



## NOTICE OF COUNCIL MEETING

TO: Mayor Karen Redman  
Councillors Cr Cody Davies  
Cr Diane Fraser  
Cr Kelvin Goldstone  
Cr David Hughes  
Cr Paul Koch  
Cr Paul Little  
Cr Brian Sambell  
Cr Nathan Shanks  
Cr Ian Tooley  
Cr Jim Vallelonga

NOTICE is hereby given pursuant to the provisions of Section 83(1) of the Local Government Act 1999, that the next Ordinary Meeting of the **Council** for the **Town of Gawler** will be held in the Council Chambers, Gawler Civic Centre, Institute Building 89-91 Murray St, Gawler SA 5118, on **Tuesday 26 November 2019**, commencing at 7.00pm.

A copy of the Agenda for the above meeting is supplied as prescribed by Section 83(3) of the said Act.

A handwritten signature in black ink, appearing to read "Henry Inat".

Henry Inat  
**Chief Executive Officer**  
21 November 2019

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**1 STATEMENT OF ACKNOWLEDGEMENT**

*We would like to acknowledge this land that we meet on today is the traditional lands for the Kurna people and that we respect their spiritual relationship with their country. We also acknowledge the Kurna people as the custodians of the greater Adelaide region and that their cultural and heritage beliefs are still as important to the living Kurna people today.*

**2 ATTENDANCE RECORD**

2.1 Roll Call

2.2 Apologies

2.3 Motions to Grant Leave of Absence

2.4 Leave of Absence

Cr Paul Little - 24 November 2019 to 03 December 2019.

2.5 Non-attendance

**3 PUBLIC OPEN FORUM**

*(Limited to a total time of up to 20 minutes)*

**4 DEPUTATIONS**

Nil

**5 DECLARATIONS OF INTEREST****6 ADJOURNED ITEMS**

Nil

## **7 PETITIONS**

### **7.1 CAR PARKING PETITION**

**Record Number:** CC19/319;IC19/763

**Author(s):** David Petruzzella, Strategic Planner

**Previous Motions:** Nil

**Attachments:** Nil

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#### **OFFICER'S RECOMMENDATION**

**That:**

- 1. Council receive the Car Parking Petition.**
- 2. The head petitioner be notified of the actions Council is undertaking in regard to timed car parking in the Gawler Town Centre.**

#### **OFFICER NOTES**

A petition was submitted to Council on 20 November 2019, purportedly containing 1695 signatures, seeking for all time restrictions associated with car parking around the Woolworths and National Bank Precincts to be increased to 4 hours.

A full copy of the petition is available on request.

A further report on Town Centre Car Parking opportunities is included in this Agenda at Item 12.4.

**8 CONFIRMATION OF MINUTES**

Ordinary Council Meeting - 22 October 2019

**9 BUSINESS ARISING FROM MINUTES**

**10 BUSINESS ARISING**

Nil

**11 COUNCIL MEMBER REPORTS**

Nil

## 12 OFFICER REPORTS




### 12.1 CODE OF CONDUCT COMPLAINT FINAL REPORT

**Record Number:** CC19/319;IC19/760

**Author(s):** Kate Symes, Governance Coordinator

**Previous Motions:** Nil

**Attachments:**

1. **Code of Conduct for Council Members CR13/35509** 
2. **Complaints Handling Under Council Members Code of Conduct Procedure CR18/55756** 
3. **Final report by Ombudsman SA CR19/78944** 

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### OFFICER'S RECOMMENDATION

That Council notes the:

1. **Final Report by the Ombudsman into the investigation of the alleged breach of Part 3 of Code of Conduct for Council Members.**
2. **Recommendations by the Ombudsman in the Final report (Attachment 3).**

### SUMMARY

On 27 November 2018, Council considered the final report by Kelledy Jones Lawyers in relation to the Code of Conduct complaint made in accordance with Council's Complaints Handling – Under Council Members' Code of Conduct procedure, the complaint pertaining to the alleged breach of the Code of Conduct for Council Members by Cr Tooley.

As a result of the findings Council resolved for Cr Tooley to make a formal apology at a public meeting of Council. Cr Tooley failed to comply with the resolution of Council and failed to comply with clause 3.18 of Part 3 of the Code of Conduct for Council Members.

### BACKGROUND

On 27 November 2018 Council considered the final report from Kelledy Jones Lawyers regarding the Code of Conduct complaint lodged against Cr Tooley. The independent investigation recommended a breach of the Code of Conduct and as a result Council resolved the following:

RESOLUTION 2018:11:COU001

Moved: Cr D Fraser

Seconded: Cr C Davies

*That Council*

1. *Notes the Final Report by Kelledy Jones into the investigation of the alleged breach of Part 2 of Code of Conduct for Council Members.*
2. *Note the recommendations by Kelledy Jones in the Final report (Attachment 3).*
3. *That the personal explanations subject to legal advice be included in the minutes.*
4. *That Cr Tooley be required to provide an apology at a public meeting of the Council for his actions and behaviors at the IES Committee meeting of 13 February 2018 and 10 April 2018 and for his offensive and discourteous comments to elected member and Council employees at the IES meeting of 10 April 2018, in email exchanges and as reported in the media.*

Cr Tooley's apology was listed as a specific item of business on the Council agenda for 23 April 2019 and 28 May 2019. At each of these meetings of Council there was no apology presented by Cr Tooley as resolved to do so.

In accordance with Council's procedure relative to dealing with a complaint regarding Part 2 of the Code of Conducts for Council Members, if a Council Member does not comply with a resolution of Council this in itself is a breach of Part 3 of the Council Member Code of Conduct.

*2.22 A failure of a Council member to comply with a finding of an investigation under this Part, adopted by the Council, may be referred for investigation under Part 3.*

As there was no apology received by Cr Tooley, a Part 3 breach of the Code was submitted to the Ombudsman for investigation.

## COMMENTS/DISCUSSION

The Ombudsman has now completed his investigation and issued the final report to Council. As required under the Local Government Act the report is subject to a public report to full Council.

### Ombudsman Opinion (extract)

*'In light of the above, I consider that Cr Tooley has failed to comply with a finding of inappropriate behaviour for the purposes of clause 3.18 of Part 3 of the Code and section 63 of the Local Government Act. In this way, Cr Ian Tooley acted in a manner that was contrary to law within the meaning of section 25(1)(a) of the Ombudsman Act.*

*To remedy this error, I recommend under section 25(2) of the Ombudsman Act that the council propose a resolution censuring Cr Tooley for his failure to comply with the Code of Conduct for Council Members'.*

As outlined in the Ombudsman's final report Council is required to undertake the following:

*'In accordance with Part 3 of the Code of Conduct for Council Members, this report must be provided to a public meeting of the council within two ordinary meetings of the council receiving my report.*

*In accordance with section 25(4) of the Ombudsman Act, I request that the council report to me by **20 February 2020** on what steps have been taken to give effect to my recommendation above; including:*

- details of the actions that have been commenced or completed*
- relevant dates of the actions taken to implement the recommendation.*

*In the event that no action has been taken, reason(s) for the inaction should be provided to the Ombudsman.'*

As a result Council Members are now asked to consider the final report as presented by the Ombudsman and make a determination as to the appropriate actions required and resolve accordingly.

Under Section 25(5) of the Ombudsman Act 1972, if Council does not take appropriate steps to action the recommendation of the Ombudsman than a report on the matter may be presented to the Premier.

### **25—Proceedings on the completion of an investigation (extract)**

*(5) If it appears to the Ombudsman that appropriate steps have not been taken to give effect to a recommendation made under this section, the Ombudsman may make a report on the matter (containing a copy of the earlier report and the recommendation) to the Premier.*

*(6) Where the Ombudsman reports to the Premier under subsection (5), the Ombudsman may forward copies of the report to the Speaker of the House of Assembly and the President of the Legislative Council with a request that they be laid before their respective Houses.*



**COMMUNICATION (INTERNAL TO COUNCIL)**

Chief Executive Officer  
Governance Team

**CONSULTATION (EXTERNAL TO COUNCIL)**

Ombudsman SA

**POLICY IMPLICATIONS**

Code of Conduct for Complaints Handling for Council Members

**STATUTORY REQUIREMENTS**

*Local Government Act 1999*

**FINANCIAL/BUDGET IMPLICATIONS**

There is not direct cost to Council for the Ombudsman's investigation. The cost of staff time involved in this matter is funded from within the Employee Costs budget as part of the adopted recurrent budget.

**COMMUNITY PLAN**

Objective 5.2: Be recognised as a 'best practice' Local Government organisation







**12.2 BOUNDARY CHANGE PROPOSAL - FURTHER ANALYSIS AND STAGE 1 PROPOSAL**

**Record Number:** CC16/772;IC19/612

**Author(s):** Henry Inat, Chief Executive Officer

**Previous Motions:** Council, 28/05/2019, Resolution: 2019:05:COU207, Council, 10/09/2019, Resolution: 2019:09:COU353

**Attachments:**

1. Letter from Boundaries Commission - update 31 October 2019 
2. Draft Communication and Consultation Plan 
3. Correspondence with Neighbouring Councils 
4. Light Regional Council Submission to Boundaries Commission 
5. Letter to Boundaries Commission in response to Hickinbotham Group 
6. Draft Stage 1 Proposal 

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**OFFICER'S RECOMMENDATION**

**That Council:-**

1. Notes the Council Change Proposal – Further Analysis and Stage 1 Proposal Report.
2. Notes the correspondence received from the Boundaries Commission and neighbouring Councils as provided in Attachments 1 and 3.
3. Notes that the staged approach to Boundary Reform includes a number of hold points requiring Council decision.
4. Approves the submission of a Stage 1 Proposal as provided as Attachment 6 to the Boundaries Commission for feedback.
5. Notes that feedback received from the Boundaries Commission on the Stage 1 Proposal will be presented to Council for consideration prior to proceeding to the development of a Stage 2 Proposal.
6. Adopts, in principle, the proposed communication and consultation plan for Stages 1 and 2 of the Boundary Reform Process.
7. Notes that the potential costs for further progressing its boundary reform deliberations forming the Stage 2 process is estimated at \$10,000. This cost will be sought to be allocated as part of the 2<sup>nd</sup> Quarter Budget Review. Should Council decide to proceed with the Stage 3 Investigation of a General Proposal to be conducted by the Boundaries Commission, a budget allocation will be prepared as part of the 2020/21 Budget.

**SUMMARY**

Town of Gawler has resolved to continue to investigate boundary reform, adopting, in principle, the following Council boundary adjustments as the basis for preparing a Stage 1 Proposal.

Areas to be included in the Town of Gawler;

- a. Area 1- Concordia Growth Area
- b. Area 2 - Hewett
- c. Area 3 – Portion of Kalbeeba (including portion of Springwood)
- d. Area 4 – Portion of Gawler Belt
- e. Area 5 - Evanston Park
- f. Area 6 - Reid
- g. Area 7 – Hillier

Areas to be removed from the Town of Gawler;

- h. Area 8 – Portion of Bibaringa
- i. Area 9 – Portion of Uleybury



This report provides an update on the boundary reform deliberations, including the following:

1. Indicative project activities (including community consultation) and timeframes.
2. Concordia Precinct Authority progress.
3. Detailed financial analysis incorporating known infrastructure requirements and fixed costs.
4. Regional collaboration and neighbouring council's positions.

This report also presents the following draft documents for Council Member feedback and if appropriate approval:

1. Stage 1 Proposal for submission to the Boundaries Commission (**Attachment 6**)
2. Communication and Consultation Plan – Stage 1 and 2 (**Attachment 1**)

## BACKGROUND

At the 10 September 2019 Special Council Meeting, the following motion was resolved:

### RESOLUTION 2019:09:COU001

Moved: Cr D Hughes

Seconded: Cr D Fraser

*That Council :-*

1. *Notes the Council Boundary Change Proposal – Initial Analysis report.*
2. *Determines that since the Local Government (Boundary Adjustment) Amendment Act 2017 came into effect on 1 January 2019, the time is right (further to Motion No. 2019L05:COU207) for the Town of Gawler to progress deliberations pertaining to its Council boundary areas relative to both historic boundary adjustment anomalies and also boundary reform relating to new urban growth areas. Such new growth areas will result in significant increases in population to areas in immediate vicinity of Gawler and that will materially influence the Gawler Community to which the Town of Gawler should have governance oversight.*
3. *Notes that there is a staged approach to the submission and consideration of Boundary Change Proposals, as outlined in this Report. This includes:*
  - a. *Stage 1 – Initial consideration of a potential proposal by the Boundaries Commission.*
  - b. *Stage 2 – Referral of a General Proposal to the Boundaries Commission.*
  - c. *Investigation of a General Proposal by the Boundaries Commission.*
4. *Notes that a key point of consideration to the boundary reform changes relative to the Town of Gawler area pertains to the potential creation of a consolidated community of interest over the coming 20- 30 year period which is anticipated to increase the total combined population by some 50,000-60,000 people.*
5. *Is strongly of the view that the best way to manage and service such a large community is to ensure that resources are used in the most effective and efficient manner. A key element of which is that the services provided at a local Government level should be provided by one Local Government entity, the Town of Gawler, as opposed to the four local government entities that currently exist.*
6. *Notes that the key rationale applied to Council's deliberations when considering the Town of Gawler boundary adjustments comprise:*
  - a. *The Gawler Township has and will continue to function as a Regional Service Centre to the lower mid north servicing a population in excess of 110,000 people and growing.*
  - b. *As development occurs immediately adjoining the current Town of Gawler boundary the equity of residents living adjacent our borders utilising the Gawler community's services needs to be addressed to provide Council with capacity to deliver quality infrastructure and services to its community of interest and the*

- region.*
- c. Future generations forming part of the Gawler community in real and functional terms should have equal and appropriate representation in local decision making rather than being governed by distant entities.*
- d. The formation of a community that is based on collective responsibility and engagement are the foundations on which a harmonious and sustainable community will flourish.*
- e. Coordinated local governance (including but not limited to urban development expansion) by one entity as opposed to potentially four separate local government bodies influencing the Town of Gawler will ensure more coordinated decision making, the most cost effective provision of services and best facilitate investment to drive job creation and economic prosperity for the region.*
- 7. Notes that the various boundary adjustment options presented provide opportunities to refine the boundary configurations such as to ensure the optimum changes to best suit the formation of a new Town of Gawler Council boundary consistent with the broader interests of the community.*
- 8. Adopts in principle the following Council boundary adjustments (as detailed in Attachment 4 Map 5 of this Report) as the basis for preparing a Stage 1 Proposal:*  
*Areas to be included in the Town of Gawler;*
  - a. Area 1- Concordia Growth Area*
  - b. Area 2 - Hewett*
  - c. Area 3 – Portion of Kalbeeba (including portion of Springwood)*
  - d. Area 4 – Portion of Gawler Belt*
  - e. Area 5 - Evanston Park*
  - f. Area 6 - Reid*
  - g. Area 7 – Hillier**Areas to be removed from the Town of Gawler;*
  - h. Area 8 – Portion of Bibaringa*
  - i. Area 9 – Portion of Uleybury*
- 9. Notes that the feedback provided by Council shall be used to refine and update the boundary configuration and the preparation of a Stage 1 Proposal that will then be presented back to Council for further consideration at a future Council meeting.*
- 10. Notes the indicative high level financial analysis that has been undertaken to date primarily focuses on indicative variable operating revenue and expenditure (i.e. operating revenue and expenditure that fluctuates directly with the level of outputs), and that Council Staff will undertake further financial investigations to be presented to Council at a future meeting.*
- 11. Notes that a further detailed financial analysis will be undertaken by the Boundaries Commission as part of its (possible) future investigations.*
- 12. Approves in principle the proposed communication and consultation process to be undertaken as outlined in the report noting that a detailed communication and consultation strategy will be developed and presented to Council at a future meeting.*
- 13. Notes that to undertake boundary reform will be at a cost, the overall details of which are not known at this point, appreciating that the most significant cost relates to the Grants Commission relative to that office undertaking the investigations should Council proceed to a Stage 2 General proposal. Council will determine to proceed or otherwise at a later point in the process once the full costs are known.*
- 14. Authorises the Mayor to write to all Town of Gawler adjoining Councils seeking their cooperation in regards to boundary reform and agreement to progress discussions in this regard in the best interests of all communities concerned, including seeking their willingness to establish an appropriate cost sharing arrangement to the investigations that will be triggered by the Grants Commission should the Commission determine to proceed with the boundary reforms as proposed, and or such variation.*
- 15. Notes that the Barossa Geographical (GI) Zone which is a significant point of reference*

*to regional and local wine and related industries forms a critical platform in the economic viability of the world renowned wine region. The composition of established urban areas such as a significant portion of the existing Gawler Township and Hewett, with future urban growth areas as Concordia, being located in the GI Zone is considered counterintuitive relative to the Zone's purpose. Changes to the Zone boundaries will be further considered in the context of Council's boundary reform deliberations.*

16. *Seek that a combined Open Forum be held with the Mayors and Councils of the affected areas in the interest of consultation, collaboration and of gauging sentiment with regard to an expanded Gawler.*

This report responds the above resolutions and provides an update on Town of Gawler's Boundary Reform project.

## COMMENTS/DISCUSSION

### **Boundary Reform Process and Project timelines**

As previously reported, Boundary reform is a new process that has not been tested, however it is understood that the reform process will be undertaken in a number of stages, including:

- Stage 1 – Submission of a Stage 1 Initial Proposal
- Stage 2 – Submission of a Stage 2 General Proposal (including formal community consultation)
- Stage 3 – Investigation of General Proposal

Stage 3 will be unique to each council proposal and will be undertaken by the Boundaries Commission once it has undertaken an assessment of a Stage 2 General Proposal and determined the scope of the investigation. Council has received an update from the Boundaries Commission which is provided at **Attachment 1** and confirms Council Administration's understanding of the process.

The following high level project schedule has been identified for Stages 1 and 2 of this project based on the assumption that Council will proceed pursuing boundary adjustments. Activities and timeframes are indicative only and will be adjusted once more information is known. As the boundary reform process is largely undefined, a number of Council decision/hold points have been built into the process as is illustrated below.

Activity	Indicative timeframe*
<b>Stage 1 – Development and submission of an Initial Proposal</b>	
Motion on Notice – Mayor Redman and Council endorsement.	May 2019
Initial report to Council	September 2019
Update report to Council (this report)	November 2019
Submission of Stage 1 Proposal to Boundaries Commission	December 2019
Feedback received from Boundaries Commission	February 2020
Update report to Council & Council decision to proceed to Stage 2	March 2020
<b>Stage 2 – Development and submission of a General Proposal</b>	
Stakeholder consultation (April-June)	April – June 2020
Special Council Meeting to consider feedback from stakeholder consultation	July 2020
Council consideration of Stage 2 Proposal	September 2020
Submission of Stage 2 Proposal to Boundaries Commission	October 2020

Advice received from Boundaries Commission, including high level quote for investigation	February 2021
Update report to Council and decision to proceed to Stage 3	March 2021
<b>Stage 3 – Investigation of General Proposal</b>	
Activities and timeframes to be defined during Stage 2. The Review will be undertaken independently and include stakeholder consultation and detailed financial analysis.	April 2021 onwards

\*For planning purposes and in consultation with the Boundaries Commission, it has been assumed that any review/decision made by the Boundaries Commission will take a minimum of 3 months.

A Communication and Consultation plan based on the above high level project schedule has been developed for Council Member consideration (**Attachment 2**). This Plan identifies key stakeholders, key messages and the proposed activities associated with communication and consultation on this project.

Based on current timeframes, it is anticipated that consultation will be undertaken from April 2020 – June 2020 and will provide stakeholders with a range of options to provide feedback, including:

1. Open Forums (as per Resolution 2019:09:COU001) – to be held at various locations based focussing on specific areas of interest
2. Survey – online via Your Voice Gawler and available in hard copy at Council's Customer Service counters
3. Submissions – submitted electronically via Your Voice Gawler and Email, or hardcopy via Post or in person at Council's Customer Service counters.

It is proposed that a Special Council Meeting be held to consider the feedback received during the consultation process and based on the feedback, determine whether to proceed further with the development of a stage 2 proposal.

The draft Communication and Consultation Plan will be further refined and detailed once feedback is received from the Boundaries Commission on the Stage 1 Proposal (if adopted). This will include the development of the community survey and other communication materials which will be provided for Council consideration prior to proceeding to Stage 2.

The proposed communication and consultation process is estimated at \$10,000 which will be sought to be allocated as part of the 2<sup>nd</sup> Quarter Budget Review.

### **Concordia – Precinct Authority update**

As previously reported, Concordia Land Trust through the Concordia Land Management were seeking to progress the development through the establishment of a Precinct Authority under the *Urban Renewal Act 1995*.

