



# COUNCIL AGENDA & REPORTS

for the meeting

Tuesday 22 October 2019  
at 6.00pm

in the Council Chamber,  
Adelaide Town Hall



Members - The Right Honourable the Lord Mayor [Sandy Verschoor] (Presiding);  
Deputy Lord Mayor (Councillor Abiad);  
Councillors Abrahamzadeh, Couros, Donovan, Hou, Hyde, Khera, Knoll,  
Martin, Moran and Simms.

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## 1. Acknowledgement of Country

At the opening of the Council Meeting, the Lord Mayor will state:

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

And we also extend that respect to other Aboriginal Language Groups and other First Nations who are present today.'

## 2. Acknowledgement of Colonel William Light

Upon completion of the Kurna Acknowledgment, the Lord Mayor will state:

'The Council acknowledges the vision of Colonel William Light in determining the site for Adelaide and the design of the City with its six squares and surrounding belt of continuous Park Lands which is recognised on the National Heritage List as one of the greatest examples of Australia's planning heritage.'

## 3. Prayer

Upon completion of the Acknowledgment of Colonel William Light by the Lord Mayor, the Chief Executive Officer will ask all present to pray -

'Almighty God, we ask your blessing upon the works of the City of Adelaide; direct and prosper its deliberations to the advancement of your glory and the true welfare of the people of this City. Amen'

## 4. Memorial Silence

The Lord Mayor will ask all present to stand in silence in memory of those who gave their lives in defence of their Country, at sea, on land and in the air.

## 5. Apologies and Leave of Absence

Apology:

Councillor Hyde

## 6. Confirmation of Minutes – 8/10/2019

That the Minutes of the meeting of the Council held on 8 October 2019, be taken as read and be confirmed as an accurate record of proceedings.

## 7. Deputations

## 8. Petitions

**8.1.** Petition - Declare Veale Gardens a Dry Zone [2018/04073] [Page 3]

**8.2.** Petition – Parking in Kingston Terrace [2018/04073] [Page 7]

## 9. Report of The Committee and Audit Committee

**9.1.** Recommendations of The Committee – 17/9/2019 [2018/04062] [Page 10]

Recommendation 1 Sports Lighting in Gladys Elphick Park

Recommendation 2 Assignment of Lease – Treeclimb

Recommendation 3 West Franklin Stage Three – 52-58 Elizabeth Street Adelaide - Rescind Land Management Agreement

Recommendation 4 Social & Affordable Housing in the City

Recommendation 5 Adelaide Park Lands Building Design Guidelines

Recommendation 6 Chinatown: Lunar New Year Street Party

Recommendation 7 2019 LGA Annual General Meeting papers

**9.2.** Advice of the Audit Committee – 22/10/2019 [2018/04062]

*To be distributed separately*

**10.** Lord Mayor's Reports

**11.** Councillors' Reports

**11.1** Reports from Council Members [2018/04064] [Page 13]

**12.** Reports for Council (Chief Executive Officer's Reports)

**Strategic Alignment – Outcome – Green**

**12.1.** Brown Hill and Keswick Creeks Stormwater Board – Annual Report 2018-19 [2018/02437] [Page 16]

**Strategic Alignment – Outcome – Liveable**

**12.2.** Global Cities After Dark – Night Culture Forum [2018/04236] [Page 81]

**Strategic Alignment – Corporate Activities**

**12.3.** Progress of Motions by Elected Members [2018/04074] [Page 84]

**12.4.** Local Government Reform - proposed response [2019/01903] [Page 87]

**Strategic Alignment – Smart**

**12.5.** Lord Mayor Travel to New Zealand, November 2019 [2019/01833] [Page 120]

**13.** Questions on Notice

**13.1.** Councillor Khera – Question on Notice – Pop up separated bikeway [Page 125]

**13.2.** Councillor Martin – Question on Notice – Unsolicited Proposal Policy [Page 126]

**14.** Questions without Notice

**15.** Motions on Notice

**15.1.** Councillor Martin – Motion on Notice – ACP Cladding [2019/00951] [Page 127]

**15.2.** Councillor Martin – Motion on Notice - North Adelaide Parking [2019/00551] [Page 129]

**15.3.** Councillor Simms – Motion on Notice - Treasury Policy Revision [2019/00224] [Page 130]

**15.4.** Councillor Khera – Motion on Notice - Electronic Signs [2019/00951] [Page 131]

**16.** Motions without Notice

**17.** Exclusion of the Public

**17.1.** Exclusion of the Public [2018/04291] [Page 132]

For the following reports of The Committee & Audit Committee seeking consideration in confidence

**18.1.1.** Recommendation of The Committee in Confidence – 15/10/2019

Recommendation 1 Expression of Interest – Activating Eighty-Eight O'Connell [s 90(3) (d)]

**18.1.2.** Advice of the Audit Committee in Confidence – 22/10/2019 [s 90(3) (i) & (k)]

**18.** Confidential Reports

**18.1.** Confidential Report of The Committee & Audit Committee

**18.1.1.** Recommendation of The Committee in Confidence – 15/10/2019 [2018/04062] [Page 135]

Recommendation 1 Expression of Interest - Activating Eighty-Eight O'Connell

**18.1.2.** Advice of the Audit Committee in Confidence – 22/10/2019 [2018/04062]

*To be distributed separately*

**19.** Closure

# Petition – Declare Veale Gardens a Dry Zone

**ITEM 8.1** 22/10/2019  
**Council**

2018/04073  
Public

**Program Contact:**  
Rudi Deco, Manager Governance  
8203 7442

**Approving Officer:**  
Mark Goldstone, Chief Executive  
Officer

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## EXECUTIVE SUMMARY:

This report presents to Council a petition submitted by the residents of CitiTerrace Apartments at 112 South Terrace, Adelaide.

The petition states that antisocial behaviour is occurring on an almost daily basis due to a large group of adults congregating in the area and consuming alcohol.

The petition contains 34 signatories requesting Council to declare Veale Gardens a dry zone.

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## RECOMMENDATION:

### THAT COUNCIL

1. Notes the petition containing 34 signatories, distributed as a separate document to Item 8.1 on the Agenda for the meeting of the Council held on 22 October 2019, requesting Council to declare Veale Gardens a dry zone.
-

## IMPLICATIONS AND FINANCIALS:

City of Adelaide 2016-2020 Strategic Plan	Not as a result of this report
Policy	Not as a result of this report
Consultation	Not as a result of this report
Resource	Not as a result of this report
Risk / Legal / Legislative	Petition presented for receipt in accordance with Standing Orders and the <i>Local Government (Procedures at Meetings) Regulations 2013 (SA)</i>
Opportunities	Not as a result of this report
19/20 Budget Allocation	Not as a result of this report
Proposed 20/21 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
19/20 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

## DISCUSSION

1. A petition has been received from the residents of CitiTerrace Apartments at 112 South Terrace requesting that Council declares Veale Gardens a dry zone.
  2. If a petition is received the Chief Executive Officer must ensure the petition is placed on the agenda for the next ordinary meeting of Council. The original petition will be distributed to the Lord Mayor and Council Members separately. Members of the public may seek a copy of the original petition upon written request to the Chief Executive Officer.
  3. To determine that a document presented is a petition pursuant to the *Local Government (Procedures at Meetings) Regulations 2013 (SA)* (the Regulations), the following matters in conjunction with the requirements of the City of Adelaide Standing Orders, are assessed prior to the presentation of a petition to the Council:
    - 3.1. *What is a Petition?*  
A 'petition' is commonly defined as 'a formal document which seeks the taking of specified action by the person or body to whom it is addressed' or 'a written statement setting out facts upon which the petitioner bases a prayer for remedy or relief'.
    - 3.2. *Does the Petition contain original signatures or endorsements, accompanied by an address?*  
A petition being a document of a formal nature must contain original signatures or endorsements (not copies) and those signatures, or endorsements, must be accompanied by an address.
    - 3.3. *Does each page of the Petition identify what the signature is for?*  
Each signature must be on a true page of the petition which sets out the prayer for relief as part of that page - a sheet which contains signatures but not the prayer cannot be accepted as valid as there is no evidence as to what the signatories were attesting to.
    - 3.4. *Language in the Petition?*  
The request must be written in temperate language and not contain material that may, objectively, be regarded as defamatory or offensive in content.
  4. To meet the requirements of Regulation 10 of the Regulations a petition must:
    - 4.1. be legibly written or typed or printed
    - 4.2. clearly set out the request or submission of the petitioners
    - 4.3. include the name and address of each person who signed or endorsed the petition
    - 4.4. be addressed to the Council and delivered to the principal office of the Council.
  5. The petition states that antisocial behaviour is occurring on an almost daily basis due to a large group of adults congregating in the area and consuming alcohol, resulting in:
    - 5.1. frequent arrests for assault and hospitalisation of the victims within the group
    - 5.2. intimidating behaviour towards walkers and family groups in the park
    - 5.3. intimidating behaviour towards the proprietor and patrons of the café on the ground floor of 112 South Terrace
    - 5.4. begging
    - 5.5. urinating and defecating in open areas
    - 5.6. littering of the park
    - 5.7. residents on the south side of 112 South Terrace being disturbed by loud musing and shouting for long periods of time
    - 5.8. lack of use of the park by other local residents and visitors.
  6. The petition contains 34 signatories and requests that Council declare Veale Gardens a dry zone.
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# ATTACHMENTS

**Petition** distributed separately to Lord Mayor and Councillors

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- END OF REPORT -

# Petition – Parking in Kingston Terrace

**ITEM 8.2** 22/10/2019  
**Council**

2018/04073  
Public

**Program Contact:**  
Rudi Deco, Manager Governance  
8203 7442

**Approving Officer:**  
Mark Goldstone, Chief Executive  
Officer

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## EXECUTIVE SUMMARY:

This report presents to Council a petition submitted by Bobbie Lynch on behalf of 9 residents of Kingston Terrace, North Adelaide.

The petition contains 6 signatories requesting Council to revert Kingston Terrace back to 3 hour parking and original (6) 10 hour parks at the top of Kingston Terrace, near the bus stop.

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## RECOMMENDATION:

### THAT COUNCIL

1. Notes the petition containing 6 signatories, distributed as a separate document to Item 8.2 on the Agenda for the meeting of the Council held on 22 October 2019, requesting Council to revert Kingston Terrace back to 3 hour parking and original (6) 10 hour parks at the top of Kingston Terrace, near the bus stop.
-



## IMPLICATIONS AND FINANCIALS:

City of Adelaide 2016-2020 Strategic Plan	Not as a result of this report
Policy	Not as a result of this report
Consultation	Not as a result of this report
Resource	Not as a result of this report
Risk / Legal / Legislative	Petition presented for receipt in accordance with Standing Orders and the <i>Local Government (Procedures at Meetings) Regulations 2013 (SA)</i>
Opportunities	Not as a result of this report
19/20 Budget Allocation	Not as a result of this report
Proposed 20/21 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
19/20 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

## DISCUSSION

1. A petition has been received from Bobbie Lynch on behalf of the residents of Kingston Terrace, North Adelaide requesting Council revert Kingston Terrace back to 3 hour parking and original (6) 10 hour parks at the top of Kingston Terrace, near the bus stop.
2. If a petition is received the Chief Executive Officer must ensure the petition is placed on the agenda for the next ordinary meeting of Council. The original petition will be distributed to the Lord Mayor and Council Members separately. Members of the public may seek a copy of the original petition upon written request to the Chief Executive Officer.
3. To determine that a document presented is a petition pursuant to the *Local Government (Procedures at Meetings) Regulations 2013 (SA)* (the Regulations), the following matters in conjunction with the requirements of the City of Adelaide Standing Orders, are assessed prior to the presentation of a petition to the Council:
  - 3.1. *What is a Petition?*  
A 'petition' is commonly defined as 'a formal document which seeks the taking of specified action by the person or body to whom it is addressed' or 'a written statement setting out facts upon which the petitioner bases a prayer for remedy or relief'.
  - 3.2. *Does the Petition contain original signatures or endorsements, accompanied by an address?*  
A petition being a document of a formal nature must contain original signatures or endorsements (not copies) and those signatures, or endorsements, must be accompanied by an address.
  - 3.3. *Does each page of the Petition identify what the signature is for?*  
Each signature must be on a true page of the petition which sets out the prayer for relief as part of that page - a sheet which contains signatures but not the prayer cannot be accepted as valid as there is no evidence as to what the signatories were attesting to.
  - 3.4. *Language in the Petition?*  
The request must be written in temperate language and not contain material that may, objectively, be regarded as defamatory or offensive in content.
4. To meet the requirements of Regulation 10 of the Regulations a petition must:
  - 4.1. be legibly written or typed or printed
  - 4.2. clearly set out the request or submission of the petitioners
  - 4.3. include the name and address of each person who signed or endorsed the petition
  - 4.4. be addressed to the Council and delivered to the principal office of the Council.
5. The petition lists 9 names with 6 signatories and requests that Council revert Kingston Terrace back to 3 hour parking and original (6) 10 hour parks at the top of Kingston Terrace, near the bus stop.

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## ATTACHMENTS

**Petition** distributed separately to Lord Mayor and Councillors

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- END OF REPORT -

# Recommendations of The Committee - 15/10/2019

**ITEM 9.1** 22/10/2019  
**Council**

**Program Contact:**  
Rudi Deco, Manager Governance  
8203 7422

2018/04062  
Public

**Approving Officer:**  
Mark Goldstone, Chief Executive  
Officer

## EXECUTIVE SUMMARY:

The Committee considered the following Items at its meeting held on 15 October 2019 and resolved to present to Council the following Recommendation for Council determination:

- Item 5.1 – Sports Lighting in Gladys Elphick Park
- Item 5.2 – Assignment of Lease – Treeclimb
- Item 5.3 – West Franklin Stage Three – 52-58 Elizabeth Street Adelaide - Rescind Land Management Agreement
- Item 5.4 – Social & Affordable Housing in the City
- Item 5.5 – Adelaide Park Lands Building Design Guidelines
- Item 5.6 – Chinatown: Lunar New Year Street Party
- Item 5.7 – 2019 LGA Annual General Meeting papers

The Lord Mayor will seek a motion for each of the recommendations presented by The Committee below for determination by Council.

## RECOMMENDATION:

### 1. **Recommendation 1** - Sports Lighting in Gladys Elphick Park

That Council:

1. Approves the South Australian Cricket Association installing sports lighting on the main oval in Gladys Elphick Park/Narnungga (Park 25) as shown in Attachment A to Item 5.1 on the Agenda for the meeting of The Committee held on 15 October 2019, subject to receiving Development Approval.

### 2. **Recommendation 2** - Assignment of Lease – Treeclimb

That Council:

1. Approves the Assignment of Lease from Bounce SA Pty Ltd to TreeClimb SA Pty Ltd for the leased and licensed area in Blue Gum Park / Kurangga (Park 20).
2. Authorises the Chief Executive Officer to execute all documentation to give effect to the Assignment of Lease.
3. Authorises The Lord Mayor and Chief Executive Officer to affix the Common Seal of the Council to the Deed of Assignment and associated documentation.

**3. Recommendation 3 - West Franklin Stage Three – 52-58 Elizabeth Street Adelaide - Rescind Land Management Agreement**

That Council:

1. Approves the rescission of the Land Management Agreement registered over the land contained in Certificates of Title Volume 6195 Folios 470, 471 and Volume 6219 Folio 583.
2. Authorises the Lord Mayor and Chief Executive Officer to execute and attach the Common Seal of Council to relevant documentation to give effect to the rescission of the Land Management Agreement registered over the land contained in Certificates of Title Volume 6195 Folios 470, 471 and Volume 6219 Folio 583.

**4. Recommendation 4 - Social & Affordable Housing in the City**

That Council

1. Approves the undertaking of a scoping exercise to identify the scope, governance, process, timing and budget required to prepare a housing needs assessment followed by a policy position and/or strategy on social and affordable housing in the City of Adelaide, aligning with the approach being adopted by the State Government's Housing, Homelessness and Support Strategy.
2. Approves progressing research investigations, potentially in partnership with the State Government, on new innovative financing and delivery models for social and affordable housing.
3. Approves the Lord Mayor to table the matters contained in this report as an agenda item at the next or a subsequent meeting of the Capital City Committee, to discuss in partnership with the State Government.
4. Approves the Lord Mayor and Chief Executive Officer to table the matters contained in Item 5.4 on the Agenda for the meeting of The Committee held on 15 October 2019, as an agenda item at a future Council of Capital City Lord Mayors (CCCLM) forum.

**5. Recommendation 5 - Adelaide Park Lands Building Design Guidelines**

That Council

1. Notes the Adelaide Park Lands Management Strategy 2015-2025 (APLMS) Strategy 1.4, Action 2. Identifies a *'review [of] ... the Park Lands Building Design Guidelines to optimise design and functional outcomes from Park Lands buildings and structures whilst managing impacts on the Park Lands.'*
2. Approves the draft Adelaide Park Lands Building Design Guidelines for consultation as provided in Attachment A to Item 5.5 on the Agenda for the meeting of The Committee held on 15 October 2019, subject to removal of the word 'contemporary' from Objective 4.1 heading and the first sentence.

**6. Recommendation 6 - Chinatown: Lunar New Year Street Party**

That Council:

1. Notes that \$15,000 has been approved through the Sponsorship program with an additional \$15,000 committed for the 2020 event has been made available through the International program.
2. Approves the provision of a one off grant of up to \$10,000 to engage a third-party event manager who can work with the organising committee to mentor, offer advice and assistance in the planning, delivery and acquittal of the event.
3. Notes this additional support can be absorbed in the current 2019-20 approved budget.

**7. Recommendation 7 - 2019 LGA Annual General Meeting papers**

That Council:

1. Notes the report.
2. Notes that Councillor Dr Donovan is the Council's voting delegate, and Councillor Hyde the deputy voting delegate for the LGA AGM to be held on 31 October 2019.

## DISCUSSION

1. The table below summarises the deliberations of The Committee that resulted in recommendations to Council for Council determination.

The Committee Agenda with reports for the public component of the meeting of The Committee can be viewed [here](#).

The Committee adopted the recommendations as presented in the Committee report under Items 5.1, 5.2, 5.3, 5.4, 5.6 and 5.7, recommendations 1, 2, 3, 4, 6 and 7 for Council determination.
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The Committee adopted a revised recommendation as presented in the Committee report under Item 5.5, recommendation 5 for Council determination.
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## ATTACHMENTS

Nil

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- END OF REPORT -

# Reports from Council Members

**ITEM 11.1** 22/10/2019  
**Council**

2018/04064  
Public

**Program Contact:**  
Rudi Deco, Manager Governance  
8203 7442

**Approving Officer:**  
Mark Goldstone, Chief Executive  
Officer

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## EXECUTIVE SUMMARY:

This report is presented to:

1. Advise Council of Council Member activities and the functions that Council Members have attended on behalf of the Lord Mayor.
2. Provide a summary of Council Members meeting attendance.

Council Members can table reports on activities undertaken on relevant external Boards and Committees where they are representing Council and these reports will be included in the Minutes of the meeting.

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## RECOMMENDATION:

### THAT COUNCIL

1. Notes the Council Member activities and functions attended on behalf of the Lord Mayor (Attachment A to Item 11.1 on the Agenda for the meeting of the Council held on 22 October 2019).
2. Notes the summary of Council Members meeting attendance (Attachment B to Item 11.1 on the Agenda for the meeting of the Council held on 22 October 2019).
3. Notes that reports from Council Members tabled at the meeting of the Council held on 22 October 2019 be included in the Minutes of the meeting.

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## ATTACHMENTS

**Attachment A** – Council Member activities and functions attended on behalf of the Lord Mayor

**Attachment B** – Summary of meeting attendance

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- END OF REPORT -

<b>FUNCTIONS ATTENDED ON BEHALF OF THE LORD MAYOR:</b>			
<b>COUNCIL MEMBER</b>	<b>DATE</b>	<b>EVENT TITLE</b>	<b>EVENT DETAILS</b>
Councillor Robert Simms	19 September 2019	Farewell David Pearson	Attended the event to farewell the Don Dunstan Foundation Executive Director David Pearson
Councillor Arman Abrahamzadeh	21 September 2019	Houndwave	Attended Adelaide's Doggy Day Out and Pooch Friendly Music Festival and participated in the judging and prize giving
Councillor Arman Abrahamzadeh	21 September 2019	Adelaide University Rotaract Club Cultural Night	Provided a welcoming address to attendees of the Cultural Night hosted by Adelaide University Rotaract Club, an annual charity fundraiser in recognition of the UN International Day of Peace
Councillor Arman Abrahamzadeh	16 October 2019	Welcome Chair Professor David Lloyd	Attended the event to welcome the new Chair of the Committee for Adelaide, Professor David Lloyd
Councillor Phillip Martin	30 September 2019	Organ Historical Trust of Australia 42nd Annual National Conference	Spoke at the 42nd annual national conference of the Organ Historical Trust of Australia held this year in Adelaide and the Barossa Valley
Councillor Phillip Martin	1 October 2019	Adelaide Town Hall Community Organ Concert	Spoke at the Community organ concert in the Town Hall to welcome guests and introduce guest organist from NSW Mr Simon Nieminski
Councillor Phillip Martin	3 October 2019	Through the Lens Exhibition	Welcomed attendees to the Exhibition "Through the Lense"
Councillor Franz Knoll	21 September 2019	Moon Lantern Festival and AGM	Attended the Annual General Meeting and Moon Lantern Festival Celebration
Councillor Franz Knoll	4 October 2019	"Odyssey" Hellenic Cultural Festival	Attended the official opening of Adelaide's 14th Hellenic Cultural Festival ~ Odyssey
Councillor Franz Knoll	9 October 2019	Launch of SA International Business Network	Attended the Launch of the South Australia International Business Network
Councillor Helen Donovan	4 October 2019	Tika Tirka	Attended the Tika Tirka student accommodation facility at 85 Gilbert Street
Councillor Helen Donovan	5 October 2019	Opening Ceremony 17th Australian Masters Games	Spoke at the opening ceremony of the 17th Masters Games held in Adelaide from 5-12 October and welcomed participants
<b>COUNCIL MEMBER MEETINGS AND EVENTS ATTENDED :</b>			
<b>COUNCIL MEMBER</b>	<b>DATE</b>	<b>EVENT TITLE</b>	<b>EVENT DETAILS</b>
Councillor Abrahamzadeh	1 October 2019	Golf Croquet Championships	Spoke at the Inaugural Under 21 Golf Croquet Championships, welcoming teams from regional SA as well as interstate.
Councillors Martin, Couros and Knoll	10 and 11 October 2019	Main Street Conference	Attended conference
Councillor Hou	2 October 2019	StudyAdelaide Board Meeting	Attended as Council representative
DLM Abiad	19 September 2019	Adelaide Central Market Authority Board Meeting	Attended as Council representative
DLM Abiad	25 September 2019	Australia Day Council of South Australia Board Meeting	Attended as Council representative
Cllr Knoll	23 September 2019	Rundle Mall Management Authority Board Meetng	Attended as Council representative

## Meeting attendance

	Adelaide Park Lands Authority 19 September 2019	Council 24 September 2019	Council Assessment Panel 30 September 2019	The Committee 1 October 2019	Council 8 October 2019	The Committee 15 October 2019	Meetings held	Meetings attended
Lord Mayor Sandy Verschoor		✓		✓	✓	✓	5	4
Councillor Houssam Abiad		✓					4	1
Councillor Arman Abrahamzadeh		✓		✓	✓	✓	4	4
Councillor Mary Couros		✓		✓	✓	✓	4	4
Councillor Helen Donovan		✓		✓	✓	✓	4	4
Councillor Simon Hou		✓		✓	✓	✓	4	4
Councillor Alex Hyde	✓	✓		✓			5	3
Councillor Jessie Khera		✓		✓	✓	✓	4	4
Councillor Franz Knoll		✓		✓	✓	✓	4	4
Councillor Phillip Martin		✓		✓	✓	✓	4	4
Councillor Anne Moran		✓	✓	✓	✓	✓	5	5
Councillor Robert Simms				✓	✓	✓	4	3
# in Attendance	1	11	1	11	10	10		

Key:

	Apology
	Leave
	Not a Member
	Proxy Member



# Brown Hill and Keswick Creeks Stormwater Board – Annual Report 2018- 19

**ITEM 12.1** 22/10/2019  
**Council**

**Program Contact:**  
Jean-Pierre Koekemoer, AD  
Infrastructure 8203 7251

**Approving Officer:**  
Klinton Devenish, Director Place

2018/02437  
Public

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## EXECUTIVE SUMMARY

The Brown Hill and Keswick Creeks Stormwater Management Board (the Board) was established in February 2018 as a Regional Subsidiary, pursuant to the Local Government Act (SA). The City of Adelaide is a Constituent Council of the Regional Subsidiary.

