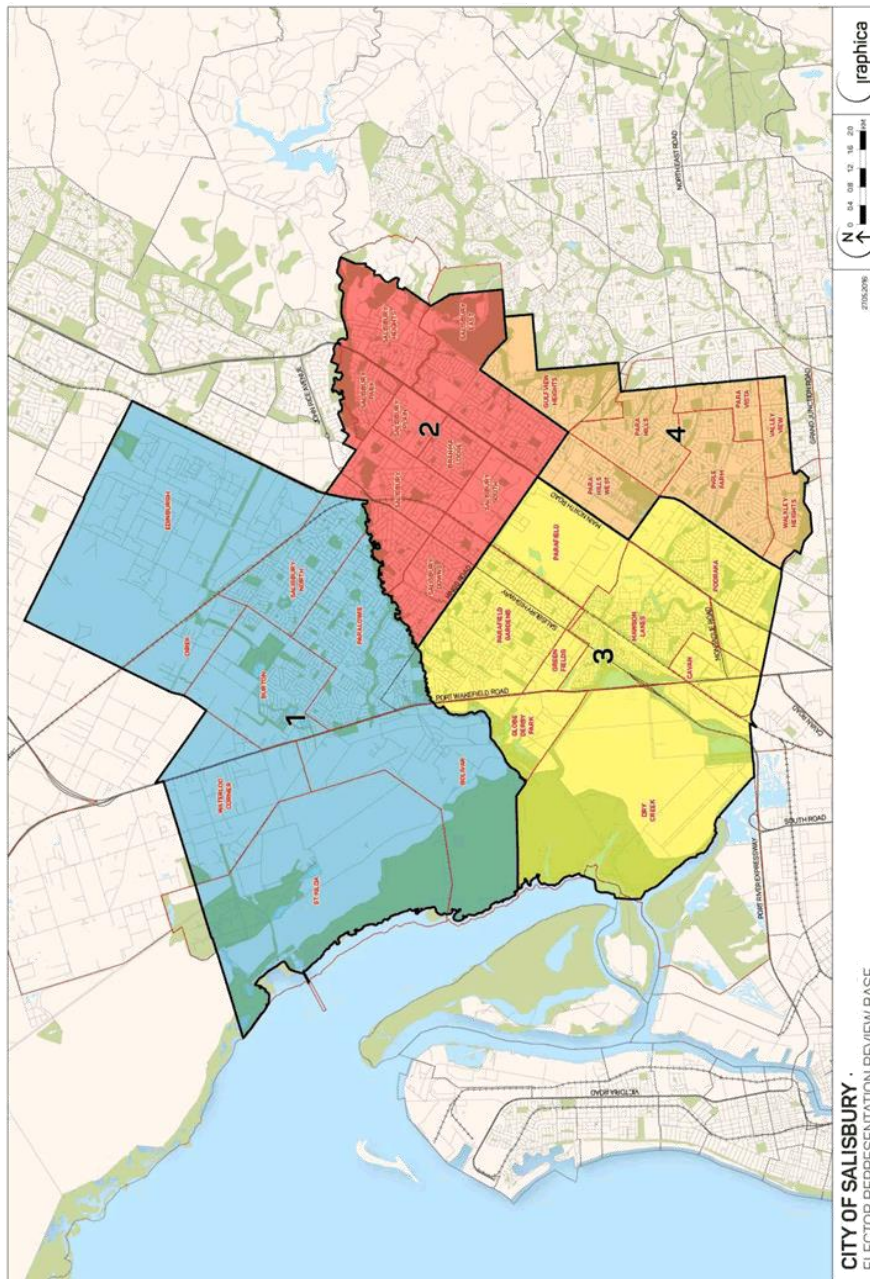
Ward 3: Comprising the suburbs of Parafield Gardens, Green Fields, Parafield, Globe Derby Park, Dry Creek, Mawson Lakes, Cavan and Pooraka.