At the 28 May 2019 Council Meeting, Council were provided with an update report on this matter and resolved the following:

RESOLUTION 2019:05:COU177

Moved: Cr C Davies

Seconded: Cr N Shanks

*That Council:-*

1. *Note the information report regarding the Concordia Precinct Authority Issues Paper adopted by the Barossa Council.*
2. *Note that the Mayor has written to the Minister pertaining to the Concordia Precinct Authority and an acknowledgment letter has been received. A detailed response has not yet been received. Further, that the CEO and Manager Development, Environment and Regulatory Services have following, Council's last consideration of this matter, met with representatives of the Department of Planning, Transport and Infrastructure, the principal developer within the Concordia area and Barossa Council.*

3. *Note that it is understood that a draft Business Case relative to the formation of the Precinct Authority has been presented to the State Government and that following the above meeting held the Town of Gawler has been advised that it will be consulted in regards to the Business Case. Legislatively it is only the constituent council (i.e. the Barossa Council) who would have otherwise been consulted.*
4. *Request ongoing updates relating to the Concordia Growth Area as information comes to hand.*

Council has received advice from the Minister for Transport, Infrastructure and Local Government (who is responsible for the *Urban Renewal Act 1995*) that Concordia Land Management on behalf of the Concordia Land Trust have submitted a business case and a request for the establishment of an urban renewal precinct for land in Concordia under the *Urban Renewal Act 1995*. Town of Gawler has an opportunity to provide feedback on the Business Case. Further information on this matter is provided by way of a separate report in this Agenda. It is not anticipated that this matter will impact on Council's boundary reform agenda at this stage.

### **Further Analysis**

#### *Infrastructure Analysis*

Council Staff have undertaken a review of Barossa, Light Regional and Playford Councils publically available management plans, such as Long Term Financial Plans, Infrastructure Asset Management Plans, Capital Work Programs, Stormwater Management Plans etc. which has informed the next level of the financial analysis.

Specific infrastructure requirements for each of the areas of interest have been noted and has been considered as part of the updated financial analysis, as described in the section below.

#### *Financial Analysis*

Part of the resolution from the 10 September 2019 Special Council meeting was as follows:

10. *Notes the indicative high level financial analysis that has been undertaken to date primarily focuses on indicative variable operating revenue and expenditure (i.e. operating revenue and expenditure that fluctuates directly with the level of outputs), and that Council Staff will undertake further financial investigations to be presented to Council at a future meeting.*

In accordance with the above resolution, Finance staff have undertaken further financial investigations, which have primarily now focused on the indicative additional 'fixed' costs, and 'semi-variable' costs, that would be likely incurred should the property numbers/population projections envisaged under the Boundary reform proposal ultimately eventuate.

'Fixed' costs, as distinct from 'variable' costs, are expenses that do not fluctuate with the level of output – in a Local Government context such costs include insurance, professional consultants, utility supply charges, stationery, Council Member allowances, advertising, community grants etc.

'Semi-fixed' (or semi-variable) costs are expenses that incur increases which are not in direct proportion to level of output changes. In a Local Government context, such costs include software licence costs, bank fees, external auditor fees, and numerous administrative staffing positions. For example, relative to staffing positions, a Council may need only one designated 'Rates' Officer until a certain property/population trigger is reached that would warrant an additional staff resource dedicated to the function.

The appropriate basis upon which this further financial analysis is now provided has been a detailed analysis and comparison of Councils' that would be of a similar population/property numbers size to an expanded Town of Gawler (as at the time of the proposed boundary adjustments, which would be indicatively in three to five years).



To this end, the City of Mount Gambier (estimated population of approximately 27,000 and approximately 14,100 rateable properties) and Mount Barker District Council (estimated population of approximately 36,000 and approximately 16,000 rateable properties) have been used as a comparative benchmark. The Town of Gawler currently has approximately 11,400 rateable properties and an estimated population of approximately 24,000.

The analysis undertaken suggests that an expanded Town of Gawler, in the immediate term, would likely require an additional 10FTE, indicatively in the areas outlined in the Table below.

**Table - Indicative additional staffing requirements by Division / Function**

<b>Division/Function</b>	<b>No. of FTE required</b>
<i>Finance &amp; Corporate Services:</i>	
Finance staff	0.5
Rates staff	0.5
HR staff	0.5
<i>Infrastructure &amp; Engineering Services:</i>	
Engineering staff	1.0
Depot staff	2.0
<i>Business Enterprises &amp; Communications:</i>	
Marketing & Communications	1.0
Records Management staff	0.5
<i>Development, Environment &amp; Regulatory Services:</i>	
Development Assessment	1.0
Community Safety Officers (Rangers)	0.5
<i>Library &amp; Community Services:</i>	
Community Services / Development	0.5
Customer Service	1.0
Hewett Community Centre	1.0
<b>TOTAL</b>	<b>10.0</b>

The previous financial analysis, which solely focused on 'variable' revenue and expenditure, already allowed for an indicative 6 FTE increase, such that the net increase in indicative staff requirements now presented is an additional 4 FTE above the 6 FTE previously allowed for. As foreshadowed within the 10 September 2019 report, the additional 4 FTE effectively provides for 'back office' administrative staff that would be required to provide the necessary internal administrative support across the organisation.

The cost of an additional 4 FTE is estimated at approximately \$340k, including on costs.

When these costs are combined with other indicative fixed or semi-fixed costs, such as insurance premiums, stationery, IT costs, it is envisaged that the indicative operating surplus referenced in the previous report of approximately \$500k would be effectively absorbed, such that the financial impact of the expanded Town of Gawler areas would be cost neutral from an operational perspective.

This indicative net financial outcome would naturally be informed by the General Rates methodology employed – i.e. the previous report suggested an indicative operating surplus of approximately \$500k (prior to consideration of fixed and semi-fixed costs) would be realised if the General Rates methodology of the other Councils' was utilised, whereas this would increase to an operating surplus in the order of \$1.15m if the existing General Rates methodology of the Town of Gawler was applied.

The Table below outlines the indicative 'high-level' operating financial analysis, inclusive of a provision for variable, fixed, and semi-fixed costs, in three years' time. It is conservatively modelled on the communities of interest incurring indexed General Rates based upon their existing Council rates structure.

**Table – Indicative 'high-level' Operating analysis from date of Boundary adjustment**

	\$'000s	\$'000s
<b>Operating Revenue:</b>		
Existing Town of Gawler *	34,000	
'New' revenue - Communities of interest <i>(based on indexed indicative costs included in the 10 September 2019 report)</i>	<u>4,810</u>	
<b>TOTAL Operating Revenue</b>		<b>38,810</b>
<b>Operating Expenditure:</b>		
Existing Town of Gawler *	34,000	
'New' expenditure - Communities of interest: Variable costs <i>(based on indexed indicative costs included in the 10 September 2019 report)</i>	4,270	
'New' expenditure - Communities of interest: Other costs – staffing (4.0FTE including on-costs)	360	
'New' expenditure – Communities of interest: Other costs – excl. staffing	<u>180</u>	
<b>TOTAL Operating Expenditure</b>		<b><u>38,810</u></b>
<b>Net Operating Result – Surplus/(Deficit)**</b>		<b>0</b>

\*Based on existing Long Term Financial Plan projection, which assumes financial forecasts for the intervening years are achieved consistent with projections included in the Plan

\*\*An important disclaimer is that the indicative balanced operating result does not provide for any increased interest costs as a result of increased borrowings to fund additional capital works (over and above the value already provided for in the Long Term Financial Plan) towards potential infrastructure backlogs within the Communities of Interest.

A further point of consideration is that Council's existing Long Term Financial Plan is particularly predicated on capping future capital works expenditure to an indexed \$6.3m, such that Council will have the capacity to materially reduce its debt over coming years so that it can incrementally increase its future borrowing capacity for its next iconic asset investment (in this regard, earlier this calendar year Council recognised its next iconic projects as being the Karbeethan Reserve redevelopment and a regional Aquatic Centre). It is noted that Council's Corporate and Community Services Committee at its meeting on 13 November 2019 received update reports on both the Karbeethan Reserve Master Plan and Essex Park Master Plan.

The existing Long Term Financial Plan forecasts that, all else being equal, and with enshrined financial discipline, Council will be able to reduce its debt by over \$7m between 2020/21 and 2024/25 and, over the same period, reduce its Net Financial Liabilities Ratio from 90% to 57%. Should such targets be realised, the existing Town of Gawler would have accumulated new loan borrowing capacity of approximately \$12m as at 30 June 2025 (based on maintaining the Net Financial Liabilities Ratio at 90%, which is within Council's existing maximum policy position of 100%).

However, in the event of various material infrastructure backlogs being acquired from the Communities of Interest, an expanded Town of Gawler could face emerging challenges relative to its capital works program priorities.

Such challenges may be further exacerbated by the potential need for capital investment in flood mitigation infrastructure within the Gawler Belt area.

From a far longer term perspective, Council would need to manage the financial and operational consequences of the projected long term development growth within the Concordia area – noting that Concordia Land Management have this month lodged with the Minister of Transport and Infrastructure a business case for the establishment of a Precinct Authority, pursuant to the Urban Renewal Act 1995, for the development of the Concordia Growth Area.

The previous report incorporated a 10-year financial modelling analysis of Concordia, which reflected a *cumulative* operating surplus of only \$31k over the 10-year horizon. The indicative modelling was based on a staged development occurring, comprising of each stage of 200 allotments being fully developed over a four year period (which was based on the rate of development currently being incurred in other new residential developments within the Town of Gawler – noting that a new Concordia development would then be competing with other such developments).

Nonetheless, it is acknowledged that the completion of the Gawler East Link Road (currently earmarked for practical completion early in the 2020/21 financial year) and the Northern Connector may, to differing degrees, facilitate an increased rate of residential development occurring across the Council area.

### **Regional Collaboration Update**

In accordance with Resolution 2019:09:COU002, correspondence was forwarded to Light Regional, Barossa and Adelaide Plains councils and the City of Playford (**Attachment 3**). As stated in Mayor Redman's letter of 18 September 2019, a meeting between regional CEOs and Mayors was scheduled for 25 September 2019 to discuss boundary reform and related matters including:

1. Sharing of information between Councils to assist in respective investigations;
2. A combined Open Forum with Mayors and Councils of the affected areas in the interest of consultation, collaboration and gauging sentiment with regard to an expanded Gawler; and
3. Potential cost sharing arrangements for any investigations that may result from a Boundary Change Proposal.

This meeting was attended by Town of Gawler and Barossa Councils Mayor's and CEOs only. The Mayor and CEO from Light Regional Council did not attend. A follow up meeting to discuss boundary reform from a regional perspective is now scheduled for 2 December 2019, however it is noted that the respective Mayors of the Light Regional and Barossa Council met on 17 October 2019 to discuss boundary reform.

All relevant correspondence received from and forwarded to neighbouring Councils regarding boundary reform since the September Special Council Meeting is provided at **Attachment 3**.

Each Council's respective positions are summarised below for information.

#### **Adelaide Plains Council**

At its 25 September Council meeting, the Adelaide Plains Council adopted the following:

- 21.7 Moved Councillor Strudwicke Seconded Councillor Parker 2019/ 416  
**“that Council, having considered Item 21.7 – Position Statement – Neighbouring Council Boundary Adjustment Proposals, dated 23 September 2019:-**
1. **Acknowledges the Town of Gawler’s and The Barossa Council’s recent resolutions in relation to advancing boundary adjustment proposals;**
  2. **Notes that the boundary adjustment proposals referred to at 1 above do not affect Adelaide Plains Council’s boundaries; and**
  3. **In consideration of 1 and 2 above, instructs the Mayor and Chief Executive Officer to not participate in boundary adjustment discussions that do not directly affect the area of Adelaide Plains Council.”**
- CARRIED UNANIMOUSLY**

Consequently, James Miller, Chief Executive Officer Adelaide Plains Council has advised via email that he and Mayor Wasley would not be participating in any meetings or forums relating to boundary reform which do not directly affect their Council area (refer **Attachment 3**).

**Barossa Council**

At its 17 September 2019 Council meeting, The Barossa Council adopted the following:

- MOVED** Cr Angas that Council having noted the issues paper, attachments and report:
- (1) Instruct the Chief Executive Officer to prepare and lodge a proposal for boundary reform consistent with that outlined in attachment 4 and the contents of this report to the South Australian Local Government Boundaries Commission as a high priority with a target submission being made by 31 October 2019, or the Chief Executive Officer advise Council of an alternative date if this cannot be achieved at the October meeting of Council;
  - (2) Establish the Boundary Reform Internal Working Group to support the Chief Executive Officer in the management of the proposal submission and thereafter processes in relation to any boundary reform proposals impact The Barossa Council;
  - (3) Appoint the Mayor and Cr Johnstone, Cr Angas, Cr de Vries and Cr Wiese-Smith. to the Boundary Reform Internal Working Group.
- Seconded** Cr Johnstone **CARRIED 2018-22/313**

Council has received correspondence from The Barossa Council confirming this position which is provided at **Attachment 3**.

The Barossa Council’s Stage 1 Proposal has been submitted to the Commission for assessment. Barossa’s proposal is focussed on bringing the majority of the Barossa (as identified by the Geographical Indication (GI)) within the Barossa Council including:

- a. Connecting Eden Valley via a straight line associated with the ridgeline through the Keyneton area and pushing north to Truro (currently within the Mid-Murray Council)
- b. Heading from Truro west and south through Koonunga, west of Greenock to Shea Oak Lodge via Daveyston on the Sturt Highway to Gomersal Road and then Rosedale via Turretfield Road (Light Regional Council).

While the Barossa GI transgresses into the Town of Gawler, it is understood that Barossa Council is not seeking the inclusion of Gawler or the neighbouring Hewett.

The figure below shows the Barossa GI (shaded in blue). The current Barossa Council LGA boundary is depicted by the blue line, and the proposed adjustment shown in red.

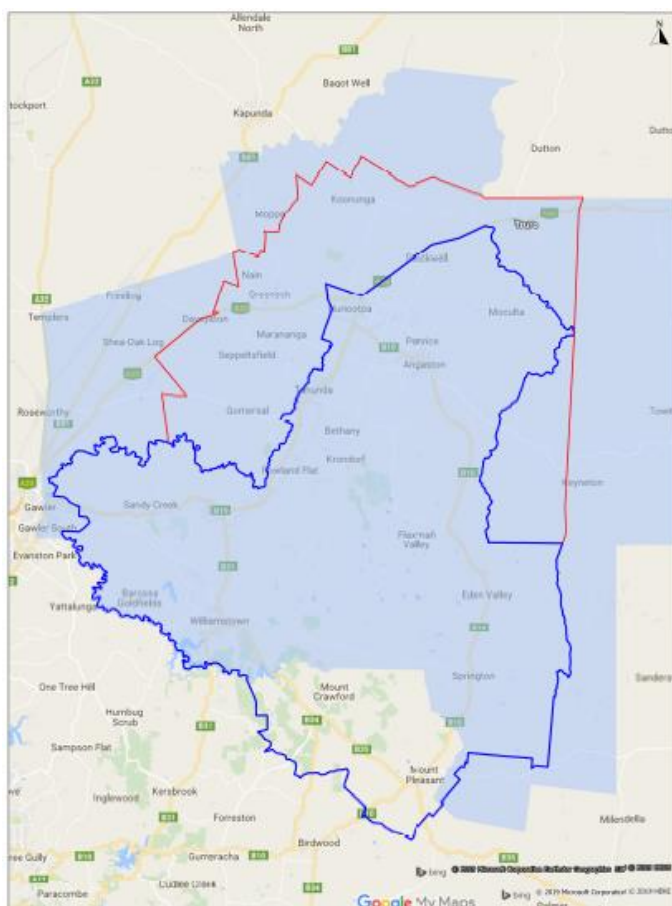


Figure x –Barossa Council’s proposed boundary realignment. Source:  
<https://www.barossa.sa.gov.au/Media/Default/Banners/Our%20Council/Report%20-%20Council%20Meeting%20-%202017%20September%202019%20-%20boundary%20reform.pdf>

*Light Regional Council*

The Light Regional Council has met on two occasions since the Town of Gawler September Special Council Meeting, adopting the following resolutions.

At the 24 September 2019 Light Regional Council meeting, the following resolution was passed:



"That Council:-

1. Notes that the Mayor and Chief Executive Officer advised the Mayors and CEOs of The Barossa Council and Town of Gawler on Wednesday, 13 February 2019 that the Light Regional Council is *"not interested in pursuing this matter as it is considered to be a major distraction to the effective operations of all Councils involved and an unnecessary expense with no economic or other benefits to the entire Region."*
2. Will continue to listen to its community and ratepayers and take the necessary action to protect their interests and views.
3. Will openly receive views from the wider regional community on the matter of Boundary Re-alignment.
4. Note that The Barossa Council and Town of Gawler have adopted their *"boundary re-alignment"* proposals simultaneously without any consultation from their community or input from the Light Regional Council.
5. Note that The Barossa Council and the Town of Gawler Boundary Re-alignment proposals will, if implemented, substantially erode the Light Regional Council's rate base thereby creating an unsustainable Council which is not in the Region's nor State's interest.
6. Has the view that adjusting Local Government boundaries as proposed by The Barossa Council and the Town of Gawler does not add value for the region, nor does it generate any economic benefits. In fact, it will more than likely create significant costs for all Councils and the Light Regional Council continues to support the regional collaboration currently being enjoyed.
7. Empower the Mayor and Chief Executive Officer to actively address the *"boundary realignment"* threats from The Barossa Council and the Town of Gawler and note that the Chief Executive Officer has engaged specialist counsel to assist with any legal, media and community survey work in relation to the Boundary Re-alignment proposals.
8. Requests the Town of Gawler and The Barossa Council to withdraw their proposals based on their apparent lack of community support and that the Regional Collaboration Model be restored."

At the 22 October 2019 Light Regional Council Meeting, the following resolution was passed:

**Item - 13.1.1 Boundary Reform Proposals**

1. That the presentation by Council's Chief Executive Officer on "Boundary Reform Proposals" be received and noted.
2. That Council re-affirms its decision of 24 September 2019 requesting the Town of Gawler and The Barossa Council to withdraw their proposals based on their apparent lack of community support.
3. That Council write to the Boundaries Commission expressing the opinion that the proposals from the Town of Gawler and The Barossa Council are fundamentally flawed as set out in the Brief Analysis section of this presentation and ask the Commission to refuse to inquire into the proposals pursuant to Section 29 of the Local Government Act 1999 on the grounds that they are not in the public interest.
4. That Council include in its correspondence to the Boundaries Commission that in the event they choose not to dismiss out of hand the proposals from the Town of Gawler and/or The Barossa Council then the Light Regional Council be afforded the opportunity to put forward an "Alternative" based on Structural Reform.

Council has received a copy of the submission from Light Regional Council to the Boundaries Commission which is provided as **Attachment 4** with Light Regional Council's permission. Consistent with the above resolutions, Light Regional Council has stated that it considers Town of Gawler's proposal as being fundamentally flawed.

An overview the key points made by LRC and Gawler Council Administration's response is provided below, noting that the draft Stage 1 Proposal (**Attachment 6**) provides justification for Council's proposed adjustments.

***There is no evidence of community support either from Gawler Council or from the areas affected of Light Regional Council***

Acknowledging that Town of Gawler has provided services and infrastructure to its neighbours for many years, boundary realignments have been identified as a key issue by the Gawler community and is reflected in the Gawler Community Plan 2017-2027 – Town of Gawler's most strategic document, which includes the following strategy:

*1.1.3 Promote local government boundary realignments to more accurately reflect the township of Gawler's population and reinforce its sense of a community with common interests.*

The proposed community consultation process to be undertaken as part of the development of a Stage 2 proposal will provide further understanding regarding the level of support. Council will then consider the outcomes of the consultation process and determine whether to proceed with the preparation of a Stage 2 proposal. In addition, and as confirmed by the Boundaries Commission, the independent consultation process to be undertaken as part of the investigation will further test community support.

***Significant evidence of community opposition to Gawler's boundary change proposal***

***Principle (1) (c) (i) requires 'the desirability of avoiding significant divisions within a community' is not met***

Light Regional Council has provided 81 opposing social media comments and references correspondence from key stakeholders of the Roseworthy development as evidence of its claims.

The areas of interest within the Light Regional Council, combined with Gawler's current population is estimated at 26,500 (25,000 residents within Gawler and 3442 residents within Light Regional Council). The 81 comments represents 0.3% of the total combined population or 2.3% of the population within the Light Regional Council. This is not considered an indicative representation of the community sentiment, particularly given that Council is in initial stages of the boundary reform process.

As outlined above, the proposed community consultation process to be undertaken as part of the development of a Stage 2 proposal will provide further understanding regarding the level of support. Council will then consider the outcomes of the consultation process and determine whether to proceed with the preparation of a Stage 2 proposal. In addition, and as confirmed by the Boundaries Commission, the independent consultation process to be undertaken as part of the investigation will further test community support.