The purpose of the Board includes implementing a Stormwater Management Plan (SMP) to mitigate stormwater flooding issues in the Brown Hill and Keswick Creeks catchment (which includes South Park Lands Creek).

The Board's Annual Report 2018-19, is provided as **Attachment A**.

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## RECOMMENDATION

### THAT COUNCIL

1. Receives the Brown Hill and Keswick Creeks Stormwater Board's Annual Report for the 2018-19 financial year, provided as Attachment A to Item 12.1 on the Agenda for the meeting of the Council held on 22 October 2019.
-

## IMPLICATIONS AND FINANCIALS

City of Adelaide 2016-2020 Strategic Plan	<b>Strategic Alignment – Green</b> Improve the ecological value of watercourses and biodiversity in the Park Land
Policy	In accordance with its Charter, the Brown Hill and Keswick Creeks Stormwater Board must submit to Council an Annual Report on its work and operations during the preceding financial year.
Consultation	Not as a result of this report
Resource	Not as a result of this report
Risk / Legal / Legislative	In preparing and providing its Annual Report, the Board meets its obligation as set out in its Charter.
Opportunities	For Council to be informed about the activities of the Brown Hill and Keswick Creeks Stormwater Board.
19/20 Budget Allocation	Not as a result of this report
Proposed 20/21 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
19/20 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

## DISCUSSION

1. The Brown Hill Keswick Creek (BHKC) Stormwater Project is a collaborative effort by the five (5) constituent councils of Adelaide, Burnside, Mitcham, Unley and West Torrens, to mitigate significant flood risks and assist in safeguarding properties across the catchment of the Brown Hill and Keswick Creeks.
  2. In order to manage the catchment, the Constituent Councils adopted the 2016 Stormwater Management Plan (the Plan) for the four (4) major water- courses of Brown Hill, Keswick, Glen Osmond and Parklands Creeks. The primary objective of the Plan is to mitigate the risk and reduce the impact of major flooding on properties within the BHKC catchment.
  3. To coordinate the implementation of the Plan, the Constituent Councils endorsed a draft BHKC Regional Subsidiary Charter, subsequently submitted to the Honourable Geoff Brock, Minister for Local Government. The Charter was approved by the Minister and listed within the Government Gazette on February 27, 2018. The Regional Subsidiary came into existence as of that date, pursuant to s43 of the Local Government Act 1999 (the Act), to be governed by a Board (the Board) ([Link 1](#)).
  4. In accordance with the Charter, the Regional Subsidiary must submit an annual report including on all works and operations and including the audited financial statements, to each Constituent Council before 30 September of the subsequent Financial Year.
  5. The Regional Subsidiary's Annual Report for 2018-19 is provided as Attachment A to Item 12.1 on the Agenda for the meeting of the Council held on 22 October 2019.
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## ATTACHMENTS

**Attachment A** – Brown Hill and Keswick Creeks Stormwater Board – Annual Report 2018-19

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- END OF REPORT -

# Brown Hill Keswick Creek

## STORMWATER PROJECT



# Annual Report 2018/19

Brown Hill and Keswick Creeks Stormwater Board

FOR THE CITIES OF ADELAIDE, BURNSIDE, MITCHAM, UNLEY AND WEST TORRENS





Item 12.1 - Attachment A

# Annual Report 2018/19

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# 1. Introduction

The Brown Hill Keswick Creek ('BHKC') Stormwater Project (the 'Project') is a collaborative undertaking between the Cities of Adelaide, Burnside, Mitcham, Unley and West Torrens (the 'Constituent Councils').

Brown Hill, Keswick, Glen Osmond and Park Lands Creeks are important drainage watercourses in metropolitan Adelaide. The creeks have a low standard of flood protection resulting in a history of flooding. Their combined catchment is predominantly contained within the Local Government area of the five Constituent Councils, which are home to more than 200,000 residents. The Project is designed to mitigate serious flood risks and help safeguard properties across the catchment through the implementation of a stormwater management plan ('SMP') that was approved and gazetted in February 2017.

The SMP satisfies best practice outcomes for stormwater management as set out in the Stormwater Management Planning Guidelines of the Stormwater Management Authority ('SMA').

The scope and complexity of the Project are such that it could only be delivered effectively and efficiently by the five catchment Councils working collaboratively through a single entity. The Councils have therefore established the Brown Hill and Keswick Creeks Stormwater Board (the 'Board') as a regional subsidiary under the Local Government Act to co-ordinate implementation of the SMP.

## 2. Chairperson's Report

This is the second annual report of the Brown Hill and Keswick Creeks Stormwater Management Board, a regional subsidiary established in February 2018 pursuant to the Local Government Act (SA).

The report in respect of the period from the appointment of the current directors in August 2018 until the appointment of the current Project Director in January 2019 reflects the focus of the Board on a variety of establishment-related matters, including the constitution of an Audit and Risk Committee, engagement of bookkeeping, accounting services and corporate secretarial services, appointment of an auditor, establishment of bank facilities, tax and other regulatory registrations and the recruitment of a permanent Project Director.

The balance of the report addresses the considerable progress achieved to date in implementing the Stormwater Management Plan. A notable achievement was the completion of the Hawthorn Reserve project, delivered by the City of Mitcham in conjunction with the Mitcham Library upgrade and officially opened on 9 May 2019. Much of the success in this regard can be attributed to the strong support of stakeholders, including the Stormwater Management Authority (SMA) and the five constituent Councils, their staff and their CEOs in particular. The works undertaken to date form a solid foundation for progress in the coming year.

It is my pleasure as Chair of the Board to deliver the 2019 Annual Report.

**Judith Choate**  
Chairperson

September 2019



## 3. Organisation Framework

### 3.1 History – Joint Arrangement Phase

From its inception in 2007 until February 2018, the project was conducted as a joint arrangement between the Constituent Councils in accordance with a Memorandum of Agreement dated December 2008.

The Memorandum of Agreement included the following principal objectives and provisions:

- The Councils would establish a regional subsidiary in terms consistent with principles for stormwater management including implementation of works and services of the relevant SMP.
- The Councils would work collaboratively through a steering group, comprising chief executives or their delegate, with the power to employ a Project Director, engage expert advice and establish a technical support group (along with other provisions).
- The City of Unley (as 'host' Council) would provide for the administrative functions of the project, including entering into agreements with third parties, holding moneys, keeping financial and other records, and employing support staff.

During the joint arrangement phase the SMP was developed as a collaborative effort leading to its subsequent approval by the SMA and gazettal of its adoption in February 2017. Certain investigations and works of the SMP were also delivered during the joint arrangement phase, as detailed further in Section 5.2 – Capital Works.

### 3.2 Regional Subsidiary

A condition of the SMA approving the SMP was that a Regional Subsidiary be established within 12 months to implement the SMP and manage its works and other measures on behalf of the Constituent Councils. The Regional Subsidiary, known as 'The Brown Hill and Keswick Creeks Stormwater Board' (the 'Board') was established in February 2018 pursuant to Section 43 of and Schedule 2 to the Local Government Act 1999. The Board is governed by the Charter prepared by the five Constituent Councils and subsequently approved by the Minister for Local Government.

### 3.3 Charter

The Charter governs the affairs of the Board by setting out its purpose, function and powers, including governance provisions of Schedule 2 of the Local Government Act. It also provides the Constituent Councils with a legally enforceable agreement specifying their rights and obligations in achieving common interests.

Section 4.1 of the Charter sets out the purposes of the Regional Subsidiary, as follows:

- 4.1.1 to implement or oversee the construction of stormwater infrastructure for the purposes of the implementation of the Plan - subject to first obtaining the approval of the relevant Constituent Council(s) and, if necessary, the consent of the Storm Water Management Authority, in respect of any material change in the design or the cost of any works of implementation;
- 4.1.2 to oversee the maintenance and repair and/or renewal of stormwater infrastructure established through the implementation of the Plan;
- 4.1.3 to oversee the implementation of associated, adjacent and/or related infrastructure works or measures on behalf of a Constituent Council at the cost of the Constituent Council;
- 4.1.4 to hold stormwater infrastructure constructed in the implementation of the Plan on behalf of the Constituent Councils as agreed from time to time by resolution of the Constituent Councils;
- 4.1.5 to implement such other non-infrastructure measures as set out in the Plan or approved by the Constituent Councils or as determined by the Board to be necessary or convenient for or incidental to the implementation of the Plan;
- 4.1.6 to provide a forum for the discussion and consideration of the Constituent Councils' obligations and responsibilities under the Plan;
- 4.1.7 to enter into agreements with Constituent Councils for the purpose of managing the Plan;
- 4.1.8 to co-operate insofar as it is reasonably practicable with the Natural Resource Management Board in the performance of its functions under the Natural Resources Management Act 2004 and otherwise with any other agency or instrumentality of the State, any body corporate and/or natural person including but not limited to landholders; and
- 4.1.9 to exercise other powers and functions as the Board considers necessary or convenient for or incidental to the purposes for which the Regional Subsidiary has been established.

## 3.4 Legislation

Legislation relating to stormwater management and the powers and responsibilities of interested parties are contained in the Local Government (Stormwater Management Agreement) Amendment Act 2016, Schedule 1A of the Local Government Act 1999 and the Natural Resources Management Act 2004.

The SMA was established pursuant to the Local Government (Stormwater Management) Amendment Act 2007, with reference to the Stormwater Management Agreement between the State Government and the Local Government Association. The Stormwater Management Agreement (originally of 2006) was revised in 2013 and the Act was subsequently amended in 2016.

Functions of the SMA include the facilitation and coordination of stormwater management planning by councils involving production of stormwater management plans and administration of the Stormwater Management Fund. The fund provides assistance to Local Government organisations for stormwater management planning and works, including the Project.

The Board was established as a Regional Subsidiary pursuant to Section 43 of and Schedule 2 to the Local Government Act 1999. Section 43 allows two or more councils to form a separately incorporated entity ('Regional Subsidiary') to provide specified services and/or activities, subject to obtaining Ministerial approval. The provisions relevant to a Regional Subsidiary are set out in Schedule 2 to the Act.

## 3.5 The Board

The Board is responsible for the administration of the affairs of the Regional Subsidiary. It is responsible for ensuring 'the Regional Subsidiary observes the objectives set out in the Charter, that information provided to the Constituent Councils is accurate and that Constituent Councils are kept informed of the solvency of the Regional Subsidiary as well as any material developments which may affect the operating capacity and financial affairs of the Regional Subsidiary'.

The Board comprises five members appointed for a three-year term, excepting that the first appointments were made on a differential basis – two members for three years, two members for two years and one member for one year. Elected Members and officers of the Constituent Councils are precluded from board membership.

Board Members were appointed following recommendations made by a Nominations Committee, as defined in the Charter. The process required appointment of persons with demonstrable skills relevant to the purpose of the Regional Subsidiary, particularly in respect of corporate financial management, corporate governance, project management, general management, engineering, economics or environmental management. The Chairperson is determined by the Board and is appointed for a term of 1 year. The inaugural Board of the Regional Subsidiary was appointed on 3 August 2018:

- Geoff Vogt                      1-year term expiring 2 August 2019
- Paul Bowler                     2-year term expiring 2 August 2020
- Rachel Barratt                 2-year term expiring 2 August 2020
- Judith Choate                 3-year term expiring 2 August 2021
- Paul Gelston                    3-year term expiring 2 August 2021

Prior to appointment of the current Board, the Owners Executive Group, as detailed in Section 3.7, acted as an interim board.

## 3.6 Audit and Risk Committee

An Audit and Risk Committee was formed by resolution of the Board on 9 August 2018. Board Members Geoff Vogt, Rachel Barratt and Paul Gelston were appointed to the committee by resolution of the Board on 16 August 2018 with the Charter requiring in Section 9.6 (a) that the Chairperson of the Board also 'serve as Chair of all committees established by the Board'. The first meeting of the Audit and Risk Committee was held on 27 August 2018.

On 18 October 2018, the Board resolved that 'the Board appoint to the Audit and Risk Committee an independent person whose financial qualifications are endorsed by the Councils, and who is to be paid an amount equivalent to that of independent members of other Local Government subsidiary Audit Committees'. The Board subsequently resolved on 15 November 2018 to appoint Justin Humphrey of Grant Thornton as the independent member of the Audit and Risk Committee.

## 3.7 Owners Executive Group

The Owners Executive Group, previously known as the Project Steering Group, consists of a representative from each of the Constituent Councils. Membership is currently:

- City of Adelaide                      Klinton Devenish, Executive Manager
- City of Burnside                      Barry Cant, Acting Chief Executive
- City of Mitcham                      Matt Pears, Chief Executive
- City of Unley                      Peter Tsokas, Chief Executive
- City of West Torrens                      Terry Buss, Chief Executive

Meetings between the Board and the Owners Executive Group are scheduled quarterly. Prior to appointment of the Board on 3 August 2018, the Owners Executive Group also acted as an Interim Board.

## 4. Project Schedule

The main objective of the SMP is to “mitigate the risk and reduce the impact of major flooding from the four major watercourses on properties within the BHKC catchment, up to and including a 100-year average recurrence interval (ARI) flood. A 100-year ARI flood is also referred to as a 1 in 100-year event and has a 1% chance of occurring in any given year. Other objectives are concerned with quality of runoff and effect on receiving waters, beneficial reuse of stormwater and effective complementary planning requirements”.

The capital works program specified within the SMP is broadly outlined as follows, with detail relating to the current status of projects provided.

PROJECT NAME	2016 SMP BUDGET	STATUS
<b>Ridge Park Detention Dam</b>	\$2,800,000	Complete
<b>BHC Diversion Culvert by DPTI</b>	\$5,000,000	Complete
<b>South Park Lands</b>		
- Victoria Park	\$11,565,731	In Progress
- Park 20	\$2,300,948	In Progress
- Glenside	\$3,491,319	In Progress
<b>Lower Brown Hill Creek Capacity Upgrades</b>		
Watson Avenue to Marion Road		
- Land Acquisition	\$1,511,328	Pending
- Watson Ave - Marion Road Upgrade	\$4,971,382	Pending

PROJECT NAME	2016 SMP BUDGET	STATUS
- Watson Ave Brige Replacement	\$1,649,781	Pending
- Harvey Rd Bridge Replacement	\$1,459,980	Pending
Marion Road Bridge		
- Marion Rd Bridge Replacement	\$4,600,555	Pending
Marion Road to Birdwood Terrace		
- Land Acquisition	\$1,735,901	Pending
- Birdwood Tce - Marion Rd Upgrade	\$8,218,666	Pending
Birdwood Terrace to South Road		
- Land Acquisition	\$617,432	Pending
- Grassmere Res - Birdwood Tce Upgrade	\$3,225,360	Pending
- Daly Rd Bridge Replacement	\$1,583,447	Pending
- South Rd - Grassmere Res Upgrade	\$2,436,282	Pending
Anzac Highway to South Road Upgrade		
- Land Acquisition	\$1,433,013	Pending
- Anzac Hwy - South Rd Upgrade	\$4,109,527	Pending
- Farnham Rd Bridge Addition	\$1,517,542	Pending
<b>Flow Diversions</b>		
- Section 1 - Le Hunte Barracks	\$21,684,746	Pending
- Section 2 - Barracks	\$6,041,679	Pending
- Section 3 - Anzac Hwy	\$15,352,672	Pending
<b>Upper Brown Hill Creek - Area 1</b>		
- Creek Works & Easements	\$5,164,557	In Progress
- Bridge Upgrades	\$2,835,443	Pending
<b>Upper Brown Hill Creek - Hawthorn Reserve</b>	\$1,500,000	In Progress
<b>Upper Brown Hill Creek (excl. Area 1)</b>		
- Creek Works - Area 5a	\$1,514,218	Pending
- Creek Works - Areas 5B and 6	\$3,230,332	Pending
- Creek Works - Areas 2, 3 & Orphanage Pk	\$6,258,768	Pending
- Bridge Upgrades (excl Area 1)	\$5,754,028	Pending
- Creek Rehabilitation	\$1,817,062	Pending
- Easements	\$2,725,592	Pending
<b>Glen Osmond Creek Minor Upgrade Works</b>	\$800,000	Pending
<b>Water Quality Works (GPTs)</b>	\$1,000,000	Pending

The cost of delivering the capital works program was estimated at approximately \$140m in 2015/16.

An Indicative 20 Year Works Schedule detailing the estimated timing for delivery of all infrastructure projects associated with the SMP is attached herewith and marked **Appendix 1**.

## 5. 2018/19 Achievements

### 5.1 Operational

Many key operational milestones have been achieved in the reporting period including:

#### The Board

Appointment of the Board Members took effect on 3 August 2018 following recommendation by the Nominations Committee.

In the 2018/19 reporting period, meetings of the Board were attended as follows:

Meeting Date	Board Members				
	Geoff Vogt	Judith Choate	Paul Bowler	Paul Gelston	Rachel Barratt
3 August 2018	✓	✓	✓	✓	✓
9 August 2018	✓	✓	✓	✓	✓
16 August 2018	✓	✓	✓	✓	✓
20 September 2018	✓	✓	✓		✓
18 October 2018	✓	✓	✓	✓	✓
15 November 2018	✓	✓	✓	✓	✓
12 December 2018	✓	✓	✓	✓	✓
16 January 2019	✓	✓	✓	✓	✓
21 February 2019	✓		✓	✓	✓
21 March 2019	✓	✓	✓	✓	✓
16 May 2019	✓	✓	✓	✓	
20 June 2019	✓	✓	✓	✓	✓



## Audit and Risk Committee

Establishment of the Audit and Risk Committee took effect on 9 August 2018 with the first meeting of the Committee held on 27 August 2018 and appointment of an independent Committee Member made on 15 November 2018.

In the 2018/19 reporting period, meetings of the Audit and Risk committee were attended as follows:

Meeting Date	ARC Members				
	Geoff Vogt	Judith Choate	Justin Humphrey	Paul Gelston	Rachel Barratt
27 August 2018	✓	✓	N/A	✓	✓
11 February 2019	✓	✓	✓	✓	✓
16 April 2019	✓	✓	✓	✓	✓
13 June 2019	✓	✓	✓	✓	

## Business Plan

A Business Plan covering the four-year period from 2018/19 to 2021/22 was prepared and adopted by the Board in August 2018.

## Accountants and Auditors

Appointments of William Buck as accountants and Galpins as auditors to the Regional Subsidiary were made by resolution of the Board on 20 September 2018.

## Project Director

Peta Mantzarapis was appointed as Project Director commencing 14 January 2019 with the role of Executive Officer transferring from Michael Salkeld to Peta by resolution of the Board on 16 January 2019.

## Schedule of Works

Scheduling of individual project works has been established over the life of the Project and both short-term and long-term financial planning has been considered with reference to the expected delivery schedule.



## Finance Systems

Finance systems have now been established separately from the City of Unley and a reconciliation process has been completed to balance any funds owing to the City of Unley. Xero is being used as the Board's financial management system.

## 2019/20 Budget

The 2019/20 budget has been finalised and provided to all Constituent Councils in a format consistent with that of the Model Financial Statements. Formats have also been established to comply with the reporting requirements in accordance with Regulations 9 and 10 of the Local Government (Financial Management) Regulations 2011.

## Policies and Procedures

Development of policies and procedures has been a key focus of the Audit and Risk Committee and the following policies have now been adopted by the Board:

- Media Engagement Policy
- Procurement Policy and associated forms
- Invoice Payment Policy
- Credit Card Policy
- Expense Approval and Reimbursement Policy
- Decision Making Framework for Discretionary Projects
- Public Consultation Policy
- Work Health and Safety

In addition, policies currently in progress include – Prudential Management, Terms of Reference for Technical Assessment Panel and Financial Delegations.

## Technical Staff & Finance Staff – Constituent Councils

A meeting of the Project Director and technical staff of the Constituent Councils occurred on 5 May 2019 with discussion points including timing of projects, project budgets, initiation of project works, responsibility for delivery, suppliers and the Technical Assessment Group.

A meeting of the Project Director and finance staff of the Constituent Councils occurred on 28 May 2019 with discussion points including timing of projects, project budgets, finance requirements in accordance with Regs 9 and 10, timing and content of finance reports, ownership and control of assets.

## Operational Matters

Various operational matters have been attended to and are now functioning efficiently including IT arrangements, banking systems, establishment of a postal address and a meeting venue separate from the City of Unley.

## Workshop

A workshop attended by the Board, Project Director, Owners Executive Group, technical and finance staff of the Constituent Councils was held on 20 June 2019 to discuss the ownership and control of assets. This workshop was useful in establishing a position regarding the responsibilities for delivering project works, responsibility for ongoing care and control of assets, insurance implications, financial and accounting implications.

## Reporting Requirements

The Local Government Act 1999 along with the Charter of the Board prescribe various reporting requirements with which the Board must comply. These requirements include but are not limited to:

- Maintenance of a register of Board motions and instances where the Common Seal has been affixed.
- A Key Outcomes Summary to be provided to the Constituent Councils within two weeks following each ordinary meeting of the Board.
- Budget to be prepared for the next financial year. The Budget must be adopted by the Board after 31 May but before 30 June each year and must be provided to each Constituent Council within five business days after adoption.
- Reports in accordance with Regulations 9 and 10 of the Local Government (Financial Management) Regulations 2011.
- Audited financial statements to be provided to the Chief Executive Officer of each Constituent Council before 30 September of the subsequent financial year.
- Annual report including the audited financial statements to be submitted to each Constituent Council before 30 September of the subsequent financial year.
- Business Plan to be prepared in respect of the ensuing four years and to be updated each year.
- Long-Term Financial Plan to be prepared and reviewed within 6 months of the adoption or update of the Business Plan and, in any event, to be reviewed every four years.
- Asset and Infrastructure Management Plan to be prepared and reviewed at any time and, in any event, to be reviewed every four years.

Systems and processes have been established to ensure compliance with the reporting requirements of the Regional Subsidiary.

## Stormwater Management Authority

The Board has committed to ensuring a successful relationship is maintained with the Stormwater Management Authority (SMA). In this regard, Chairperson Judith Choate, Board Member Geoff Vogt and Project Director Peta Mantzarapis met with the Chairperson of the SMA Steven Haines and the General Manager David Trebilcock on 24 January 2019. Peta Mantzarapis subsequently met with David Trebilcock on 28 March 2019 and is in regular contact to discuss timing and status of project works along with funding requirements.

The SMA have provided confirmation that the required funding as set out in the Board's 10-year financial plan will be available. Further, the SMA have advised that any funding provided in the lead-up to the approval of the SMP would not be considered part of the \$70m funding commitment unless it relates to works that are very clearly capital projects defined in the SMP. As such, of the available \$70m, the following funds have been provided by the SMA to 30 June 2019:

- |  |              |
|--|--------------|
| • Brown Hill Creek Diversion Culvert (delivered by DPTI) | \$2,500,000  |
| • Victoria Park project works                            | \$35,566     |
| • Remaining funds available                              | \$67,464,434 |

A process for claiming funds from the SMA has been established in consultation with David Trebilcock with funds being provided biannually in arrears.

## 5.2 Capital Works

As previously set out herein, projects completed prior to the 2018/19 financial year include the Ridge Park Detention Dam and the Brown Hill Creek Diversion Culvert.

Project works progressed during the current 2018/19 reporting period include:

### Upper Brown Hill Creek - Hawthorn Reserve

The Hawthorn Reserve project involved creek widening and upgrade works and was delivered by the City of Mitcham in conjunction with the Mitcham Library upgrade. Construction works were completed in early May and the creek works were officially opened on May 9th.



Completed  
Creek  
Works



An invoice has been submitted by City of Mitcham covering the majority of the cost with a smaller amount held over to July to allow final reconciliation of expenses. Property acquisitions and associated land transfers will be completed in the coming months.