Ward 4: Comprising the suburbs of Gulfview Heights, Para Hills West, Para Hills, Ingle Farm, Para Vista, Walkley Heights and Valley View.

Reasons for Council's decision, together with an analysis of compliance with the relevant provisions and requirements of the Local Government Act 1999, are provided hereinafter under key issue headings.



Map 1: Proposed Ward Structure





5. Proposal Rationale

5.1 Principal Member

The principal member of the City of Salisbury has always been a mayor elected by the community.

Council believes that:

- a mayor elected by the community is in accord with a fundamental principle of democracy – choice;
- the election of a mayor affords all eligible members of the community the opportunity to express faith in a candidate, should they choose to do so, and provides Council with an identifiable principal member who is directly accountable to the community;
- the office of mayor has served the City of Salisbury well over the years;
- little practical benefit will likely be achieved by changing to a chairperson at this time;
- the retention of an elected mayor as the principal member is consistent with the structure of all other metropolitan Adelaide councils;
- an elected mayor brings stability and continuity to the Council, given the four year term of office; and
- the retention of an elected mayor is consistent with the position supported by the respondent during the initial public consultation.

It is considered that, on balance, the introduction of a chairperson will only provide a few benefits, including a likely reduction in the number of elected members (with associated cost savings); flexibility in the tenure of the principal member; the opportunity for a number of elected members to gain experience as the principal member during the four year term of the Council (and to bring their particular skill set and opinions to the position); and avoidance of the potential loss of high calibre candidates through the mayoral election process. On the downside, a chairperson is chosen by the elected members, thereby depriving all of the electors the opportunity to vote for the principal member of Council.

Finally, any proposal to have a chairperson rather than an elected mayor cannot progress unless or until a poll of the community has been conducted in accordance with the requirements of Section 12 (11a-d) of the Local Government Act 1999 and the result of the poll clearly supports the proposed change.

Given that the City of Salisbury has traditionally had an elected mayor as its principal member; nothing extraordinary has occurred that warrants a change to the way that the principal member is determined; and a mayor is democratically elected by the community as its principal representative (and is therefore accountable to the community), it is considered that there is no need for change at this time.



5.2 Wards/No Wards

The City of Salisbury has always been divided into wards; and the submission received supported the retention of a ward structure, albeit with a reduced number of wards.

Council believes that wards:

- guarantee direct representation of all areas and communities within the Council area;
- provide recognizable lines of communication with Council through the ward councillors; and
- ensure local interests and/or issues are not overlooked in favour of the bigger "City-wide" picture.

It is also considered that ward councillors generally have an affiliation with the community within their ward; ward councillors have an understanding of the issues and/or concerns of the local residents; and the existing ward councillors deliberate and make decisions on the basis of achieving the best outcomes for both their ward and the Council area as a whole.

Further, there were no submissions calling for the abolition of wards. This has been construed as community support for the on-going division of the Council area into wards, and perhaps acceptance of the order which wards seemingly provide in the structure of Local Government, especially in respect to elector representation.

Council acknowledges that the "no wards" alternative affords electors the opportunity to vote for all of the vacant positions on Council; allows for the most supported candidates from across the Council area to be elected; and enables the elected members to be free of parochial ward attitudes. Notwithstanding this, Council is concerned that the "no wards" alternative:

- does not guarantee direct representation of all communities across the Council area;
- may make it easier for single interest candidates and/or groups to gain support (than does the existing ward based system);
- has the potential to make the task and expense of contesting council-wide elections difficult and excessive; and
- has the potential to increase the cost of conducting elections and supplementary elections, given that all contested elections must be conducted on a council-wide basis.

Having considered the aforementioned, Council has opted to retain a ward structure. Council believes that there are sound arguments to support the retention of a ward structure and is confident that, in the main, the community supports the division of the Council area into wards and expects the level and quality of direct representation afforded by ward councillors.