Council Administration is aware of recent correspondence from the Hickinbotham Group to the Boundaries Commission, opposing Council's proposed boundary adjustments, in particular the inclusion of Roseworthy within the Town of Gawler. Mayor Redman and the CEO have sought to meet with Mr Michael Hickinbotham to discuss his contributions to this matter. In addition, further to the Mr Hickinbotham's letter Council has sent a letter to Boundaries Commission confirming that Roseworthy is not currently within Town of Gawler's boundary reform considerations. (**Attachment 5**).

Council Administration is of the view that the proposed realignments will encourage a strong collective voice to deliver a locally focussed culturally, economically and environmentally sustainable future rather than create divisions in the community.

***Light Regional Council's financial position would be significantly affected by success of any of the Gawler and Barossa Council proposals***

The Light Regional Council's concerns are acknowledged, particularly given existing financial pressures identified as part of a review of strategic management plans.

A key focus of Council has been on regional economic considerations and ensuring that boundary changes enhance the capacity of local government within the region to continue to deliver results to local communities in a more strategic and effective way.

As previously reported, Council Administration has had due consideration for the financial sustainability of the affected Councils in presenting proposed boundary adjustments. This is the primary reason why land included within the Roseworthy Township Expansion

Development Plan Amendment (currently within Gawler Belt and Roseworthy), has not been included within Council's proposal.

However, Council should not be speculating any further in this regard. This is a matter for the Boundaries Commission to consider as part of the independent investigation, should Town of Gawler resolve to proceed to the investigation stage.

### City of Playford

Council has not received any correspondence from the City of Playford in this regards to boundary reform. Council will continue to keep City of Playford informed of progress in this regard.

### **Next Steps**

Council Staff have prepared a draft Stage 1 Proposal for Council consideration which is provided as **Attachment 6**. This Proposal, if resolved by Council, will be submitted to the Boundaries Commission for review and feedback. The outcomes of this review and feedback received will be provided to Council in an update report at a future Council Meeting.

### **COMMUNICATION (INTERNAL TO COUNCIL)**

Chief Executive Officer  
Manager Finance and Corporate Services  
Manager Business Enterprises and Communications  
Manager Infrastructure and Engineering Services  
Manager, Development, Environment and Regulatory Services  
Manager Library and Community Services  
Strategic Infrastructure Manager  
Team Leader, Development Services  
Strategic Planner  
Rates Officer  
Communications and Media Adviser  
Business Improvement and Internal Audit Coordinator

### **CONSULTATION (EXTERNAL TO COUNCIL)**

Council staff have consulted with the following organisations in the preparation of this report:

- a. Boundaries Commission;
- b. Light Regional Council;
- c. The Barossa Council;
- d. City of Mount Gambier & Mount Barker District Council (pertaining to financial analysis undertaken)

As previously outlined in this report, a draft Communication and Consultation Plan is provided at **Attachment 2** for consideration.

### **POLICY IMPLICATIONS**

Public Consultation Policy

### **STATUTORY REQUIREMENTS**

*Local Government Act 1999*

*Local Government (Boundary Adjustment) Amendment Act 2017*

### **FINANCIAL/BUDGET IMPLICATIONS**

The potential costs for further progressing its boundary reform deliberations in 2019/20 is estimated at \$10,000 (community consultation). This cost will be sought to be allocated as part of the 2nd Quarter Budget Review.

Future costs associated with this boundary reform project will include external consultations, staff



resource allocations, and costs of the Commission's investigation should Council proceed to the Inquiry stage. These costs are unable to be quantified at this time. However, it is anticipated that the majority of such costs (outside of staffing costs incurred to date) will be incurred in 2020/21 and beyond and will be the subject of future period budget bid considerations. As outlined above, the costs of an inquiry could be significant and Council Staff will continue to provide periodical project updates, should Council elect to proceed with this initiative.

## **COMMUNITY PLAN**

*Objective 1.1: Maintain a clearly defined township, one which is distinct from neighbouring areas*

*Objective 1.2: Build a local community that is proud of Gawler*

*Objective 2.1: Physical and social infrastructure to service our growing population and economy*

*Objective 2.2: Growth to be sustainable and respectful of cultural and built heritage*

*Objective 2.3: The local environment to be respected*

*Objective 2.4: Manage growth through the real connection of people and places*

*Objective 3.4: Gawler to be an inclusive and welcoming community*

*Objective 5.2: Be recognised as a 'best practice' Local Government organisation*

*Objective 5.3: Deliver ongoing effective and efficient services, including support for regional collaboration*

### 12.3 GAWLER BUSINESS DEVELOPMENT GROUP QUARTERLY REPORT

**Record Number:** CC19/107;IC19/710

**Author(s):** Kirsty Dudley, Special Projects Officer

**Previous Motions:** Council 19/03/19, Resolution 2019:03:COU077

**Attachments:**

1. **Gawler Business Development Group - Quarterly report July - Sept 2019 submitted 14-10-19 CR19/77602** 
2. **Contract Variation to Funding Agreement (3-06-19) between Gawler Business Development Group and Town of Gawler CR19/71569** 

#### PRESENTATION

Louise Drummond, Chair and Caren Brougham, Executive Officer of the Gawler Business Development Group will give a brief presentation to the Council on this matter.

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#### OFFICER'S RECOMMENDATION

**That Council:**

1. **Receives and notes the Gawler Business Development Group's Quarterly Report for July to September 2019.**
2. **Notes the proposed variation to the Funding Agreement between Council and the Gawler Business Development Group that:**
  - a) **removes Clause 10.3 being the requirement for the Group to provide 4 business case studies of a Member of the Group during the course of the financial year; and**
  - b) **is replaced under clause 10.2 regarding Quarterly Reports by the addition of a requirement to provide statistics detailing the specific areas of advice, engagement, assistance and support that GBDG provides to local businesses.**

#### SUMMARY

According to the funding agreement between Council and the Gawler Business and Development Group (GBDG), the GBDG is required to provide Council with quarterly reports. This report provides Council with the opportunity to receive and note the first such quarterly report for the 2019/20 Financial Year. The report also informs Council of a proposed variation to the Funding Agreement with the GBDG that removes Clause 10.3 being the requirement for the Group to provide 4 business case studies of a Member of the Group during the course of the financial year.

#### BACKGROUND

The GBDG is contracted under a funding agreement with Council to assist with promoting and marketing the businesses within the Town of Gawler. At the Special Council meeting held on 19 March 2019, Council delegated authority to the Chief Executive Officer to enter into the funding agreement in accordance with the below resolution:

Resolution 2019:03:COU077

Moved: Cr D Hughes

Seconded: Cr D Fraser

*That Council:-*

1. *Notes the feedback received from Gawler businesses from the Business Survey.*
2. *Receives and notes the Gawler Business Development Group 2019/20 Business Plan which incorporates the following:*

a) A request for funding in the amount of \$175,870 (exc. GST), funded from the application of a Separate Rate, increased annually by CPI for a preferred minimum period of two years (2019/20, 2020/21), with the option to extend the agreement for a further 12 months to 30 June 2022; and

b) Distribution of a Gawler Business Development Group membership and benefits flyer within Council's First Quarter Rates Notices of each Financial Year.

3. Delegates authority to the Chief Executive Officer to enter into a new funding agreement with the Gawler Business Development Group from July 2019.

The funding agreement was fully executed on 3 June 2019 and requires the GBDG to provide Council with quarterly reports that include:

1. Contact reports – (sourced from customer relationship management database).
2. Facebook Statistics
3. Google Analytics
4. Details of Activities run in addition as well as the results of their corresponding Activity Survey.
5. Sponsorships and details of any sponsorship activities
6. Financial reports of the GBDG for that Quarter including but not limited to Profit and Loss and Balance Sheet and budget vs actual expenditure report.

In August 2019 the GBDG created an example report for Council Staff to review and provide appropriate feedback in an effort to ensure that the formal quarterly reports would meet Council's needs. The example reporting structure provided a business case study in line with clause 10.3 of the funding agreement which states:

10.3 The GBDG will provide at least 4 business case studies of a Member of the GBDG during the course of the financial year.

When preparing the example report the GBDG Board raised a concern that the obligation under Clause 10.3 potentially conflicted with their responsibility to protect their Members' privacy. The Board asserted that some businesses could be easily identified in a case study due to their specific and unique operations, even if the name of the business was omitted. Consequently, a request was made by the GBDG Board for a variation to the funding agreement to remove this obligation.

The purpose of this report is to provide Council with the first GBDG Quarterly Report of the 2019/2020 financial year and inform Council of the proposed variation to the funding agreement with the GBDG that removes Clause 10.3, being the requirement for the Group to provide 4 business case studies of a Member of the Group during the course of the financial year.

## COMMENTS/DISCUSSION

The GBDG's current funding agreement with Council commenced on 1 July 2019. The obligation to provide a quarterly report to Council was included as part of this funding arrangement ensuring that Council received more information regarding GBDG activities throughout the year.

The GBDG Quarterly Report July to September 2019 (**Attachment 1**) was received by Council on 14 October 2019. The reporting format used evolved from the example report provided by the GBDG in August 2019 and encompasses feedback from Council Staff relative to what would be required to satisfy the terms of the funding agreement.

As mentioned above, when preparing the example report the GBDG Board raised a concern that the obligation under Clause 10.3 potentially conflicted with their responsibility to protect their Members' privacy. The provision of 4 case studies per year was originally included in the funding agreement as an effective way that the GBDG could demonstrate their value to local business by identifying 4 key success stories on how the organisation had assisted a Member Business. However the GBDG Board had real concerns about privacy for businesses used for the case studies. Council Staff reflected on this concern and, through discussions at the monthly liaison meetings with the GBDG, it was agreed to remove this obligation provided that the GBDG agreed to include statistics detailing the specific areas of advice, engagement, assistance and support that it provides to local businesses

within its quarterly reports. The GBDG has verbally agreed to the proposed variation to the funding agreement outlined above and a Contract Variation the funding agreement (**Attachment 2**) has been provided for execution.

The GBDG's Quarterly Report contains a summary of the Organisation's:

1. Contact reports
2. Facebook Statistics
3. Google Analytics
4. Programs/Activities held
5. Sponsorship activities
6. Financial statements
7. Statistics detailing the specific areas of advice, engagement, assistance and support provided to local businesses.

The Quarterly Report indicates that the GBDG:

1. Recorded 184 assists/engagements with local businesses
2. Arranged business mentoring for its Members with presenters of workshops held in the Business Innovation Hub (BIH) at no cost to the individual business.
  - Are engaging assistance to develop a digital marketing strategy to identify its target markets and optimise its most cost effective form of marketing through its digital platforms.

A key initiative undertaken during the quarter was the finalisation and release of the South Aussie with Cosi segment in July 2019. The segment featuring Gawler and a selection of local businesses reported a peak viewing of 121,000 people. Feedback received by the GBDG from local businesses has been positive about the segment with some businesses receiving contact from new customers as a result. A digital commercial was also produced from the segment that the GBDG can use to market Gawler online, on television and at events. The GBDG reports that the commercial has been aired on Channel 9 on numerous days.

GBDG now have a presence in the BIH, with their principal office being in a dedicated space within the BIH and the GBDG have been working with Hub Manager, Andrew Morris, to:

- a) Work collaboratively with the BIH and Regional Development Australia to deliver upskilling opportunities in line with each organisations focus areas for example the BIH provide digital upskilling, GBDG provide sessions around marketing etc;
- b) Connect their Member Businesses to the Hub and it's broad program of events and networking opportunities;
- c) Enable access to training at the Hub free to their Membership (GBDG covering any attendance fee); and
- d) Connect with business start ups who utilise the BIH.

This relationship has been encouraged by Council providing the dedicated space for GBDG in the BIH at no cost.

The GBDG, has met their quarterly reporting requirement under item 10.2 of the funding agreement by providing Council with a quarterly report for the first quarter of the 2019/2020 financial year. Under the current funding agreement the GBDG are obligated to provide their Annual Report to Council by 30 November each year. This report will be presented for Council's consideration at the December 2019 Council Meeting.

The next quarterly report is due to be provided to Council on 15 January 2020 covering activities undertaken by the GBDG in October, November and December 2019. Council Staff intend to present this report to Council at its February 2020 Meeting.

## **COMMUNICATION (INTERNAL TO COUNCIL)**

Chief Executive Officer  
Manager Business Enterprises and Communications

## **CONSULTATION (EXTERNAL TO COUNCIL)**

Gawler Business Development Group

## **POLICY IMPLICATIONS**

Strategic Rating Policy

## **STATUTORY REQUIREMENTS**

Nil

## **FINANCIAL/BUDGET IMPLICATIONS**

Council provides the GDBG with annual funding in the amount of the Separate Rate levied against commercial and industrial properties in accordance with Council's Strategic Rating Policy. In 2019/20 the funding amount being provided to the GDBG is \$175,870.

This funding is paid in quarterly instalments provided that the GDBG is not in breach of the funding agreement with Council. The GDBG is not in breach of the funding agreement, consequently Council has provided \$87,935 to the Group during the 2019/20 financial year, being 2 quarterly payments.

## **COMMUNITY PLAN**

Objective 2.5: Local economic activity to create local job opportunities and generate increased local wealth

Objective 5.1: Support and encourage community teamwork

Objective 5.2: Be recognised as a 'best practice' Local Government organisation

Objective 5.3: Deliver ongoing effective and efficient services, including support for regional collaboration

**12.4 TOWN CENTRE CAR PARKING (FESTIVE SEASON) UPDATE****Record Number:** CC19/319;IC19/729**Author(s):** David Petruzzella, Strategic Planner**Previous Motions:** Committee Resolution 2019:04:IES049, Committee Resolution 2019:04:IES023, Resolution 2019:07:COU306**Attachments:**

1. Preliminary concept design for carpark at Murray street and Julian Terrace 
2. Potential Car Parking Opportunities - 1 CR19/78893 
3. Potential Car Parking Opportunities - 2 CR19/78892 
4. Goose Island Carpark Concept CR19/78722 

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**OFFICER'S RECOMMENDATION****That Council:-**

1. Notes the Town Centre Car Parking (Festive Season) Update Report.
2. Formally present the petition received by Council pertaining to recent changes to timed parking with the Woolworth's private car park to Woolworths management, and continue discussions pertaining to the potential benefits of 4hr timed parking.
3. Works with the Gawler Business Development Group to promote existing all-day parking options in Murray Street South (Land adjacent SA Water Depot), Light Square, Union Street, Jacob Street, High Street, Finnis Street and Warren Street, which are currently underutilised.
4. On a temporary basis increases all existing 3hr timed parking in Council owned off-street car parks in Tod Street, High Street and at the Visitor Information Centre to 4 hrs in order to provide a balance to 1hr, 2hr, 3hr and all-day parking options already available within the Town Centre.
5. On a temporary basis, and for the month of December, facilitate all-day parking on Goose Island as a trial.
6. Notes that the cost of these various initiatives are estimated at \$4,000 for approximately 24 days and will be funded from within existing and recurrent budget allocations and or via Council's Car Parking Equity Reserve Fund.
7. Finalise the investigation and proceed with the installation of new and additional signage within the town centre to promote existing parking options, particularly those on offer at the Multi-Level Car Park in Finnis Street. It is expected that the cost of the new and additional signage would cost approximately \$10,000.
8. Review of the Gawler Town Centre 2017-2020 Car Parking Strategy and the Car Parking fund to be postponed until the 2020-2021 financial year, where an appropriate budget allocation will be sought.

**SUMMARY**

This report seeks to provide an update in relation to matters pertaining to car parking in the Town Centre, in particular concerns recently raised by members of the local business community about the impact Woolworth's decision to introduce time restrictions in their car park is having upon retail trade for small business.

**BACKGROUND**

Early this year, and in response to concerns raised by the community regarding car parking in the Town Centre, the following motion was adopted by Council at the 26 March 2019 meeting:

RESOLUTION 2019:03:COU116

Moved: Cr I Tooley

Seconded: Cr J Vallelonga

*Given that parking in the Main Street precinct remains problematic for both traders and the general public, made worse when spaces were lost for bus parking, and with added pressure resulting from the opening of the new Civic Centre, Council resolve that:-*

- 1. Staff prepare a report to the April Infrastructure and Environmental Services Committee on the Town Centre Car Parking Strategy and its implementation, particularly as it relates to its recommendations for relieving car parking pressures within areas of high demand in the Town Centre.*
- 2. The report should also discuss the benefits or otherwise of holding a 'solutions oriented' stakeholder summit/workshop on Main Street Parking in order to generate creative solutions, such as increased shared use of private parking areas, signage, parking times, possible relocation of bus stops, etc.,*

As requested by Council, a report was presented to the IES Committee in April 2019, with the report providing a recap on the development and adoption of the 'Gawler Town Centre 2017-2020 Car Parking Strategy' as well as an update on its implementation.

Further to this, the report brought to light concerns raised pertaining to car parking in the town centre and the merits or otherwise of holding a Car Parking Summit (Workshop).

The following motion was adopted by the IES Committee at its meeting on 15 April 2019:

COMMITTEE RESOLUTION 2019:04:IES023

Moved: Cr C Davies

Seconded: Cr N Shanks

*That the Infrastructure & Environmental Services Committee:*

- 1. Notes the Town Centre Car Parking Strategy Update Report.*
- 2. Seeks that Council staff proceed to hold a community workshop to discuss car parking issues relevant to Gawler Town Centre and immediate surrounds, the outcomes of which are then to be reported back to this committee for consideration.*

In accordance with committee resolution 2017:04:IES023, a Car Parking Summit was organised and hosted on Wednesday 24 July 2019.

The workshop was advertised via a number of avenues including:

- The Gawler Business Development Group
- Public notice in the Bunyip (26-06-2019)
- Facebook Posts
- Media Release
- Flyers located at the Gawler Administration Centre / the Civic Centre / Evanston Gardens Community Centre

A total of fourteen community members and local business owners attended the summit which was held at the Civic Centre and facilitated by Council administration.

The summit was productive, with a key list of issues / experiences / ideas raised at the workshop provided below:

- Dedicated all day staff car parking is required.
- The idea of pushing staff to park away from the Town Centre was not particularly well received by attendees.
- There is an impression that some areas of the Town Centre are patrolled by inspectors less frequently than others.
- Murray Street is now inconvenient to park on.
- Parallel parking along Murray Street particularly for the elderly is difficult.
- A new multi-deck car park would ideally be located near the National Australia Bank.
- A new multi-deck car park could be built along Reid Street.
- Additional car parking should have been provided as part of the Civic Centre redevelopment.
- Convenience is critical as customers do not want to walk.
- There needs to be a mixture of timing restrictions in the Big W and Woolworth's car park.
- There is a lack of signage telling visitors where they can park.
- Could Goose Island be used for parking?
- People misuse loading zones.
- Buses should be redirected around Julian terrace.
- Murray Street should become one way – South to North.
- Murray Street is so congested it deters people from visiting Gawler.

In addition to the above, a further resolution was adopted by Council in relation to car parking and more specifically in response to the recent development application lodged by the Exchange Hotel seeking to increase patronage which has flow on car parking implications at the meeting on 23 July 2019:

RESOLUTION 2019:07:COU306

Moved: Cr C Davies

Seconded: Cr B Sambell

*That Town Centre Car Parking Strategy and the gazetted car parking rates be the subject of a review in 2019.*

More recently, and in response to the decision by Woolworth's to establish time restrictions within their private car park, Council received two deputations from local businesses at the last Council meeting expressing their concern with this discussion, and the impact it is having on their businesses.

In these particular deputations it was suggested the time restrictions should be increased to 4hrs. It was also brought to the attention of Council that a petition was being created to this affect, which would be tabled at this Council meeting. The petition has now been received by Council with 1695 signatures seeking for time restrictions within the Woolworths and National Bank Precincts to be extended to 4 hours.

Similar comments have also been expressed to Council at a recent Gawler Business Development Group meeting attended by staff, along with offering their support to Council for both formalising and promoting existing long-term car parking options in the town centre. The possibility of introducing a number of temporary changes to Council car parks to assist in the lead up to Christmas was also well received.



**COMMENTS/DISCUSSION****Woolworths and Big W Private Car Park**

In October of 2017 the Harmony Property Group Pty Ltd approached Council in relation to the possibility of Council providing a monitoring service for their private car park on behalf of their tenant Woolworths, similar to the service Council currently provides to Coles (Gawler Centre) and Target (Phoenix Plaza).

Signage pertaining to time restrictions was installed in the private car park by the landowner on 4 June 2019, but formal monitoring of the car park by Council did not commence until September 2019.

It is understood that the decision to change car parking arrangements in their car park from all-day parking (unrestricted) to a combination of 1hr, 2hr and 3hr timed parking was driven as a consequence of consistently receiving feedback from customers about a lack of convenient access to car parking spaces.



Figure 1: Map of parking options at precinct

The decision to implement timed parking within this car park was ultimately a decision made by the landowner on behalf of its tenant Woolworths. Council has no capacity to prevent the introduction of timed parking from occurring. While this decision was made by the landowner, it is worth noting that it is not inconsistent with the Gawler Town Centre 2017-2020 Car Parking Strategy adopted by Council.