## South Park Lands

Victoria Park/ Pakapakanthi (Park 16) and Blue Gum Park/ Kurangga (Park 20)



*Artist's impression of the wetland*

The South Park Lands project involves construction of a wetland at the southern end of Victoria Park/ Pakapakanthi (Park 16) and creek works within Blue Gum Park/ Kurangga (Park 20). A concept design has been prepared by Tonkin and public consultation on the concept commenced on 4th of June 2019 and ended on 5th of July. The consultation process included direct engagement with key stakeholders along with an advert in the City Messenger and signage erected on both sites.



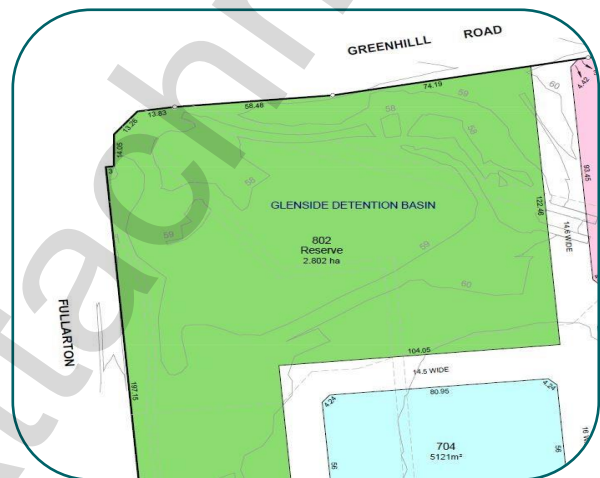
Next steps include finalisation of and addressing the consultation outcomes, final revision of concept designs, Adelaide Park Lands Authority and City of Adelaide review process, lodgement of the Environment Protection and Biodiversity Conservation Act referral and commencement of the Development Application process. Preparation of final design drawings and tender documentation will be undertaken concurrently with the Development Application process.

## Glenside

This project involves enlargement of an existing detention basin from a capacity of 18ML to 37ML, to limit flow to the existing capacity of the culvert under the Fullarton and Greenhill Roads intersection. The detention basin, together with other works in the South Park Lands is intended to reduce the peak stormwater flows along Park Lands Creek and further downstream.

The Glenside site is being developed by Cedar Woods and Stage 2 bulk earthworks are currently being designed. Excavation of approximately 25,000m<sup>3</sup> of material will be required to form the detention basin in addition to providing primary water quality treatment via new large gross pollutant traps. The works will include a slight re-alignment of the existing twin 1950mm stormwater pipes to suit the layout of the development.

The infrastructure is currently being designed and Cedar Woods is liaising with the City of Burnside for necessary approvals. A design report will be produced and will be issued to Council.



## Upper Brown Hill Creek – Area 1 (Everard Park)

This project involves installation of a covered culvert along the length of the creek from Anzac Highway to Third Avenue. The creek is privately owned by a single owner on the northern side (Arcadian development site) and 8 owners on the southern side. The land required from the Arcadian site is to be vested in Council's ownership and will contribute toward the open space requirements of the development. Assessments of compensation have been prepared and offers of compensation have been made to the 8 owners at the southern side. Negotiations are underway with these owners.



50% design and documentation has been completed and a quotation has been sought for the detailed design works and tender documentation. Next steps include acquisition of the required land, EPA and NRMB referrals, arboreal assessment and development application for removal of trees.

*Artist's impression of the proposed shared use path*

Beyond these current projects and in accordance with the Indicative 20 Year Works Schedule attached hereto as **Appendix 1**, the works scheduled to be completed in the coming 5-year period all form part of the Lower Brown Hill Creek Capacity Upgrades. Close liaison with City of West Torrens will therefore be required.

## 5.3 Media Exposure & Community Engagement

Media exposure during the 2018/19 reporting period included:

- Adelaide Advertiser article on 14 January 2019 regarding a River Red Gum considered to be at risk due to the Project. The project always intends to retain trees where possible and there is currently no indication that this significant tree is at risk. This has been communicated to Councillor Wright.
- Adelaide Advertiser article on 25 February 2019 regarding a destroyed garden at Hawthorn Reserve. The Hawthorn Reserve works were delivered by City of Mitcham and a council representative contacted Mr Wilson to apologise for the removal of the garden as part of the creek works.
- Westside Weekly Messenger article on 10 April 2019 regarding City of West Torrens wish-list for federal funding, including a call for funding toward the Project.
- Hawthorn Reserve – the official opening of the creek works was held onsite on 9 May 2019. In addition, Outside Ideas shared updates on the project works via their social media and a project update was shared on the City of Mitcham website in January 2019.
- The Mitcham Library and Brown Hill Creek Redevelopment Project was presented with the Institute of Public Works Engineering 2019 Excellence Award in the category of “Excellence in Design and/ or Construction of a Public Works Environmental Enhancement Project” in June 2019.
- A public consultation process was undertaken for the South Park Lands projects commencing 4 June 2019. Media exposure generated during the consultation period included:
  - The Advertiser print article
  - AdelaideNow online article
  - FIVEaa interview with Lord Mayor
  - Hit107 news update
  - Glam Adelaide online article
- Engagement with 9 adjoining land owners directly affected by the Upper Brown Hill Creek – Area 1 (Everard Park/ Forestville) works has occurred over recent months.

A copy of articles that have appeared in the media are included herewith and marked **Appendix 2**.



## 6. Operating and Capital Contributions

A funding model has been established to enable determination of invoices required and to capture accurate detail relating to where the funds are going.

Operational expenditure is fully funded by Constituent Councils and is invoiced biannually in advance. Each Council contributes a 20% share of the required budget.

Capital expenditure is funded equally between the Constituent Councils and the SMA. Of the 50% funded by the Constituent Councils, the percentage share is as follows:

- City of Adelaide 8%
- City of Burnside 12%
- City of Mitcham 10%
- City of Unley 21%
- City of West Torrens 49%

Invoices are issued to the Constituent Councils biannually in advance while invoices are issued to the SMA biannually in arrears. Given the SMA contribution is made in arrears, a level of capital beyond the required budget is maintained for cash flow purposes.

## 7. Audited Financial Statements

The 2018/19 financial statements have been audited by Galpins and are attached as **Appendix 3**.

# APPENDIX 1

## Indicative 20 Year Works Schedule

**Brown Hill Keswick Creeks Stormwater Board**  
Indicative 20 Year Works Schedule



	2016 SMP Budget	Year 4 19/20				Year 5 20/21				Year 6 21/22				Year 7 22/23				Year 8 23/24				Year 9 24/25				Year 10 25/26				Year 11 26/27			
		Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Ridge Park Detention Dam	\$2,800,000																																
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Creek Works & Easements	\$5,164,557																																
Bridge Upgrades	\$2,835,443																																
<u>Upper Brown Hill Creek - Hawthorn Reserve</u>	\$1,500,000																																
<u>Upper Brown Hill Creek (excl. Area 1)</u>																																	
Creek Works - Area 5a	\$1,514,218																																
Creek Works - Areas 5B and 6	\$3,230,332																																
Creek Works - Areas 2, 3 & Orphanage Pk	\$6,258,768																																
Bridge Upgrades (excl Area 1)	\$5,754,028																																
Creek Rehabilitation	\$1,817,062																																
Easements	\$2,725,592																																
<u>Glen Osmond Creek Minor Upgrade Works</u>	\$800,000																																
<u>Water Quality Works (GPTs)</u>	\$1,000,000																																



## APPENDIX 2

### Media Articles

# Fears 800-year-old tree could be axed for stormwater project

CRAIG COOK  
URBAN AFFAIRS

FORESTVILLE residents are again rallying to protect a spectacular river red gum – believed to be the oldest in the Unley district.

They fear the tree on Wilberforce Walk, which is estimated to be up to 800 years old, will be axed as part of upcoming work to floodproof Brownhill Creek.

Residents first raised concerns over the tree's future in 2015, and again highlighted the issue to newly elected Unley councillor Emma Wright while she was on the campaign trail in the lead-up to November's local government elections.

"We often walk through the area on the way to the playground so we see it all the time," said Cr Wright, a mother of two young boys.

"People have had paintings done of the tree that have pride of place in their homes. They are very passionate about it.

"Residents rightly want to know what's happening with the Brownhill Creek stormwater project and if the tree will be affected."

As well as being possibly the oldest tree in the district, with a 7m trunk circumference, it is also one of the largest.

A 2014 report by arborist Dean Nicolle – completed at the request of the Brownhill Creek Forestville community group – said the tree was "highly worthy of retention".

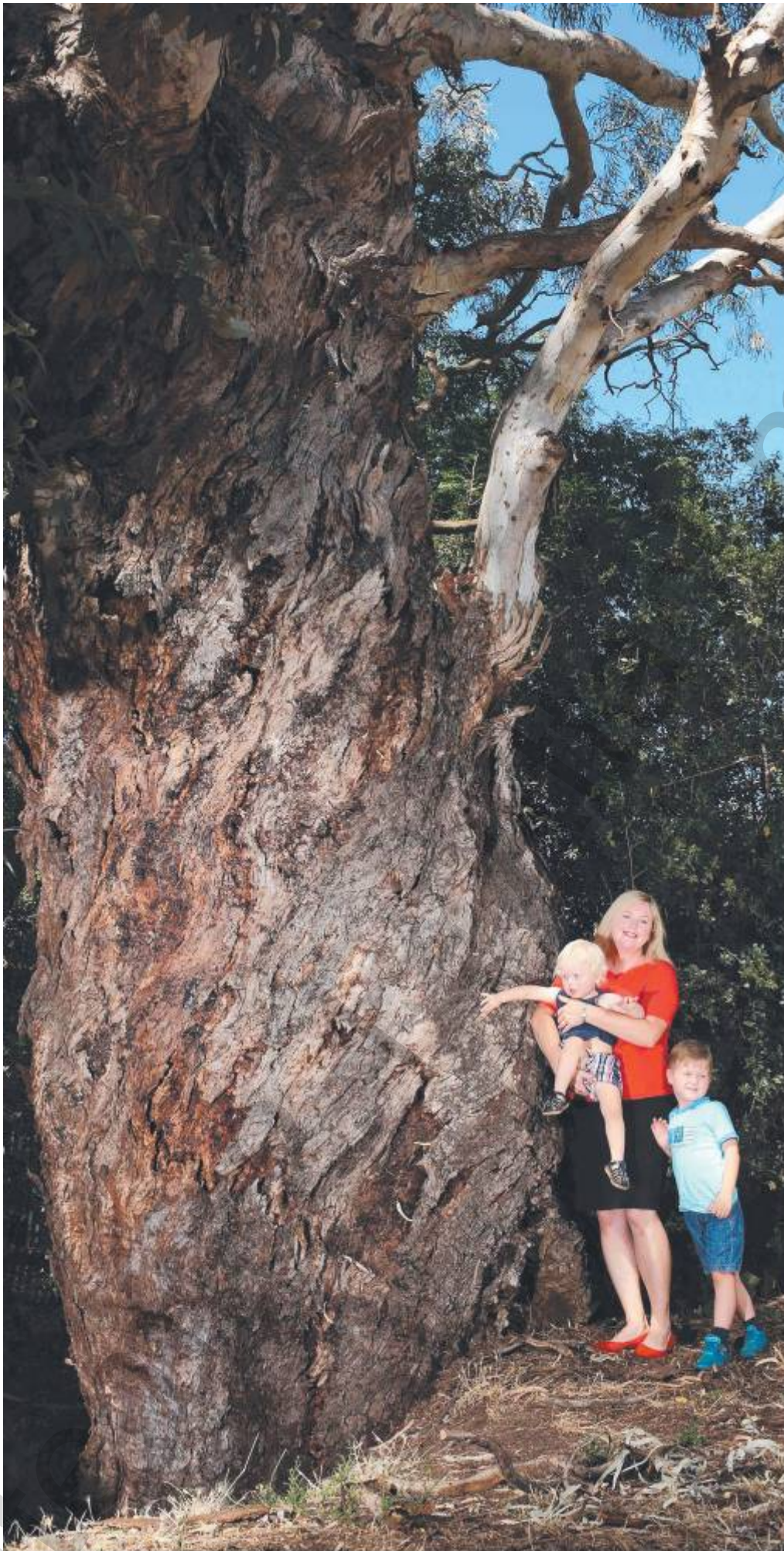
Despite evident and extensive termite activity, Mr Nicolle stated the tree was in "a good and stable state of health".

He added there was an extremely low likelihood of structural failure and the risk to public safety was "low and acceptable".

Cr Wright said she would seek further information from council staff about the tree's future at an elected member's briefing session – on a date yet to be announced – but had already put her stake in the ground.

"If it comes to the crunch, I'll be kicking up a bit of a stink," she said.





ment A

BEHEMOTH: Unley councillor Emma Wright and sons Oliver, 5, and Jack, 2, marvel at the massive river red gum at Forestville. Picture: EMMA BRASIER/AAP

Item 12.1 - Attachment A





## 'Massive dummy spit' over destroyed garden

A FORMER Mitcham councillor and Citizen of the Year has lashed out at council staff who he says destroyed a volunteer-planted garden along Brownhill Creek that took years to construct.

John Wilson said he spent his own money on the project, including on an irrigation system which had been torn apart during work to flood-proof the creek.

"I did a total dummy-spit when I saw the damage done to work done by volunteers,"

he said. "What is so annoying is just the sheer stupidity of it."

Named Mitcham's Citizen of the Year in 2013 for his work on flood mitigation at Brownhill Creek, Mr Wilson said the plants and equipment should

have been "salvaged".

In an email to Mr Wilson, Mitcham strategic projects engineer Rick Hennig apologised "for any communication short-falls" and promised more extensive irrigation in the area when works are complete.





# Council unveils election wish list

## **POLITICS**

### **Anthony Johnson**

SEVEN capital projects have been targeted for federal funding by West Torrens Council ahead of the May election.

But two of these – women's football changerooms at Richmond Oval and flood mitigation via the Brownhill Keswick Creek Stormwater

Project – are particularly close the heart of West Torrens Mayor Michael Coxon.

"I am extremely passionate about creating safe and healthy communities and these projects need federal funding to help them to become reality," Mr Coxon said.

He said that given the "meteoric rise in the popularity" of women's football, it was necessary to build suitable changeroom facilities through an \$850,000 federal grant. "Richmond Oval is one of the top 10 AFL playing surfaces in the nation," he said.

"The ground is outstanding and council's investment in lighting for night games has been a huge success. With the development of the new facili-

ties, Richmond Oval will become the centre of women's football in the west."

For the \$140 million five-council Brownhill Keswick

Creek flood mitigation project, Mr Coxon would like to see a \$50 million federal contribution which would allow the project to be delivered in five years instead of 20 years under the current plan.

West Torrens, the council zone lowest downstream and most at risk, has to pay the lion's share – 49 per cent – of the local government cost, with the State Government chipping in \$70 million. "Federal

assistance would be very welcome as it will allow us to protect more than 200,000 residents likely to be affected by a one-in-100-year flood event," Mr Coxon said.

The early phases of Kings Reserve/Thebarton Oval upgrade will require \$2.6 million.

Stage One has started with the completion of a wetland and water harvesting, while the Torrensville Bowling Club upgrade should be finished by

mid-year. A new playground and revamp to the skate park should start in 2020.

The council hopes to complete a \$7.8 million makeover of Thebarton Theatre before its centenary in 2028. "The idea is to allow it to compete with other theatres like the Entertainment Centre but this would need a significant contribution from the federal government," the council's chief, Terry Buss, said.



outsideideas • Following  
Mitcham Library



outsideideas If there's one thing a dry summer is good for it's working in a creek. The guys are making the most of the weather, widening and realigning 370 metres of Brownhill Creek at the new Mitcham Memorial Library #landscaping #outsideideas #civil #construction

25w



130 likes

FEBRUARY 1

Add a comment...

Post

permission.







51



outsideideas • Following

Mitcham Library



outsideideas We have been busy building our own gabions at Brownhill Creek. Over the past four months, we have changed the alignment and widened 370 metres of creek as part of the new Mitcham Memorial Library project #outsideideas #civil #gabions #landscaping

14w



alicepotteralice 🍷



14w Reply



jsform Neat work 🍷



14w Reply



josephinecropper Stunning!



174 likes

APRIL 13

Add comment...

Post



## WIDENING AND UPGRADING OF THE BROWN HILL CREEK IN SOLDIERS MEMORIAL GARDENS BROWNHILL CREEK

52

Brownhill Creek in Soldier's Memorial Garden has been widened and the geo fabric (green material) and stepping boulders (large rocks) are being installed in preparation for the plantings within the channel. Gabions (rock filled baskets) have also been installed in Brownhill Creek in JWS Morris Reserve and a floodwall constructed at George Street to constrain the creek flows and protect properties from flooding. Once construction works are completed the creek will be landscaped. It is anticipated that the project will be completed in April 2019.



Brownhill Creek Pyramat and Stepping Boulders January 2019



Brownhill Creek Upgrade Pyramat and Stepping Boulders January 2019



Brownhill Creek Upgrade JWS Morris Gabions January 2019

The upgrade works to widen and upgrade the Brown Hill Creek channel through Soldiers Memorial Gardens and JWS Morris Reserve as part of the wider approval to implement the Brown Hill Keswick Creek Stormwater Management Plan (SMP) is underway.

The upgrade of Brownhill Creek channel and landscaping will address some long standing flooding issues, restore the channel to a more natural state and beautify the reserve.

The widening of the channel is required to accommodate the 100 year flow and restore a more natural channel profile which necessarily impacts mainly exotic trees with all existing high value native trees protected.

The channel works will create a stable creek environment capable of passing significant creek flows during flood events and will also allow safe nature play spaces between creek flows.

The channel widening works are being undertaken with the adjacent Mitcham Library upgrade project. This will create an improved precinct for community enjoyment. The channel and the adjacent reserve will be landscaped to a higher standard to provide an improved vista and experience both inside and outside the upgraded library.

Council Meeting - Agenda - 22 October 2019

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The upgraded Brownhill Creek through Soldier's Memorial Gardens and JWS Morris Reserve is now officially open and being enjoyed by the community.

53

Brownhill Creek in Soldier's Memorial Gardens has been widened to create a stable creek to endure flood events. Natives have been planted within the creek channel and on the banks through an innovative surface material that provides bank stability and allows plant growth. Stepping boulders and logs have also been installed to create an active nature play space for use when the creek is dry or not flowing.

Further down the creek rock filled baskets (gabions) have been installed through JWS Morris Reserve and a floodwall has been constructed at George Street to protect properties from flooding and contain creek flows.

Two new footbridges and new footpaths are now also open so the community can enjoy the creek and its landscaped surrounds.

The Brownhill Creek project cost \$2.7 million and is part of the greater \$140 million Brown Hill Keswick Creek Stormwater Plan which is a joint project between five catchment Councils and the State Government.

The City of Mitcham coordinated the Brownhill Creek upgrade with the adjacent Mitcham Memorial Library project to create an attractive precinct. Make sure you get down and take a look!



Brownhill Creek and plantings in Hawthorn June 2019

2 of 5



15 Jun 2019

Adelaide Advertiser, Adelaide

Author: Celeste Villani • Section: General News • Article Type: News Item  
 Audience : 149,005 • Page: 27 • Printed size: 470.00cm<sup>2</sup> • Region: SA • Market: Australia  
 ASR: AUD 9,619 • words: 287 • Item ID: 1133718534

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Page 1 of 1



# Safe haven in the city

## Wetland planned for Victoria Park to mitigate flood risk



**PARKLAND PLAN:** An artist's impression of the wetlands proposed for the southern end of Victoria Park. Picture: BROWNHILL KESWICK CREEK PROJECT

### CELESTE VILLANI

IT'S a scene of tranquil splendour, but this proposed wetland will have a powerful role to play in safeguarding inner-city suburbs from floods.

The proposed wetland – with a butterfly garden, picnic areas and viewing decks – is part of a \$12.5 million upgrade of Adelaide's south parklands.

The wetland – at the southern end of Victoria Park – is one of the largest developments in the \$140 million Brownhill Keswick Creek Project to mitigate the flood risk for 7000 properties.

Project director Peta Mantzarapis said the wetland development would contribute to community safety.

“Crucially, these works will lift the standard of flood protection in the south parklands and are key in mitigating flood risk across the catch-

ment, serving to safeguard properties and community spaces against major flooding events,” Ms Mantzarapis said.

The entire Brownhill Keswick Creek project aims to protect properties in Adelaide, Burnside, Mitcham, Unley

and West Torrens council areas against a one-in-100-year flood. The wetland would help mitigate flooding along the Park Lands Creek and reduce water flow into Unley.

New artist impressions also include picnic areas, a shared path, a stepping stone creek and the realignment of some of the existing creek line. “The idea of creating the wetlands

and clearing up the old woody weeds has been on the agenda for a very long time,” said Stephanie Johnston, a member of Adelaide Park Lands Authority and Adelaide Park

Lands Preservation Association. “I think everyone is looking forward to it.”

Public consultation ends on July 5, with construction expected to begin next year.





## New \$12.5m Wetlands In South Park Lands Need Design Feedback

Feedback from the public is being sought on the proposed design of a new \$12.5 million wetland in Adelaide's South Park Lands

By [Glam Adelaide](#) on Jun 17, 2019

### Favourite This Post

Feedback from the public is being sought on the proposed design of a new \$12.5 million wetland in Adelaide's South Park Lands as part of the Brown Hill Keswick Creek Stormwater Project.

The new wetland will be constructed at the southern end of Victoria Park/Pakapakanthi (Park 16) and is one of the largest developments in the Project's approved Stormwater Management Plan, which is currently being implemented to improve the standard of flood protection for properties across the catchment council areas of Adelaide, Burnside, Mitcham, Unley and West Torrens.

Designed to mitigate the flooding issues along Park Lands Creek, the works will contribute to a reduction in flows entering the City of Unley under Greenhill Road, thereby reducing the flooding risk to the mainly residential areas downstream. Other benefits include improved water quality, enhanced biodiversity through diversification of plant and animal



species, and new amenity and recreational facilities for park users, including footpaths, walking trails and picnic areas.



A dedicated native grassland meadow for butterfly habitat will also be established, in addition to board walks, viewing platforms and a stepping stone creek path.

The community consultation process is also seeking public feedback on planned works in nearby Blue Gum Park/Kurangga (Park 20), located at the north western corner of the Greenhill and Unley Road intersection.

Proposed works in Blue Gum Park/Kurangga involve the construction of low-level mounding (typically less than 1m high), construction of a new shared use path, and realignment of existing creek lines in the southern section of the park.

Both projects have been designed in accordance with previous feasibility studies and consultation processes and form part of the Project's approved Stormwater Management Plan.

Peta Mantzarapis, Project Director of the Brown Hill Keswick Creek Stormwater Project, says community consultation will include distribution of information brochures to key stakeholders, local media advertising and site signage, with further information and online feedback forms available at [www.bhkcstormwater.com.au](http://www.bhkcstormwater.com.au).

"We've already conducted extensive consultation in developing the SMP along with site investigations and design development for these works in the South Park Lands, and are

now giving the public a final opportunity to provide any feedback on the designs before construction commences,” said Ms Mantzarapis.

“We encourage members of the public to review the designs and provide any further feedback.

“Crucially, these works will lift the standard of flood protection in the South Park Lands and are key in mitigating flood risk across the catchment, serving to safeguard properties and community spaces against major flooding events.”

Feedback on the proposed works closes at 5pm on Friday 5 July 2019, with Ms Mantzarapis anticipating construction of both projects to commence next year.

The Brown Hill Keswick Creek Stormwater Project is a collaboration between Adelaide, Burnside, Mitcham, Unley and West Torrens councils to develop and implement an effective stormwater management plan to improve the standard of flood protection for homes, businesses and public facilities across the catchment.

Extending from the Adelaide Hills in the east to Adelaide Airport in the west, the Brown Hill Keswick Creek Stormwater Project covers a catchment area of 69 square kilometres and more than 200,000 residents. Flood mitigation works detailed in the Project’s Stormwater Management Plan will reduce the number of properties affected by a one in 100-year flood event by nearly 98%.

For more information about the Brown Hill Keswick Creek Stormwater Project, visit [www.bhkcstormwater.com.au](http://www.bhkcstormwater.com.au).