5.3 Proposed Ward Structure

The current structure cannot be retained because the elector ratios within the existing Para and Central Wards lay outside the specified 10% quota tolerance limit prescribed under Section 33(2) of the Act.



This being the case, Council has had to identify an alternative ward structure, taking into account a number of factors including the character and topography of the area; the likely impacts upon existing "communities of interest"; the preferred level of ward representation and the total number of elected members; future anticipated population/elector growth; the need for an equitable distribution of electors between wards; and the requirement that the elector ratios within all of the proposed wards will have to lay with the specified quota tolerance limits.

Accordingly, Council proposes to introduce a new four ward structure, as depicted in Map 1 (refer page 5).

The proposed ward structure:

- is relatively simple in configuration;
- is reasonably well balanced in regards to the distribution of electors between the proposed wards (refer Table 3, page 12) ;
- exhibits ward elector ratios which all lay comfortably within the specified quota tolerance limits (and are therefore capable of sustaining reasonable fluctuations in elector numbers);
- has a consistent level of representation across all of the proposed wards;
- proposes larger wards (in area) which incorporate areas of perceived common character and, as such, serve to consolidate existing "communities of interest"; and
- has increased levels of ward representation (i.e. three councillors per ward) in comparison to the current ward structure, so as to:
 - ensure adequate and fair representation of the communities within the wards;
 - provide sufficient opportunities for aspiring candidates for Council (and the wards);
 - provide an appropriate number of ward councillors to ensure continued representation within the ward (i.e. to cover absence by a ward councillor from time to time);
 - maintain a reasonable and manageable workload for the ward councillors; and
 - provide a more cohesive arrangement whereby the deliberations of a greater number of ward representatives should serve to provide balanced viewpoints and agreed local perspectives on issues before Council.

Further, Council considers all of the proposed ward boundaries to be appropriate and acceptable, given that they align with long established suburb boundaries and/or existing ward boundaries.

5.4 Area Councillors (in addition to ward councillors)

The Local Government Act indicates that councillors can be elected as a representative of a ward, or alternatively, to represent the Council area as a whole (whether or not the Council area is divided into wards).



As indicated in the Representation Options Paper, ward councillors generally consider themselves to represent not only their ward, but the Council area as a whole. This seemingly negates the need for area councillors in addition to ward councillors, an assertion which is seemingly supported by the fact that only the City of Adelaide has a ward structure which incorporates two levels of representation. Further, it is noted that under such an arrangement area councillors hold no greater status than a ward councillor, have no greater responsibilities than a ward councillor, and need not comply with any extraordinary or additional eligibility requirements.

In addition, any contested election (and/or supplementary election) for area councillors must be conducted across the whole of the Council area, at a significant cost to Council.

Given the aforementioned, Council considers that area councillors (in addition to ward councillors) are an unwarranted, unnecessary and potentially costly additional tier of representation.

5.5 Ward Names

Council has opted to identify the proposed four wards as River Ward (proposed ward 1); Baynes Ward (proposed ward 2); Mawson Ward (proposed ward 3); and Vista Ward (proposed ward 4). These proposed ward names were chosen because they are of either geographical or heritage significance to the areas within the proposed wards and do not conflict with any existing suburb or locality names.

In brief, the proposed River Ward is to be bounded by the Little Para River; the proposed Baynes Ward recognises Edith Potter Baynes, one of the first female employees of Council (commenced 1941) who was a significant worker in the community and a foundation member of the organisation that became the City of Salisbury; the proposed Mawson Ward honours Sir Douglas Mawson, renowned geologist, Antarctic explorer and academic (Adelaide University), after whom Mawson Lakes was named; and the proposed Vista Ward depicts the general topography of the eastern portion of the Council area.

Two of the proposed ward names adopted by Council were suggested within the submission received by Council during the initial public consultation phase of the review.

Council also examined the alternatives available, but considered the allocation of letters, numbers or direction/compass points (e.g. north, south, central etc.) to lack imagination and to have no relevance to the Council area; whilst the allocation of names of European and/or indigenous heritage significance would be appropriate but would require considerably more investigation and community consultation.