This strategy encourages short-term parking in premium retail areas, appropriate enforcement and Council seeking agreement to undertake wider parking enforcement within private car parking areas.

The Strategy also provides commentary as to why timed parking restrictions are appropriate in high demand and premium retail areas:

*“The implementation of parking restrictions is used to ensure that parking is provided in the most appropriate format and location to support the adjoining land uses and reflect the nature of the parking demand. Parking restrictions can be used to:*

- *Ensure short term parking in “premium” (i.e. near the door to shops, closest to Murray Street etc.) parking spaces has a high turnover. ’*
- *Encourage long term parking (e.g. staff or long stay visitors) a short walk away, not in premium customer/visitor spaces and is considered for car parks with low use or that are further from the primary town centre destinations. ’*
- *Make better use of premium car parks as the most convenient parking spaces will turn over more frequently. ’*
- *Improve the effectiveness of car parks and for better integration with the town centre car park supply through overall management by Council under the Private Parking Areas Act, particularly in relation to time zones”.*

Further to the above, a survey was also undertaken at the time to aid in the development of the strategy. One of the key questions asked of participants was how long they usually stayed in the Gawler Town Centre during their visits.

The below pie chart, which was conducted prior to the introduction of timed parking in the Woolworths car park, clearly demonstrates that vast majority of the people who completed the survey (approximately three quarters) spent less than 2hrs in the town centre during any one stay.

C.7 How long do you usually stay on a visit to Gawler Town Centre?

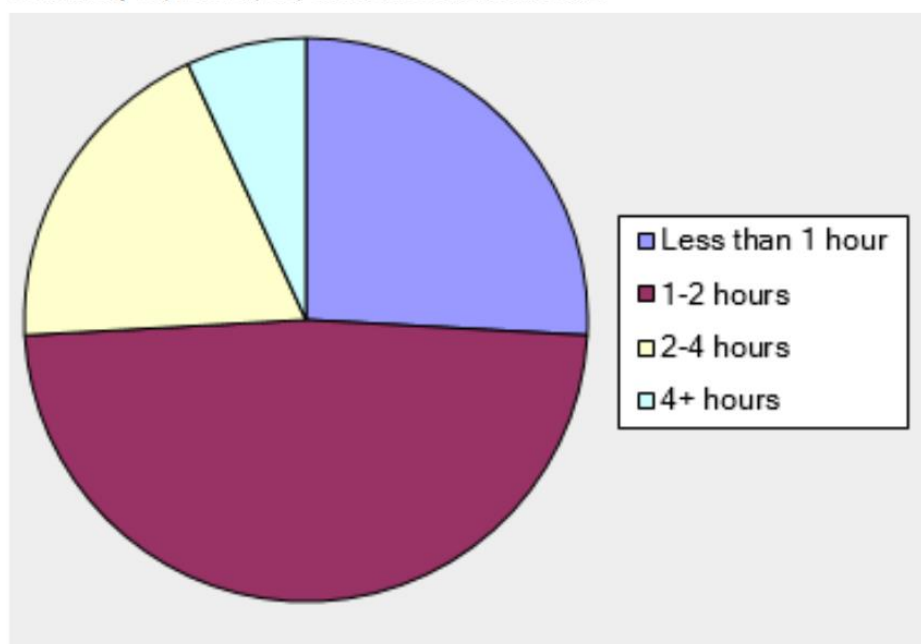


Figure 2: Survey response undertaken as part of the Gawler Town Centre 2017-2020 Car Parking Strategy

In discussion with Woolworths, they have advised that the average time a Woolworth’s customer spends in their stores is between 45 to 60 minutes (less than 1hr). They also pointed out that their car parking facilities are available to all members of the public, whether or not they are customers of Woolworths.

Council staff fully appreciate and acknowledge the need to strike the right balance between both short-term and long-term parking options within the Town Centre to support a variety of retail experiences. Noting that within the locality in question there is currently 1hr, 2hrs, 3hr and all-day parking options available. The under croft parking at Woolworths provides 425 3hr spaces for public use.

However, and in general terms, the provision of short-term parking options such as 2hr parking should be accommodated within premium retail precincts like the Gum Tree Plaza/Woolworths/Big W/Commercial Lane Precinct as this reflects the typical duration of stay for retail customers and seeks to improve convenience.

This decision by Woolworths to introduce timed parking has raised some concern and angst in the local business community, being that the maximum period of time during which a parking space can be occupied during any one stay is too short. It has been suggested that this period should be increased to 4hrs.

It has been suggested to Council that 4 hour time restrictions would allow retail customers to explore the entire town centre, visit multiple businesses and access services like beauty salons which can take longer than 2-3 hours. Noting that there is in fact already unrestricted all-day parking available on two floors of the Finnis Street Multi-level car park, which directly abuts this retail precinct.

It is important to note the role Woolworths and BigW play in the overall retail fabric, and that the success of the precinct is very much associated with their ongoing success. The ability of Woolworths to attract and retail customers is intrinsically linked to the success of surrounding small business.

The Council administration is keen to investigate the matter further, particularly in relation to updated occupancy surveys, and report back to Council on the findings, this work would also likely form part of the foundation of the Town Centre's Car parking Strategy review, as it aids in providing a clearer image on what the actual utilisation rates are of car parks across the town centre.

However, and in light of concerns raised to Council, staff have met with Woolworth's representatives on 3<sup>rd</sup> of October 2019 and 1<sup>st</sup> of November 2019. Staff reiterated the desire of some elements of the business community for them to increase the maximum period of time during which a parking space can be occupied during any one stay to 4hrs. Woolworths have agreed to give further consideration to this matter. Having now received the petition mentioned above, it is recommended that this petition be formally presented to Woolworths as part of their ongoing consideration of the matter.

### **Potential action to improve parking over the Christmas period**

The Council's approach to car parking has over recent years been informed by the endorsed 'Gawler Town Centre 2017-2020' Car Parking Strategy for all matters pertaining to car parking in Council's Town Centre Historic (Conservation) Zone.

Importantly however Council listens and seeks to work with local businesses when matters are raised relative to the functionality and the operating success of the township. There is no other time where there is a need for such active listening and action to be taken, relative to such an important matter as car parking, as it is when leading up to the busiest retail period in the calendar, the Christmas period.

A staff working group has been established to work through matters pertaining to car parking in the Town Centre and try to find some immediate solutions for the local business community, particularly as we approach the festive season. This working group has identified a number short, medium and long term actions in an attempt to relieve some of the perceived/or otherwise issues within the business community.

One of the key areas highlighted in the feedback received to date, and in response to the introduction of timed parking in the Woolworths car park, has been the need to facilitate options for longer term parking for both staff (all-day parking) and other customer parking (4hr parking) in order to compliment the 1hr, 2hr and 3hr parking currently offered. As a result, this has been the main area of focus, particularly in relation to actions that can be implemented either immediately or on a temporary basis to assist in the lead up to Christmas.

As such the following potential actions have been identified:

**1. Murray Street South, Council Car Park Adjacent SA Water Depot.**

This informal Council owned car park has been identified by staff as being significantly underutilised. It has the ability to accommodate approximately 60 all-day car parks within close proximity to the town centre, but generally only has about 5-7 cars in it on a daily basis. (Refer **Attachment 1**).

It recommended that Council work with the Gawler Business Development Group to promote this car park as a good all-day parking option for staff associated with local businesses, which will free up car parking spaces otherwise occupied by staff in more premium retail areas. Likewise, this could also be a great parking option for customers seeking to spend more than 4hrs within the town centre.

**2. Light Square, Union Street, Jacob Street, High Street, Finniss Street and Warren Street**

Further to the above, on-street parking around Light Square and in Union Street, Jacob Street, High Street, Finniss Street and Warren Street have all been identified as existing all-day parking options that are also underutilised. It is recommended that via the Gawler Business Development Group that these parking locations be promoted to both staff and customers. It is also considered that these streets would benefit from improved line marking and signage in order to formalise car parks in order to encourage greater patronage. (Refer **Attachment 2**)

**3. Tod Street, High Street and Visitor Information Centre Off-Street Council Car Parks**

In response to community concerns around 1hr, 2hr and 3hr timed parking options being too short, and the need to cater for longer visitor periods, there is the potential for the existing 3hr car parks within Tod Street, High Street and Visitor Information Centre Off-Street Council car parks to be increased to 4hrs. This will assist in providing a longer term parking, particularly given the introduction of 1hr, 2hr and 3hr timed parking within the Woolworths car park. There are approximately (Refer **Attachment 3**)

**4. Goose Island Car Park Trial**

Over the last couple of years Goose Island has been successfully used on a temporary basis to assist with increased parking demand associated with the Gawler Show. It is considered that this site could also be used on a similar temporary basis during the month of December as a trial providing approximately 90 car parks.

To effectively manage this site during this period additional mowing would be required and the car parking area would require bunting (star-droppers and flags). To minimise potential fire risk Council would also seek to water the area on a daily basis prior to use. Residents of Eighth Street would also be notified of this trial prior to the pilot period commencing. External assistance in the form of security is not envisioned at this point, however can be reconsidered if issues arise in terms of orderliness or unsocial behaviour (Refer **Attachment 4**).

It is considered that all of the above options can be implemented within a short period and low cost to Council, but could assist local businesses and their customers in the lead up to Christmas. This will then allow Council to continue to focus on its review of the Gawler Town Centre 2017-2020 Car Parking Strategy and the Car Parking fund in 2020.

In addition the administration wish to also notify the Elected Members that work is currently being progressed to improve wayfinding signage throughout the Town Centre to aid in informing visitors to the Town of parking options available.

**COMMUNICATION (INTERNAL TO COUNCIL)**

Chief Executive Officer  
Manager Development, Environment and Regulatory Services  
Senior Development and Strategic Policy Officer  
Strategic Planner  
Special Projects Officer  
Manager Infrastructure and Engineering  
Team Leader Community Safety  
Community Safety Officer

**CONSULTATION (EXTERNAL TO COUNCIL)**

Caren Brougham – Gawler Business Development Group

A local business and community forum relating to car parking specifically in the Town Centre was hosted by Council on 24 July 2019 in the Gawler Civic Centre. A total of 14 people attended the event and provided valuable input and insight into how the local business community view the matter of car parking in the Town Centre.

**POLICY IMPLICATIONS**

As per the Gawler Town Centre 2017-2020 Car Parking Strategy, it is anticipated that the outcomes of an updated strategy will be utilised by staff to assist with potential policy updates as well as to action recommendations and seek budget bids, where considered appropriate, to undertake required works.

**STATUTORY REQUIREMENTS**

There are no statutory requirements associated with the preparation of this report.

**FINANCIAL/BUDGET IMPLICATIONS**

The bulk of the funding that is estimated to be required for the works relative to the immediate actions are considered able to be provided for within existing budget allocations, as the initiatives in the main do not require any material funding. Where funding is required allocations will be sought from Council's Car Parking Equity Reserve Fund.

The Car Parking Equity Reserve Fund has a balance of \$452k, as at 30 June 2019. The purpose of the Equity Reserve Fund is to retain developer contributions towards the provision of carpark facilities. Transfer of funds from the Equity Reserve subsequently occurs upon construction of such facilities.

In accordance with Council's Treasury Management Policy, the balance of the Equity Reserve Fund is not 'cash-backed', on the basis that contributions previously received have been 'internally borrowed' against, as part of Council's prudent treasury management approach – noting that internal borrowings are undertaken at a considerably cheaper interest rate than external borrowings. This approach consequently minimises Council's net interest costs.

In this regard, contributions to the fund receive an internal interest rate, consistent with the interest rate that would have otherwise been earned had the funds been separately invested.

No funds have been allocated in the 2019/20 budget to undertake a review of the Gawler Town Centre 2017-2020 Car Parking Strategy.

It is anticipated that a variation to the 2019/20 Council budget is likely to be required to complete this review in the 2019/20 financial year, as technical input from traffic experts will be required to complete the review process.

Consideration of any funding sought will initially be via the transfer of funds within the existing 2019/20 budget, in accordance with Council's Budget Management Policy.

## **COMMUNITY PLAN**

Objective 1.3: Protect and promote Gawler's unique heritage

Objective 1.5: Promote cultural heritage and the creative sector to build community spirit pride

Objective 2.1: Physical and social infrastructure to service our growing population and economy

Objective 2.2: Growth to be sustainable and respectful of cultural and built heritage

Objective 2.4: Manage growth through the real connection of people and places

Objective 2.5: Local economic activity to create local job opportunities and generate increased local wealth

Objective 5.2: Be recognised as a 'best practice' Local Government organisation

Objective 5.4: Create a safe community environment

## 12.5 HISTORIC AREA STATEMENTS - PLANNING AND DESIGN CODE

**Record Number:** CC19/319;IC19/743

**Author(s):** Jane Strange, Senior Development and Strategic Policy Officer

**Previous Motions:** Council, 27/08/2019, Motion No. 2019:08:COU315; Council, 23/07/2019, Motion No. 2019:07:COU274

**Attachments:** 1. **Historic Area Statements CR19/79320** 

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### OFFICER'S RECOMMENDATION

**That Council:**

1. **Endorses in principle the Historic Area Statements and authorises the submission of the Statements to the Department of Planning, Transport and Infrastructure on or before 29 November 2019.**
2. **Authorises the CEO to make any minor amendments to the Historic Area Statements if considered to be appropriate.**
2. **Requests an update report be presented to Council at its Ordinary Meeting in December 2019.**

### SUMMARY

The draft Planning and Design Code (Code) is currently on public consultation as part of the State Planning Reforms.

Councils have been invited to draft Historic Area Statements for their individual local government areas to be submitted to the Department of Planning, Transport and Infrastructure (DPTI) for inclusion in the Code by 29 November 2019.

### BACKGROUND

The state of South Australia has been undertaking planning reform over the past four years with the implementation of the *Planning, Development and Infrastructure Act 2016 (the Act)*. This update of the planning system has been promoted as a once in a generation process.

As the implementation is nearing its completion, the threads of the system are being drawn together with the release of the Planning and Design Code for public consultation under the Community Consultation Charter.

The draft Code, which replaces 68 Development Plans across the State, is currently out on consultation for both Phase Two (Rural) and Phase Three (Urban) council areas. The Code (which was formally released for consultation on 1 October 2019) contained example Historic Area Statements which are designed to apply within areas affected by a Historic Area Overlays.

It was not communicated to Council at the time that we would have the opportunity to draft these statements. However, after discussions with our DPTI transition manager, confirmation was provided on Monday 21 October 2019 that these are required to be prepared and submitted by 29 November 2019. This only allowed Council 5 ½ weeks to prepare these statements.

If Council elects not to prepare these statements, it is understood that DPTI will draft them. However, there is the risk that detailed local policy could be lost if this is the case.

### COMMENTS

The Historic Area Statements are crucial to the interpretation and implementation of the Code within current Historic (Conservation) Zones, in particular when guiding the suitability of demolition of non-listed items within these Zones.

As an example, the draft Code is proposing to transition our Residential Historic (Conservation) Zone to a Suburban Neighbourhood Zone. This new Zone is a generic residential zone and does not contain any policy regarding heritage or character. This heritage policy is contained within the Historic Area Overlays, Local Heritage Places Overlay, State Heritage Places Overlay or State Heritage Area Overlay.

For non-listed items (i.e. not Local or State Heritage listing) the only heritage protection offered is that by way of the Historic Areas Overlay, which is proposed to be spatially applied over all existing Historic (Conservation) Zones.

Whilst this Overlay contains most of the heritage policy for non-listed structures, this policy is fairly general in nature. However, the policy makes specific reference to the Historic Area Statement to guide assessment of development within this Overlay.

In particular, the Performance Outcomes for demolition specifically references retention of buildings and structures that demonstrate the historic characteristics as expressed in the Historic Area Statement. The relevant Performance Outcomes are listed below:

### ***Demolition***

#### ***PO 6.1***

*Buildings and structures that demonstrate the historic characteristics as expressed in the Historic Area Statement are not demolished, unless:*

- a) the front elevation of the building has been substantially altered and cannot be reasonably, economically restored in a manner consistent with the building's original style; or*
- b) the building façade does not contribute to the historic character of the streetscape; or*
- c) the structural integrity or condition of the building is beyond economic repair.*

#### ***PO 6.2***

*Partial demolition of a building where that portion to be demolished does not contribute to the historic character of the streetscape.*

#### ***PO 6.3***

*Buildings, or elements of buildings, that do not conform with the values described in the historic areas statement may be demolished.*

Therefore in order to protect buildings that are not either State or Local Heritage Listed, thus the general character of existing Historic Conservation Areas, it will be critical that these Historic Area Statements are accurate and descriptive enough to capture the historic characteristics of all structures to be retained and protected.

In addition, and related to this issue, is the position of the State Planning Commission not to specifically reference Contributory Items within the new planning system. Contributory Items play an important role in an area's character and should be specifically identified within the new Code.

It is important to note that Council has commenced a review of all Contributory Items against the Local Heritage criteria, with the intention of converting any eligible structures to Local Heritage Status if and where appropriate. An update report on this particular aspect of Council's current contributory items investigations will be presented to Council at its December meeting.

Since the release of the draft Code, Council staff have been advised by DPTI that Historic Area Statements will be applied in each Historic Overlay Area, acting in a similar manner to existing Desired Character Statements in the current Gawler (CT) Development Plan.

Gawler currently has nine (9) distinct Historic Conservation Zones/Policy Areas within the Development Plan that will require the creation of individual Historic Area Statements in order to capture the historic characteristics of value.



The Historic Area Statements will help to clearly identify and articulate the key elements of historic importance in a particular area. In essence, these will replace Desired Character Statements in existing Development Plans and are based on existing policy content. Councils will be able to evolve these statements over time, including an opportunity for review prior to the February Public Consultation deadline for the Code.

The Administration has made the decision to prepare nine (9) Historic Area Statements for Council's consideration (refer **Attachment 1**) using the text contained in the nine (9) existing Desired Character Statements in order to submit them to DPTI at the end of November. This will help to ensure the level of information contained in these statements is commensurate with the importance of the retention and preservation of Gawler's unique heritage.

The Historic Area Statements have been reviewed by Council's Heritage Advisor and feedback has also been sought from DPTI staff to ensure that the Historic Area Statements will be acceptable.

The importance of the Historic Area Statements cannot be underestimated. They underpin the Historic Area Overlay and there are numerous references to them throughout the Code. If they are not sufficiently detailed, there is no basis upon which development assessment staff may make a decision, especially as future assessments will be Performance Assessed, which was formerly Merit.

As a result, it was deemed essential that the information in the Desired Character Statements from the Historic (Character) Zone Policy Areas be translated diligently into the Historic Area Statements.

Although the date for submission of comments from urban Councils under the Public Consultation for the Code is 28 February 2020; other responses, including the Historic Area Statements, are required by 29 November 2019, the due date for Phase 2 comments.

#### **COMMUNICATION (INTERNAL TO COUNCIL)**

Manager Development, Environment and Regulatory Services  
Senior Development and Strategic Policy Officer  
Strategic Planner

#### **CONSULTATION (EXTERNAL TO COUNCIL)**

Department of Planning, Transport and Infrastructure

#### **POLICY IMPLICATIONS**

The Planning and Design Code will replace all Development Plans across the state, creating a central set of state-wide development policies.

#### **STATUTORY REQUIREMENTS**

The introduction of the Planning and Design Code has a legislated timeframe to be in effect by 1 July 2020 pursuant to Schedule 8 part 4 of the *Planning Development and Infrastructure Act 2016*. The Planning and Design Code will succeed all Development Plans across the state which operate under the *Development Act 1993*.

#### **FINANCIAL/BUDGET IMPLICATIONS**

Council staff have prepared the Historic Area Statements and costs have therefore been minimised.

The Statements have been reviewed by Council's Heritage Advisor during the normal fortnightly visit and have not incurred any further costs.

Council has previously committed funding of \$200k this financial year to undertake a survey of Council's Heritage Contributory Items. This funding allocation is subsequently incorporated within the 1<sup>st</sup> Quarter Budget Review separately tabled to this meeting.