## APPENDIX 3

### Audited Financial Statements

**Brown Hill and Keswick Creeks  
Stormwater Board**

**FINANCIAL STATEMENTS  
FOR THE YEAR ENDED  
30 June 2019**

## Brown Hill and Keswick Creeks Stormwater Board

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Statement of Financial Position	3
Statement of Changes in Equity	4
Statement of Cash Flows	5
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Statement by Auditor	19

## Brown Hill and Keswick Creeks Stormwater Board

STATEMENT OF COMPREHENSIVE INCOME  
FOR THE YEAR ENDED 30 JUNE 2019

	Notes	2019 \$	Restated 2018 \$
<b>INCOME</b>			
Contributions	2	618,195	160,000
Investment Income	2	15,826	-
<b>Total Income</b>		<b>634,021</b>	<b>160,000</b>
<b>EXPENSES</b>			
Employee costs	3	234,663	125,670
Materials, contracts & other expenses	3	181,510	38,278
Depreciation	3	2,180	-
Finance costs	3	192	-
<b>Total Expenses</b>		<b>418,545</b>	<b>163,948</b>
<b>OPERATING SURPLUS / (DEFICIT)</b>		<b>215,476</b>	<b>(3,948)</b>
<b>OTHER COMPREHENSIVE INCOME</b>		<b>-</b>	<b>-</b>
<b>TOTAL COMPREHENSIVE INCOME</b>		<b>215,476</b>	<b>(3,948)</b>

*The accompanying Notes form part of these financial statements*

## Brown Hill and Keswick Creeks Stormwater Board

STATEMENT OF FINANCIAL POSITION  
AS AT 30 JUNE 2019

	Notes	2019 \$	Restated 2018 \$
<b>ASSETS</b>			
<b>Current Assets</b>			
Cash and Cash Equivalents	4	3,966,683	-
Trade and Other Receivables	4	2,024,173	-
<b>Total Current Assets</b>		<u>5,990,856</u>	<u>-</u>
<b>Non-Current Assets</b>			
Property, Plant and Equipment	5	3,209,193	249,189
<b>Total Non-current Assets</b>		<u>3,209,193</u>	<u>249,189</u>
<b>Total Assets</b>		<u><b>9,200,049</b></u>	<u><b>249,189</b></u>
<b>LIABILITIES</b>			
<b>Current Liabilities</b>			
Trade and Other Payables	6	3,052,742	6,267
Employee Benefits	6	6,500	-
<b>Total Current Liabilities</b>		<u>3,059,242</u>	<u>6,267</u>
<b>Total Liabilities</b>		<u><b>3,059,242</b></u>	<u><b>6,267</b></u>
<b>NET ASSETS</b>		<u><b>6,140,807</b></u>	<u><b>242,922</b></u>
<b>EQUITY</b>			
Contributed Equity	9	5,929,279	246,870
Accumulated surplus	7	211,528	(3,948)
<b>TOTAL EQUITY</b>		<u><b>6,140,807</b></u>	<u><b>242,922</b></u>

*The accompanying Notes form part of these financial statements*

## Brown Hill and Keswick Creeks Stormwater Board

STATEMENT OF CHANGES IN EQUITY  
FOR THE YEAR ENDED 30 JUNE 2019

	Notes	Capital Contributions of Councils	Accumulated Surplus	TOTAL
			\$	\$
<b>2018</b>				
Balance at the beginning of the year	7	-	-	-
Deficit for the year <restated>		-	(3,948)	(3,948)
Capital Contributions of Councils <restated>	8	246,870	-	246,870
Balance at the end of year <restated>		<b>246,870</b>	<b>(3,948)</b>	<b>242,922</b>
<b>2019</b>				
Balance beginning of the year <restated>	7	246,870	(3,948)	242,922
Surplus for the year		-	215,476	215,476
Capital Contributions of Councils	8	5,682,409	-	5,682,409
Balance at the end of year		<b>5,929,279</b>	<b>211,528</b>	<b>6,140,807</b>

*The accompanying Notes form part of these financial statements*



## Brown Hill and Keswick Creeks Stormwater Board

**STATEMENT OF CASH FLOWS  
FOR THE YEAR ENDED 30 JUNE 2019**

	Notes	2019 \$	Restated 2018 \$
<b>Cash from operating activities</b>			
Operating receipts from constituent councils		1,246,839	160,000
Receipts from interest		15,634	-
Payments to employees		(228,163)	-
Payments to suppliers		(171,597)	(157,681)
		(330,942)	-
<b>Net cash provided from operating activities</b>	9	<u><u>531,771</u></u>	<u><u>2,319</u></u>
<b>Cash from investing activities</b>			
Expenditure on new / upgraded assets		(223,324)	(249,189)
<b>Net cash provided from / (used in) investing activities</b>		<u><u>(223,324)</u></u>	<u><u>(249,189)</u></u>
<b>Cash from financing activities</b>			
Contributions from constituent councils		3,658,236	246,870
<b>Net cash provided from investing activities</b>		<u><u>3,658,236</u></u>	<u><u>246,870</u></u>
<b>Net increase in cash held</b>		3,966,683	-
Cash at beginning of financial year		-	-
<b>Cash at end of financial year</b>		<u><u>3,966,683</u></u>	<u><u>-</u></u>

*The accompanying Notes form part of these financial statements*

## Brown Hill and Keswick Creeks Stormwater Board

### NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2019

#### Note 1 - Statement of Significant Accounting Policies

This general purpose financial report has been prepared in accordance with Australian equivalents to International Financial Reporting Standards (IFRS) as they apply to not-for-profit entities, other authoritative pronouncements of the Australian Accounting Standards Board (AASB), Urgent Issues Group Interpretations (UIGs) and relevant South Australian legislation.

The Brown Hill and Keswick Creeks Stormwater Board (the Board) is a Local Government Regional Subsidiary established under Section 43 of and Schedule 2 to the Local Government Act 1999. The Regional Subsidiary is under the control of City of Adelaide, City of Burnside, City of Unley, City of Mitcham and City of West Torrens.

The Board was established by a Gazettal dated 27 February 2018. The Board has been established to implement the construction and maintenance of infrastructure and other measures for the purposes of a stormwater management plan prepared by the constituent councils and approved by the Stormwater Management Authority.

Australian Accounting Standards set out accounting policies that the AASB has concluded would result in financial statements containing relevant and reliable information about transactions, events and conditions to which they apply. Material accounting policies adopted in the preparation of these financial statements are presented below and have been consistently applied unless stated otherwise.

The financial statements, except for the cash flow information, have been prepared on an accruals basis and are based on historical costs, modified, where applicable, by the measurement at fair value of selected noncurrent assets, financial assets and financial liabilities. The amounts presented in the financial statements have been rounded to the nearest dollar.

The AASB has issued a number of new and amended Accounting Standards that have mandatory application dates, some of which are relevant to the Board. The amended pronouncements adopted and amended pronouncements that have been decided not to be early adopted are set out below:

#### *Adoption of amended standards*

##### *AASB 9 Financial Instruments*

AASB 9 Financial Instruments establishes principles to account for and report financial assets and financial liabilities and introduces a new approach to accounting for hedges together with a new approach to accounting for impairment of financial assets. The standard has a mandatory application date for financial years commencing on or after 1 January 2018. This is not expected to materially impact the financial statements.

#### *Accounting Standards issued but not effective*

##### *AASB 16 Leases (applicable to annual reporting periods beginning on or after 1 January 2019)*

AASB 16 Leases removes the current distinction between operating and finance leases and requires recognition of a right-to-use asset and a financial liability to pay rentals, resulting in the recognition of tenancy leases on the balance sheet. The only exemptions from these requirements are short-term and low-value leases. The income statement will also be affected, as operating expenses are reclassified as interest expense and depreciation expense, affecting EBITDA performance metrics. The new standard requires more extensive qualitative and quantitative disclosures. The standard has a mandatory application date for financial years commencing on or after 1 January 2019. This is not expected to materially impact the financial statements.

**Brown Hill and Keswick Creeks Stormwater Board**

**NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2019**

*AASB 15 Revenue from contracts with customers* (applicable to annual reporting periods beginning on or after 1 January 2019)

AASB 15 Revenue from contracts with customers applied to all contracts with customers, except for contracts covered by other standards. The standard stipulates how and when revenue is recorded, requiring the Board to provide users of financial statements with more information and reporting disclosures. The core principle is the recognition of revenue for the transfer of goods or services, at a value that reflects the consideration to which the Board expects to be entitled, in return for meeting performance obligations. This is not expected to materially impact the financial statements.

*AASB 1058 Income of Not-for-profit Entities* (applicable to annual reporting periods beginning on or after 1 January 2019)

The standard applies to transactions of not-for-profit (NFP) entities where the consideration to acquire an asset is significantly less than fair value principally to enable the entity to further its objectives. It also requires government agencies to recognise income for volunteer services received if the fair value of those services can be measured reliably and the services would have been purchased if they had not been donated. This is consistent with current practice under AASB 1004 Contributions, however AASB 1058 supersedes the existing requirements in AASB 1004. This is not expected to materially impact the financial statements.

The financial statements were authorised for issue on by the members of the Board.

**(a) Comparatives**

When required by Accounting Standards, comparative figures have been adjusted to conform to changes in presentation for the current financial year.

Following clarification in the current financial year of the entity's policy on capital contributions by constituent councils amounts previously recognised in the Statement of Comprehensive Income have been reclassified to contributed equity.

**(b) Cash and cash equivalents**

Cash and cash equivalents include cash on hand, deposits held at-call with banks, other short-term highly liquid investments with original maturities of three months or less.

**(c) Income taxes**

The activities of the Board are exempt from taxation under the Income Tax Assessment Act 1997.

**(d) Goods and Services Tax (GST)**

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office. In these circumstances the GST is recognised as part of the cost of acquisition of the asset or as part of an item of the expense. Receivables and payables in the statement of financial position are shown inclusive of GST.

**Brown Hill and Keswick Creeks Stormwater Board**

**NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2019**

**(e) Impairment**

At the end of each reporting period, the Board assesses whether there is any indication that an asset may be impaired. The assessment will consider both external and internal sources of information. If such an indication exists, an impairment test is carried out on the asset by comparing the recoverable amount of that asset, being the higher of the asset's fair value less costs to sell and its value-in-use, to the asset's carrying amount. Any excess of the asset's carrying amount over its recoverable amount is immediately recognised in profit or loss.

Where the future economic benefits of the asset are not primarily dependent upon the asset's ability to generate net cash inflows and when the entity would, if deprived of the asset, replace its remaining future economic benefits, value in use is determined as the depreciated replacement cost of an asset where it is not possible to estimate the recoverable amount of an individual asset, the Board estimates the recoverable amount of the cash-generating unit to which the asset belongs.

Where an impairment loss on a revalued asset is identified, this is recognised against the revaluation surplus in respect of the same class of asset to the extent that the impairment loss does not exceed the amount in the revaluation surplus for that class of asset.

**(g) Revenue**

Operating revenue from constituent Councils is recognised as income as and when the Board becomes entitled to receive the funds. This is outlined within the Boards Annual Business Plan which is agreed with all constituent Councils.

Capital Contributions received from Constituent Councils are recognised as Contributions by Owners directly to equity.

Revenue from the rendering of a service is recognised upon the delivery of the service to the customer.

Interest revenue is recognised using the effective interest method, which for floating rate financial assets is the rate inherent in the instrument.

All revenue is stated net of the amount of goods and services tax (GST).

**(h) Trade and other payables**

Accounts payable and other payables represent the liability outstanding at the end of the reporting period for goods and services received by the Board during the reporting period that remain unpaid. The balance is recognised as a current liability with the amounts normally paid within 30 days of recognition of the liability.

**Brown Hill and Keswick Creeks Stormwater Board**

**NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2019**

**(i) Trade and other receivables**

These include amounts due from ATO and accrued interest on deposits in financial institutions. Receivables expected to be collected within 12 months of the end of the reporting period are classified as current assets. All other receivables are classified as non-current assets.

Accounts receivable are initially recognised at fair value and subsequently measured at amortised cost using the effective interest method, less any provision for impairment.

**(j) Critical Accounting Estimates and Judgments**

**Key estimates**

**Impairment - general**

The Board assesses impairment at the end of each reporting period by evaluation of conditions and events specific to the Board that may be indicative of impairment triggers. Recoverable amounts of relevant assets are reassessed using value-in-use calculations which incorporate various key assumptions.

**(k) Property Plant and Equipment**

All assets are initially recognised at cost. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition.

All non-current assets purchased or constructed are capitalised as the expenditure is incurred and depreciated as soon as the asset is held "ready for use". Cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition, including architects' fees and engineering design fees and all other costs incurred.

The cost of non-current assets constructed by the Board includes the cost of all materials used in construction, direct labour on the project and an appropriate proportion of variable and fixed overhead.

The Board considers that it controls the infrastructure assets in accordance with its Charter. The constructed infrastructure assets may be located on land owned by Constituent Councils.

**Materiality**

Assets with an economic life in excess of one year are only capitalised where the cost of acquisition exceeds materiality thresholds established by Board for each type of asset. In determining (and in annually reviewing) such thresholds, regard is had to the nature of the asset and its estimated service life.

Examples of capitalisation thresholds applied during the year are given below.

**Infrastructure – Stormwater \$10,000**

**Subsequent Recognition**

All material asset classes are revalued on a regular basis such that the carrying values are not materially different from fair value. Significant uncertainties exist in the estimation of fair value of a number of asset classes including land, buildings and associated structures and infrastructure. All assets are currently held at cost.

**Brown Hill and Keswick Creeks Stormwater Board****NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2019****Depreciation of Non-Current Assets**

All infrastructure, property, plant and equipment assets recognised are systematically depreciated over their useful lives on a straight-line basis which, in the opinion of Board, best reflects the consumption of the service potential embodied in those assets. Office equipment consists of IT equipment and is depreciated at 50%.

Depreciation methods, useful lives and residual values of classes of assets are reviewed annually. Depreciation periods for infrastructure assets have been estimated based on the best information available to Board, but appropriate records covering the entire life cycle of these assets are not available, and extreme care should be used in interpreting financial information based on these estimates.

**(l) Employee Benefits**

Liabilities for employees' entitlements to salaries, wages and compensated absences expected to be paid or settled within 12 months of reporting date are accrued at nominal amounts (including payroll based oncosts) measured in accordance with AASB 119.

Liabilities for employee benefits not expected to be paid or settled within 12 months are measured as the present value of the estimated future cash outflows (including payroll based oncosts) to be made in respect of services provided by employees up to the reporting date. Present values are calculated using government guaranteed securities rates with similar maturity terms. The Board does not currently have any employee benefits expected to be paid or settled beyond 12 months.

No accrual is made for sick leave. The Board does not make payment for untaken sick leave.

**Superannuation**

All superannuation schemes to which the Board makes contributions on behalf of employees are of the accumulation type, where the superannuation benefits accruing to the employee are represented by their share of the net assets of the scheme, and no further liability attaches to the Board.

## Brown Hill and Keswick Creeks Stormwater Board

**NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2019**

**Note 2 - INCOME**

	2019 \$	2018 \$
<b>CONTRIBUTIONS</b>		
<b><u>Operating Contributions</u></b>		
City Of Mitcham	123,639	32,000
City Of Burnside	123,639	32,000
City Of West Torrens	123,639	32,000
The Corporation of the City of Adelaide	123,639	32,000
Corporation of the City of Unley	123,639	32,000
<b>Subtotal Operating Contributions</b>	<b><u>618,195</u></b>	<b><u>160,000</u></b>
 <b>INVESTMENT INCOME</b>		
Interest on investments		
Banks	15,826	-
	<u>15,826</u>	<u>-</u>
<b>Total Income</b>	<b><u>634,021</u></b>	<b><u>-</u></b>

In accordance with the Charter of the Brownhill and Keswick Creeks Stormwater Board Schedule 1, operating contributions are received equally from each of the constituent councils at an agreed rate. The total value of operating contributions to be received is agreed in the annual business plan prepared by the Board.

**Note 3 - EXPENSES**

	2019 \$	2018 \$
<b>EMPLOYEE COSTS</b>		
Salaries and Wages - Board	60,000	125,670
Salaries and Wages - Employee	155,595	-
Reimbursements - Board	5,207	-
Superannuation	12,619	-
Workers' Compensation Insurance	1,242	-
	<u>234,663</u>	<u>125,670</u>
<b>Total Number of Employees</b>	1	0
<i>(Full time equivalent at end of reporting period)</i>		



## Brown Hill and Keswick Creeks Stormwater Board

NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2019

## Note 3 - EXPENSES (cont)

	2019	2018
	\$	\$
<b>MATERIALS, CONTRACTS &amp; OTHER EXPENSES</b>		
<b>Prescribed Expenses</b>		
Auditor's Remuneration		
- Auditing the financial reports	3,870	-
<b>Subtotal - Prescribed Expenses</b>	<u>3,870</u>	<u>-</u>
<b>Other Materials, Contracts &amp; Expenses</b>		
Administration	30,360	829
Entertainment & Catering	4,298	90
Contractor & Consultant Services	28,720	17,609
Human Resources	12,800	-
Insurance - Mutual Liability Scheme	52,784	10,500
IT Expenses	7,047	-
Legal Expenses	10,853	3,818
Professional Services	30,532	-
Sundry	246	5,432
<b>Subtotal - Other Materials, Contracts &amp; Expenses</b>	<u>177,640</u>	<u>38,278</u>
	<u><b>181,510</b></u>	<u><b>38,278</b></u>
<b>DEPRECIATION</b>		
Office Equipment	2,180	-
<b>Total Depreciation</b>	<u>2,180</u>	<u>-</u>
<b>FINANCE COSTS</b>		
Bank Fees	174	-
Interest Charges	18	-
	<u>192</u>	<u>-</u>
<b>Total Expenses</b>	<u><b>418,545</b></u>	<u><b>163,948</b></u>

## Note 4 - CURRENT ASSETS

	2019	2018
	\$	\$
<b>CASH &amp; CASH EQUIVALENT</b>		
Cash at Bank	3,966,683	-
	<u>3,966,683</u>	<u>-</u>
<b>TRADE &amp; OTHER RECEIVABLES</b>		
Contributions Recivable	1,938,650	-
GST Refundable	85,523	-
	<u>2,024,173</u>	<u>-</u>

## Brown Hill and Keswick Creeks Stormwater Board

**NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2019**

**Note 5 - NON-CURRENT ASSETS**

	2019 \$	2018 \$
<b>Work In Progress</b>		
South Parklands Stormwater - design (Victoria Park)	183,335	80,060
Hawthorn Reserve Creek upgrade	2,884,985	169,129
Upper Brown Hill Creek - Area 1 Creek Works	101,195	-
Upper Brown Hill Creek - Area 1 Land Acquisition	30,065	-
Discretionary Projects	7,300	-
<b>Total Work In Progress</b>	<b>3,206,880</b>	<b>249,189</b>
<b>Office Equipment</b>		
Office Equipment	4,493	-
Less: Accumulated Depreciation on Office Equipment	(2,180)	-
<b>Total Office Equipment</b>	<b>2,313</b>	<b>-</b>
<b>Total Property Plant and Equipment</b>	<b>3,209,193</b>	<b>249,189</b>

<b>Property Plant and Equipment Reconciliation</b>		
	<b>Work In Progress</b>	<b>Office Equipme nt</b>
	\$	\$
Opening Balance	249,189	-
Additions	2,957,691	4,493
Disposals	-	-
Depreciation	-	(2,180)
<b>Closing Balance</b>	<b>3,206,880</b>	<b>2,313</b>

**Note 6 - CURRENT LIABILITIES**

	2019 \$	2018 \$
<b>TRADE &amp; OTHER PAYABLES</b>		
Trade Payables	3,045,090	6,267
Credit Card	257	-
PAYG Payable	5,665	-
Superannuation Payable	1,730	-
<b>Subtotal Trade &amp; Other Payables</b>	<b>3,052,742</b>	<b>6,267</b>

## Brown Hill and Keswick Creeks Stormwater Board

NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2019

## Note 6 - CURRENT LIABILITIES (Cont)

	2019 \$	2018 \$
<b>EMPLOYEE BENEFITS</b>		
Annual Leave Provision	6,500	-
<b>Subtotal Employee Benefits</b>	<u>6,500</u>	<u>-</u>

## Note 7 - ACCUMULATED SURPLUS

	2019 \$	2018 \$
Opening Balance	(3,948)	-
Surplus for the year	215,476	(3,948)
<b>Balance at year end</b>	<u>211,528</u>	<u>(3,948)</u>

## Note 8 - CAPITAL CONTRIBUTIONS OF COUNCILS

	2019 \$	2018 \$
<b>CAPITAL CONTRIBUTIONS OF COUNCILS</b>		
City Of Mitcham	592,928	24,687
City Of Burnside	711,513	29,624
City Of West Torrens	2,905,346	120,966
The Corporation of the City of Adelaide	474,343	19,750
Corporation of the City of Unley	1,245,149	51,843
<b>Subtotal Contributions by owner</b>	<u>5,929,279</u>	<u>246,870</u>

## Capital Contributions Movement Table

	Opening Balance	Received 2019	Closing Balance
City Of Mitcham	24,687	568,241	592,928
City Of Burnside	29,624	681,889	711,513
City Of West Torrens	120,966	2,784,380	2,905,346
The Corporation of the City of Adelaide	19,750	454,593	474,343
Corporation of the City of Unley	51,843	1,193,306	1,245,149
	<u>246,870</u>	<u>5,682,409</u>	<u>5,929,279</u>

Capital contributions of Councils are capital payments received from Constituent Councils for investing in Infrastructure. The rates of contribution are agreed in the Charter of the Board.

## Brown Hill and Keswick Creeks Stormwater Board

NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2019**Note 9 - Reconciliation of cash flow**

	<b>2019</b>	<b>2018</b>
	\$	\$
Net surplus for the year	215,476	(3,948)
<i>Changes in assets and liabilities</i>		
Decrease/(Increase) in Trade and Other Receivables	-	-
Increase in Depreciation	2,180	-
Increase/(Decrease) in Trade and Other payables	307,615	6,267
Increase/(Decrease) in Employee Benefits	6,500	-
<b>Net cash provided from operating activities</b>	<b><u>531,771</u></b>	<b><u>2,319</u></b>

**Brown Hill and Keswick Creeks Stormwater Board**

**NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2019**

**Note 10 - Financial Instruments**

Details of the significant accounting policies and methods adopted including the criteria for the recognition, the basis of measurement and the basis on which income and expenses are recognised with respect to each class of financial asset, financial liability and equity instrument are disclosed in Note 1 Summary of Significant Account Policies.

**Categorisation of Financial instruments**

	Note	2019		2018	
		Carrying Amount	Fair Value	Carrying Amount	Fair Value
<b>Financial liabilities</b>		\$	\$	\$	\$
Trade and other Payables	6	3,045,347	3,045,090	6,267	6,267
<b>Total Financial liabilities</b>		<b>3,045,347</b>	<b>3,045,090</b>	<b>6,267</b>	<b>6,267</b>
<b>Financial Assets</b>					
Cash and cash equivalents		3,966,683	3,966,683	-	-
<b>Total Financial Assets</b>		<b>3,966,683</b>	<b>3,966,683</b>	-	-

Receivable and payable amounts disclosed exclude amounts relating to statutory receivables and payables.

The fair values disclosed in the table above have been based on cash and cash equivalents, trade and other receivables and trade and other payables short term instruments in a nature whose carrying value is equal to fair value.

**i. Credit Risk**

Exposure to credit risk relating to financial assets arises from the potential non-performance by counterparties of contract obligation that could lead to a financial loss to the Board.

Credit risk is managed through maintaining procedures to regularly monitor the financial stability of customers and counterparties and by investing surplus funds in financial institutions that maintain a high credit rating.

There is no collateral held by the Board securing trade and other receivables.

**ii. Liquidity Risk**

Liquidity risk arises from the possibility that the Board might accounting difficulty in settling its debts or otherwise meeting its obligations related to financial liabilities. The Board manages this risk by preparing and monitoring budgets, only investing surplus cash with major financial institutions and proactively monitoring the recovery of unpaid debts.

No assets have been pledged as security for any liabilities.

**NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2019**

**iii. Market Risk**

Exposure to interest rate risk arises on financial liabilities recognised at the end of the reporting period whereby a future change in interest rates will affect future cash flows.