5.6 Number of Councillors

Council is aware that:

- the provisions of Sections 26 and 33 of the Local Government Act stipulate the need to ensure adequate and fair representation while at the same time avoiding over-representation in comparison to other councils of a similar size and type (at least in the longer term);
- the provisions of Section 12(6) of the Local Government Act require a Council that is constituted of more than twelve members to examine the question of whether the number of elected members should be reduced; and
- the submission received favoured a reduction from sixteen to fifteen councillors.



The Representation Options Paper contained the following table which indicates that the City of Salisbury has, in comparison to the larger of the metropolitan Adelaide councils, the third largest area; the second highest number of electors; the third highest number of councillors; and the third highest elector ratio.

Table 2: Elector data and representation (metropolitan councils with similar elector numbers)

Council	Councillors	Electors	Ratio
West Torrens (37.1km ²)	14	39,994	1:2,856
Campbelltown (24.4km ²)	10	34,700	1:3,470
Mitcham (75.6km ²)	13	47,661	1:3,666
Playford (346km ²)	15	56,087	1:3,739
Pt Adelaide Enfield (97km ²)	17	79,099	1:4,653
Charles Sturt (52.1km ²)	16	74,602	1:4,994
Marion (55.5km ²)	12	62,486	1:5,207
Salisbury (158.1km²)	16	90,581	1:5,661
Onkaparinga (518.4km ²)	20	117,896	1:5,895
Tea Tree Gully (95.2km ²)	12	72,232	1:6,019

Source: Electoral Commission SA , House of Assembly Roll (February 2016 and Council Voters Roll (3rd March 2016)

In addition, comparisons between the elector representation arrangements of Council and those of nine interstate councils of a similar size (in elector numbers) revealed that all of the interstate councils have fewer elected members (i.e. 9 - 15 elected members with an average of 10.5 members) and higher elector ratios (i.e. 1:6,469 - 1:10,084 at an average of 1:8,856), however, most cover a smaller area.

Council is aware that there are councils throughout the nation which are of a similar size (in terms of elector numbers) to the City of Salisbury but seemingly operate successfully with fewer elected members (and therefore higher elector ratios). In addition, the decision to reduce the number of elected members is considered to be in accord with the requirements and intent of Section 12(6)(a) of the Act.

When determining the appropriate number of councillors to provide fair and adequate representation, Council was mindful that:

- sufficient elected members must be available to manage the affairs of Council;
- the elected members' workloads should not become excessive;
- there is an appropriate level of elector representation;
- a diversity in member's skill sets, experience, expertise, opinions and backgrounds is maintained to ensure robust discussion amongst the elected members; and
- adequate lines of communication must exist between a growing community and Council.



Council is aware that a reduction in the number of elected members to twelve will result in some cost savings (e.g. elected member's allowances alone are \$21,500 per annum per councillor per annum), with any resulting savings being available for redirection to community projects and/or programs.

In addition, it is considered that the proposed reduction in the number of elected members may serve to expedite the decision making process in Council, given the potential for fewer participants in discussions. Council does not believe that a reduction in elected member numbers will detrimentally impact upon the decision making processes and/or opinions expressed during discussions undertaken in Chamber, but could simply reduce the incidence of similar opinions being expressed.

Further, Council believes that the roles and responsibilities of the elected members have changed over the years.

Section 59 requires a person elected to the Council to represent the interests of residents and ratepayers, to provide community leadership and guidance, and to facilitate communication between the community and the Council. In addition, Section 59 specifies that the role of an elected member is:

- to participate in the deliberation and activities of Council;
- to keep Council's objectives and policies under review to ensure that they are appropriate and effective; and
- to keep Council's resource allocation, expenditure and activities, and the efficiency and effectiveness of its service delivery, under review.