**COMMUNITY PLAN**

Objective 1.1: Maintain a clearly defined township, one which is distinct from neighbouring areas

Objective 1.3: Protect and promote Gawler's unique heritage

Objective 2.2: Growth to be sustainable and respectful of cultural and built heritage

Objective 2.3: The local environment to be respected

Objective 4.2: Support development that respects the environment and considers, the impacts of climate change

Objective 5.1: Support and encourage community teamwork

Objective 5.2: Be recognised as a 'best practice' Local Government organisation

**12.6 PAXTON STREET LANDFILL ENVIRONMENTAL ASSESSMENT UPDATE****Record Number:** CC19/319;IC19/650**Author(s):** Jack Darzanos, Team Leader Environmental Services**Previous Motions:** 2019:02:26:COU032**Attachments:**  
1. **EPA - Environmental Management of Landfill Facilities CR18/81829**   
2. **Draft Letter and Information Sheet to Residents CR19/77103** 

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**OFFICER'S RECOMMENDATION****That Council notes:**

1. **The Paxton Street Landfill Site Report, including the outcomes of the environmental investigations to date and consultation with adjoining property owners about the installation of a Land Fill Gas Cut-Off Trench as a precaution measure to mitigate any potential sideways movement of Land Fill Gas.**
2. **Notes that a report on the outcomes of the investigation will be presented to Council, including the proposed Management Plan, once completed.**

**SUMMARY**

Council's former landfill site is located at Little Paxton Street, Willaston South Australia. The site covers an area of approximately 30,000m<sup>2</sup> and is currently used as part of the Council Operations Depot.

The site was closed as a landfill and final rehabilitation occurred in June 1991. The closure of the landfill required of a minimum cover of 600mm of cover material over the site and adequate fencing to all boundaries.

The closure of the site at the time met the post closure requirements of the South Australian Waste Management Commission. The closure of the site predates the commencement of the *Environment Protection Act 1993* and the *Development Act 1993*.

In February 2019, and to inform its ongoing management, Council initiated a series of environmental investigations in order to better understand the status of the former landfill site. This included a review of the integrity of the clay cap and whether any additional remediation is required in order to comply with contemporary post landfill closure standards.

**BACKGROUND**

Councils in the past owned land and carried out operations which had the potential to cause site contamination. These operations were generally conducted over long periods of time, with the Potential Contaminating Activities (PCAs) having been carried out in the past when industry practices were different. In this instance the operation of a Municipal Waste Landfill.

Site contamination can occur as a result of the introduction of chemical substances that are above background concentrations to a site. Section 5B of the EP Act provides the definition of site contamination:

*5B—Site contamination*

*(1) For the purposes of this Act, site contamination exists at a site if—*

- a) chemical substances are present on or below the surface of the site in concentrations above the background concentrations (if any); and*
- b) the chemical substances have, at least in part, come to be present there as a result of an activity at the site or elsewhere; and*
- c) the presence of the chemical substances in those concentrations has resulted in—*

- i. actual or potential harm to the health or safety of human beings that is not trivial, taking into account current or proposed land uses; or*
- ii. actual or potential harm to water that is not trivial; or*
- iii. other actual or potential environmental harm that is not trivial, taking into account current or proposed land uses*

The EPA recognised criteria to assist with determination of 'actual or potential harm' and 'not trivial' as stated in the EP Act include National Environment Protection (Assessment of Site Contamination Measure) 1999 (ASC NEPM).

Site contamination is regulated by the Environmental Protection Act 1993 (EP Act). The Environment Protection Authority (EPA) is responsible for the administration and enforcement of this Act. Section 13 of the EP Act sets out the broad functions of the Authority.

The EPA guideline, "Preparation of closure and post closure plans", provides information to assist in preparing and implementing a closure and post closure plan for a landfill. It helps to identify implementation of environmental monitoring programs and maintenance activities.

In 2007, the South Australian Government amended the EP Act (Environmental Protection Site Contamination Amendment Act 2007) to incorporate provisions for the effective management of site contamination. These provisions commenced on or before 1 July 2009 and are retrospective, allowing historical pollution to be managed appropriately.

On 1 July 2009, the EP Act adopted the 'polluter pays principle' meaning those that are responsible for the site contamination (the 'appropriate person') are also responsible for implementing and funding assessment and remediation at the site.

The EP Act defines who is considered to have caused site contamination at section 103D. Generally, it is those that occupied the land when an activity which is considered to have caused the contamination was carried out.

However, if site contamination would not have resulted at a site but for a change of use prescribed by regulation, those who brought about the change is taken to have caused the site contamination. A change in use at a site to a sensitive or to a more sensitive use can "cause" site contamination.

For the purpose of the act, a sensitive use is defined as use for residential, pre-school, primary school or use of a kind prescribed by regulation.

Assessment of site contamination may be required as a result of various triggers. This includes regulatory, planning and development and voluntary triggers such as a change in land ownership, a proposed change of use to a more sensitive use of the site, as a regulatory requirement of the EPA or, as in the case of the Little Paxton Street former landfill site, through a voluntary due diligence assessment.

The Town of Gawler is not intending a change of use at the Paxton Street former landfill site, instead looking to continue the effective management of the site. The site is intended to continue to operate as a depot.

### **Site History**

Available records for the site date back to 1872. At this time, the site was privately owned and leased several times by farmers and citizens from 1882 to 1941. In 1941, ownership was transferred to a brick making company and then to Town of Gawler in 1971.

At this time, ownership of the land was transferred to Council and the site was used for the landfilling of municipal waste until the late 1980s, at which point the site was filled and capped with clay soils. Once filling and capping had been completed, the northern part of the land was used as part of the Council works depot (extending offsite to the north-west), which included a waste transfer station until 2012.

Surrounding areas were historically used for agriculture with occasional residential dwellings, with later land use being a combination of commercial, industrial and residential. Of particular note is the

operation of numerous light industrial businesses in close proximity to the site such as brickworks, waste transfer station, metal fabrication works, motor garages and workshops.

During the 2000's and early 2010's the south western part of the site was occupied by five buildings. These were, in part, used as offices for training and employment services. These have since been removed from the site.

The site was previously licensed as a solid waste landfill depot by the South Australian Waste Management Commission for the disposal of waste, including commercial wastes, demolition, building and construction wastes and domestic waste. The site was also licensed as a solid waste transfer depot by the South Australian Waste Management Commission for the disposal of the above listed wastes.

It is understood that no previous investigation works have been undertaken at the site and no further records for the site were held at this time by the EPA.

The landfill ceased operation in the late 1980's, at which point the site was filled and capped with a clay soils cap. The capping process was engineered to the capping specifications at the time by the SA Waste Management Commission to a thickness of 600mm. It is estimated to be poorly compacted, with observations of degradation throughout the site. Since this time, the site has been used as a part of the Council Operations Depot

In November 2001 an Environmental Site Assessment (ESA) of Lot 1 Paxton Street was undertaken by Coffey. The ESA identified contamination of surface soils with petroleum hydrocarbons and heavy metals associated with visual staining and levels of carbon monoxide which exceeded the EPA guidelines at the time. The report resulted in the site being cleared of all machinery parts and drums including buildings and structures and excavated to remove contaminated soils thus retaining its land use zoning of 'light industrial' for the site. The site was subsequently re-developed.

Since the sites closure the area has been used by Councils Depot for numerous operational uses such as stockpiling construction materials and storage of equipment and plant.

In August of 2017 the Town of Gawler engaged a consultant to carry out a Preliminary Site Investigation (PSI) comprising a site history investigation for the former landfill site. These investigations inferred that there are three key media at the site that have the potential to cause harm to ecological and human receptors and that the site will therefore need to be assessed:

- Soil (or waste mass)
- Groundwater
- Gas

On 31 January 2019 a site walkover using landfill gas detection equipment to determine the presence of Landfill Gas (LFG) was undertaken. The walkover was conducted on the landfill site including nearby stormwater pits in Panter St. The site walk over and testing of stormwater pits in Panter Street **revealed that no LFG was detected.**

As part of further due diligence the consultant recommended a Detailed Site Investigation (DSI) via intrusive investigation of each of the above source media relative to consideration of risks to site users and off-site receptors.

This incorporated a set of formal methods used for determining the nature, extent and concentrations of chemical substances either on or off-site, and the actual or potential risk to human health or the environment which may result from those substances.

All Investigations are required to be carried out in accordance with National Environment Protection (Assessment of Site Contamination) Measure (ASC NEPM) and EPA Guidelines. The nature of the trigger will generally determine the extent and duration of the assessment and remediation (if

required). The ASC NEPM guidelines outline a three tier approach for the assessment and remediation of site contamination as follows:

1. A desktop Preliminary Site Investigation (PSI) is used to identify the presence of site contamination. This investigation includes site history research and the development of a preliminary Conceptual Site Model (CSM).
2. A Detailed Site Investigation (DSI) is used to assess the nature and extent of site contamination. This may contain multiple stages and intrusive investigations of a number of media at the site which will be used to update the CSM.
3. Site Specific Risk Assessment (SSRA) examines the specific risk driving factors in more detail and may be required if previous tiers indicate that site risks cannot be adequately remediated. This tier can be carried out in conjunction with the DSI.

The CSM is developed in order to understand the relationship between the source, pathway and receptor with respect to site contamination at a particular site. The model can be presented as a visual representation, in written format or as a combination of both. It is used to determine the spatial extent of contamination and assists with the assessment of on and offsite, actual and potential receptors.

The DSI has involved the collection and evaluation of site specific data. This includes the sampling and analysis of environmental media, soil, groundwater and gas. This included a grid based intrusive, including:

- groundwater wells to 20m below ground level
- shallow boreholes for soil logging and landfill gas monitoring

As part of tender process environmental consultancy GHD was appointed to conduct the above Environmental Investigations.

At the meeting of Full Council on 26 February 2019, Council resolved:

RESOLUTION 2019:02:26:COU001

Moved: Cr D Fraser

Seconded: Cr P Little

*That Council:-*

1. *Notes the Paxton Street Landfill Site Report.*
2. *Notes the proposed detailed site investigations and the design and delivery of the community engagement process.*
3. *Notes that preliminary on and off-site gas monitoring has been undertaken which has found no evidence of landfill gases that would otherwise be expected to emanate from the landfill site.*
4. *Notes that immediately adjoining residential land owners have been contacted by Council staff regarding this matter, and they with other members of the community will be informed during the Council's investigations.*
5. *Request a report on the outcomes of the detailed site investigation be brought back to Council, including the proposed Management Plan.*

## **COMMENTS/DISCUSSION**

### **Progress to Date – Intrusive Investigations**

Council staff on 21 Feb 2019, and prior to commencing the intrusive investigations, conducted a door knock of all adjoining residents, owners and other stakeholders and met in person and spoke about the proposed works.

The doorknock was conducted by Council and GHD staff. The door knock provided an opportunity for residents to have direct contact with Council staff for the purpose of information sharing. Each resident in the area immediately adjacent to the old landfill was provided with an information pack containing a letter and FAQ's concerning closed landfill sites and proposed works to be commenced. The door knock coincided with the inclusion of a report on the matter to the Council meeting on 26 February 2019.

Following the report to Council on 26 February 2019, the administration commenced environmental monitoring of the former landfill site with intrusive gas investigations commencing on 7 March 2019. The process involved Council staff and GHD field personnel attending the site and commencing the drilling program to test for landfill gas. This process took approximately three days to complete.

Subsequent drilling was also undertaken in May 2019 for the presence of groundwater. The groundwater well (GW1) was drilled to 20 metres and did not strike groundwater. This result suggests a groundwater pathway for LFG is unlikely because the groundwater aquifer is more than 20 m below the ground surface (**Refer Attachment 2 for map of bore holes, ground water well location and trench installation location**).

The intrusive gas investigations results from the monitoring program undertaken on 7 March 2019 identified the presence of LFG. Below ground monitoring identified elevated levels of landfill gas at soil boreholes located at (BH01, BH02, BH03, BH04, BH05, BH06, and BH09) and low levels at other boreholes where organic material in the landfill waste is decaying. These bores are well within the depot grounds. Surface monitoring across the landfill cap did not indicate that LFG was present. There have been no gas complaints made to Council or the EPA. Any LFG emitted directly from the soil cap was assessed to rapidly disperse into the atmosphere. Personnel working at the depot are not considered to be at risk from LFG exposure. Additional LFG screening in utility pits conducted onsite did not detect any LFG gas.

It should be noted that no landfill odour issues have been reported or other evidence of LFG such as vegetation dieback has been observed and utility pits testing in Panter Street did not detect any methane or carbon dioxide.

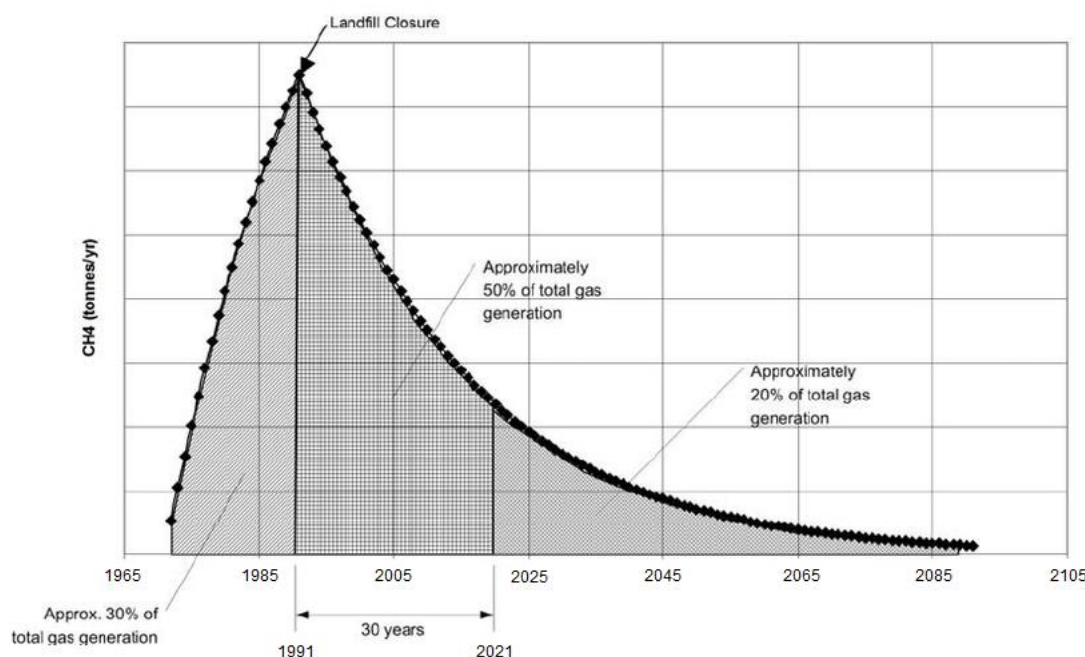
The investigation did detect elevated levels of methane and/or carbon dioxide LFG's at 5 monitoring wells (LFG01,02,03,04 and 05) and 3 soil boreholes (BH01, 02 and 03) along the northern boundary of the site. The LFG results for methane and Carbon Dioxide at those wells is as follows. The results at LFG Well 01 of 33.2% poses little or no risk to public health. The levels were taken directly from decomposing waste with the LFG venting naturally and not under circumstances to cause a build-up of pressure. The gas is not accumulating or in a confined space. Additionally, the LFG flow was extremely low to zero again indicating that the LFG was not under pressure.

1. LFG well 01
  - a. Methane CH<sub>4</sub> – 33.2%
  - b. Carbon Dioxide CO<sub>2</sub> – 26.2%
2. LFG well 02
  - a. Methane CH<sub>4</sub> – 4.6%
  - b. Carbon Dioxide CO<sub>2</sub> – 4.6%
3. LFG well 03
  - a. Methane CH<sub>4</sub> – 0.1%
  - b. Carbon Dioxide CO<sub>2</sub> – 11.4%
4. LFG well 04
  - a. Methane CH<sub>4</sub> – 0%
  - b. Carbon Dioxide CO<sub>2</sub> – 10.8%

5. LFG well 05
  - a. Methane CH<sub>4</sub> – 0%
  - b. Carbon Dioxide CO<sub>2</sub> – 7.4%

### Landfill gas production

LFG is produced when organic material in the waste decomposes. The generation of LFG is controlled by the waste's age and composition, as well as environmental factors such as temperature and moisture content. Approximately 30% of LFG was generated before the landfill was closed in 1991. The peak level of emissions occurred at closure in 1991. The level of Landfill gas generated and emitted reduces over time as the amount of organic waste decays, as shown in the diagram below. It is estimated that by 2021, 50% of the total gas generated will have escaped. The remaining 20% of Landfill Gas will slowly generate over the next 70 years and escape into the atmosphere.



Source: Adapted from US EPA's LandGEM model

### Landfill gas risk assessment

LFG may, depending on concentration levels, present a risk to the health of people, the environment and infrastructure. LFG can have an odour, be toxic to humans, flora and fauna, be flammable and contribute to greenhouse gas emissions.

### LFG cut-off trench and additional monitoring wells

GHD have advised that LFG cut-off trenches are a proven way to intercept any sideways movements of gas. As part of the mitigation of the potential side way movement of LFG, it is proposed that Council install a cut-off trench that is 2 metres deep, 300mm wide and 85 metres in length along the northern boundary of the former landfill pit (**Attachment 2 results map**). The trench will be filled with gravel to provide a low resistance pathway for any LFG to escape into the atmosphere. By cutting off any potential sideways movement of LFG, the trench acts like a pressure relief valve.

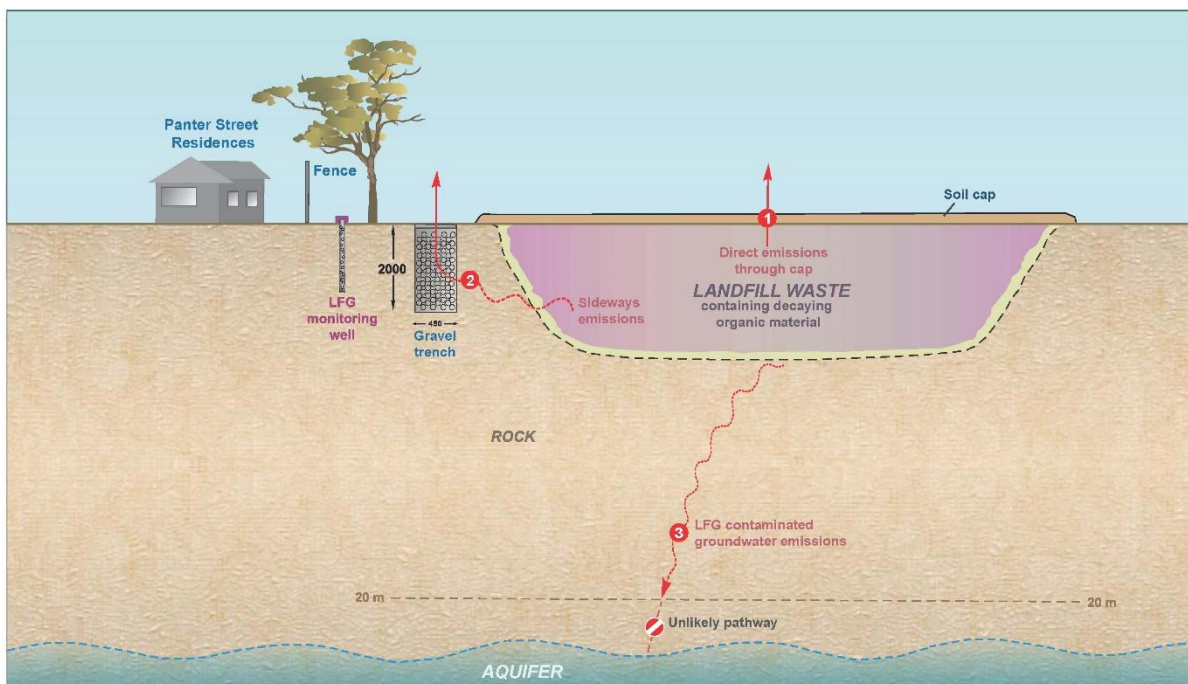
This precautionary measure will mitigate any sideways migration of landfill gas to the north toward Panter Street. The installation of the cut of trench is planned for December 2019 pending availability of the contractor.



The installation of the trench and two additional LFG monitoring wells north of where the trench will be installed will provide additional data in relation to the effectiveness of the cut-off trench in cutting off any sideways movement of LFGs near the boundary with adjoining properties. The works will occur at Council's Paxton Street Operations Depot and no access to private property will be required. Similar to the door knock that occurred in February 2018 prior to the commencement of the Intrusive Investigations, a second door knock has recently occurred with adjoining residents to advise them on Council's deliberations in this regard and for potential works to commence (subject to council formal resolution). (Refer Paxton Street Landfill Conceptual Site Model for LFGs below).

The project team will make every effort to minimise impacts on nearby residents and business operators. There may be some additional vehicle movements and low-level noise from excavation activities. This will only be minor in nature.

#### Paxton Street Landfill Conceptual Site Model for LFGs



All environmental investigations, remediation and monitoring is undertaken in accordance with the *Environmental Protection Act 1993* and appropriate guidelines. Likewise, the Environment Protection Authority has been consulted with throughout the process, with the outcome of investigated to date report back to them for their information. Council will use the monitoring results to assess the effectiveness of the cut-off trench and consider the appropriate community advice with the relevant South Australian government agencies.

#### **Community Engagement**

Council's aim is to keep adjacent land owners, businesses and residents engaged during the process. Council staff will inform, consult, involve and collaborate with these groups. Council staff have conducted a further recent door knock on each of residence indicated in the attached image (**Refer Attachment 2**) and will continue to engage with residents directly to foster open communication lines.