The following table illustrates sensitives to the Board's exposure to changes in interest rates.

	2019		2018	
	Weighted Average	Carrying Value	% Weighted Average Interest rate	Carrying Value
<b>Financial liabilities</b>	\$	\$	\$	\$
Trade and other Payables	0%	3,045,347	0%	6,267
<b>Financial Assets</b>				
Cash at bank	0%	3,966,683	0%	-

**Note 11 - Contingent Liabilities and Contingent Assets**

At 30 June 2019, the Board is unaware of any liability, contingent or otherwise, which has not already been recorded elsewhere in this financial report.

**Note 12 - Commitments for Expenditure**

**Capital Commitments**

Capital expenditure committed for at the reporting date but not recognised in the financial statements as liabilities

	2019	2018
	\$	\$
Infrastructure	169,000	-
<b>Total Capital Commitments</b>	<b>169,000</b>	<b>-</b>

These expenditures are payable:

Not later than one year	169,000	-
Later than one year and not later than 5 years	-	-
Later than 5 years	-	-
	<b>169,000</b>	<b>-</b>

**NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2019**

**Note 13 - Events after the end of the reporting period**

Since the reporting date, there have been no events that would materially impact on the contents of this report.

**Note 14 - Economic Dependence**

Brown Hill and Keswick Creeks Stormwater Board is dependent on its constituent councils and other funding bodies for the majority of its revenue used to achieve its objectives. At the date of this report, the Board believe that the Member Councils and other bodies will continue to support the Board.

**Note 15 - Related Party Transactions**

The total remuneration paid to key management personnel of Brown Hill and Keswick Creeks Stormwater Board Incorporated during the year was as follows:

Key management personnel include the former Project Director employed by the City of Unley, the current Project Director employed by the Board and the members of the Board appointed under section 112 of the Local Government Act 1999.

The key management personnel were paid the following total compensation:

Salaries and wages	\$ 221,714.00
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Other related parties includes close family members of key management personnel and entities that are controlled or jointly controlled by those key management personnel individually or collectively with their close family members. There were no transactions with other related parties.

**Note 16 - Board details**

The registered address of the Board:

Brown Hill and Keswick Creeks Stormwater Board  
PO Box 124 Unley SA 5061



## Brown Hill and Keswick Creeks Stormwater Board

### CERTIFICATION OF FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2019

In the opinion of the committee, the Financial Statements comprising of the Statement of Financial Performance, Statement of Financial Position, Statement of Changes in Members' Funds, Statement of Cash Flows and Notes to the Financial Statements:

1. Presents a true and fair view of the financial position of Brown Hill and Keswick Creeks Stormwater Board as at 30 June 2019 and its performance for the year ended on that date in accordance with Accounting Standards and other mandatory professional reporting requirements.
2. At the date of this statement, there are reasonable grounds to believe that Brown Hill and Keswick Creeks Stormwater Board will be able to pay its debts as and when they fall due.

The Board is responsible for the reliability, accuracy and completeness of the accounting records and the disclosure of all material and relevant information.

This statement is made in accordance with a resolution of the Board and is signed for and on behalf of the Board by:

*Judith Choate*  
Judith Choate (Sep 5, 2019)

**Judith Choate**

*g t vogt*  
g t vogt (Sep 6, 2019)

**g t vogt**

**Name:** Judith Choate  
**Position:** Chairperson  
**Date:** Sep 5, 2019

**Name:** g t vogt  
**Position:** Board Member  
**Date:** Sep 6, 2019

**Brown Hill and Keswick Creeks Stormwater Board**

**ANNUAL FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2019**

**CERTIFICATION OF AUDITOR INDEPENDENCE**

To the best of our knowledge and belief, we confirm that, for the purpose of the audit of Brown Hill and Keswick Creeks Stormwater Board for the year ended 30 June 2019, the Board's Auditor, .....Galpins....., has maintained its independence in accordance with the requirements of the *Local Government Act 1999* and the *Local Government (Financial Management) Regulations 2011* made under that Act.

This statement is prepared in accordance with the requirements of Regulation 22(3) *Local Government (Financial Management) Regulations 2011*.

*Judy Choate*  
Judy Choate (Aug 29, 2019)

*G T VOGT*  
G T VOGT (Aug 30, 2019)

**Name:** Judith Choate  
**Position:** Chairperson  
**Date:** Aug 29, 2019

**Name:** G T VOGT  
**Position:** Board Member  
**Date:** Aug 30, 2019

**Brown Hill and Keswick Creeks Stormwater Board**

**ANNUAL FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2019**

**STATEMENT BY AUDITOR**

I confirm that, for the audit of the financial statements of Brown Hill and Keswick Creeks Stormwater Board for the year ended 30 June 2019, I have maintained my independence in accordance with the requirements of APES 110 – Code of Ethics for Professional Accountants, Section 290, published by the Accounting Professional and Ethical Standards Board, in accordance with the *Local Government Act 1999* and the *Local Government (Financial Management) Regulations 2011* made under that Act.

This statement is prepared in accordance with the requirements of Regulation 22 (5) *Local Government (Financial Management) Regulations 2011*.



**Name of Auditor** Luke Williams  
**Name of Audit Firm** Galpins Accountants, Auditors & Business Consultants  
**Date:**

# Global Cities After Dark – Night Culture Forum

**ITEM 12.2** 22/10/2019  
Council

2018/04236  
Public

**Program Contact:**  
Ben Saint, Chief of Staff to the  
Lord Mayor, 82037464

**Approving Officer:**  
Mark Goldstone, Chief Executive  
Officer

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## EXECUTIVE SUMMARY

Councillor Alexander Hyde is seeking approval to attend the Global Cities After Dark Forum on behalf of the City of Adelaide, including associated travel costs.

The forum is held on 15 November 2019 in Sydney and will provide an opportunity for the Councillor to hear from a range of international and local experts in nightlife, city planning, policy-making and health and safety in the emerging field of night time governance.

Councillor Hyde will provide a report to Council on his return.

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That Council:

1. Approves travel and associated attendance and travel costs for Council Hyde to go to Sydney to attend the Global Cities After Dark forum on 15 November 2019.
-

## IMPLICATIONS AND FINANCIALS

City of Adelaide 2016-2020 Strategic Plan	<b>Strategic Alignment – Liveable</b> <i>A beautiful, diverse city with an enviable lifestyle that is welcoming to People at All Stages of Life</i> <i>Adelaide will be a community open to all people from all countries and all walks of life.</i>
Policy	Not as a result of this report
Consultation	Not as a result of this report
Resource	Not as a result of this report
Risk / Legal / Legislative	There are no legal or legislative risks associated with this activity
Opportunities	Attendance at this forum will provide the opportunity for the Councillor to exchange knowledge, expertise and real-life experience to potentially enhance and grow our night-time economy.
19/20 Budget Allocation	Approximate cost of \$1000 provided for within existing budget provisions
Proposed 20/21 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
19/20 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

## DISCUSSION

1. Global Cities After Dark returns for its 3rd year on Friday 15 November 2019 - a forum pioneering the emerging field of night time governance, featuring some of the world's leading figures in nightlife, city planning, policy-making and health and safety ([Link 1](#)).
  2. As per the City of Adelaide Strategic Plan, the forum will offer the opportunity to discuss a range of initiatives to enable people to use the City safely and seek to reduce crime.
  3. Councillor Hyde is seeking approval to attend the Global Cities After Dark Forum and for the cost of return flights and one night's accommodation in Sydney.
  4. This forum is supported at a Government level with both the City of Sydney and the NSW State Government partnering with this event for the third year running, reflecting local and state government commitment to collaborating with those at the frontline.
  5. Councillor Hyde will provide a report to Council on his return.
- 

## ATTACHMENTS

Nil

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- END OF REPORT -

# Progress of Motions by Elected Members

**ITEM 12.3** 22/10/2019  
**Council**

2018/04074  
Public

**Program Contact:**  
Rudi Deco, Manager Governance  
8203 7442

**Approving Officer:**  
Mark Goldstone, Chief Executive  
Officer

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## EXECUTIVE SUMMARY:

This report responds to the decision of Council from 12 March 2019 to report to every second Council meeting of the month on the Progress of Motions by Elected Members.

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## RECOMMENDATION:

That Council:

1. Notes the report.
-



## IMPLICATIONS AND FINANCIALS:

City of Adelaide 2016-2020 Strategic Plan	Strategic Alignment - Corporate Activities
Policy	Not as a result of this report
Consultation	Not as a result of this report
Resource	Not as a result of this report
Risk / Legal / Legislative	Not as a result of this report
Opportunities	Not as a result of this report
19/20 Budget Allocation	Not as a result of this report
Proposed 20/21 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
19/20 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

## DISCUSSION

1. On 12 March 2019, Council resolved that Council requests the Administration, at every second meeting of Council to report on the progress of Councillor motions with and without notice adopted by the elected body over the current and previous two terms but which have not yet been fully implemented.
2. Since the commencement of the 2018-2022 Council Term a total of 104 motions on and without notice have been carried by Council.
3. As at 15 October 2019 a total of 81 motions on or without notice remain open from the current and previous terms of Council. The current progress of these motions on and without notice can be found [here](#).
4. Council Members can review progress updates on all decisions and Administration undertakings via the online Council Member portal. Council Executive can provide a verbal update on undertakings to Council Members on request.

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## ATTACHMENTS

Nil

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- END OF REPORT -

# Local Government Reform Proposals – draft response

**ITEM 12.4** 22/10/2019  
**Council**

**Program Contact:**  
Susan Rudall, Manager, Strategy,  
Planning and Partnerships

2019/01903  
Public

**Approving Officer:**  
Clare Mockler, Deputy CEO &  
Director Culture

## EXECUTIVE SUMMARY

On 9 August 2019, the Honourable Minister for Transport, Infrastructure and Local Government Stephan Knoll, MP, wrote to the Lord Mayor [[Link 1](#)] to announce the release of the *Reforming Local Government in South Australia Discussion Paper* [[Link 2](#)]. The Minister informed the Lord Mayor of opportunities for Council to participate in consultation on the proposed reforms, and invited Council to make its submissions directly to the Office of Local Government (OLG) and the Local Government Association of South Australia (LGA).

The Minister has flagged that consultation outcomes will help to inform the development of an amendment bill by early 2020.

Council Members have been informed of the 72 reform proposals through a series of E-news articles and a Local Government Reform page on the Elected Members' portal. Engagement with Members has included an OLG briefing provided at a designated informal gathering, and two Committee workshops.

There are a number of recommendations seeking Council's decision on reform proposals which elicited diverse views from Council Members at the Committee Workshop of 15 October 2019. A decision on these items will be obtained during the Council meeting.

The Presiding Member will seek a motion on each of the LG Reform proposals listed in **Attachment B**.

## RECOMMENDATION

### THAT COUNCIL

1. Authorises the Chief Executive Officer to provide to the Office of Local Government and the Local Government Association of South Australia Council's response to the *Reforming Local Government in South Australia Discussion Paper*, as set out in Attachment A to Item 12.4 on the Agenda for the meeting of the Council held on 22 October 2019, subject to any revisions determined by Council and any amendments required for editorial purposes and in order to reflect Council's decisions regarding the questions set out in part 2 below, at the meeting of Council held on 22 October 2019.
2. Determines a position on LG Reform proposals 1.4, 1.5, 1.6-7, 1.13 (a), 1.13 (b), 2.2, 2.3, 2.6, 2.7, 2.12, 3.4, 4.7(a), 4.7(b), 4.8 as contained in Attachment B to Item 12.4 on the Agenda for the meeting of the Council held on 22 October 2019 for inclusion in the response to the Office of Local Government and the Local Government Association of South Australia.
3. Notes that the Lord Mayor will write on behalf of Council to the Honourable Minister for Transport, Infrastructure and Local Government Stephan Knoll, MP, to provide Council's response and highlight key reform proposals of interest to the City of Adelaide, as set out in Attachment A and Attachment B to Item 12.4 on the Agenda for the meeting of the Council held on 22 October 2019, subject to any amendments required for editorial purposes. and in order to reflect Council's decisions regarding the questions set out in Attachment B.

## IMPLICATIONS AND FINANCIALS

City of Adelaide 2016-2020 Strategic Plan	Strategic Alignment - Corporate Activities This report relates to corporate activities which enable the City of Adelaide to achieve its strategic objectives.
Policy	The State Government is consulting local government during the development of legislative reforms to the sector for the consideration of the Parliament which could occur in 2020. Those reforms if implemented may in future require City of Adelaide to develop new or amended policies and procedures.
Consultation	The State Government is undertaking consultation with the public and the local government sector regarding its proposed reforms to the sector. Council Members have been informed of the reform proposals through a series of E-news articles and a Local Government Reform page on the Elected Members' portal, which incorporates Administration comments on each of the reforms.
Resource	Not as a result of this report
Risk / Legal / Legislative	Failure to engage in consultation regarding the proposed reforms to the local government sector could result in the development and implementation of reforms that have unforeseen or adverse impacts on the City of Adelaide or the sector.
Opportunities	The request provides Council with an opportunity to engage in and positively influence the legislative development of proposed reforms to the local government sector.
19/20 Budget Allocation	Not as a result of this report
Proposed 20/21 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	The Government has requested that responses to the reform proposals be submitted by Councils before 1 November 2019. The Government anticipates developing an amendment bill by early 2020.
19/20 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

## DISCUSSION

1. The release of the *Reforming Local Government in South Australia Discussion Paper* (the Discussion Paper) [\[Link 2\]](#), comprising State Government reform proposals, represents the most comprehensive overhaul of the sector's legislative regime since the *Local Government Act 1999* (SA) (LG Act) was enacted.
2. The Discussion Paper has been developed following the Government's call for reform ideas, earlier this year, to which Council (along with around 80 other organisations and individuals) submitted its response in April 2019.
3. Council's previous response, approved on 12 April [\[Link 3\]](#), put forward a number of reform ideas for consideration by the Government in developing the current proposals.
4. On 9 August 2019, the Honourable Minister for Transport, Infrastructure and Local Government Stephan Knoll, MP, wrote to the Lord Mayor [\[Link 1\]](#) to announce release of the Discussion Paper.
5. The Minister informed the Lord Mayor of opportunities for Council to participate in consultation to help the Minister understand the views of the local government sector on the proposed 72 reforms, and invited Council to make its submissions directly to the Office of Local Government (OLG) and the Local Government Association of South Australia (LGA).
6. Council Members have been informed of the ongoing reform process and release of the Discussion Paper through a series of E-news articles and a Local Government Reform page on the Elected Members' portal. Engagement with Members has included a briefing from OLG, and two Committee workshops on the topic.
7. While most proposals are aligned with Council's April 2019 submission, there are some regarding which Council may wish to express preferences or concerns, seek more information, and in some cases Council may not support. A number are not considered optimal means to achieve desired outcomes, and some are considered likely to increase regulatory burden and resource impacts beyond anticipated benefits.
8. **Attachment A** puts forward a proposed CoA response to each of the majority of the reform proposals. This takes into account Council's previous submission approved in April, Members' views ascertained through engagement (described above), the preliminary position of the LGA and the regulatory impact of the proposals anticipated by Administration.
9. In addition, **Attachment A** sets out some reform proposals that have not been included in the current reforms, but may be of benefit to the community, sector and the City of Adelaide. Some are based on ideas put forward by Council in April 2019, and they include proposals to:
  - 9.1. Utilise the City of Adelaide's unique legislative framework and scale as a trial or demonstration jurisdiction for legislative reforms such as online voting and polling booths/days, prior to rolling out such reforms more broadly
  - 9.2. Review permitted rating categories, exemptions and rebates
  - 9.3. Remove restrictions on councils' commercial activities to help drive downward pressure on rates
  - 9.4. Address anticipated problems from implementation of changes to permit provisions under the LG Act as a result of implementation of the *Planning, Development and Infrastructure Act 2016*.
10. **Attachment B** identifies LG Reform proposals 1.4, 1.5, 1.6-7, 1.13 (a), 1.13 (b), 2.2, 2.3, 2.6, 2.7, 2.12, 3.4, 4.7(a), 4.7(b), 4.8 on which Council is asked to determine a position through this report (at Part 2 of the Recommendation).
11. Council's response to the Government's LG Reform proposals is due to be submitted before the due date of 1 November 2019. It is recommended this be comprise of:
  - 11.1. the Lord Mayor writing to Minister Knoll to provide the Council's response and highlight key proposals of interest to the City of Adelaide
  - 11.2. the Chief Executive Officer providing Council's endorsed response to the OLG and LGA as determined at its meeting on 22 October 2019.
12. It is recommended that the Lord Mayor in providing Council's response to Minister Knoll may wish to:
  - 12.1. call for the Government to work closely with the City of Adelaide in drafting legislative amendments, in particular given that the scope of the reforms encompasses consideration of proposed amendments to the *City of Adelaide Act 1998*
  - 12.2. request a cost benefit analysis of legislative amendments developed during the reform process, to ensure that their implementation will not create an undue regulatory burden for community members or councils (which may drive upward pressure on rates)

- 12.3. in regards to any change that is to be implemented, call for Government to work with Councils to develop new requirements, regulations and procedures, to manage the costs of implementation, and to ensure there is sufficient lead time for implementation of system and procedural changes, and to ensure councils have enough time to meet compliance obligations.
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## ATTACHMENTS

**Attachment A** – City of Adelaide response to *Reforming Local Government in South Australia Discussion Paper*

**Attachment B** – Local Government Reform proposals regarding which Council is asked to determine a position

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- END OF REPORT -

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**Additional proposals put forward by Council that are *not* included in the Government's August discussion paper**

***Strategic and innovative reforms***

The LG reform process provides an opportunity to review and modernise section 6 *Principle role of a council* and section 7 *Functions of a council*. The sector relies heavily on these sections of the *Local Government Act 1999* (LG Act) to inform decision making, and they do not represent the contemporary principles and function of the local government sector.

There is also an opportunity to review the *City of Adelaide Act 1998* (CoA Act) to ensure it meets the needs of a capital city 20 years following its enactment. For example, query whether the CoA Act would benefit from the addition of objects for the capital city, per those included in the *City of Perth Act 2016*, noting however that the CoA Act does include more strategic Capital City Committee functions.

***The City as a legislative test bed / demonstration site***

The City requests that Government consider the potential for the city to function as a trial or demonstration site for legislative reforms given the city's ideal scale and stand-alone legislation in the CoA Act. For example, the city could trial initiatives like the following before they are applied to the rest of the State:

- Electronic (online) voting
- Implementation of polling booths, with a mandatory polling day or period during the election period.

***Rate rebates and exemptions***

The CoA in our April 2019 submission requested a review of rate rebates and exemptions, which has not been included in the reform proposals at present.

Rebates

The Act allows for *rebates* of rates on a variety of grounds. The recent transfer of social housing from State Government, who did pay rates, to the community housing sector, who receive a 75% rebate (or more, at Council's discretion) under s161 of the LG Act, has reduced rate revenue. It is not suggested by Council that the sector's eligibility for rebates be altered, as this aligns with the CoA's strategic priority to achieve an inclusive housing mix. However, this has come at the cost of additional rates now foregone by local government. Council supports the LGA's proposal that the State Government should subsidise to councils the percentage of rates foregone as a result of this transfer of housing stock.

Exemptions

Council queries whether all legislative exemptions from imposition of rates are still part of a 'fair and equitable' rating system.

For example, section 147(2) of the Act presently *exempts* Crown land and university land for the purpose of imposing rates. Universities today represent a more commercial business model than at the time the Parliament originally provided for these legislative concessions, and exemptions for universities and their associated activities in the city will in 2019-20 result in an estimated \$8.7m foregone by CoA.

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An amendment is also sought to the *Adelaide Oval Redevelopment and Management Act 2011* which at present would exempt the proposed Adelaide Oval Hotel from the imposition of rates (estimated at approximately \$140,000 per annum earlier this year), which exemption is unavailable to competitors not on the Adelaide Oval site.

Permitted rating categories

Further to its request of April 2019 Council again seeks provision for greater flexibility to impose lower rates in certain circumstances in order to incentivise those activities which are strategically desirable for the city, and higher rates to disincentivise those that are not e.g.:

- long-term vacant buildings (re- land banking)
- heritage properties (to encourage activation and adaptive re-use).

Council requests consideration of amendment of permitted rating categories e.g. to allow for more than one class of vacant land.

The LGA in its preliminary response requested a review of limited 'permitted rating' categories under legislation. Council lends its support to the LGA request and brings to their attention the additional suggestions above.

It does *not* appear that such matters have been considered by the Productivity Commission in its report into local government costs and efficiency.

***Constraints on commercial and other activities***

In April 2019, CoA and the LGA called for measures to drive downward pressure on council rates including by undertaking a review of legislative barriers to commercial operations within local government. The aim would be to better equip Councils to ensure their ongoing financial sustainability by additional means other than rates.

In the context of increasing financial sustainability challenges for local government, opportunities for forming commercial ventures become a necessity, especially for a capital city council whose users far exceed its ratepayer base. Under the LG Act councils or their subsidiaries are presently prohibited from forming a company or acquiring shares in a company, under sections 47 and clause 39, Schedule 2. However, it is noted that councils and subsidiaries may in connection with a commercial project establish a business, or participate in a (non-incorporated) joint venture, trust, partnership or similar.

It is proposed that the reforms address the above restrictions, and also explore changes to facilitate use of e.g. Business Improvement Districts (BIDs). BIDs could be used to better enable businesses in a precinct to jointly contribute funds to Council for targeted expenditure on economic development or other purposes for the benefit of the precinct. Council requests that the Government explore further whether legislation could be amended to better support Councils' capacity to facilitate such models.



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***Impending permit issues via PDI Act amendments***

Issues of significant concern related to permits issued under sections 221 and 222 of the LG Act are anticipated as a result of PDI Act implementation due to occur during 2020. The LG reforms provide an additional opportunity to highlight that these amendments will diminish Council's role in the assessment of, and thus its ability to regulate important matters, currently dealt with under the LG Act permit system. These include conditions imposing obligations to:

- hold insurance;
- maintain public access;
- maintain the condition and appearance of buildings or structures;
- remove buildings or structures at the end of the term; and
- comply with reasonable directions given by the Council.

CoA puts forward these matters for collaborative work between the State Government and Councils, whether by means of a 90 day project or otherwise.

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The following summarises the **CoA response to the Government's reform proposals** and highlights areas for decision on 22 October 2019.