Put simply, the days of "hands on" participation by elected members in the day to day operation and management of, and issues before, Council have passed, and involvement today is more in the form of decision and policy makers, and communication conduits between Council and the community. In addition, enhanced communication and information technology has also served to reduce any difficulties previously experienced by elected members in respect to their day to day tasks and communication with both Council and the community.

In making its decision to reduce the number of elected members, Council was aware that all indicators suggest that there may be a significant increase in the population (and therefore elector numbers) within the Council area in the foreseeable future, primarily as a consequence of on-going subdivisions, urban regeneration and in-fill development. Notwithstanding this, Council is confident that a more efficient and effective elected body will enable fewer elected members to adapt to, and meet the demands and needs of, a growing community.

In addition, the proposed reduction in the number of elected members will comply with the perceived intent of Section 12(6)(a) of the Act which requires councils constituted of more than twelve (12) members to examine the question of whether the number of elected members should be reduced.

Council believes that it is important to maintain the quality of representation that has long been experienced and expected by the local community, but is confident that this can be achieved by twelve ward councillors, with resultant financial benefits to the community.



6. Legislative Requirements

The provisions of Sections 26(1)(c) and 33(1) of the Local Government Act 1999 require Council take into account, as far as practicable, the following when developing a proposal that relates to its composition and structure.

6.1 Quota

Section 33(2) of the Local Government Act 1999 states:

"A proposal that relates to the formation or alteration of wards of a council must also observe the principle that the number of electors represented by a councillor must not, as at the relevant date (assuming that the proposal were in operation), vary from the ward quota by more than 10 per cent..."

According to the provisions of Section 33(2a)(b), ward quota is determined to be:

"the number of electors for the area (as at the relevant date) divided by the number of councillors for the area who represent wards (assuming that the proposal were in operation and ignoring any fractions resulting from the division)."

Table 3 provides data pertaining to the number of electors within each of the proposed wards, and demonstrates the variance between the elector ratios within the proposed wards and the current elector ratio for the Council area. The data indicates that the elector ratios within all of the proposed wards lay comfortably within the specified quota tolerance limits and, as such, all of the proposed wards will be capable of sustaining reasonable fluctuations in elector numbers.

Table 3: Elector data per ward and variance to quota (Proposed ward structure)

Ward	Councillors	Electors	Ratio	% Variance
Ward 1 (River)	3	21 540	1:7,180	- 4.9
Ward 2 (Baynes)	3	23,208	1:7,736	+ 2.5
Ward 3 Mawson)	3	23,949	1:7,983	+ 5.8
Ward 4 (Vista)	3	21,884	1:7,295	- 3.4
Total	12	90,581		
Average			1:7,548	

6.2 Communities of Interest and Population

The Act speaks of the desirability of reflecting communities of interest of an economic, social, regional or other kind.



"Communities of interest" have previously been defined as "aspects of the physical, economic and social systems which are central to the interactions of communities in their living environment", and are generally identified by considering factors relevant thereto, including neighbourhood communities; history and heritage communities; sporting facilities; community support services; recreation and leisure communities; retail and shopping centres; work communities; industrial and economic development clusters; and environmental and geographic interests.

Council considers that there are numerous communities of interest within the Council area, including but not limited to the thirty-two long-established suburbs (or part suburbs). When developing the proposed ward structure, care was taken to ensure that, where possible, localities with a similar character and identified land use precincts were maintained in their entirety within the bounds of a ward, taking into account the features of the landscape and/or urban development. In order to achieve this, Council aimed to maintain entire suburbs within the proposed wards (where possible).

6.3 Topography

The City of Salisbury is 158km² in area and exhibits a topography that has had minimal influence on urban growth patterns. The terrain of the City is typical of the Piedmont region with gently rolling hills, moderate slopes and considerable buildable land. The City exhibits a number of watercourses; an extensive road network; the Parafield Airport; and a railway line which basically dissects the Council area (from north to south).