It is anticipated that following the installation of the trench and ongoing monitoring of LFGs a final report by GHD will be provided to Council in February or March 2020. This report, outcomes, results and recommendations will be presented to Council for further information in the form of an ongoing management plan for the site.

## **COMMUNICATION (INTERNAL TO COUNCIL)**

Chief Executive Officer  
 Manager Development, Environment and Regulatory Services  
 Manager Finance & Corporate Services  
 Manager Infrastructure and Engineering Services  
 Team Leader Town Services  
 Depot Operations Staff

## **CONSULTATION (EXTERNAL TO COUNCIL)**

Ongoing consultation with residents within close proximity to site  
 Community Groups within close proximity to site  
 Business Groups within close proximity to site  
 Government Agencies  
 Consultants and Non-Government Organisations  
 Environment Protection Authority.

## **POLICY IMPLICATIONS**

This report has relevance to Councils Environmental Policy and Procurement Policy.

## **STATUTORY REQUIREMENTS**

*Environmental Protection Act 1993*  
*Environment Protection (Site Contamination) Amendment Act 2007*  
*Development Act 1993*  
*Local Government Act 1999*  
*Dangerous Substances Act 1979 (SA)*  
*Dangerous Substances (General) Regulations 2017*

Guiding Documents:

- National Environment Protection (Assessment of Site Contamination Measure) 1999
- EPA Guidelines for the Assessment and Remediation of Site Contamination
- EPA Site Contamination: Regulatory and Orphan Site Management Framework (2017)
- EPA Guideline for Communication and Engagement
- International Association for Public Participation (IAP2) Quality Assurance Standard for Community and Stakeholder Engagement
- GHD Engineering Services

## **FINANCIAL/BUDGET IMPLICATIONS**

The 2019/20 adopted budget provides \$50,000 for the ongoing investigations of the landfill site and the development of a Landfill Site Environmental Management Plan (Budget bid #P10922).

## **COMMUNITY PLAN**

Objective 2.3: The local environment to be respected

Objective 4.3: Protect environmentally significant areas of native vegetation for present and future generations

Objective 4.4 Support sustainable use of natural resources and minimise further waste to landfill

Objective 4.5 Support provision of useable open space that preserves natural habitat and biodiversity

Objective 5.2: Be recognised as a 'best practice' Local Government organisation

Objective 5.3: Deliver ongoing effective and efficient services, including support for regional collaboration

Objective 5.4: Create a safe community environment

**12.7 GENERAL PURPOSE FINANCIAL STATEMENT FOR THE YEAR ENDED 30 JUNE 2019****Record Number:** CC19/319;IC19/728**Author(s):** Paul Horwood, Manager Finance & Corporate Services**Previous Motions:** 2019:11:AC031**Attachments:**  

1. **General Purpose Annual Financial Statements 2018/2019 CR19/72950** 
2. **Certificate of Auditors Independence CR19/73005** 
3. **Audit Completion Report 2018/2019 CR19/69884** 

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**OFFICER'S RECOMMENDATION****That the:-**

1. Council notes that the General Purpose Financial Statement for the year ended 30 June 2019 have been reviewed by the Audit Committee, pursuant to Section 126(4)(a) of the Local Government Act 1999.
2. General Purpose Financial Statements for the year ended 30 June 2019 be adopted.
3. Certification of the General Purpose Financial Statements be signed by the Chief Executive Officer and the Mayor.
4. Auditor's Certification of Auditor's Independence be noted.
5. Certification of Auditor Independence be signed by the Audit Committee Presiding Member and Chief Executive Officer.
6. Independent Auditor's Audit Completion Report be received and noted.

**SUMMARY**

Seeking Council adoption of the 2018/2019 General Purpose Financial Statements, which have been independently audited by Council's external auditors (Dean Newbery & Partners) and were reviewed by the Audit Committee on 7 November 2019.

**BACKGROUND**

The draft 2018/2019 General Purpose Financial Statements were audited by Council's external auditors, Dean Newbery & Partners, on 23 and 24 September 2019, and were subsequently reviewed by the Audit Committee at its meeting held on 7 November 2019, at which the following resolution was passed:

COMMITTEE RESOLUTION 2019:11:AC001

Moved: Mayor K Redman

Seconded: Mr P Fairlie-Jones

*That the Audit Committee recommends to Council that the:*

1. *General Purpose Financial Statements for the year ended 30 June 2019, subject to any minor variations requested by the External Auditors, present fairly the state of affairs of the Council and be presented to Council for adoption at the Council meeting scheduled on 26 November 2019.*
2. *Certification of Financial Statements be signed by the Chief Executive Officer and the Mayor.*
3. *Auditor's Certification of Auditor's Independence be received and noted.*
4. *Certification of Auditor Independence be reviewed and signed by the Audit Committee Presiding Member and Chief Executive Officer.*
5. *Management Representation letter be received and noted.*



The purpose of this report is to present the 2018/219 General Purpose Financial Statements to Council in accordance with the above resolution.

Upon completion of the adoption of the 2018/2019 General Purpose Financial Statements, and the sign-off of the associated certifications incorporated within the Statements (and referenced in recommendations 3 and 5 to this report), Dean Newbery & Partners will then forward to Council their audit opinions, relative to the financial statements and internal controls, pursuant to Section 129(3) of the *Local Government Act 1999*.

The audit opinions then subsequently received from Dean Newbery & Partners will be presented to both the next Audit Committee meeting (3 December 2019) and the next ordinary meeting of the Council (17 December 2019) pursuant to Section 129 (5a) (5b) of the *Local Government Act 1999*.

### COMMENTS/DISCUSSION

Immediately prior to the Audit Committee meeting held on 7 November 2019, the Audit Committee had a discussion (excluding staff) with Samantha Allard and Whitney Sandow from Council's external auditors (Dean Newbery & Partners). The purpose of the discussion was for the Committee to be briefed on the findings of the external audit undertaken by Dean Newbery & Partners.

The 2018/2019 General Purpose Financial Statements have been reviewed by the Audit Committee, with only a few minor questions being answered by either staff or Samantha Allard at the meeting. The updated Statements, incorporating minor changes to the supporting Notes, now tabled for adoption by Council are provided as **Attachment 1** to this report.

As reported at the Audit Committee meeting, the minor amendments to the Statements resulted in no change in the Operating Surplus disclosed in the *Statement of Comprehensive Income*; no change in the Net Assets or Total Council Equity disclosed in the *Statement of Financial Position*; and no change in the closing balance of the *Statement of Cash Flows* disclosed in the version of the Statements initially distributed with the Audit Committee agenda papers.

Further to the report tabled to the 7 November 2019 Audit Committee meeting, key elements of the 2018/2019 General Purpose Financial Statements, relative to the statutory financial indicators, are provided below.

#### Operating Result

The Council recorded an actual operating surplus of \$177k as disclosed in the Statement of Comprehensive Income.

However, the Council has traditionally and consistently referenced and reported the underlying operating result, so the distortion in year-by-year results caused by the advance Federal Government Financial Assistance / Local Roads grant payment is removed.

In this regard, the Council recorded an **underlying surplus of \$77k** for the 2018/2019 financial year, compared to an underlying surplus of \$515k for the 2017/18 financial year.

Extensive analysis of Council's operating result for the reporting period is disclosed in the *Financial Performance Summary 2018/2019* report separately tabled to this meeting.

#### Net Financial Liabilities Ratio

The Council recorded a **Net Financial Liabilities (NFL) Ratio of 84.3%** as at the reporting date, compared to 76.6% as at 30 June 2018.

The increase in the ratio was directly attributable to the planned increase in debt as a direct result of Council's major capital investment in a number of key projects (including the Civic Centre redevelopment and the Gawler Mill Inn Bridge restoration and associated road works).

Extensive analysis of Council's NFL ratio result for the reporting period is disclosed in the *Financial Performance Summary 2018/2019* report separately tabled to this meeting.

### **Asset Sustainability Ratio**

The Council recorded an **Asset Sustainability Ratio of 165%** for the reporting period, which is consistent with Council's policy forecast target for 2018/19 of 166%.

Extensive analysis of Council's Asset Sustainability Ratio result for the reporting period is disclosed in the *Financial Performance Summary 2018/2019* report separately tabled to this meeting.

Dean Newbery & Partners have forwarded a copy of their Audit Completion Report (year ended 30 June 2019), which is provided as **Attachment 2** to this report, and their Auditors Certification of Auditor's Independence Report (**Attachment 3**).

Comments made in response to the matters raised in Section 4 of the Auditor's Audit Completion Report are provided below.

No.	Audit Matter	Auditor Comment	Council Comment
1.	Budgeted Depreciation	As a result of the significant capital additions in FY19, we recommend that at the next revision of Council's budget, the forecasted asset depreciation expense is updated to reflect the expected increase in depreciation expense.	Increased (new) depreciation expense emanating from assets purchased and/or constructed during the 2018/19 financial year has already been provided for in the 2019/20 budget.
2.	External Borrowings	<p>We note that in the last 4 financial years, Council's external borrowings have significantly increased to fund large capital works programs and acquisitions. Net Financial Liabilities Ratio increasing from 50% in FY16 to 85% in FY19.</p> <p>Given that Council is expected to undertake further borrowings in FY20, we recommend that Council's next budget revision and update to the LTFP factors in the revised forecasted borrowing costs and working capital position so that forecasted cashflows are based on the most up-to-date carried forward information available.</p>	<p>The 2019/20 1<sup>st</sup> Quarter Budget Review incorporates updated forecast estimates for the Net Financial Liabilities Ratio, based on the final actual result for the 2018/19 financial year, unspent budget funds brought forward from 2018/19 to complete various projects from that year, and other proposed 2019/20 budget variations.</p> <p>The update of Council's Long Term Financial Plan will occur over coming months, with the base year data updated consistent with the 2019/20 1<sup>st</sup> Quarter Budget Review.</p> <p>The existing Long Term Financial Plan is predicated on limiting Council's <i>net</i> capital works program to an indexed \$6.3m, thereby providing Council with the financial capacity to materially reduce debt over coming years in accordance with the debt reduction estimates outlined in the Plan.</p>
3.	New Accounting Standards commencing 1 July 2019	Administration should identify and consider updating policies that will be impacted by this change in accounting standards.	<p>As noted in the report to the 8 August 2019 Audit Committee meeting, it is currently envisaged that there will be no material financial impacts as a result of the new/amended Accounting Standards.</p> <p>Whilst the implementation of AASB 1058 <i>Income of Not-for-Profit Entities</i> in regard to accounting for the value of volunteer hours will have no impact on</p>

			the 'bottom-line' operating result, the value of volunteer hours will be reflected against various services that utilise volunteers (e.g. Visitor Information Centre, Graffiti Removal team, etc.). Thus, the <i>gross</i> expense and revenue for such services will increase, but the <i>net</i> cost for each service will remain unchanged.
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Upon receipt of the duly signed General Purpose Financial Statements from the Town of Gawler (as a recommendation to this report), Dean Newbery & Partners will provide their independent auditors opinions (and associated reports) to the Council, which will then be tabled to the next Council / Audit Committee meeting (to be held on 3 December 2019) in accordance with Section 129 of the *Local Government Act 1999*.

### **COMMUNICATION (INTERNAL TO COUNCIL)**

Executive Management Team  
Team Leader - Finance  
Financial Accountant

### **CONSULTATION (EXTERNAL TO COUNCIL)**

A media release will be prepared upon completion and sign-off of the 2018/2019 General Purpose Financial Statements.

### **POLICY IMPLICATIONS**

Budget Management Policy  
Treasury Management Policy  
Asset Capitalisation Policy  
Depreciation Policy

### **STATUTORY REQUIREMENTS**

Section 125 *Local Government Act 1999* – Internal Control Policies  
Section 126 *Local Government Act 1999* – Audit Committee  
Section 127 *Local Government Act 1999* – Financial Statements  
Section 129 *Local Government Act 1999* – Conduct of Audit  
Part 4 *Local Government (Financial Management) Regulations 2011* – Financial Statements  
Australian Accounting Standards

### **FINANCIAL/BUDGET IMPLICATIONS**

The audited 2018/2019 Balance Sheet results will be carried forward and consolidated into the 2019/2020 budget as part of the 1<sup>st</sup> Quarter Budget review separately tabled to this meeting.

The 1<sup>st</sup> Quarter Budget Review also incorporates various 2019/2020 capital budget adjustments, based on final actual costs incurred for various projects as at 30 June 2019 – this customary process accounts for 2018/2019 capital projects that were incomplete as at the reporting date or projects that are due to be undertaken across multiple years. In such instances, the additional 2019/2020 funding to be provided to such projects within the 1<sup>st</sup> Quarter Budget Review will be funded from the associated unspent budget funds as at 30 June 2019, thereby ensuring the projected cash/debt balance as at 30 June 2020 remains unaffected from such adjustments.

### **COMMUNITY PLAN**

Objective 5.2: Be recognised as a 'best practice' Local Government organisation

**12.8 2018-2019 FINANCIAL PERFORMANCE SUMMARY**

**Record Number:** CC16/1290;IC19/746

**Author(s):** Paul Horwood, Manager Finance & Corporate Services

**Previous Motions:** 2019:11:AC032

**Attachments:**

1. **2018/19 Financial Performance Summary CR19/72951** 
2. **2018/19 Non-Financial Indicators Report CR19/73137** 

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**OFFICER'S RECOMMENDATION**

**That Council receive and note the 2018/2019 Financial Performance Summary report be received and noted.**

**SUMMARY**

The Financial Performance Summary is a detailed report of the performance of Council against the adopted budget and revised budget for the year ending 30 June 2019.

**BACKGROUND**

Although the audited General Purpose Financial Statements disclose the financial result of the Council, they do not disclose performance against the adopted budget and/or revised budget forecast for the year.

Consequently, the purpose of this report is to provide a detailed and transparent analysis of the 2018/2019 financial result, and to compare such result to the adopted budget and revised forecast for the year, in accordance with Council's Budget Management Policy and the Local Government (Financial Management) Regulations 2011. To this end, a copy of the *2018/2019 Financial Performance Summary* report is provided as **Attachment 1**.

The report was tabled at the Audit Committee meeting held on 7 November 2019, at which the following resolution was adopted by the Committee:

COMMITTEE RESOLUTION 2019:11:AC001

Moved: Mr P Fairlie-Jones

Seconded: Mayor K Redman

*That the Audit Committee recommends to Council that the 2018/19 Financial Performance Summary Report be received.*

**COMMENTS/DISCUSSION**

A comprehensive analysis of the financial performance for the 2018/2019 financial year is included within the *2018/19 Financial Performance Summary* report provided as **Attachment 1**. The report also includes 'year-end' results for Council's various non-financial indicators (refer **Attachment 2**).



Key financial outcomes were as follows:

**1. Adjusted Operating Result**

The underlying operating result for the 2018/19 financial year was a small surplus of \$77k, which is slightly above the adopted budget estimate of \$42k surplus, but below the revised 2018/19 forecast (per the 2019/20 adopted Budget/Business Plan) of \$133k.

Total operating revenue increased by 5.3% (when distortion of advance Federal Government grant payments is removed) and operating expenditure increased by 7.6%. The latter includes a 15% (\$732k) increase in Depreciation expense, which was predominantly as a result of a revaluation of building and transport infrastructure assets undertaken as at 30 June 2018. The expenditure increase also incorporates a 14% (\$111k) increase in finance costs, as a result of increased debt to fund major investment in asset replacement/renewal, including the recently completed Gawler Civic Centre.

**2. Adjusted Operating Ratio (policy target: 0-10%)**

The adjusted operating ratio decreased from 1.9% (2017/18) to 0.3% (2018/19).

**3. Net Financial Liabilities Ratio (policy target 0-100%)**

The Net Financial Liabilities Ratio was 84.3% as at the reporting date. This is marginally lower than the 86% originally forecast in the 2018/19 adopted budget and the 86.9% revised forecast for 2018/19 included within the 2019/20 adopted Budget/Business Plan.

The ratio was below the forecast estimate predominantly due to unspent capital budget funds as at the reporting date.

**4. Asset Renewal Funding Ratio (policy target 90-100%)**

The Asset Renewal Funding Ratio result for the reporting period was 165% (compared to a 2018/19 revised forecast of 166%), which effectively means that the total capital investment in the replacement/renewal of existing assets exceeded the associated identified funding requirement disclosed in Council's Infrastructure & Asset Management Plan.

The extraordinary forecast result of 166%, increased from the original budget estimate of 97%, was due to Council transferring capital expenditure budget funding during the reporting period from projects of a 'new/upgraded asset' nature towards additional investment required as part of the Murray Street Stage 6 / Gawler Mill Inn Bridge project (being of an asset 'replacement/renewal' nature).

**COMMUNICATION (INTERNAL TO COUNCIL)**

Executive Management Team  
Leadership Group  
Team Leader Finance

**CONSULTATION (EXTERNAL TO COUNCIL)**

A media release outlining the 2018/2019 financial performance of Council will be prepared upon Council adoption of the 2018/2019 General Purpose Financial Statements.

**POLICY IMPLICATIONS**

Budget Management Policy

**STATUTORY REQUIREMENTS**

Part 2 Section 10 – *Local Government (Financial Management) Regulations 2011*

**FINANCIAL/BUDGET IMPLICATIONS**

The Financial Performance Summary Report discloses the actual 2018/19 financial performance against the previous two financial years as well as against the adopted / revised 2018/19 budget estimates.

The actual 2018/19 Balance Sheet result will be brought to account in the 2019/20 Budget as part of the 1<sup>st</sup> Quarter Budget Review, separately tabled to this meeting.

**COMMUNITY PLAN**

Objective 5.2: Be recognised as a 'best practice' Local Government organisation

**12.9 ADOPTION OF TOWN OF GAWLER ANNUAL REPORT 2018/19**

**Record Number:** CC19/319;IC19/607

**Author(s):** Donna Johnston, Marketing & Communications Coordinator

**Previous Motions:** Nil

**Attachments:**

1. **Draft Annual Report 2018/19 CR19/78682** 
2. **Northern Adelaide Waste Management Authority Annual Report 2018/19 CR19/69585** 
3. **Gawler River Floodplain Management Authority Annual Report 2018-19 CR19/55740** 

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**OFFICER'S RECOMMENDATION**

That Council adopts the Town of Gawler Annual Report 2018/19, as presented, with the inclusion of:

1. 2018-19 Northern Adelaide Waste Management Authority Annual report (as per attachment 2)
2. 2018-19 Gawler River Floodplain Management Authority Annual report (as per attachment 3)
3. 2018-2019 Annual Financial Statements (as adopted).

**SUMMARY**

The purpose of this report is to present the Town of Gawler Annual Report 2018/19 for adoption.

**BACKGROUND**

Section 131(1) of the Local Government Act 1999 requires Council to prepare and adopt on or before 30 November in each year an Annual Report for the financial year ending on the preceding June. Section 131(2) prescribes that the report must contain material and report on matters specified in Schedule 4 of the Act, which must be provided in the prescribed form. Other material and matters are prescribed by regulation for inclusion in an Annual Report.

**COMMENTS/DISCUSSION**

The Report contains the information as prescribed in the Local Government Act and Regulations and focuses on the vast array of activities that Council has overseen in the twelve months from July 2018 to June 2019.

The Annual Report provides a basis to receive a 12-month progress update of the Community Plan, which was adopted in October 2017.

A separate report in this agenda is presented for Council consideration of adoption of the 2018-2019 Annual Financial Statements.

**COMMUNICATION (INTERNAL TO COUNCIL)**

Leadership Group  
Governance Team

**CONSULTATION (EXTERNAL TO COUNCIL)**

The Town of Gawler Annual Report 2017/18 will be distributed as prescribed by the *Local Government Act 1999* Section 131, be placed on Council's website, and be available for public inspection or purchase.

**POLICY IMPLICATIONS**

Nil

**STATUTORY REQUIREMENTS**

*Local Government Act 1999*

**FINANCIAL/BUDGET IMPLICATIONS**

Compilation and distribution of the Annual Report will be completed within the current budget allocation.

**COMMUNITY PLAN**

The Annual Report discloses progress made by Council during the 2018/19 financial year against the myriad of objectives contained within the Community Plan.

**12.10 SOUTH GAWLER FOOTBALL CLUB - SECURITY IMPROVEMENTS**

**Record Number:** CC10/2498-011;IC19/749  
**Author(s):** Rebecca Howard, Team Leader Property & Procurement  
**Previous Motions:** 2019:08:COU314  
**Attachments:** Nil

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**OFFICER'S RECOMMENDATION****That Council:-**

- 1. Supports the installation of solar lighting in the South Gawler Football Club Car Park between the Clubrooms and Netball Courts.**
- 2. Supports the relocation of the main access gates, from Longford Road to Dysart Road, including relocation of the boundary fence from adjacent the Clubrooms to the property boundary.**
- 3. Notes the proposed allocation of \$30,000 (GST Exclusive) in the 1<sup>st</sup> Quarter Budget Review to undertake the works as listed above. The \$30,000 budget allocation includes \$27,100 in known costs (quoted works) and \$2,900 contingency.**

**SUMMARY**

The South Gawler Football Club presented to Council at the May 2019 Council Meeting regarding security concern at the site after a serious incident occurred on 27 April 2019. Council staff have investigated options to improve safety and security at the site, and present this report for consideration and allocation of budget.