*The traffic lights demonstrate green for support, yellow for query and red for do not support.*






*The LGA have also provide initial feedback on the proposals. If the LGA agree we have included a ✓, if they require more information we have included a ?, and if they oppose the proposal we have included a ✘*

Reform Area 1: Stronger Council Member Capacity And Better Conduct		Draft CoA position (and indication of preliminary LGA position for information only)
1.1	Clearly separate behavioural matters from integrity matters under a new conduct management framework, to create clearer responsibilities and pathways for managing conduct.	SUPPORT April's Council decision and submission is consistent with intent to clarify acceptable behaviour in legislation. Assistance may be required to aid interpretation, such as guidance materials which could be produced by a new Local Government Conduct Commissioner if established under model 3 (see 1.9). <b>LGA = ?</b>
1.2	Include standards of behaviour in the legislation, allowing councils to adopt more detailed 'examples of behaviour' in own policies.	SUPPORT April's Council decision and submission is consistent with intent to include standards of behaviour in legislation. Assistance may be required to aid interpretation, such as guidance materials which could be produced by a new Local Government Conduct Commissioner if established under model 3 (see 1.9). <b>LGA = ✓</b>
1.3	Continue to give councils flexibility to deal with behavioural matters ie to investigate and resolve etc under self-determined complaints handling processes. Strengthen to allow councils to require or direct actions.	SUPPORT April's Council decision and submission is consistent with intent to empower Councils to deal with complaints under self-determined complaints handling processes, eg by requiring or directing actions. Council again submits the following proposals from its April 2019 submission: <ul style="list-style-type: none"> <li>• Deter vexatious/frivolous complaints</li> <li>• Clear classifications of misconduct including bullying and harassment</li> <li>• Strong penalties and sanctions for serious, persistent misconduct</li> <li>• Possible inclusion of enforcement mechanisms for breach of general duties under section 62 LG Act in the Code of Conduct.</li> </ul> <b>LGA = ✓</b>
1.8	Clarify the application of conflict of interest rules to council committees and subsidiaries to simplify complex regulations.	SUPPORT The new provisions should be applied to decision-making only (not workshops or presentations). <b>LGA = ✓</b>
1.9	Establish a new conduct management framework	SUPPORT








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Reform Area 1: Stronger Council Member Capacity And Better Conduct	Draft CoA position (and indication of preliminary LGA position for information only)
<p>through:</p> <p><b>Model 1 - The clarification of current legislation</b>            Clarify current requirements, require a council resolution to refer 'bullying and harassment' complaints to Ombudsman, and require council to report on conduct matters in annual reports.</p> <p><b>Model 2 - Using governance committees</b>            Require a council 'governance committee' (with requisite skills) to be set up as an independent body to advise council on complaints of alleged 'bullying and harassment' by council members, and lodge complaints with Ombudsman. Committee would report on conduct matters in annual report.</p> <p><b>Model 3 - Establishing a Local Government Conduct Commissioner</b>            Create a LG Conduct Commissioner with responsibility to oversee all aspects of council member conduct.</p> <p>This would require—</p> <ul style="list-style-type: none"> <li>• appointment of a suitably qualified and experienced Commissioner, with similar responsibilities to Ombudsman, as a likely full time, or near full-time position</li> <li>• a core administrative support unit.</li> </ul> <p>The Ombudsman could then focus on administrative acts of councils (not conduct), as in most other Australian jurisdictions.</p>	<p>Council supports a combined <b>Model 1 - clarification of current legislation - and Model 3 - establishment of Local Government Conduct Commission.</b></p> <p>Office of Local Government indicated that the models could work concurrently, and clarification of legislation would not preclude but would rather assist establishment and operation of a new Local Government Conduct Commissioner. Included within Model 1 &amp; 3 Council supports a review of consequences if a Code of Conduct complaint is upheld, and for repeated inappropriate behaviour. Council also supports publishing Code of Conduct complaints within the Annual Report, only if the complaint is upheld to ensure procedural fairness.</p> <p><b>LGA = ✓</b></p>

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Reform Area 1: Stronger Council Member Capacity And Better Conduct		Draft CoA position (and indication of preliminary LGA position for information only)	
1.10	Strengthen council members' capacity and improve conduct by clarifying the role of council members to recognise their individual and collective responsibility to act with integrity, support the presiding member, ensure good working relationships within the council, to support the conduct management framework and complete mandatory training.	SUPPORT Issue may be in interpretation. <b>LGA = ✓</b>	
1.11	Clarify the role of council members to recognise their obligation to complete mandatory training prescribed in regulations.	SUPPORT A consistent training framework should be applied across the sector however it should be the responsibility of the LGA to support members to achieve greater consistency. <b>LGA = ?</b>	
1.12	Clarify role of principal member as a leader of council, in ensuring good working relationships within the council, including presiding at meetings, providing guidance to council members, supporting constructive working relationships and high standards of behavior and integrity, taking leadership in resolving differences.	SUPPORT <b>LGA = ?</b>	
1.14	Establish a mandatory (minimum) training scheme within the regulations and require that councils must have a training and development policy	SUPPORT Consistent with original Council decision. Issue may be in interpretation and how much legislation should mandate. <b>LGA = ?</b>	
1.15	Establish a timeframe for completion of mandatory training and a penalty for non-compliance (whether specific sanctions or consideration as a breach of an 'integrity matter'.	SUPPORT <b>LGA = ?</b>	

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Reform Area 1: Stronger Council Member Capacity And Better Conduct		Draft CoA position (and indication of preliminary LGA position for information only)	
1.16	Require councils to include independent advice (or include independent panel members) on CEO selection and remuneration.	SUPPORT This is already CoA's practice and understand is common across most councils. <b>LGA = ?</b>	
1.17	Give responsibility for determining CEO remuneration to the Remuneration Tribunal of SA which presently sets council members' allowances.	SUPPORT in principle Query whether the Tribunal would set a minimum above which Council could pay more to attract appropriate candidates during times of skills shortage, or would tribunal take such factors into account? Would it consider scale and complexity of a council's operations? <b>LGA = ?</b>	
1.18	Require councils to conduct annual performance reviews of CEOs, with independent membership on performance committees or separate independent advice.	SUPPORT This is already CoA's practice and understand is common across all councils. <b>LGA = ?</b>	
1.19	Require annual performance reviews to be completed before the extension of a CEO contract.	SUPPORT This is already CoA's practice and understand is common across all councils <b>LGA = ?</b>	
1.20	Require councils to receive independent advice before terminating a CEO contract.	SUPPORT This is already CoA's practice and understand is common across all councils <b>LGA = ?</b>	
<b>Reform Area 2: Lower Costs And Enhanced Financial Accountability</b>			
2.1	Require audit committees to have a majority of independent members, and an independent chair.	SUPPORT Consistent with Council's April 2019 decision. (Proposal 2.5 gives regional councils the chance to share resources which should ensure they are able to source appropriately qualified members.) <b>LGA = ?</b>	
2.4	Require audit committee members to have specified skills e.g. financial qualifications, legal compliance, governance, local government, and to undergo an induction process.	SUPPORT CoA already has in place an induction process for audit committee membership. <b>LGA = ?</b>	

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Reform Area 1: Stronger Council Member Capacity And Better Conduct		Draft CoA position (and indication of preliminary LGA position for information only)
2.5	Allow for councils to form regional audit committees to address challenges in attraction of suitably qualified and skilled members to committees in regional areas.	SUUPPORT Propose support to assist councils of varying size and locales to attract suitably qualified and skilled members to audit committees. <b>LGA = ✓</b>
2.8	Require the chair of the 'audit and risk committee' to provide a report in the council's annual report on governance standards and compliance.	NOT SUPPORTED CoA provides a Risk Statement in the annual report, and the Chair must present to Council on the previous year. This proposal adds further red tape and is overly prescriptive. Each council has the opportunity to tailor this through their Audit Committee Terms of Reference. Not all Audit Committee's would report on 'governance standards and compliance' currently. <b>LGA = ?</b>
2.9	Require councils to develop and adopt a funding policy as part of their annual business plan that would be reviewed by its audit and risk committee – to create a reference point for the community to understand how council proposes to pay for its services and infrastructure over time taking into account rates, grants, fees and charges and commercial activities.	NOT SUPPORTED CoA already reviews funding assumptions with Council and its Audit Committee as part of annual business planning process. Policy additional to CoA's Treasury policy would be burdensome and of limited utility. The reform would increase regulatory burden for councils, but does not identify opportunities to remove restrictions on councils' commercial activities, as requested by CoA in April. <b>LGA = ?</b>
2.10	Require councils to release a summary of their draft annual business plan that states the proposed increase in total general rate revenue, and the reasons for this increase.	NOT SUPPORTED As CoA already includes information regarding proposed increase in rates and reasons for this in the annual integrated business plan for the approval or otherwise of Council, mandating this represents duplication of effort. <b>LGA = x</b>
2.11	If a council's proposed increase in total general rate revenue is above a prescribed level (such as the Local Government Price Index), require its audit and risk committee to provide a report to the council on the reasons for this increase, to inform their decision.	NOT SUPPORTED Council approves, as part of rate setting, the next year's rate in the dollar, after considering proposed expenditure. Putting an informed decision of Council to review by a Committee is undesirable. The Audit Committee already checks impact of longer term plan on the budget. This should be a council decision, informed on all factors of the decision and its impacts. <b>LGA = x</b>






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Reform Area 1: Stronger Council Member Capacity And Better Conduct		Draft CoA position (and indication of preliminary LGA position for information only)
	<b>Reform Area 3: Efficient And Transparent Local Government Representation</b>	
3.1	<p>Change the timing of periodic council elections to the year following a state election.</p> <p>If this were desired, the next local government elections will be held as scheduled in November 2022, followed by the next periodic elections in November 2027 (ie a five-year term), then reverting to four-year terms.</p>	<p>NOT SUPPORTED</p> <p>Propose oppose due to misalignment between Council and State Govt terms and need to build productive relationships between the two during their concurrent terms. As this has a potential impact on the capital city council in particular, prefer maintain ongoing alignment of terms.</p> <p>Possible additional resource requirements when preparing the CoA voters roll.</p> <p><b>LGA = ×</b></p>
3.2	<p>Enable ECSA to provide ballot papers electronically in some instances (and return electronically) to avoid delays.</p> <p>There are a range of technological challenges to be overcome before online voting can be introduced. It is also not proposed to move to compulsory voting as enforcing compulsory voting in a postal voting system is difficult and resource intensive. This may be a reform best explored at a time when online voting is possible.</p>	<p><b>SUPPORT</b></p> <p>Propose support ability of ECSA to provide ballot papers electronically in certain instances and for their return by electronic means to avoid delays in receiving completed votes.</p> <p><b>N.B. reaffirm support for introduction of electronic (online) voting and emphasise potential for CoA as demonstration jurisdiction for this initiative before rollout to whole of State.</b></p> <p><b>NB CoA also supports compulsory voting</b> – see CoA submission of April 2019.</p> <p><b>Further</b>, support amendment to enable electronic voting in future, in CoA Act, and in the meantime further investigation of technological solutions to overcome challenges and identify a suitable model for future consideration by ECSA.</p> <p><b>LGA = ✓</b></p>
3.3	<p>Clarify that councils are responsible for information sessions about the role of a council member, and that ECSA is responsible for election promotion.</p>	<p><b>SUPPORT</b></p> <p>Support ECSA ownership of promotion during election process as the expert independent body. Councils have a role to play in promoting the elections, whether or not legislated.</p> <p>Information sessions for candidates to be implemented on an as needs basis. City of Adelaide facilitate candidate sessions in conjunction with ECSA with positive results. No further provisions required.</p> <p><b>LGA = ?</b></p>
3.5	<p>Require ECSA to receive all nominations and publish candidate nominations within 24 hours of nominations closing, as well as profiles and statements.</p>	<p><b>SUPPORT</b></p> <p>The Electoral Commission as a specialist independent body should control the process on behalf of Councils.</p> <p><b>LGA = ✓</b></p>

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Reform Area 1: Stronger Council Member Capacity And Better Conduct		Draft CoA position (and indication of preliminary LGA position for information only)	
3.6	Remove the term limit on holding the office of Lord Mayor in the <i>City of Adelaide Act 1998</i> for more than two consecutive terms given that no other council office—and no office within State or Commonwealth Parliament—has a similar limit	SUPPORT Consistent with CoA decision of April 2019 <b>LGA = ?, defers to CoA as only council impacted</b>	
3.7	Require candidates to 'tick a box' stating whether they live in the area they are contesting.	QUERY POTENTIAL UNINTENDED CONSEQUENCES While most candidates supply this information anyway. Over-emphasis on residential status could inadvertently prevent business owners from representing the community unless they live here. <b>LGA = ✓</b>	
3.8	Require candidates to state whether they are a member of a political party or any association or body formed for political purposes, or have been within the past 12 months. Note that candidates who are members of political parties can access a copy of the voters roll in electronic form, which is not available to candidates who are not political party members.	SUPPORT Consistent with CoA submission of April 2019 <b>LGA = ✓</b>	
3.9	Require ECSA to host all information on donations received by candidates and enforce candidates' compliance with campaign donations returns requirements, with all returns to be published online.	SUPPORT Proposal aids transparency. ECSA is a specialist independent body which should control the process on behalf of Councils. <b>LGA = ✓</b>	
3.10	Require candidates to report to ECSA any single donations above a prescribed amount (for example, \$2,000) within five business days of receipt, with a report of donations published online within two business days of receipt.	SUPPORT Proposal aids transparency however note likely resource impact and query timeframe, consistent with LGA comment <b>LGA = ?</b>	
3.11	Enable all candidates to request an electronic copy of the voters roll from the relevant council, with significant penalties (\$10 000) for use of the roll for any purpose other than campaigning in the local government election for which the candidate	SUPPORT Support change from provision of printed to electronic copy of the voters roll – consistent with CoA decision of April 2019. <b>Note</b> the need to pursue measures to protect security of sensitive information such as candidates agreeing to conditions on provision of the roll.	

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	has nominated.	<b>LGA = ✓</b>	
<b>3.12</b>	Remove the requirement for councils to make a 'designated decision' within their caretaker policies on the use of council resources, in favour of a statement within general caretaker responsibilities that council resources must not be used to advantage particular candidates.	SUPPORT Propose CoA support helping councils to get on with business, most of which has little impact on election campaigns for councillors <b>LGA = ✓</b>	
<b>3.13</b>	Extend the voting period by one week to better allow for postal delays.	SUPPORT <b>LGA = ?</b>	
<b>3.14</b>	<p>Change the counting method to the 'exclusion method'.</p> <p>While the current counting method is a 'fair' system for counting votes, it is also more complex than other systems, and takes considerably longer to finalise. A simpler, faster method of counting is the exclusion method. This excludes at each count the candidate who has received the fewest votes until the number of candidates continuing in the count is equal to the number of vacancies to be filled.</p> <p>This will remove the need for complex counting software, and reduce the risk posed by lack of access to this software.</p> <p>ECSA conducted recounts of ballot papers from six council elections using the exclusion count method. The only change was in one case, where the final position in a ward that had six nominations for three positions, was changed.</p>	<p>NOTE LGA COMMENTS CoA support a simpler, faster counting method however agree that LGA comments/concerns should be addressed. <b>LGA = ?</b> <i>Note LGA comments:</i> <i>'The 'Exclusion method' means that where candidates receive more than a quota of votes, or they are eliminated, their preferences are not distributed. Rather, the candidates with the least amount of votes is always eliminated until there are the same number of candidates as positions. This may lead to unfair results: eg: The first candidate on a 'ticket' receives two or three quotas (ie enough votes to elect two or three councillors). However, in the exclusion method, these votes over quota are ignored. The people who are second and third on the ticket do not get elected, as they receive fewer (first preference) votes than other candidates.'</i></p>	

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<p>In this instance, the candidate elected through the exclusion method obtained significantly more first preference votes than the candidate elected through the current method.</p>	
<p><b>3.15</b> If a vacancy on a council is created within 12 months of a periodic election, allow this to be filled through a 'countback' of candidates rather than requiring costly supplementary elections in which participation by voters is usually considerably lower (5-7%) than at periodic elections.</p>	<p>SUPPORT Anticipated cost saving would be beneficial <b>LGA = ?</b></p>
<p><b>3.16</b> Extend the period of time in which a vacancy does not need to be filled to 12 months before a periodic election rather than requiring costly supplementary elections in which participation by voters is usually considerably lower (5-7%) than at periodic elections. This could apply to all positions, or exclude directly elected mayoral positions.</p> <p>It is also proposed that the period in which a vacancy does not need to be filled be extended to twelve months prior to the next periodic election or a general election.</p>	<p>SUPPORT NOTING LGA COMMENTS Legislation could state that no more than 2 vacancies be carried to address any issue with quorum in the short term. This may create further issues around the purpose of representation reviews and structures. Through the Representation Review the appropriate number of councillors for wards/area to ensure appropriate representation is determined., Under this proposal the number determined could be disapplied for a quarter of the term. <b>LGA = ?</b> <i>LGA Comments: 'It is important to balance cost of supplementary elections against cost of under-representation of community during council decision making processes. As councils have varying numbers of elected members, the impact of reduced numbers is felt differently.'</i></p>
<p><b>3.17</b> Enable councils without wards, and with at least nine members, to 'carry ' two vacancies.</p> <p>For those with relatively small numbers of members (6–7) allowing two vacancies would result in a very small number of elected members carrying responsibility for all council decisions and</p>	<p>SUPPORT Legislation could state that no more than 2 vacancies be carried to address any issue with quorum in the short term. Also note comments raised in 3.16 <b>Note that</b> proposal does not apply for Councils with wards – presumably because it is not tenable for a Council to operate for 12 months without ward members. <b>LGA = ?</b></p>

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Reform Area 1: Stronger Council Member Capacity And Better Conduct		Draft CoA position (and indication of preliminary LGA position for information only)
	<p>potentially make it difficult for councils to form a quorum when members are absent.</p> <p>With this in mind, it is proposed to allow a council <b>without wards</b> to carry a maximum of two vacancies where that council has a total of nine or more elected members, not including a directly elected mayor.</p>	
<b>3.18</b>	<p>Simplify representation reviews, and make public consultation requirements more flexible</p> <p>There is a view that the process guiding councils' public consultation on their representation reviews is unnecessarily prescriptive, and prevents councils from properly responding to—or adopting—changes to proposals that may arise through this consultation.</p>	<p>SUPPORT</p> <p>Consistent with Council's April 2019 submission, support simplification and streamlining of provisions relating to challenges and procedures/decision making.</p> <p>The Minister has recently granted a 3 month deferral of representation reviews for the first tranche this year, which includes CoA (which last undertook a review in 2013). A Transitional Bill is to be prepared for Councils like CoA which are affected by changes.</p> <p><b>LGA = ✓</b></p>
<b>3.19</b>	<p>Transfer the responsibility for representation reviews to the Local Government Boundaries Commission, to address perceived conflict of interest when making a decision on the right representative structure for their council.</p>	<p>SUPPORT</p> <p>It would seem reasonable to transfer this function to the LG Boundaries Commission in order to provide for specialised, consistent decision-making across the sector, to manage actual/perceived conflict of interest. Examples from other Councils have demonstrated that this process can cost the community greatly. Consideration needs to be given to the potential increased cost of reviews, and the expertise of consultants to ensure they understand and tailor to the council area.</p> <p><b>LGA = ?</b></p>
<b>3.20</b>	<p>Suspend council members running for State Parliament for the duration of the election campaign. While existing rules prevent council members from using council resources for personal benefit (including such a campaign), resources available to council members may give them a perceived advantage in the campaign</p>	<p>SUPPORT</p> <p>Consistent with CoA submission of April 2019.</p> <p><b>LGA = ✓</b></p>

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Reform Area 1: Stronger Council Member Capacity And Better Conduct		Draft CoA position (and indication of preliminary LGA position for information only)
	against other candidates who are not council members.	
	<b>Reform Area 4: Simpler Regulation</b>	
	<b>Community Engagement</b>	
4.1	<p>Replace the outdated and overly prescriptive community engagement requirements in the Local Government Act with a more flexible 'Community Engagement Charter' ie a contemporary approach that sets minimum notification and consultation standards in the Regulations but also enables councils to design and deliver the engagement that is the 'best fit' for their decisions and actions.</p> <p>This approach could be to develop a Community Engagement Charter, similar to the Charter now in place within the Planning, Development and Infrastructure Act 2016, to deliver a consistent but flexible platform for community consultation for all councils.</p>	<p>SUPPORT</p> <p>Support in principle a more flexible, contemporary approach through collaborative development of a Community Engagement Charter (Charter), consistent with Council's original decision, noting:</p> <ul style="list-style-type: none"> <li>• base/ minimum requirements should be included in Regulations</li> <li>• propose Charter provide for a principle-based rather than prescriptive approach, and identify common engagement categories</li> <li>• Charter could allow for each Council (or group) to develop their consultation frameworks incorporating the minimum requirements and high level principles, so that requirements in each council area are scaleable and tailored to their context</li> <li>• must be fit for purpose and not a copy of PDI Act Charter, which is too heavy-handed for Councils' purposes</li> <li>• request co-design of proposed Charter with councils, given likely significant impact on day to day operations, given our intensive community interface</li> </ul> <p><b>LGA = ✓</b></p>
4.2	Review the requirements for councils to publish notices to best reach the people affected, rather than one size fits all regardless of impact and reach of decision.	<p>SUPPORT</p> <p>Consistent with Council's original decision. This should be addressed in the Community Engagement Charter proposed above – refer 4.1</p> <p><b>LGA = ✓</b></p>
	<b>Internal Review of Council Decisions</b>	
4.3	Allow councils to refuse a request for an internal review of a council decision where the request is substantially similar to a matter that has already been reviewed, or is under review through another process, in order to manage costs to the community of resourcing reviews.	<p>SUPPORT</p> <p>Need to define frivolous, vexatious and trivial requests similar to other Acts (FOI).</p> <p><b>LGA = ✓</b></p>



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4.4	Enable councils to charge a small fee to undertake an internal review requests (in the order of the current \$35 cost for a Freedom of Information enquiry) to deter vexatious complaints, rather than as a 'cost recovery' mechanism. Councils would be able to charge this fee, or to waive it, at their discretion.	SUPPORT Support the implementation of an 'application fee'. Fee should be waived if the decision is overturned, similar to other external review legislation. [Note – of 15 reviews completed in 2018/19 for CoA only 1 was overturned.] LGA = ✓	
4.5	Set a time limit in which requests for internal review of decisions can be made e.g. within 6 months, with discretion for councils to extend on case by case basis.	SUPPORT The Government (through an Ombudsman review) has proposed a 6 month timeframe for submitting an internal review, however CoA has increased this to 1 year within Council policy to provide a better customer experience. LGA = ✓	
4.6	Require councils to consider recommendations for improved administrative practices in their annual report on internal reviews, to ensure that councils continue to analyse internal review outcomes.	NOT SUPPORT Reporting in the annual report of internal review outcomes already provides transparency to the community, however details of process improvements are operational. Support status quo requirement to continue practice of publishing internal review outcomes in annual report. LGA = x	
<b>Informal Gatherings and Discussions</b>			
<b>Register of Interests</b>			
4.9	Compile all council members' registers of interest into one, simple plain English form, given that the current returns forms are considered by some lengthy and confusing.	SUPPORT Support a simplified format with the LGA providing best practice advice/ examples to assist Members in completing their register. Changes to the Register of Interest process would provide better consistency across the types of information needed to be declared by Members across a number of different avenues including the better practice standards, and for Members who represent Councils on committees. Note the Motion on Notice for administration to research further into the development of a Developers Contact Register of Interest, and possible improvements to status quo which provider better reporting mechanisms. LGA = ?	
4.10	Publish council members' Register of Interests in full on the council website (with the exception of	QUERY	



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	specific residential address information).	If the Register in full were provided online would this identify the 'person related to' the Elected Member and include their information? This information is already available at the Principal Office. <b>LGA = ?</b>
	<b>Publication of Information</b>	
4.11	Require councils to publish any document that is currently available at a council office on its website (with the exception of the Assessment Record), with discretion to provide printed copies for a nominal fee.	SUPPORT At present Schedule 5 of the Act lists most of the documents that are required to be available in the Principal Office, however this list is not exhaustive. One list of all documents would streamline the process and provide a better mechanism for councils to achieve compliance. Note LGA comment re cost. <b>LGA = ?</b>
4.12	Remove the requirement for councils to have documents 'available for inspection', but require them to print a copy at request (for a fee). Additionally, the requirement to have material available at a council office does meet current community expectations that information should be available on a website, enabling access at all hours of the day. Councils must spend time and money printing material that is now rarely accessed in this form	SUPPORT Not required in legislation, rather set by each council under fees and charges. Ideally councils would provide most documents available for inspection (on request) by those who cannot access online. <b>LGA = ?</b>
4.13	Include a single list of all material to be published on a council's website in the legislation.  Councils have advised that having two lists within the Act is confusing to both councils and members of the public, as it is not clear what needs to be provided on a website and/or in paper form. The Act creates an unnecessary burden on local government to navigate the separate requirements.	SUPPORT Support, currently Schedule 5 of the Act lists most of the documents that are required to be available in the Principal Office, however this list is not exhaustive. One list of all documents would streamline the process and provide a better mechanism for councils to achieve compliance <b>LGA = ?</b>
	<b>Community Land Revocations</b>	
4.14	Create two categories ('administrative' and	QUERY