Despite the above, it is considered that the topography of the City will have little or no impact upon Council's proposal, given that the proposed ward structure has been developed with the view to maintaining entire "communities of interest" (suburbs) within the bounds of the proposed wards.

6.4 Feasibility of Communication

Council believes that the mayor and twelve ward councillors can provide adequate lines of communication between Council and the community, given the size of the City; the relatively compact nature of the urban development within the Council area; and the advanced information technology which is now available for everyday use by the elected members and the community.

6.5 Demographic Trends

Council is aware that there is the potential for a significant increase in elector numbers throughout the Council area in the foreseeable future, primarily as a consequence of new and/or on-going residential development. However, the extent and timing of such is difficult to determine with any certainty.

During the process of identifying its preferred future composition and structure, Council took into account the following information.

6.5.1 Residential Development

Council is currently reviewing its Growth Action Plan which identifies the strategic growth areas within the City for the next 30+ years. Currents forecasts include the following.

- Burton/Paralowie/Direk/Salisbury North could accommodate approximately 1600 new dwellings, largely on ex-market garden land within the existing residential zone.



- Development in Parafield Gardens/Salisbury Downs could realize approximately 1500 new dwellings, largely on ex-market garden land and a small level of infill development, primarily around the rail corridor, activity centres such as Hollywood Plaza, and adjoining the Little Para River.
- Salisbury could accommodate an additional 500 dwellings within the existing centre, and adjoining areas of high amenity such as the Salisbury Oval and Little Para River.
- Ingle Farm/Para Vista/Para Hills could accommodate an Increase of approximately 600 dwellings, largely through subdivision of existing residential allotments and development of the surplus Walkleys Road corridor.
- Small-scale infill development opportunities in Salisbury East/Brahma Lodge could realize another 350 new dwellings.
- The subdivision of large allotments adjoining Coomurra Drive in Salisbury Heights has the potential to realize approximately 210 new dwellings.
- Within Mawson Lakes the completion of the development of apartment sites may yield approximately 1108 new dwelling units.

In addition, there is potential for up to 10,000 dwellings on Dry Creek Salt Pans (not confirmed and likely to be at least 5-10 years before development would commence on this site).

6.5.2 Population Projections

Population projections provided by the Department of Planning, Transport and Infrastructure (DPTI), as at February 2016, indicate that the population of the City of Salisbury is expected to:

- increase by 8,961 (i.e. 132,880 to 141,841) or 6.74% during the ten year period 2011 - 2021 (which will likely be several years before the next scheduled elector representation review); and
- increase by a further 4,720 (i.e. 141,841 to 146,561) or 3.33% during the period 2021 - 2031.

In addition, Council's current population forecasts suggest that the population of the City is anticipated to grow from an estimated 139,207 in 2016 to approximately 151,538 by the year 2036. This equates to a population growth rate of approximately 8.86%. The forecast growth is envisaged (at varying rates) across the City, with the exception of Mawson Lakes which is reaching full development. Areas where significant growth is anticipated include Burton and the adjoining non-urban areas to the west of the City; Salisbury, Salisbury North, Ingle Farm, Paralowie and Parafield Gardens

6.5.3 Elector Numbers

According to data provided by Electoral Commission SA, during the period February 2001 to February 2008 the number of electors enrolled on the House of Assembly Roll within the City of Salisbury increased significantly (i.e. 8,587 electors or 11.77%), with varying levels of growth being recorded within all of the then eight wards.



More recent data sourced from Electoral Commission SA indicates that the total number of electors within the council area increased by 7,585 (9.14%) during the six year period February 2010 to February 2016, with increases in elector numbers being recorded (at varying rates) in all wards (i.e. Central Ward: 1,035 @ 11.52%; East Ward: 1,068 @ 10.96%; South Ward: 202 @ 1.85%; Hills Ward: 2,045 @ 22.22%; Para Ward: 1,440 @ 12.74%; North Ward: 897 @ 8.85%; Levels Ward: 569 @ 4.89%; and West Ward: 329 @ 2.99%).