**BACKGROUND**

The South Gawler Football Club is a leased site, known as Eldred Riggs Reserve, South Gawler. The site is home to the South Gawler Football Club, Netball Club, Cricket Club, Squash Club and a number of hire groups.

Since January 2019 a number of concerning incidents have occurred at the site, including vehicles "hooning" around the oval in the early hours of the morning and, in one instance, damaging the neighbouring properties fence. A number of other incidents have occurred, including women from the netball club being accosted by a gang of youths, with the youths damaging cars, abusing and threatening the women.

In August 2019, Council considered a report on the incidents at the site and supported the seeking of grant funding to assist in delivering the required improvements.

RESOLUTION 2019:08:COU314

Moved: Cr P Little

Seconded: Cr B Sambell

***That Council:-***

- 1. Notes the security issues occurring intermittently at the Eldred Riggs Reserve (South Gawler Football Club).*
- 2. Support in principle the installation of solar lighting in the South Gawler Football Club Car Park between the Clubrooms and Netball Courts.*
- 3. Support in principle the relocation of the main access gates, from Longford Road to Dysart Road, including relocation of the boundary fence from adjacent the Clubrooms to the property boundary.*

4. *Support in principle, the potential relocation of the cricket nets and or entranceway on Dawson Road to reduce potential conflicts between vehicles and pedestrians.*
5. *Seek Council staff to work in collaboration with the Club to investigate all possible funding opportunities with such funding applications prepared and lodged. The outcomes of which to be reported to Council.*

Members of the Club presented to Council in April 2019, their concerns regarding the security and safety of the site, in particular the lack of lighting in the carpark and the need to lock the gates to prevent unwanted vehicle access. *The Bunyip* also ran a front page article regarding the security concerns. In response to this deputation, Council staff have undertaken investigations into options to address the security and safety at the site.

Council and the South Gawler Football Club jointly applied for a Stronger Communities Grant through Nick Champions office, however were advised in late October 2019 that the application was unsuccessful.

### **COMMENTS/DISCUSSION**

The feedback from the Club throughout the grant application has been positive and the Club have assisted in developing a solution that will benefit the Club, whilst remaining cost effective for Council.

Council staff have worked with GreenFrog Systems (Pooraka based company) to design a solar lighting solution which uses proprietary products to illuminate the car park to the relevant Australian Standards. The design provides that three (3) twin head solar street lights will provide sufficient lighting to the carpark area. The quote, including installation is \$16,792. There is no on-going operational cost, as the lights are solar powered LED lights with an estimated run time of 8 hours (illuminated all night), with a battery life expected to last 10+ years. The life span of the lights is between 10 and 15 years, with depreciation cost anticipated to be \$1500 per annum, using a straight line depreciation method. The current lease agreement outlines that Council is responsible for the provision of car park lighting.

The addition of lighting in the carpark will provide added security for players, spectators and public during training and game days. The lights will also provide added safety for the general public who traverse the oval from South Gawler to the Evanston train station.

In addition to the lighting, the current vehicle access point is located along a bend facing Longford St. The vehicle gate is not currently locked at any time, due to the inability to park safely adjacent the gate. The South Gawler Football Club have indicated that they would prefer to access the car park from Dysart Road. The Club have indicated that if a vehicle gate was installed at the Dysart Road entry, the gate could be safely locked after training and game days, preventing vehicle access to the oval.

The current lease agreement provides that Council is responsible for boundary fences. In order to install vehicle access gates at Dysart Road, the fence line will need to be moved closer to the boundary of the property, facilitating the inclusion of the entire carpark within the fenced area.

Council staff have obtained a quote for this work, including provision of new gates, at a cost of \$10,300 (Fencing) and some minor civil works to replace broken kerb (\$6,000 approx – to be delivered in house by Depot Civil Team).

The delivery of these improvements will greatly improve security and safety of visitors/users of the South Gawler sporting clubs and the general public.

### **COMMUNICATION (INTERNAL TO COUNCIL)**

Chief Executive Officer  
Manager Finance and Corporate Services  
Depot Civil Coordinator

**CONSULTATION (EXTERNAL TO COUNCIL)**

South Gawler Football Club  
Greenfrog Systems

**POLICY IMPLICATIONS**

Nil

**STATUTORY REQUIREMENTS**

Nil

**FINANCIAL/BUDGET IMPLICATIONS**

The estimated costs (GST Exclusive) are outlined in the table below:

<b>Element</b>	<b>Cost</b>	<b>Supplier</b>
Solar Lighting (3x 2 head GFS200 with installation)	\$16,792	GreenFrog Systems
Fencing and Gates (one vehicle access gate)	\$10,300	To be confirmed
Sub-total	\$27,092	
ADD Contingency (approx. 10%)	\$2,900	
<b>TOTAL (incl. contingency)</b>	<b>\$29,992</b>	
Minor Civil Works (kerb and gutter, crossover)	\$6,000	In-kind works provided by Depot Civil Team
<b>GRAND TOTAL (incl. contingency and in-kind works)</b>	<b>\$35,092</b>	

Whilst there is currently no budget allocation for these works at South Gawler Football Club, funding towards this community safety project can be sourced from proceeds to be received from recently approved road closures. This proposed funding arrangement has been incorporated within the 2019/20 1<sup>st</sup> Quarter Budget review separately tabled to this meeting.

Works can be completed during the summer period, prior to commencement of the winter football/netball season, with the project being delivered by the Property and Procurement Team.

**COMMUNITY PLAN**

Objective 1.4: Foster a vibrant and active, event-filled Council area

Objective 3.2: Sporting facilities to meet local and regional community needs

Objective 3.3: Provide facilities for a range of different recreational activities.

Objective 5.2: Be recognised as a 'best practice' Local Government organisation

Objective 5.4: Create a safe community environment

**12.11 GAWLER CARAVAN PARK - APPROVAL OF MORTGAGE TO COMMONWEALTH BANK**

**Record Number:** CC10/2480-011;IC19/748  
**Author(s):** Rebecca Howard, Team Leader Property & Procurement  
**Previous Motions:** 2019:08:COU316  
**Attachments:** Nil

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**OFFICER'S RECOMMENDATION****That Council:-**

- 1. Notes the results of the Public Consultation regarding the potential extension of the Gawler Caravan Park Lease.**
- 2. Notes that the Chief Executive Officer and relevant staff will commence negotiations with GCP (SA) Pty Ltd for a new lease or variation of existing, which will be presented to the Council at a future meeting for consideration.**
- 3. Authorise the Mayor and Chief Executive Officer to execute and apply the Common Seal of Council to the Right of Entry as requested by the Commonwealth Bank for GCP (SA) Pty Ltd.**

**SUMMARY**

The Gawler Caravan Park is currently held under lease by GCP (SA) Pty Ltd (Simon and Ali Eberhard) until 9 June 2023 with two rights of renewal for 7 years each, bringing the final expiry date to 9 June 2037. The Gawler Caravan Park seeks to invest in the park as outlined in their Business Plan and seeks an extension in accordance with the provisions of the Local Government Act 1999 ('the Act'). The Lessee's have recently moved financial institution and require authority from the Council to enter into a Mortgage over the lease.

**BACKGROUND**

The Council considered the request from GCP (SA) Pty Ltd (Simon and Ali Eberhard) to extend the lease at the August 2019 Council Meeting. The Council supported the commencement of public consultation in accordance with the Act and the Councils Public Consultation Policy.

**RESOLUTION 2019:08:COU316**

Moved: Cr B Sambell

Seconded: Cr D Hughes

***That Council:-***

- 1. Notes the proposal from the Gawler Caravan Park leaseholders, GCP (SA) Pty Ltd to extend the lease to the maximum term as permitted under the Local Government Act, Section 202 Alienation of Community Land by Lease or Licence.*
- 2. Approve the undertaking of Public Consultation on the lease extension in accordance with the Public Consultation Policy.*
- 3. Notes that a further report will be presented to Council for consideration upon completion of the Public Consultation.*



**COMMENTS/DISCUSSION**

Advertisements regarding the extension were placed in the Bunyip, on the Council Community Consultation webpage, and social media. The consultation commenced on 19 September 2019 and closed on 11 October 2019. No responses were received.

During October 2019, the Lessee's changed financial institution from the NAB to the Commonwealth Bank. GCP (SA) Pty Ltd has a registered mortgage over the lease with the NAB. This mortgage is secured against the value of the lease term, the ability to borrow funds for investment is limited by the current lease term and the current mortgage.

Having recently transferred to the Commonwealth Bank, with the Commonwealth Bank now seeking the signing and sealing of a Right of Entry. This provides the bank general security interest over the lessee's assets and a mortgage over the lease. Should the Lessee default against the mortgage, the bank (Commonwealth) will enter into possession and meet the obligations of the lease, including payment of rent and outgoings.

Legal advice regarding the ownership of assets (should the Right of Entry be enacted) and Council's rights under the special conditions of the lease was obtained. The Right of Entry will be signed under seal and copies retained by all parties.

**Lease Extension Considerations**

The results of the public consultation indicate that the general public does not have concerns regarding the lease extension, however the Council will need to consider the advantages and disadvantages of such a long term lease. Should the Council seek to grant an extension to the lease, it is likely that the current lease would need to be surrendered and a new lease granted, or considerable amendments to the existing lease documented in Deed of Variation and Extension. As this current lease has been in existence since 2016, the maximum extension of the current lease would be 39 years (taking the total term to 42 years), whereas a new lease could be issued for the full 42 year term.

The relevant Council staff will be negotiating with the Lessee over the coming few weeks to finalise a draft lease for consideration by Council at the December 2019 Council meeting. The key elements to be considered in a new or revised lease are:

- Responsibility and financial liability for maintenance and capital improvement for park infrastructure including the amenities block, office building, existing roads and underground infrastructure.
- Definition of tenant obligations in accordance with the Retail and Commercial Leases Act 1995.
- Establishing market review periods and commitment for capital expenditure within the Park.
- Updating all relevant and necessary lease terms and conditions to be reflective of a contemporary lease agreement which provides adequate protection to the Council and current and future Leaseholders.

Council staff will work with the Lessee to ensure that the proposed lease (new or amended) is suitable for both parties and will act in good faith towards amicable negotiations.

**COMMUNICATION (INTERNAL TO COUNCIL)**

Chief Executive Officer  
Manager Finance and Corporate Services

**CONSULTATION (EXTERNAL TO COUNCIL)**

GCP (SA) Pty Ltd  
Norman Waterhouse Lawyers

Community consultation was undertaken in accordance with the Council resolution at the August 2019 meeting. No responses were received.

## **POLICY IMPLICATIONS**

Nil

## **STATUTORY REQUIREMENTS**

*Local Government Act 1999 Section 202*

*Retail and Commercial Leases Act 1995*

## **FINANCIAL/BUDGET IMPLICATIONS**

The development of a new lease and Deed of Commitment is expected to cost approximately \$1,500 to \$2,000 for legal review, but may increase if significant variations or negotiations are required. Costs for a new lease will be borne on a 50/50 shared basis between the Council and Lessee.

These costs will be accommodated within the existing 2019/20 Budget.

## **COMMUNITY PLAN**

Objective 1.4: Foster a vibrant and active, event-filled Council area

Objective 2.1: Physical and social infrastructure to service our growing population and economy

Objective 2.5: Local economic activity to create local job opportunities and generate increased local wealth

**12.12 2019/20 1ST QUARTER BUDGET REVIEW****Record Number:** CC19/319;IC19/707**Author(s):** Tony Amato, Team Leader Finance**Previous Motions:** 2019:11:AC033**Attachments:** 1. **2019-20 1st Quarter Budget Review (as at 30 September 2019)**  
**CR19/74623**  |

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**OFFICER'S RECOMMENDATION**

**That Council adopts the 2019/20 1st Quarter Budget Review (as at 30 September 2019), which estimates a revised 2019/20 operating surplus of \$159,000.**

**SUMMARY**

In accordance with Section 123 of the Local Government Act 1999 and the Local Government (Financial Management) Regulations 2011, this report comprises the first of three quarterly budget reviews for the 2019/2020 financial year.

The primary purpose of this initial review is to bring to account the final 2018/19 audited financial result. To this end, Section B of **Appendix 2** provides for the carry forward (period timing adjustments) of various incomplete Operating (\$115k) and Capital (\$1.067m) works from the 2018/19 financial year (separate to those previously allowed for in the 2019/20 adopted budget). The completion of such projects is consequently effectively funded from unspent budget funds as at 30 June 2019.

In addition, this report reviews the 2019/2020 budget in consideration of the actual performance, albeit a more extensive review of the current financial year performance will be incorporated within the 2<sup>nd</sup> Quarterly Budget Review to be tabled to the Audit Committee and Council in February 2020 (at which time more accurate revised income and expenditure projections for the financial year can be determined).

**BACKGROUND**

Consideration of the first quarter budget review for 2019/20, in accordance with the provisions of the *Local Government Act 1999* and *Local Government (Financial Management) Regulations 2011* and Council's Budget Management Policy.

The 2019/20 1st Quarter Budget Review (as at 30 September 2019) was tabled to the Audit Committee on 7 November 2019, at which the following resolution was adopted:

COMMITTEE RESOLUTION 2019:11:AC001

Moved: Cr D Fraser

Seconded: Mr P Fairlie-Jones

*That the Audit Committee recommends to Council that the 2019/20 1<sup>st</sup> Quarter Budget Review (as at 30 September 2019) be adopted, as amended, which estimates a revised 2019/20 operating surplus of \$159,000.*

## COMMENTS/DISCUSSION

All budget variations have been processed by staff in accordance with the Budget Management Policy. **Appendix 2** summarises the budget review variances as follows:

- **Section A** lists budget transfers approved by Managers/CEO in accordance with the policy thresholds (3 transfers included – net total of \$0);
- **Section B** lists various operating and capital project funds brought forward from the 2018/19 budget to complete various projects in 2019/20 (net total of \$1.182m);
- **Section C** lists budget variations previously approved by Council (net total of \$249k – including \$200k for a Contributory Items Heritage Survey, and \$49k for a street tree audit and risk assessment, following the recent Arboriculture Review); and
- **Section D** lists recommended budget variations requiring the authorisation of Council (net total of \$19.793m, including \$22.600m relating to the deferral of contributed assets (i.e. non-cash item) relating to the Gawler East Link Road). This budget adjustment is unusually high and has resulted from an estimated delay in the completion and handover of the Gawler East Link Road to Council. The road, currently being built by the State Government, was planned to be completed in 2019/20 but is now estimated to be completed in early 2020/21. The related accounting entries will now be processed at that time.

The budget variations incorporated within this review provide for an estimated reduction in the estimated 2019/20 operating surplus result of \$36k (from \$195k to \$159k), a decrease of \$782k in gross capital expenditure (excluding assets received free of charge (\$22.6m), an increase in capital grants (\$363k), and an increase in the proceeds from asset sales (\$264k).

An overview of the budget variations included in this review is detailed below.

### 1. Summary of proposed key Budget variations

#### Operating Budget

A summary of the budget variations (net \$36k expenditure increase) included in this review is as follows:

- 1) \$172k increase in revenue due to a refund from SA Power Networks as a result of a protracted local government sector wide street-lighting pricing dispute recently adjudicated by the Australian Energy Regulator;
- 2) \$150k decrease in depreciation expense resulting from the delayed completion of the Gawler East Link Road project until 2020/21;
- 3) \$80k decrease in employment costs due to 'one-off' savings from various temporarily vacant staff positions;
- 4) \$200k increase in expenditure relating to a Contributory Items Heritage Survey - as resolved by Council (per Motion No. 2019:08:COU315);
- 5) \$49k increase in expenditure relating to the implementation of the Arboriculture Review - street tree audit and risk assessment - as resolved by Council (per Motion No. 2019:08:COU336);
- 6) \$150k increase in expenditure, to complete various projects from the 2018/19 financial year (i.e. timing variation);
- 7) \$40k net increase in expenditure relating to other sundry budget variations.

**Capital Expenditure / Revenue Budget**

A summary of the budget variations (net \$21.209m adjustment) included in this review is as follows:

- a) \$2.4m deferral of the payment due to the State Government on practical completion of the Gawler East Link Road;
- b) \$22.6m deferral of the estimated value of contributed (depreciable) assets to be received from the State Government on practical completion of the Gawler East Link Road;
- c) \$1.009m net expenditure (after allowing for associated capital grants / asset sales adjustments) to complete various capital works programs from the 2018/19 financial year (effectively funded from unspent budget funds from that year);
- d) \$18k transfer of capitalised staff salaries to the Operating budget.

Since the report tabled to the Audit Committee on 7 November 2019, the following proposed budget variations have been included for consideration:

- **Business Innovation Hub** – the recommendation from the Audit Committee was that the previous proposed budget variation of a \$40k reduction in the estimated revenue from the Hub (from \$60k to \$20k) be removed. The associated budget variation has subsequently been removed from this updated report. It is noted that Council will be holding a workshop on Tuesday 19 November 2019 pertaining to the operations of the Civic Centre.;
- **Evanston Gardens Progress Association Hall floor** – due to community safety concerns, following a recent event at the hall, the hall has had to be closed until the hall floor is replaced. This updated report now provides for a \$20k capital expenditure budget to replace the hall floor, with the cost to be funded from the proceeds to be received from recently approved road closures (i.e. cost neutral to the 2019/20 budget);
- **South Gawler Oval – Security Improvements** – Following a number of concerning incidents at the site earlier this year, and a deputation from the South Gawler Football Club at the 23 April 2019 meeting, Council sought to support the Club by seeking grant funding from Nick Champion's MP Stronger Communities Grant fund towards the required security/safety improvements (i.e. improved lighting, relocation of access gate), as resolved by Council at the 27 August 2019 meeting (Motion No: 2019:08:COU314). Unfortunately, Council was advised in late October 2019 that the grant funding application was unsuccessful. The current lease agreement with the Club stipulates that the provision of car park lighting and boundary fences is a Council responsibility. Consequently given the need to ensure public safety, and although Council could hold off on any expenditure on the site addressing public safety issues until such other grant funding opportunities may be pursued, the now known documented safety concerns warrant attention.

A capital expenditure budget variation of \$30,000, based on the separate report tabled to this meeting regarding this matter, is now incorporated within this updated report, with the cost to be funded from the proceeds to be received from recently approved road closures (i.e. cost neutral to the 2019/20 budget).

A detailed analysis of proposed budget variations incorporated within this review is included in **Appendix 2**.

**COMMUNICATION (INTERNAL TO COUNCIL)**

Audit Committee  
Executive Management Team  
Manager Finance & Corporate Services  
Financial Accountant

**CONSULTATION (EXTERNAL TO COUNCIL)**

Nil

**POLICY IMPLICATIONS**

Budget Management Policy  
Treasury Management Policy

**STATUTORY REQUIREMENTS**

*Local Government Act 1999 - Section 123 Annual business plans and budgets*  
*Local Government (Financial Management) Regulations 2011 - Part 2 (9)*

**FINANCIAL/BUDGET IMPLICATIONS**

The budget variations incorporated within this review provide for an estimated reduction in the estimated 2019/20 operating surplus result of \$36k (from \$195k to \$159k), a decrease of \$782k in gross capital expenditure (excluding assets received free of charge (\$22.6m), an increase in capital grants (\$363k), and an increase in the proceeds from asset sales (\$264k).

**Financial Indicators**

The key financial indicators (i.e. Operating Surplus Ratio, Net Financial Liabilities Ratio and the Asset Sustainability Ratio) have been impacted as per Table 1 below.

**Table 1 – Financial Indicators 2019/20**

Financial Indicators	2019/20 Adopted Budget	2019/20 1st Quarter Review	Council Policy Target	Estimate within Policy Target
Operating Ratio	0.6%	0.5%	0-10%	✓
Adjusted Operating Ratio	0.6%	0.4%	0-10%	✓
Net Financial Liabilities Ratio	89.1%	82.4%	0-100%	✓
Asset Sustainability Ratio *	100%	130%	90-100%	☒

*\*The estimated ratio result exceeds the policy target primarily due to increased funding, including part completed projects carried forward from 2018/19, provided to renewal / replacement of infrastructure (i.e. Murray Street Stage 6 / Gawler Mill Bridge project, Walker Place Redevelopment, etc.).*

The 6.7% estimated reduction in the Net Financial Liabilities Ratio is predominantly due to the \$2.4m deferred payment due to the State Government on practical completion of the Gawler East Link Road, the payment of which will now occur in the 2020/21 financial year.