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<p>'significant') of community land revocation proposals within the Act and require Ministerial approval only for 'significant' proposals.</p> <p>The current 'one size fits all' approach does not consider the level of impact on a community of a revocation, but mandates the same process before requesting ministerial approval</p> <p>In some cases, cost and effort of the process outweighs the benefit of the outcome, if a revocation has little to no impact on the community, whereas, in other circumstances, the revocation of community land is contentious.</p> <p>In more significant proposals, the future use of land may be a relevant consideration before approval by the Minister. Currently, there is no <i>general</i> ability to impose conditions on an approval (only in limited circumstances). Concerns were also raised that the Act prevents councils changing the management of a piece of land where the owner cannot be found, particularly given that councils can sell land for unpaid rates when this is the case.</p> <p>It is proposed to introduce a streamlined process for the revocation of community land status, by establishing two 'categories' of proposals within the Act. Administrative, or minor, proposals would not require ministerial approval. General, or more</p>	<p>Query whether 'watering down' council responsibilities and Ministerial oversight of Community Land is appropriate. Note following queries from the LGA should be addressed.</p> <p><b>LGA = ?</b></p> <p><i>Q: Would it be preferable to create two categories of community land: 'administrative' and 'significant'? Rather than two categories of revocation.</i></p> <p><i>Note LGA Comments: 'The local government sector agrees that the current arrangements are complex and in need of reform. Councils shouldn't need to go to the Minister every time they propose a minor change to the way they use land under their care and control.'</i></p>

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	significant proposals would continue to require ministerial approval. The Minister would also be provided with the ability to attach conditions to the approval of a general proposal.	
4.15	<p>Enable limited amendments to Schedule 8 to allow minor changes to the management of prescribed land, from current requirements which some see as too restrictive and do not allow councils to modify their management of this land to meet modern community expectations.</p> <p>These amendments by regulation, however, would not be able to alter the community land status, or the chief use of this land.</p>	<p>SUPPORT LGA = ✓ LGA Comment: 'Councils should be able to make minor changes to the management of prescribed land, without embarking on a complicated approval process.'</p>
4.16	Clarify that councils do not need to undertake a community land revocation proposal where the council's care, control and management of the land has been withdrawn under the <i>Crown Land Management Act 2009</i> . It is proposed to clarify these provisions.	<p>SUPPORT Appears to be a reasonable proposal. LGA = ✓ LGA Comment: 'This appears to be a sensible proposal to cut red tape.'</p>
4.17	Enable a council to revoke the classification of land as community land where owners cannot reasonably be found.	<p>SUPPORT Appears to be a reasonable proposal. LGA = ✓ LGA Comment: 'This appears to be a sensible proposal to cut red tape.'</p>
4.18	Provide a mechanism to allow councils to acquire private roads where the owner consents, where the owner is deceased or where the owner cannot reasonably be found and to allow the council to retain or transfer the land to another party.	<p>SUPPORT Two-stage process under current legislation poses various risks to a council, including that the council can be required to take on an undesired public road if the road process under the <i>Roads (Opening &amp; Closing) Act 1991</i> fails after the council has declared the road public LGA = ✓ LGA Comment: 'This appears to be a sensible proposal to cut red tape.'</p>
<b>Authorisations and Permits for Use of Council Roads</b>		




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4.19	Review the public consultation requirements that apply to permits and authorisations, in line with a new community engagement approach, as the current 'one size fits all' approach is seen to be excessive and impractical in some cases. This is particularly in regard to the requirement that councils must consult with their communities (for minimum 21 days) before issuing permits or authorisations for activities that would impede traffic on the road to 'a material degree', even where works are minimal, such as the need to block a road for a short period of time.	<p>SUPPORT</p> <p>Support in principle the proposal to review permit and authorisation consultation requirements, in line with proposed more flexible, contemporary approach – see notes in relation to development of a Community Engagement Charter (Charter) at 4.1. This is consistent with Council's April 2019 decision. This would allow for base/ minimum requirements to be included in Regulations and a principle-based approach to be set out in the Charter, rather than current prescriptive 'one size fits all' provisions which take no account of local conditions and the context of the road closure.</p> <p>Key is CoA's request at 4.1 that the engagement approach be co-designed with councils, given likely significant impact on Councils' day to day operations, as the most intensive community interface.</p> <p><b>LGA = ✓</b></p>
4.20	Remove specific provisions regarding mobile food vendors, in favour of a 'general right of appeal' where a council has unreasonably affected a business.	<p>SUPPORT</p> <p>Support more general application of right of appeal to the Small Business Commissioner, across businesses rather than specific to mobile food vendors alone.</p> <p>CoA already works to facilitate approvals, unless there are sound reasons not to, meaning the proposal should not have any major impacts to our operations.</p> <p><b>LGA = ?</b></p> <p><i>LGA Comment: 'The approved LGA position opposes a uniform approach across the State and supports greater council discretion/flexibility in regional areas.'</i></p>

**PROPOSALS FROM THE LOCAL GOVERNMENT ASSOCIATION – not Government/CoA**

LGA Proposal	CoA comments/feedback
<p><b>LGA1</b> Increase the maximum penalty under a council by-law.</p> <p><i>The current maximum of \$750 has not increased since 1999. This means the maximum permissible expiation fee (at 25%) is only \$187.50</i></p>	<p>QUERY</p> <p>Query whether addressed in Productivity Commission report.</p> <p><b>LGA's own proposal = ✓</b></p>

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<p><b>LGA2</b></p>	<p>Performance Management The SA Productivity Commission is considering recommendations on mandatory performance management systems, to enable councils to compare performance and identify areas for improvement. Whilst there are risks, a carefully constructed performance management system could add value to the sector, eg if:</p> <ul style="list-style-type: none"> <li>• Information is gathered automatically from existing council systems</li> <li>• Information is collected centrally and then used to report to government departments (in accordance with myriad Acts)</li> <li>• This can reduce duplication of council reporting requirements</li> <li>• Information is systematically analysed (eg by LGA) to provide insights and advice to councils.</li> </ul>	<p>BUSINESS IMPROVEMENT Query whether addressed in Productivity Commission report. <b>LGA's own proposal = ✓</b></p>	
<p><b>LGA3</b></p>	<p>Prescribed format for Asset Management Plans and Long-Term Financial Plans There is currently no standard format prescribed in the LG Act for a consistent approach to asset management planning and long-term financial planning. This makes it difficult to synthesise information from different councils or to apply a minimum standard for these documents.</p>	<p>NOT SUPPORT Finance supports setting minimum / core information but not necessary to restrict further than providing a 'model' approach. Context is very different from one Council to another so need flexibility of presentation and interpretation to suit. <b>LGA's own proposal = ✓</b></p>	
<p><b>LGA4</b></p>	<p>Developer contributed assets Accepting an asset has long-term financial implications for a council and prudential management issues should be considered prior to a council accepting an asset. Section 48 of the Local Government Act 1999 could clarify the right of</p>	<p>SUPPORT Note issue appears to be with interpretation and application by councils rather than any legislative barrier. IF implemented, this should apply to State contributed assets as well as developer contributed. <b>LGA's own proposal = ✓</b></p>	

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	council to undertake a prudential report and/or decline an asset.	
<b>LGA5</b>	<p>Rating equity for commercial and/or industrial land uses</p> <p>Currently South Australian councils face considerable rating constraints for selected major developments (e.g. wind farms, feedlots, solar farms and mines) and exempt properties, resulting in local communities paying more than their fair share to subsidise the cost of servicing certain land uses. These constraints include:</p> <ul style="list-style-type: none"> <li>inability to levy appropriate and equitable rates on electricity generators (including wind farms and solar farms) as a result of the exclusion of improvements such as electricity generating plant and equipment from capital valuations under legislation; and</li> <li>the inability to effectively categorise intensive land uses for differential rating purposes, given the limited permitted rating categories available under legislation</li> </ul>	<p>SUPPORT</p> <p>Support but needs to be broadened significantly– and request review of permitted rating categories, rating rebates and exemptions. Refer ‘Reform Proposals not included in Proposals’ at front of this paper.</p> <p><b>LGA’s own proposal = ✓</b></p>
<b>LGA6</b>	<p>Regulations for section 245A of the <i>Local Government Act 1999</i> (Development Bonds)</p> <p>Regulations would safeguard council’s infrastructure and enable councils to recoup the cost of repairs, related to development damage.</p>	<p>SUPPORT</p> <p><b>LGA’s own proposal = ✓</b></p>
<b>LGA7</b>	<p>Regulation 21 of the Local Government (Procedures at Meetings) Regulations 2013</p> <p>The LGA requests amendment to regulation 21 to ensure proper integration between regulation 21 and regulation 12(3) so that a written notice of</p>	<p>SUPPORT</p> <p><b>LGA’s own proposal = ✓</b></p>





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	<p>motion by a council member is not required. Thus, upon council consideration of a CEO recommendation a motion without notice by a member could action that recommendation at the same meeting.</p>	
<b>LGA8</b>	<p>Management of unmade roads The <i>Local Government Act 1999</i> and the <i>Road Traffic Act 1961</i> do not give councils appropriate powers to manage unmade public roads, especially in rural areas. There are many 'public roads' laid out in old rural subdivisions which have never been formed, or are no longer used, and over time have been occupied by adjacent landowners. Clearer statutory provisions are needed so a council can effectively close a road to all, or certain classes of vehicles, and be able to effectively enforce the road closures</p>	<p>SUPPORT Minimal/no impact for city, but seems sensible <b>LGA's own proposal = ✓</b></p>
<b>LGA9</b>	<p>Community housing The State Government is transferring public housing properties to Community Housing Providers to facilitate their upgrade and renewal. This transfer makes properties eligible for a mandatory 75% rebate on council rates, whereas the State Government previously paid full rates on these properties. The LGA advocates for legislative change to remove the 75% rebate on council rates for community housing providers and that this portion of rates continues to be paid for in full by the State Government.</p>	<p>SUPPORT Support LGA proposal – consistent with April 2019 Council decision. See 'Reform Proposals not included in the Proposals' at the front of this document. <b>LGA's own proposal = ✓</b></p>
<b>LGA10</b>	<p>Fees and charges The LGA advocates for review of local government fees and charges regulated by the state</p>	<p>SUPPORT Consistent with April 2019 Council decision. <b>LGA's own proposal = ✓</b></p>



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	government to establish modern price setting principles which promote efficiency, flexibility and fairness in service delivery.		
<b>LGA11</b>	<p>Review the information required to be included in Annual Reports</p> <p>A number of council reporting requirements have marginal value, at best. Cumulatively, they represent a significant impost on council resources and result in higher rates.</p> <p>Examples include annual reporting on:</p> <ul style="list-style-type: none"> <li>• council training programs;</li> <li>• HR management programs;</li> <li>• Informal gatherings (pursuant to section 90(2)).</li> </ul>	<p>SUPPORT</p> <p>Support minimal additional regulation of annual report contents.</p> <p><b>LGA's own proposal = ✓</b></p>	
<b>LGA12</b>	<p>Clarify the ability of the SA Register-General to transfer the ownership of land, where there is a caveat placed over the land.</p> <p>The Register-General does not believe that he has the requisite power. As a result, the statutory intention of s184 is frustrated and councils cannot sell land in cases on non-payment of rates.</p> <p><i>LGA generally supports position</i></p>	<p>SUPPORT</p> <p>Proposal seems sensible.</p> <p><b>LGA's own proposal = ✓</b></p>	

### Local Government Reform proposals regarding which Council is asked to determine a position (Column A or B)

	Government Reform Proposal description Reform Area 1: Stronger Council Member Capacity And Better Conduct	Notes Administration Comments and background/further information	Column A	Column B
1.4	Provide principal members with enhanced powers to deal with disruptive behaviour at meetings eg by exclusion of members for a part of or remainder of a meeting.	<ul style="list-style-type: none"> <li>April's Council decision and submission requested enhanced powers for Principal Members to deal with disruptive behaviour at meetings.</li> <li>Misuse of such a power would be considered an integrity breach and as such dealt with by either Ombudsman, ICAC, or new Local Government Conduct Commissioner within the new conduct framework.</li> <li>A clear framework will be required in order to clarify demarcation and escalation between these bodies.</li> </ul> <p>LGA = ?</p>	<b>SUPPORT</b> LG Reform proposal 1.4	<b>NOT SUPPORT</b> LG Reform proposal 1.4
1.5	<p>Better enable escalation of serious behavioural matters to an independent body that can suspend members (including suspension of allowance).</p> <p>This might occur if considered an integrity breach e.g.: despite reasonable actions to address matters by Council, failure to cooperate with Council's process for handling alleged breaches, or to comply with a finding of an investigation, serious, repeated or sustained Code breaches or those which create a risk to health and safety.</p>	<p>April's Council decision and submission is consistent with intent that serious matters (only) be escalated to an independent body, and that strong penalties and sanctions be provided for serious, persistent misconduct.</p> <p>Committee workshop included discussion of a possible '3 strikes' approach, with penalties for complaints to include publication of a register of complaints (if upheld).</p> <p>Confidentiality breaches were also raised at Committee workshop, which require further actions if a Member is found to be in breach.</p> <p>LGA = ✓</p>	<p><b>SUPPORT inclusion</b> in response in <b>support</b> of LG Reform proposal 1.5 of the following:</p> <ul style="list-style-type: none"> <li>Apply '3 strikes' approach</li> <li>Penalties to include publication of register of (upheld) complaints</li> </ul>	<b>NOT SUPPORT</b>
1.6	Simplify conflict of interest provisions by establishing 'material and 'non- material' conflicts rather than current 3 categories (material, actual and perceived)	<p>The need for improvement is agreed, but more detail is needed to determine whether this will address CoA's request of April 2019 for clarification and simplification: Examples provided include:</p> <ul style="list-style-type: none"> <li>S73(h) LG Act: material conflict – fees received for professional services: e.g. in event of high volume or online transactions.</li> </ul>	<b>SUPPORT</b> LG Reform proposal 1.6 (and request more information)	<b>NOT SUPPORT</b> LG Reform proposal 1.6

Government Reform Proposal description Reform Area 1: Stronger Council Member Capacity And Better Conduct		Notes Administration Comments and background/further information	Column A	Column B
		<ul style="list-style-type: none"> <li>S73(2) (a), e.g. a shareholder of a publicly listed organisation.</li> <li>S73(c) – material conflicts and membership of community boards.</li> </ul> <b>LGA = ✓</b>		
<b>1.7</b>	Simplify the process by which council members can be exempt from conflict of interest provisions, or seek approval to participate in a matter, including a review of 'ordinary business matters'.	<p>The need for improvement is agreed, but more detail is needed to determine whether this will address matters identified by CoA in April 2019.</p> <p>See comments at 1.6 above – note that Council's April 2019 submission raised application of the ordinary business exemption (8AAB of the LG (General) Variation Regulations 2016 (relating to subsidiaries and committees).</p> <b>LGA = ✓</b>	<b>SUPPORT</b> LG Reform proposal 1.7 (and request more information)	<b>NOT SUPPORT</b> LG Reform proposal 1.7
<b>1.13</b>	Provide directly elected Mayors with a <i>deliberative</i> vote on motions before council, while retaining their ability to make a <i>casting</i> vote if a matter is tied.	<p>Consistent with Council's April 2019 decision and request.</p> <p>At Committee workshop on 15 October, Members proposed alternatives including:</p> <ul style="list-style-type: none"> <li>If a Mayor has a deliberative vote, they should not receive a casting vote</li> <li>If a Mayor has a deliberative and casting vote there should be an independent Chair</li> </ul> <b>LGA = ?</b>	<b>SUPPORT</b> LG Reform 1.13, that Mayors would be provided with a deliberative vote, and retain a casting vote	<b>NOT SUPPORT</b> LG Reform proposal 1.13, retain status quo (a directly appointed Mayor only has a casting vote)
<b>1.13 (a)</b>	<p><i>Included as 1.13(a) as raised by Members at Committee workshop on 15 October</i></p> <p>Provide councils with the ability to appoint an alternative Chair/ presiding member to facilitate meetings if 1.13 were implemented so that a Mayor has both a deliberative and casting vote</p>	Raised by Council Member at Committee Workshop on 15 October	<b>SUPPORT</b> LG Reform 1.13(a) as raised by Members	<b>NOT SUPPORT</b> LG Reform proposal 1.13(a) as raised by Members
<b>Reform Area 2: Lower Costs And Enhanced Financial Accountability</b>				
<b>2.2</b>	Strengthen the role of audit committees in councils' external audits, through oversight of the	Audit Committee members are equipped with the experience and knowledge they require to provide	<b>SUPPORT</b> LG Reform proposal 2.2	<b>NOT SUPPORT</b> LG Reform proposal 2.2

Government Reform Proposal description Reform Area 1: Stronger Council Member Capacity And Better Conduct		Notes Administration Comments and background/further information	Column A	Column B
	appointment of the auditor and determining the scope of the audit, and as the chief liaison point with the auditor. The aim is to ensure the scope of audit parallels the scope of public sector audits undertaken by the Auditor-General.	oversight of reports and discuss any issues with independent auditors. <b>LGA = ?</b>		
<b>2.3</b>	Require audit committees to report on the council's approach to internal audit processes and recommend a course of action, recognizing diversity of councils' size, needs, budget and complexity.	CoA already reports internal performance and compliance audits to its Audit Committee which functions as a risk and audit committee. While this could build stronger risk management across councils, it may be overly prescriptive to require that the Committee has oversight of the internal audit plan. The approach should be able to be tailored by each Council depending on its resources/need/risks. <b>LGA = ?</b>	<b>SUPPORT</b> LG Reform proposal 2.3	<b>NOT SUPPORT</b> LG Reform proposal 2.3
<b>2.6</b>	Require the Auditor-General to oversight all council audits, as in all other States, to ensure that all audits are undertaken uniformly and to a high standard and allow for collection of data to form the basis for further investigations and performance audits.	<ul style="list-style-type: none"> <li>• Likely to incur additional costs.</li> <li>• Auditor-General has power to audit councils at present, and is likely to outsource audits to the same firms Councils already use.</li> <li>• Would enforce a consistent audit approach across the sector.</li> <li>• For same reasons as LGA opposes, could make optional rather than mandatory.</li> </ul> <b>LGA = x</b>	<b>SUPPORT</b> LG Reform proposal 2.6	<b>NOT SUPPORT</b> LG Reform proposal 2.6
<b>2.7</b>	Create 'audit and risk committees' that play an expanded role in councils' financial management and performance. This could include- <ul style="list-style-type: none"> <li>• Reviewing councils' risk assessments and controls.</li> <li>• Providing comment on councils' rating policies and practices.</li> </ul>	<ul style="list-style-type: none"> <li>• While CoA's Audit Committee's terms of reference already include risk management this proposal is highly prescriptive as to what those Committees must consider.</li> <li>• Further broadening of the scope of the committee's functions beyond audit could result in dilution of the committee's skill set and create longer timeframes for decision making by councils.</li> <li>• Council's rating policies and practices are already a matter for Council decision.</li> </ul>	<b>SUPPORT</b> LG Reform proposal 2.7	<b>NOT SUPPORT</b> LG Reform proposal 2.7

Government Reform Proposal description		Notes	Column A	Column B
Reform Area 1: Stronger Council Member Capacity And Better Conduct		Administration Comments and background/further information		
	<ul style="list-style-type: none"> <li>Reporting to council on its use of public resources.</li> <li>Reporting to councils on prudential matters.</li> <li>Performance monitoring of councils.</li> </ul>	LGA = x		
2.12	<p>Create 'governance committees' to provide independent advice to councils on critical management policies, processes and actions, potentially:</p> <ul style="list-style-type: none"> <li>Councils' compliance and governance policies.</li> <li>Councils' policies to improve ethical standards across councils and reduce fraud and corruption risks.</li> <li>Councils' strategic management plans, and on progress to deliver priorities, particularly on the management of significant council projects.</li> <li>Council member conduct-both on policies and processes to improve it, and on specific conduct matters (as described in Reform Area 1).</li> <li>CEO appointment and management (as described in Reform Area 1).</li> </ul>	<ul style="list-style-type: none"> <li>Mandating further governance committees/ structures could be costly and seen to take the place of the Council Members, and Administration advice.</li> <li>Independent membership may not have the council context to provide optimal advice in all circumstances.</li> <li>This also risks diluting the expertise/ experience of members as remit is extremely broad.</li> <li>Councils can already create additional governance / advisory committees if council members wish, without mandating this for all councils.</li> <li>LGA view is that this would create more red tape for little additional value.</li> </ul> <p>LGA = x</p>	<b>SUPPORT</b> LG Reform proposal 2.12	<b>NOT SUPPORT</b> LG Reform proposal 2.12
	<b>Reform Area 3: Efficient And Transparent Local Government Representation</b>			
3.4	<p>Require councils to undertake specific activities to inform property franchise holders of their need to self-enrol, OR re-introduce the automatic enrolment of property franchise holders (which CoA already has).</p> <p>ECSA has advised that automatic enrolment of property franchise holders must include a requirement for groups and body corporates to nominate a natural person to exercise its vote, before receiving ballot papers, to enable councils to</p>	<p>CoA unlike other Councils already has automatic enrolment of property franchise holders and there is no proposal for this to alter. However CoA, as a Council with automatic enrolment of property franchise holders, would be impacted by a <b>new</b> requirement for groups and bodies corporate to nominate a natural person to exercise a vote on behalf of each property franchise holder, before receiving ballot papers. This would require Council to approach each business, group etc before finalisation of the roll. Introducing this new requirement may significantly</p>	<b>SUPPORT</b> inclusion in LG Reform proposal 3.4 of a requirement for groups and bodies corporate to nominate a natural person to exercise its vote	<b>NOT SUPPORT</b> inclusion in LG Reform proposal 3.4 of a requirement for groups and bodies corporate to nominate a natural person to exercise its vote

Government Reform Proposal description		Notes	Column A	Column B
<b>Reform Area 1: Stronger Council Member Capacity And Better Conduct</b>		<b>Administration Comments and background/further information</b>		
	ensure that a person is not voting twice in a council election.	<p>impact the number of eligible voters in the City, if people are not nominated, as the majority of the CoA roll is comprised of property franchise holders. There would be significant resource implications for CoA to communicate with and follow up any property franchise holders who fail to nominate a natural person, otherwise they would not receive a ballot pack. This would create additional regulatory burden for voters and Council, and likely lead to diminished voter numbers.</p> <p><b>LGA = x</b></p> <p><b>Further information:</b></p> <p>Importantly, if the designated person provisions were to go through in the same form as those which exist for other councils, <b>only the nominated person would be eligible to become a candidate.</b> This would exclude any other person in the group or officer (Director etc) of the body corporate from becoming a candidate, and would need to be addressed in any legislative change should this new requirement be implemented. This point will be included in Council's feedback for consideration regardless of Council's position on this topic.</p>		
<b>Reform Area 4: Simpler Regulation</b>				
<b>Informal Gatherings and Discussions</b>				
<b>4.7</b>	<p>Remove the 'informal gatherings' provisions in the Local Government Act, in favour of establishing a new category of meetings, such as 'information or briefing sessions', to help manage risk/perception that informal gatherings may be held to avoid public scrutiny of/debate on council decisions.</p> <p>These sessions would be called by the council or CEO, inviting any number of council members, for the purpose of providing information on council</p>	Does changing 'informal gathering' to 'information or briefing session' address the issues that have been experienced and identified by councils?	<b>SUPPORT</b> LG Reform proposal 4.7	<b>NOT SUPPORT</b> LG Reform proposal 4.7

Government Reform Proposal description Reform Area 1: Stronger Council Member Capacity And Better Conduct	Notes Administration Comments and background/further information	Column A	Column B
<p>matters, or to undertake training on any aspect of the members' official functions and duties.</p> <p>Feedback from some councils has been that the current regulations are onerous, difficult to understand, and place an administrative burden on councils that is not justified.</p> <p>There has also been some confusion as to whether it is appropriate for council members to discuss council business between themselves; or to hold social gatherings.</p> <p>The Act will continue to state that these sessions should not replace open discussion and decision making at formal council meetings.</p>			
<p><b>4.8</b> Require councils to publish details of information sessions held, what was discussed, who attended, and whether the session was open or not.</p> <p>Where practical details would be published before the session.</p>	<p>Note LGA query: Q: What are the benefits of this additional reporting requirement, and do these outweigh the further additions to councils' regulatory 'red tape' burden? <b>LGA =x</b></p>	<b>SUPPORT</b> LG Reform proposal 4.7	<b>NOT SUPPORT</b> LG Reform proposal 4.7
<b>Other CoA proposals</b>			
Impose cap on expenditure related to elections	Raised by Council Member at Committee Workshop on	<b>SUPPORT</b> imposition of cap on expenditure related to elections	<b>NOT SUPPORT</b> imposition of cap on expenditure related to elections
Increase requirements for disclosure of donations before elections	Raised by Council Member at Committee Workshop on	<b>SUPPORT</b> increased requirements for disclosure of donations before elections	<b>NOT SUPPORT</b> increased requirements for disclosure of donations before elections



# Lord Mayor Travel to New Zealand, November 2019

ITEM 12.5 22/10/2019  
Council

2019/01833  
Public

**Program Contact:**  
Matt Grant, AD Economic  
Development & Innovation 8203  
7779

**Approving Officer:**  
Ian Hill, Director Growth

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## EXECUTIVE SUMMARY

The Mayor of Christchurch, the Hon Lianne Dalziel, has invited the Lord Mayor to visit Christchurch to attend the unveiling ceremony on 21 November for a new artwork designed by Adelaide artist Karen Genoff entitled *Kaurna Waiyu* (Kaurna Leaves). The new artwork will be shipped to Christchurch to replace a piece designed by Genoff that was stolen from its position in the Adelaide Sister City Garden at Halswell Quarry Park in 2015. The unveiling ceremony will also be attended by Genoff and Kaurna Elder Uncle Lewis O'Brien.