6.5.4 Census Data

According to data provided by the Australian Bureau of Statistics (2001, 2006 and 2011 Census Community Profiles – Salisbury (C) Local Government Area), the estimated total population of the council area increased by 7,746 (7.0%) over the period 2001 – 2006, and then increased by another 10,687 (or 9.02%) during the period 2006 – 2011.

Overall, the population in the Council area increased by 18,433 or 16.65% over the 2001 – 2011 period. In addition, over the same period the total number of dwellings (all forms) within the council area increased by 9,604 or 22.6%. By comparison, during the period 2001 - 2011 the population of South Australia increased by 9.44%, whilst dwelling numbers increased by 12.65%.

6.5.5 The 30 Year Plan for Greater Adelaide

The 30 Year Plan for Greater Adelaide is currently under review, however, the current version (released February 2010) incorporates Cheetham (Dry Creek) and Globe Derby within the designated "future urban growth areas" and parts of Bolivar and St Kilda within the "Investigation areas for future growth" (refer Map E4, Northern Adelaide directions).

The 30 Year Plan for Greater Adelaide (Chapter D, Policies and Targets) contains targets for future urban expansion across Greater Adelaide. The relevant targets are as follows.

Target P: Plan for strategic new growth areas comprising a net land supply of 10,500 hectares (gross total of 14,200 hectares, including buffers). These areas include Cheetham (Dry Creek), Bolivar and Globe Derby Park.

Target R: Provide for 124,000 dwellings and 44,200 jobs in these areas as well as the existing urban land supply and other fringe growth opportunities.

6.6 Adequate and Fair Representation

For the reasons espoused earlier, Council is confident that its proposed future composition will continue to provide an adequate number of elected members to manage the affairs of Council; provide an appropriate level of elector representation; maintain an appropriate diversity in the skill set, experience and expertise of the elected members; and present adequate lines of communication between the community and Council.

6.7 Section 26, Local Government Act 1999

Section 26(1) of the Act requires that a number of broader Principles also be taken into account during the review process. These are similar in nature to those presented under Section 33, and include:



- the desirability of avoiding significant divisions within the community;
- proposed changes should, wherever practicable, benefit ratepayers;
- a Council having a sufficient resource base to fulfil its functions fairly, effectively and efficiently;
- a Council should reflect communities of interest of an economic, recreational, social, regional or other kind, and be consistent with community structures, values, expectations and aspirations; and
- residents should receive adequate and fair representation within the local government system, while over-representation in comparison with Councils of a similar size and type should be avoided (at least in the longer term).

The structure being proposed by Council is considered to comply with the cited legislative provisions, in that it will:

- incorporate sufficient elected members to undertake the various roles and responsibilities of Council;
- avoids divisions within the community through the provision of a large number of wards;
- have little if any detrimental impact upon the ratepayers and/or existing communities of interest;
- continue to provide adequate and fair representation to all electors; and
- compare favourably with the composition and elector ratios of other Councils (both within South Australia and interstate) which are of a similar size (in terms of elector numbers) and type.



7. Current Public Consultation

In accordance with Section 12(9) of the Local Government Act 1999, interested persons are invited to make a written submission to Council in respect to this report, and more specifically the composition and structure that Council proposes to introduce on the day of the Local Government elections in 2018. Any person who makes a written submission at this time will be afforded the opportunity to address Council or a committee thereof, either in person or by a representative, in support of their submission.

Interested members of the community are invited to make a written submission expressing their views on the proposed future composition and structure of Council. Submissions will be accepted until 5.00pm on the (Insert date) 2016 and should be addressed to the Chief Executive Officer, PO Box 8, Salisbury 5108 or emailed to city@salisbury.sa.gov.au.

Further information regarding the elector representation review can be obtained by contacting Joy Rowett, Governance Coordinator, on telephone 8406 8222 or by email at jrowett@salisbury.sa.gov.au.