As it would be the Lord Mayor's first visit to Christchurch, the visit would be a good opportunity to deepen the sister city relationship, including through preliminary discussions about plans to mark the 50<sup>th</sup> anniversary of the relationship.

While in New Zealand, the Lord Mayor would also visit Wellington and Auckland to meet with key representatives to discuss opportunities to grow our communities and economies, environmental leadership initiatives and other issues of mutual interest.

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## RECOMMENDATION

That Council:

1. Notes the invitation from the Mayor of Christchurch for the Lord Mayor to visit Christchurch, Attachment A to Item 12.5 on the Agenda for the meeting of the Council held on 22 October 2019.
  2. Notes a draft itinerary, as shown in Attachment B to Item 12.5 on the Agenda for the meeting of the Council held on 22 October 2019.
  3. Approves the Lord Mayor's travel to New Zealand from 20-26 November 2019.
-

## IMPLICATIONS AND FINANCIALS

City of Adelaide 2016-2020 Strategic Plan	<p><b>Strategic Alignment – Smart</b></p> <p>This activity supports the following Strategic Plan objective:</p> <ul style="list-style-type: none"> <li>Showcase the City as the location of choice for international and national trade and investment, especially for the knowledge, arts and cultural sectors, through our sister cities and other partnerships and connections, and align with State Government economic targets for increasing foreign investment, service exports and skilled migration.</li> </ul>
Policy	No Council policies or procedures are impacted by this report
Consultation	No consultation required
Resource	Travel, accommodation and associated costs for the Lord Mayor’s visit are estimated at \$5,000. Subject to Council approval, the CEO will determine the appropriate support required from Administration. The costs for this visit will be managed within existing budgets. CEO gave an undertaking to provide cost or number of staff to support.
Risk / Legal / Legislative	No legal risks associated with this activity
Opportunities	<p>This will be the Lord Mayor’s first visit to Christchurch and presents an opportunity to deepen the City of Adelaide’s sister city relationship with Christchurch, particularly through:</p> <ul style="list-style-type: none"> <li>The unveiling of a new artwork by Adelaide artist Karen Genoff</li> <li>Undertaking preliminary discussions about plans to mark the 50<sup>th</sup> anniversary of the sister city relationship (in 2022)</li> <li>Meeting civic leaders in Christchurch to discuss opportunities for cooperation</li> <li>Engaging with institutions in Christchurch which have connections to Adelaide.</li> </ul> <p>The visit also provides the opportunity to visit Wellington and Auckland to meet with key representatives to discuss opportunities to grow our communities and economies, environmental leadership initiatives and other issues of mutual interest.</p>
19/20 Budget Allocation	Yes, provided for within the International Relations budget allocation
Proposed 20/21 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
19/20 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report.

## DISCUSSION

1. The Mayor of Christchurch, the Hon Lianne Dalziel, has invited the Lord Mayor to visit Christchurch (**Attachment A**) to attend an unveiling ceremony on 21 November 2019 of an artwork created by Adelaide-based artist Karen Genoff.
  - 1.1. The new artwork was designed to replace a piece designed by Genoff in the early 2000's that was stolen from its position in the Adelaide Sister City Garden at Halswell Quarry Park in 2015.
  - 1.2. The unveiling ceremony will also be attended by the artist, Karen Genoff, and Kaurna elder Uncle Lewis O'Brien.
2. As this would be the Lord Mayor's first visit to Christchurch, the Christchurch City Council is developing a broader visit programme to introduce the Lord Mayor to Christchurch and its civic leaders, with an aim to strengthening the sister city relationship.
3. The visit would also provide a good opportunity to begin preliminary discussions about planning for activities to mark the 50<sup>th</sup> anniversary of the sister city relationship between Adelaide and Christchurch (in 2022).
4. Mayor Dalziel visited Adelaide to mark the 45<sup>th</sup> anniversary of the sister city relationship in September 2017. She was accompanied by Peter Cottrell, Chair of the Christchurch Adelaide Sister City Committee.
5. The Lord Mayor sent a letter and photo book to Mayor Dalziel to express sympathy and support following the attack on two Christchurch Mosques in March 2019.
6. While in New Zealand, the Lord Mayor would also visit Wellington and Auckland to meet with industry representatives to discuss opportunities to grow our communities and economies, environmental leadership initiatives and other issues of mutual interest. A draft itinerary for the outbound visit is shown in **Attachment B**.

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## ATTACHMENTS

**Attachment A** – Invitation to the Lord Mayor from the Mayor of Christchurch

**Attachment B** - Draft itinerary for New Zealand Outbound Visit 2019

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- END OF REPORT -

## Office of The Mayor

Christchurch  
City Council 

20 August 2019

Ms Sandy Verschoor  
Lord Mayor of Adelaide  
Town Hall  
128 King William Street  
Adelaide  
South Australia 5000

Dear Lord Mayor Verschoor

Greetings to you from Otautahi Christchurch.

It is with great pleasure that I invite you to an unveiling ceremony on the 21st of November 2019 of an artwork created in Adelaide for the Adelaide Sister City Garden in Christchurch.

We are grateful for the financial contribution made by the City of Adelaide Council toward this artwork, named *Kaurna Waiyu*, produced by the reputable Adelaide artist Karen Genoff. The artwork is inspired by aboriginal culture following her consultation with respected Kaurna Elder, Uncle Lewis O'Brien. Both Ms Genoff and Mr O'Brien will be attending the ceremony.

The unveiling will take place in the Adelaide Sister City Garden at Halswell Quarry Park. As this would be your first visit to Christchurch as Lord Mayor, we would be delighted to develop a broader visit programme in order to fully introduce you to our city and its leaders during your stay.

I hope you will join us for this special occasion.

Warm regards



Hon Lianne Dalziel  
**MAYOR**

P.S. Your letter of 25 July and the photo book have just arrived. Thank you so much. It is an amazing gift, which I know will be deeply appreciated by our communities.

Civic Offices, 53 Hereford Street, Christchurch 8011

PO Box 73016, Christchurch 8154

Phone: 03 941 8999

www.ccc.govt.nz

18/638769

Lianne

**Wednesday 20 November 2019 (Christchurch)**

PM – Arrive in Christchurch

PM – Attend Children's University Graduation

**Thursday 21 November 2019 (Christchurch)**

AM – Meeting with Mayor of Christchurch

AM – Meetings with ChristchurchNZ to discuss sustainability initiatives and Christchurch International Airport to discuss improving connectivity between Christchurch and Adelaide

PM – Attend the unveiling event of artwork by Adelaide artist, Karen Genoff

PM – Tour of Arts Centre

**Friday 22 November 2019 (Christchurch / Wellington)**

AM – Meetings in Christchurch focussing on opportunities to grow our communities and economies, environmental leadership, smart cities, sustainability and creative activation of public spaces

PM – Depart for Wellington

**Monday 25 November 2019 (Wellington / Auckland)**

AM – Meetings in Wellington focussing on innovation, smart cities, sustainability, creative activation of public spaces and NEC's living lab

PM – Depart for Auckland

**Tuesday 26 November 2019 (Auckland)**

AM – Meetings in Christchurch focussing on opportunities to grow our communities and economies, environmental leadership, smart cities, and creative activation of public spaces

PM – Depart for Adelaide

## Pop up separated bikeway

**ITEM 13.1** 22/10/2019  
**Council**

**Council Member**  
Councillor Khera

Public

**Receiving Officer:**  
Mark Goldstone, Chief  
Executive Officer

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## QUESTION ON NOTICE

**Councillor Khera will ask the following Question on Notice:**

'Noting that a 'Pop up separated bikeway' was installed on Pirie Street as part of 'Splash Adelaide', and given that Splash Adelaide would never be used for policies such as a 'Pop-up Rates Reduction to Help Reduce Unemployment', can the Administration:

1. Assure the chamber that Splash Adelaide will not be used for political purposes?
2. Indicate the effect on parking and traffic, on the day that the 'Pop up Separated Bikeway' was installed?'

The Lord Mayor will provide a reply at the meeting, the reply and question will be included in the Minutes of the meeting.

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- END OF REPORT -

# Unsolicited Proposal Policy

**ITEM 13.2** 22/10/2019  
**Council**

**Council Member**  
Councillor Martin

Public

**Receiving Officer:**  
Mark Goldstone, Chief  
Executive Officer

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## QUESTION ON NOTICE

**Councillor Martin will ask the following Question on Notice:**

‘Could the Administration advise if the Council’s Unsolicited Proposal policy allows the City of Adelaide to withdraw from the process associated with any unsolicited bid and, if so, at what stage/s in the process?’

The Lord Mayor will provide a reply at the meeting, the reply and question will be included in the Minutes of the meeting.

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- END OF REPORT -



Council Member  
Councillor Martin2019/00951  
PublicReceiving Officer:  
Mark Goldstone, Chief  
Executive Officer

## MOTION ON NOTICE:

**Councillor Martin will move a motion and seek a seconder for the matter shown below to facilitate consideration by the Council:**

'That Council:

Noting the State Government has appointed a Commissioner to request building owners to advise only occupants of buildings with potentially flammable Aluminium Composite Panels (ACP),

1. Asks the Administration to publicly release immediately details to ALL South Australians of the buildings, private and public, in the City of Adelaide clad or partially clad in such material, together with the risk classification (for example, extreme, high etc) and the strategies to be adopted to ensure public safety pending remediation.
2. Requests the Lord Mayor write to the Planning Minister, Stephan Knoll, expressing concern the State Government has asked Local Government Areas to manage flammable ACP remediation and recommending the Minister urgently consider as an alternative approach the Victorian Government's prompt action which has included a 600 million dollar budget to rectify high risk sites, funded by a building industry levy and legal action where possible.'

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## ADMINISTRATION COMMENT:

1. The Aluminium Composite Panel Building Audit (the Audit) is being co-ordinated by the State Government (DPTI) in conjunction with councils throughout South Australia.
2. All councils are providing input into the Audit through a combination of on-site inspections, review of approved documentation and a risk review of the building in its current form.
3. In relation to the public release of this information, Minister Stephan Knoll has stated, "*as a government, safety is at the forefront of all our decisions and that's why we will not be disclosing the exact locations of buildings with cladding issues.*" Further, DPTI have advised that the specific details of the buildings have been categorised as '*protected*' on the basis of security in accordance with the Information Security Management Framework.
4. This framework stipulates that the '*protected*' security classification when compromised, could endanger individuals and private entities and impede the investigation or facilitate the commission of serious crime.
5. Further, the Local Government Association Mutual Liability Scheme (LGAMLS) has advised councils of significant civil liability risk exposure should a council publicly release the information associated with the Audit. Indeed, financially implicated parties may initiate legal action against the disclosing council to recover consequential loss (e.g. loss of rent, property value implications etc). A letter from the LGAMLS detailing its advice to all councils was received and distributed to all Members.

6. In consideration of the potential impacts on building owners and occupiers, we support DPTI's and LGAMLS advice that this information is currently not appropriate for public release.
7. The City of Adelaide's Building Fire Safety Committee (the Committee) has issued letters to advise relevant building owners of the outcome of the audit Phase 2. In this correspondence the building owner is advised that they are responsible for keeping all affected parties (including tenants) informed. The correspondence contains the risk rating and any potential rectification actions that are required within a specified timeframe.
8. The Committee has commenced Phase 3 of the Audit and is in the process of reviewing the South Australian Life Safety Analysis (SALSA) report results on all buildings to decide what (if any) remedial action under Phase 3 is required. As the level of required remedial action is unknown at this time, there are no set dates for the completion of Phase 3.
9. In relation to funding options, the Victorian Building Authority has a process that gives building owners the opportunity to enter into a 'Cladding Rectification Agreement'. This proposal is a three-way arrangement between the owner, financial lenders and the council. As part of this process, a charge will appear on the rates notice and the debt is secured by the property.
10. The State Government will continue to update South Australians on the progress of the remediation works as appropriate.

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- END OF REPORT -

Council Member  
Councillor Martin2019/000551  
PublicReceiving Officer:  
Mark Goldstone, Chief  
Executive Officer

## MOTION ON NOTICE:

**Councillor Martin will move a motion and seek a seconder for the matter shown below to facilitate consideration by the Council:**

'That Council:

- (1) Notes the motion put forward by Councillor Couros on 23 September 2019 that became the Council decision, scrapping the previously unanimously agreed North Adelaide Local Area Traffic and Parking Management Plan motion of 12 March 2019, which included a business on street parking scheme that was to have been introduced from 1 December 2019;
- (2) Asks the Administration to provide a report by 1 December 2019 on how a scheme for paid on street parking permits could be introduced for North Adelaide businesses.'

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## ADMINISTRATION COMMENT:

1. The North Adelaide Local Area and Traffic Parking Management Plan identified approximately 700 businesses in North Adelaide with approximately 10,800 employees.
2. At its meeting on 24 September 2019 Council resolved to revoke Part 1 and Part 2. i) to vi) of the decision of Council on 12/03/2019 in relation to North Adelaide On-Street Parking, which included:  
*vi) immediate planning for the introduction no later than the end of 2019 of a scheme to allow business ratepayers access to on-street permits in designated areas currently utilised by commuter parking.*
3. At that same meeting Council resolved to reinstate bays which were unrestricted and 10P parking prior to 1 July 2019 adjacent the Park Lands as a priority (approximately 340 bays) and to conduct a 28-day consultation period in relation to the current parking controls within the other streets within North Adelaide.
4. The parking changes requested have been implemented and 311 bays reinstated to unrestricted and 10P parking to date.
5. The 28-day consultation period which will enable feedback from all North Adelaide stakeholders commences on Monday 21 October until Monday 18 November. The feedback from this consultation will be valuable should Council wish to explore an on-street parking permit scheme for North Adelaide businesses.

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- END OF REPORT -

# Treasury Policy Revision

**ITEM 15.3** 22/10/2019  
**Council**

**Council Member**  
Councillor Simms

2019/00224  
Public

**Receiving Officer:**  
Mark Goldstone, Chief  
Executive Officer

## MOTION ON NOTICE:

**Councillor Simms will move a motion and seek a seconder for the matter shown below to facilitate consideration by the Council:**

'That **part 2 of the decision of** Council on 11/12/2018 in relation to the adoption of a Treasury Policy revision, namely:

"THAT COUNCIL:

1. Notes that the Audit Committee is satisfied the revised Treasury Policy, as set out in Attachment A to Item 5.4 on the Agenda for the meeting of the City of Adelaide Audit Committee held on 5 October 2018, provides appropriate direction to Council and the Administration in managing the key financial risk exposures of the Corporation; and
2. Adopts the proposed Treasury Policy, as contained in Attachment A, to Item 12.10 on the Agenda for the meeting of the Council held on 11 December 2018, excluding all reference to giving preference to banks and other financial agencies that do not invest in the fossil fuel industry."

**be amended:**

- **By the deletion of the words 'excluding all reference to giving preference to banks and other financial agencies that do not invest in the fossil fuel industry'**
- **By the inclusion of the following after 2018:**  
'including the following reference:  
Subject to compliance with legislation, Treasury Policy objectives and parameters; and a competitive return, the City of Adelaide will preference investment securities and financial institutions which do not invest in the fossil fuel industry.'

## ADMINISTRATION COMMENT:

1. The requested amendment is consistent with the original revised Treasury Policy presented to Council for approval on 11 December 2018.
2. If approved, Administration will make the required changes to the current approved Treasury Policy.

- END OF REPORT -

Council Member  
Councillor Khera2019/00951  
PublicReceiving Officer:  
Mark Goldstone, Chief  
Executive Officer

## MOTION ON NOTICE:

**Councillor Khera will move a motion and seek a seconder for the matter shown below to facilitate consideration by the Council:**

'That:

Administration prepare a brief report outlining the means by which electronic screen luminance intensity can presently be regulated where such screens are in public view, and options for reform which would improve the capacity for Council to provide responsive regulation of such screens in future.'

---

## ADMINISTRATION COMMENT:

1. The Adelaide (City) Development Plan contains provisions that seek to minimise nuisance from electronic screen luminance. Council Wide Objective 56 seeks that advertising does not 'create a hazard' and Principle of development Control 217 seeks that advertising signs do 'not emit excessive glare or reflection from external or external illumination'. The Development Plan is the document that is used by Administration to assess development applications or by the State Commission Assessment Panel if advertising is associated with a development with a value over \$10 million.
2. There are specific provisions that seek to ensure that advertising signs do not cause confusion with, or reduce the effectiveness of traffic control devices. Advertising signs adjacent roads or traffic signal are assessed against "Advertising Signs Assessment Guidelines for Road Safety" published by the Government of South Australia Department of Planning Transport and Infrastructure August 2014. This document is used to inform council's traffic engineers as to whether a proposal is acceptable.
3. Moveable signs covered by the City of Adelaide Removable Sign Bylaw 2 of 2018, states that signs have no internal illumination or flashing lights.
4. The Planning and Design Code will supersede the Development Plan in July 2020. The Code proposes provisions that seek to minimise nuisance from advertising signs. There are several provisions that seek to minimise hazard to drivers by reducing excessive glare and driver distraction. The Code also includes a provision that states 'Light spill from advertisement illumination does not unreasonably compromise amenity of adjacent and proximate sensitive receivers'.

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- END OF REPORT -

# Exclusion of the Public

**ITEM 17.1** 22/10/2019  
**Council**

**Program Contact:**  
Rudi Deco, Manager  
Governance 8203 7442

2018/04291  
Public

**Approving Officer:**  
Mark Goldstone, Chief  
Executive Officer

## EXECUTIVE SUMMARY:

It is the recommendation of the Chief Executive Officer that the public be excluded from this Council meeting for the consideration of information and matters contained in the Agenda.

For the following reports of The Committee & Audit Committee seeking consideration in confidence

**18.1.1.** Recommendation of The Committee in Confidence – 15/10/2019

Recommendation 1 Expression of Interest – Activating Eighty-Eight O’Connell [s 90(3) (d)]

**18.1.2.** Advice of the Audit Committee in Confidence – 22/10/2019 [s 90(3) (i) & (k)]

The Order to Exclude for Item 18.1.1 and 18.1.2:

1. Identifies the information and matters (grounds) from s 90(3) of the *Local Government Act 1999 (SA)* utilised to request consideration in confidence;
2. Identifies the basis – how the information falls within the grounds identified and why it is necessary and appropriate to act in a meeting closed to the public; and
3. In addition identifies for the following grounds – s 90(3) (b), (d) or (j) - how information open to the public would be contrary to the public interest.

## ORDER TO EXCLUDE FOR ITEM 18.1.1:

### THAT COUNCIL:

1. Having taken into account the relevant consideration contained in s 90(3) (d) and s 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 22/10/2019 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 18.1.1 [Recommendation of The Committee in Confidence – 15/10/2019] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

#### Grounds and Basis

This Item contains commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person, who supplied the information and confer a commercial advantage on a third party and in this instance it is the proponents who have supplied commercial information to support their submission to the EOI.

#### Public Interest

The Committee is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of this information may result in release of information prior to the finalisation of 'commercial in confidence' negotiations between the proponent and their suppliers and may materially and adversely affect the financial viability of the proponent in relation to contract negotiations which on balance would be contrary to the public interest.

2. Pursuant to s 90(2) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 22/10/2019 orders that the public (with the exception of members of Corporation staff and any person permitted to remain) be excluded from this meeting to enable this meeting to receive, discuss or consider in confidence Item 18.1.1 [Recommendation of The Committee in Confidence – 15/10/2019] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in s 90(3) (d) of the Act.

## ORDER TO EXCLUDE FOR ITEM 18.1.2:

### THAT COUNCIL:

1. Having taken into account the relevant consideration contained in s 90(3) (i) & (k) and s 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 22/10/2019 resolves that it is necessary and appropriate to act in a meeting closed to the public for the consideration of Item 18.1.2 [Advice of the Audit Committee in Confidence – 22/10/2019] listed on the Agenda.

#### Grounds and Basis

This Item is of a confidential nature because the report includes information on Council litigation.

The disclosure of information in this report could reasonably be expected to prejudice the outcome of Council's actual litigation.

The Audit Committee is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of this information relates to the actual litigation of council.

This Item is confidential as a procurement process was conducted for tenders to provide a provision of services to Council.

The disclosure of information in this report could reasonably prejudice the commercial position of the person who supplied the information as part of the tender process.

2. Pursuant to s 90(2) of the *Local Government Act 1999 (SA)* this meeting of the Council dated 22/10/2019 orders that the public (with the exception of members of Corporation staff and any person permitted to remain) be excluded from this meeting to enable this meeting to receive, discuss or consider in confidence Item 18.1.2 [Advice of the Audit Committee in Confidence – 22/10/2019] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in s 90(3) (i) & (k) of the Act.



## DISCUSSION

1. s 90(1) of the *Local Government Act 1999 (SA)*, directs that a meeting of Council must be conducted in a place open to the public.
2. s 90(2) of the *Local Government Act 1999 (SA)*, states that a Council may order that the public be excluded from attendance at a meeting if Council considers it to be necessary and appropriate to act in a meeting closed to the public to receive, discuss or consider in confidence any information or matter listed in s 90(3).
3. s 90(3) prescribes the information and matters that a Council may order that the public be excluded from.
4. s 90(4) of the *Local Government Act 1999 (SA)*, advises that in considering whether an order should be made under s 90(2), it is irrelevant that discussion of a matter in public may:
  - 4.1 cause embarrassment to the council or council committee concerned, or to members or employees of the council; or
  - 4.2 cause a loss of confidence in the council or council committee.’
  - 4.3 involve discussion of a matter that is controversial within the council area; or
  - 4.4 make the council susceptible to adverse criticism.
5. s 90(7) of the *Local Government Act 1999 (SA)* requires that an order to exclude the public:
  - 5.1 Identify the information and matters (grounds) from s 90(3) of the *Local Government Act 1999 (SA)* utilised to request consideration in confidence;
  - 5.2 Identify the basis – how the information falls within the grounds identified and why it is necessary and appropriate to act in a meeting closed to the public; and
  - 5.3 In addition identify for the following grounds – s 90(3) (b), (d) or (j) - how information open to the public would be contrary to the public interest.
6. s 83(5) of the *Local Government Act 1999 (SA)* has been utilised to identify in the Agenda and on the Report for the meeting, that the following reports are submitted seeking consideration in confidence.
  - 6.1 Information contained in Item 18.1.1 – Recommendation of The Committee in Confidence – 15/10/2019:
    - 6.1.1 Is subject to an Existing Confidentiality Order dated 7/5/2019, 14/5/2019 & 15/10/2019.
    - 6.1.2 The grounds utilised to request consideration in confidence is s 90(3) (d)
      - (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which—
        - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
        - (ii) would, on balance, be contrary to the public interest;
  - 6.2 Information contained in Item 18.1.2 – Recommendation of the Audit Committee in Confidence – 22/10/2019
    - 6.2.1 Is subject to Existing Confidentiality Orders dated 22/10/2019.
    - 6.2.2 The grounds utilised to request consideration in confidence is s 90(3) (i) & (k)
      - (i) information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council.
      - (k) tenders for the supply of goods, the provision of services or the carrying out of works.

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## ATTACHMENTS

Nil

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Confidential Item 18.1.1

Recommendation of The Committee in Confidence – 15/10/2019

Section 90 (3) (d) of the *Local Government Act (SA) 1999*

Pages 135 to 137

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