**COMMUNITY PLAN**

Objective 5.2: Be recognised as a 'best practice' Local Government organisation








**12.13 APPOINTMENTS TO COUNCIL COMMITTEES AND EXTERNAL BODIES**

**Record Number:** CC19/319;IC19/667

**Author(s):** Chris Haynes, Governance Support Officer

**Previous Motions:** Nil

**Attachments:**

1. Terms of Reference Audit Committee CR18/78341 
2. Terms of Reference Infrastructure and Environmental Services Committee CR18/74969 
3. Terms of Reference Corporate and Community Services Committee CR18/74971 
4. Terms of Reference Gawler Heritage Collection Committee CR18/74976 
5. Terms of Reference Gawler Youth Advisory Committee CR18/74975 
6. Terms of Reference Chief Executive Officer Performance Management Panel CR18/74967 
7. Terms of Reference Elderly Centre Advisory Working Group CR19/62116 

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**OFFICER'S RECOMMENDATION**

That the method of appointment of Council Committees, shall be as follows:-

1. Council Members are nominated or self-nominate for membership on the Committees.
2. A resolution is then moved to appoint all nominated persons to the Committees.
3. Council elect a Chairperson for each of the Committees, if required to do so by that Committee's Terms of Reference, from the Members appointed to the Committee. If more than one member of the Committee accepts nomination as Chairperson a secret ballot is held.
4. Council adopt a first past the post method of voting where there are 2 candidates, where a valid vote must have a candidate's name.
5. Adopt a preferential method of voting where there are 3 or more candidates, where a valid vote must list each candidate's name in preference order.
6. The Mayor and all Council Members present at the meeting are eligible to vote.
7. The Chief Executive Officer be appointed Returning Officer for the election.
8. If at any stage during the process there is an equal number of votes the Returning Officer will decide the issue by the drawing of lots. The name of the candidate/s withdrawn will be the one/s excluded from the ballot.
9. Upon completion of counting the ballot, the Returning Officer will report to the Council the successful candidate. A Council resolution is needed to confirm the election of the Chairperson of the Committee.

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**1. Council Member Leadership Team**

That:

1. Council continue with the Council Member leadership team consisting of both Chairpersons of the Infrastructure and Environment Services Committee and Corporate and Community Service Committee until the next general election.
2. The Chairpersons will commit to assisting and supporting the Mayor to facilitate the spirit of cooperation and inclusion between Council Members. In addition they will

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**collaboratively support the Mayor at events when the Mayor is unable to attend, and be prepared to take on the role of acting Mayor when the Mayor is on leave of absence.**

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**2. Corporate and Community Services Committee**

**2.1 That in accordance with its Terms of Reference the following Council Members be appointed to the Corporate and Community Services Committee for a period to 30 November 2020:**

- 1) Councillor .....
- 2) Councillor .....
- 3) Councillor .....
- 4) Councillor .....
- 5) Councillor .....
- 6) Councillor .....
- 7) Councillor .....
- 8) Councillor .....
- 9) Councillor .....
- 10) Councillor .....

**2.2 That Cr                be appointed as Chair of the Corporate and Community Services Committee for a period to 30 November 2020.**

**3. Infrastructure and Environmental Services Committee**

**3.1 That in accordance with its Terms of Reference the following Council Members be appointed to the Infrastructure and Environmental Services Committee for a period to 30 November 2020:**

- 1) Councillor .....
- 2) Councillor .....
- 3) Councillor .....
- 4) Councillor .....
- 5) Councillor .....
- 6) Councillor .....
- 7) Councillor .....
- 8) Councillor .....
- 9) Councillor .....
- 10) Councillor .....

**3.2 That Cr                be appointed as Chair of the Infrastructure and Environmental Services Committee for a period to 30 November 2020.**

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**4. CEO Performance Management Panel**

**4.1 That in accordance with its Terms of Reference the following Council Members (minimum of five (5)) be appointed to the CEO Performance Management Panel for a period to 30 November 2020:**

- 1) Mayor K Redman



- 
- 2) Councillor .....
  - 3) Councillor .....
  - 4) Councillor .....
  - 5) Councillor .....

4.2 That Cr ..... be appointed as Chair of the CEO Performance Management Panel for a period to 30 November 2020.

**5. Audit Committee**

That in accordance with its Terms of Reference the following (minimum of three (3)) Council Members be appointed to the Audit Committee for a period to 30 November 2020:

- 1) Mayor Karen Redman
- 2) Councillor .....
- 3) Councillor .....

**6. Gawler Heritage Collection Committee**

That in accordance with its Terms of Reference the following (minimum of three (3)) Council Members be appointed to the Gawler Heritage Collection Committee for a period to 30 November 2020:

- 1) Councillor .....
- 2) Councillor .....
- 3) Councillor .....

**7. Gawler Youth Advisory Committee**

That in accordance with its Terms of Reference the following (minimum of two (2)) Council Members be appointed to the Gawler Youth Advisory Committee for a period to 30 November 2020:

- 1) Councillor .....
- 2) Councillor .....

**8. Council Assessment Panel**

That in accordance with its Terms of Reference the following (one (1)) Council Member and (a minimum of one (1)) Deputy Member be appointed to the Council Assessment Panel for a period to 30 November 2020:

- 1) Councillor .....
- 2) Councillor .....(Deputy)
- 2) Councillor .....(Deputy)

**9. Local Government Association of South Australia**

That Council appoint Mayor Karen Redman as Delegate and Cr.....as proxy to the Local Government Association of South Australia for a 12 month term expiring 30 November 2019.

The Local Government Association of South Australia delegate will attend the LGA AGM and OMG as the Town of Gawler voting delegate or in the absence of the delegate their proxy.

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**10. Local Government Finance Authority of South Australia**

That Council appoint Mayor Karen Redman as Delegate and Cr.....as proxy to the Local Government Finance Authority of South Australia for a 12 month term expiring 30 November 2019.

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**11. Greater Adelaide Region Organisation of Councils**

That Council Notes the appointment of Mayor Karen Redman's as Delegate to the Greater Adelaide Region Organisation of Councils expiring at the conclusion of the 2020 LGA Annual General Meeting.

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**12. Gawler River Floodplain Management Authority**

12.1. The following Council Members be appointed as Board Members to the Gawler River Floodplain Management Authority for a 12 month term expiring 30 November 2020:

- a. Cr.....
  - b. Cr..... (Proxy)
- 

12.2 Council notes the CEO's nominees to the Gawler River Floodplain Management Authority are:

- a. Manager Infrastructure and Engineering Services
  - b. Team Leader Asset Planning (Proxy)
- 

**13. Northern Adelaide Waste Management Authority**

13.1. That following Council Members be appointed as Board Members in accordance with the Northern Adelaide Waste Management Authority charter for a 2 year term charter expiring 30 November 2021:

- a. Cr .....
  - b. Cr .....
  - c. Cr ..... (Proxy)
- 

13.2 Council Officers be appointed as Board Members in accordance with the Northern Adelaide Waste Management Authority charter for a 2 year term charter expiring 30 November 2021:

- a. Chief Executive Officer
  - b. Team Leader Environment (Proxy)
- 

**14. Gawler Health Advisory Committee**

That Council appoints Cr.....as Town of Gawler representative to the Gawler Health Advisory Committee for a 12 month term expiring 30 November 2020.

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**15. Reconciliation Action Plan Working Group**

That Council appoints Cr.....as Town of Gawler representative to the Reconciliation Action Plan Working Group for a 12 month term expiring 30 November 2020.

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16. That Council appoints Cr.....as Town of Gawler representative on the Gawler Community (Neighbourhood) House Inc. Board for a 12 month term expiring 30 November 2020.
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17. **Gawler & District College B-12 School Council Board**

That Council appoints Cr.....as Town of Gawler representative on the Gawler & District College B-12 School Council Board for a 12 month term expiring 30 November 2019.

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18. **Elderly Centre Advisory Working Group**

That Council:

- a. Adopts the Terms of Reference for the Elderly Centre Advisory Working Group, as per attachment 7.
- b. Notes that the Gawler Urban Rivers Biodiversity Working Group has been wound up.

## **SUMMARY**

Members are requested to consider nominations and the term of the appointments for the following Committees and Panels. Where appropriate Members are also required to appoint a Chairperson to the Committee, as provided for in the Local Government Act 1999.

## **BACKGROUND**

Following Council general elections in 2018 Council determined the membership of its various Committees and Panels, with the term of membership expiring on 30 November 2019. Council Members are requested to consider the reappointment of Members to the various Committees and Panels and the term of that appointment. Council may wish to resolve the duration of the appointments for different durations i.e. yearly, biennially or for the duration of the Council term. The details presented in this report and the recommendations seek to have the appointments for a 12 month duration.

## **COMMENTS/DISCUSSION**

### **Council Member leadership team**

Following the 2018 General Election Council Members resolved that in place of the tradition Deputy Mayor position, Council would trial a Council Member Leadership team. The Leadership team would consist of the Chairpersons of the Infrastructure and Environment Services Committee and Corporate and Community Service Committee.

RESOLUTION 2018:11:COU001

Moved: Cr D Fraser

Seconded: Cr N Shanks

*That Council:*

1. *Adopt a Council Member leadership team consisting of both Chairpersons of the Infrastructure and Environment Services Committee and Corporate and Community Service Committee. This new team will replace the Deputy Mayor role for a 12 month trial period commencing 23 November 2018.*
2. *The Chairpersons will commit to assisting and supporting the Mayor to facilitate the spirit of cooperation and inclusion between Council Members. In addition they will collaboratively*

*support the Mayor for events when the Mayor is unable to attend, and be prepared to take on the role of acting Mayor when the Mayor is on leave of absence.*

3. *This new leadership team will provide an update report to the November 2019 Council meeting on this new arrangement/ trial.*

The trial of the newly instated Council Member leadership team has been successful. Having more than one Council Member available to assist the Mayor for events or leaves of absences has allowed for the availability and commitments of the Leadership team to be considered when nominating a delegate.

Council Members are requested to appoint the following membership:

CCS (in accordance with Terms of Reference)

- Minimum of seven Council Members
- A Chairperson

IES (in accordance with Terms of Reference)

- Minimum of seven Council Members
- A Chairperson

CEO Performance Management Panel (in accordance with Terms of Reference)

- Minimum of five Council Members
- A Chairperson

Audit Committee

- Minimum of three Council Members (including the Mayor)

The terms of the independent members of the Audit Committee expire in:

- January 2022 (Peter Brass)
- January 2021 (Peter Fairlie-Jones)

The terms of the independent member appointments were previously made to ensure their expiry dates do not clash with the timing of a future periodic Council election, and also to ensure a level of continuity with regards the independent members (i.e. by ensuring their individual appointment terms do not expire at the same time).

Gawler Heritage Collection Committee (in accordance with Terms of Reference)

- Three Council Members

Gawler Youth Advisory Committee (in accordance with Terms of Reference)

- Two Council Members

Council Assessment Panel (in accordance with Terms of Reference)

In addition to the above voting method if more than one nomination is received then each candidate shall have up to 2 minutes to explain their reasons for standing, including the candidate's experience in local government.

The following Council Member appointment is required:

- One Council Member
- Deputy Member
- Second Deputy Member

Community Representation

The following Committees have community member participation:

- Gawler Heritage Collection Committee

- Gawler Youth Advisory Committee

Appointments of community members to these Committees and Advisory Groups will be advertised as necessary in accordance with Terms of Reference.

### **External Bodies**

#### **Local Government Association of SA**

The Local Government Association (LGA) of South Australia is a voluntary membership organisation which provides quality service and leadership relevant to the needs of member Councils. The Town of Gawler is an Ordinary Member of the LGA.

The LGA SA Delegate and proxy must be an Elected Representative of Council. The delegation will be the voting delegate at the LGA general meeting and annual general meeting or in the absence of the delegate their proxy.

The Delegate, or failing them, their proxy, may vote on a resolution on behalf of the Ordinary Member who appointed them (Town of Gawler).

At the November 2018 Council Meeting Mayor Karen Redman was appointed with Cr Brian Sambell as proxy.

#### **Local Government Finance Authority of SA (Proxy)**

The Local Government Finance Authority of South Australia (LGFA) serves South Australian Councils and Local Government Bodies. It was established under the Local Government Finance Authority Act, 1983 as a body corporate.

All South Australian Councils are automatically Members of the Finance Authority, but use of LGFA services for investment and loans is entirely voluntary. Each council is entitled to appoint a person to represent it at a general meeting of the Authority. Each council representative is entitled to have one vote on any motion before a general meeting of the Authority.

Historically the Mayor has been appointed as delegate to the Local Government Finance Authority of South Australia. At the November 2018 Council Meeting Mayor Karen Redman was appointed with Cr Brian Sambell as proxy.

#### **Greater Adelaide Region of Councils (GAROC) (Proxy)**

The Greater Adelaide Region Organisation of Councils (GAROC) comprises of Mayors (or Delegate of the Mayor) and Chief Executive Officers of South Australian Metropolitan Councils.

The Greater Adelaide Region Organisation of Councils is established under the Part 41 of the Constitution of the Local Government Association (LGA). GAROC role is to lead regional advocacy, policy initiation and to review, leadership engagement and capacity building in the greater Adelaide region(s).

In respect to membership of GAROC the following motion was passed by Council

MOTION: 2018:08:301  
Moved: Cr D Hughes  
Seconded: Cr K Fischer

*That Council:*

1. *Notes the Local Government Association Greater Adelaide Regional Organisation of Councils nominations information provided by the Local Government Association of SA.*

2. *Authorises CEO Henry Inat to complete the nomination form with the nominee as Member of the Greater Adelaide Regional Organisation of Councils.*
3. *Resolves that the following nominee be put forward for Member of the Greater Adelaide Regional Organisation of Councils:*
  - *Mayor K Redman*

It is noted that Mayor Redman is the chair of the GAROC. At the November 2018 Council Meeting Mayor Karen Redman was appointed with Cr Brian Sambell as proxy. As per the GAROC Terms of Reference this appointment is for a two year period.

#### Gawler River Floodplain Management Authority

The Gawler River Floodplain Management Authority (GRFMA) was formed as a Regional Subsidiary under Section 43 and Schedule 2 of the Local Government Act 1999 in August 2002.

GRFMA was established for the following purpose:

1. To co-ordinate the construction, operation and maintenance of flood mitigation infrastructure for the Gawler River. This purpose is the core business of the Authority;
2. To raise finance for the purpose of developing, managing and operating and maintaining works approved by the board;
3. To provide a forum for the discussion and consideration of topics relating to the Constituent Council's obligations and responsibilities in relation to management of flood mitigation for the Gawler River;
4. Upon application of one or more Constituent Councils pursuant to clause 12.4:
  1. to coordinate the construction, maintenance and promotion and enhancement of the Gawler River and areas adjacent to the Gawler River as recreational open space for the adjacent communities; and
  2. to enter into agreements with one or more of the Constituent Councils for the purpose of managing and developing the Gawler River.

The six Constituent Councils of the GRFMA are:

- Adelaide Hills Council
- The Barossa Council
- Town of Gawler
- Light Regional Council
- Adelaide Plains Council
- City of Playford

Council is requested to appoint one Council Board Member and one proxy Council Board Member, in accordance with the Charter. At the November 2018 Council Meeting Cr Paul Koch was appointed with Cr Kelvin Goldstone as proxy.

#### Northern Adelaide Waste Management Authority

The Northern Adelaide Waste Management Authority (NAWMA) is a regional subsidiary formed under the Local Government Act 1999 to provide best practice waste management and resource recovery services. NAWMA receives and processes material for a range of clients including businesses, industry and regional SA councils with its predominant services being for its three (3) Constituent Councils: City of Salisbury, City of Playford and Town of Gawler.

Council is requested to appoint two Council Board Members and one proxy Council Board Member, one member of Council staff and one proxy member of Council staff, in accordance with the Charter.

At the November 2018 Council Meeting Cr Paul Koch and Cr Paul Little were appointed with Cr Diane Fraser as proxy. The CEO Mr Henry Inat and Team Leader Environment (as proxy) were appointed and it is considered appropriate that they be reappointed.

#### Gawler Business Development Group

Gawler Business Development Group was established to assist Town of Gawler promote and market businesses in the Council area with the development of strategic marketing plans, the establishment of marketing and operational partnerships, raising community awareness to the value of the local economy and advocating for the business community.

Town of Gawler and the Gawler Business Development Group have a funding agreement in place. Council is requested to consider the appointment of one (1) Council Member to the Gawler Business Development Group.

At the November 2018 Council Meeting Cr Brian Sambell with Cr Paul Koch as proxy.

#### Gawler Health Advisory Committee

Health Advisory Councils across Country South Australia have been formed as a result of the recent Health Care Act. They were formed to provide advice to their local Health Services and to the Minister for Health. A major role is to relay ideas and views from the Community to the local Health Service. The ideas are used in planning for new and improved services. Gawler Health Advisory Council may include:

- a. Up to 8 community members
- b. A nominee of local government
- c. A Local Member of Parliament or his or her nominee
- d. A Medical Practitioner member
- e. A staff member from the Gawler Health Service

Cr David Hughes was reappointed to this Committee at the Council meeting held in November 2018.

#### Reconciliation Action Plan Working Group

The Gawler Reconciliation Action Plan Working Group was established in February 2016 with the aim of developing, and then implementing, the Reconciliation Action Plan (RAP). The RAP Working Group comprises representation from across the organisation and the local community. The RAP Working Group is co-chaired by two members of Gawler's Aboriginal community.

Council is requested to appoint a minimum of two Council Members in accordance with the Reconciliation Action Plan Working Group Terms of Reference.

Council currently has 3 representatives on the working group including Cr Davies Hughes, Cr Cody Davies and Cr Paul Little.

#### Gawler & District College B-12 School Council

The State Government initiated the Governing Council to introduce greater local management and assist in making decisions that best suited Gawler High School. Governance essentially means planning, monitoring and evaluating. Planning identifies the objectives of the school and devises policies to meet those objectives. For example, the behaviour Management Policy reflects the standard of behaviour expected and the resulting consequences. Monitoring ensures that what was planned is being implemented and is often performed by the Principal reporting to the Governance Council or by Councillors participating in sub-committees, such as the Finance Committee. Evaluating, measures that what was implemented is actually producing the expected results; to improve the learning outcomes for students.

Management is not the function of the Governance Council; management of the school is the primary role of the Principal, leadership team and specialist staff. There are professional finance and administration officers to provide expertise in managing the annual budget. However, although there is no need to run the accounts, monitoring the budget, reviewing audit reports and ensuring funding is allocated to the school's priorities is an important governance responsibility for the Governing Council.

Gawler & District College Governing Council is an advisory group consisting of school staff, parents, students, Member for Light and a representative of Town of Gawler.

Council is requested to consider the appointment of one (1) Council Member to the Gawler & District College B-12 School Governing Council.

On 23 July 2019 Council appointed Cr Cody Davies to the Governing Council.

#### Gawler Community (Neighbourhood) House Inc. Board

The Gawler Community House is an independent, community based organisation. Volunteers support the House with a community garden, an Op-Shop and Op-Shed, with administration and sharing their skill as tutors or course managers.

At the Council Meeting on 18 December 2018 Cr Cody Davies was appointed to the Board.

#### Elderly Centre Advisory Working Group

The Elderly Centre Advisory Working Group have reviewed their Terms of Reference and are seeking Council endorsement. Following the 2018 General Election the Elderly Centre Advisory Group was reformed as a working group rather than a Section 41 Committee, as such the Terms of Reference have been reviewed and updated to better align with the working groups aims.

### **COMMUNICATION (INTERNAL TO COUNCIL)**

Chief Executive Officer  
Executive Team  
Governance Team

### **CONSULTATION (EXTERNAL TO COUNCIL)**

Nil

### **POLICY IMPLICATIONS**

Code of Practice for Access to Council and Committee Meetings and Council Documents  
Code of Practice for Committee Meeting Procedures  
Code of Practice for Working/Advisory Groups

### **STATUTORY REQUIREMENTS**

*Local Government Act 1999*  
*Local Government (Procedures at Meetings) Regulations 2013*

### **FINANCIAL/BUDGET IMPLICATIONS**

The administrative costs associated with all the Committees are provided for within Council's existing budget.

### **COMMUNITY PLAN**

Objective 5.2: Be recognised as a 'best practice' Local Government organisation





**12.14 RECONCILIATION ACTION PLAN WORKING GROUP MEMBERSHIP AND TERMS OF REFERENCE REVIEW**

**Record Number:** CC19/319;IC19/681

**Author(s):** Linda Weiss, Community Development Officer

**Previous Motions:** Council, 24/09/2019, RESOLUTION 2019:09:COU371

**Attachments:**

1. **Reconciliation Action Plan Working Group Expressions of Interest - List of Candidates CR19/74265** 
2. **Draft Reconciliation Action Plan Working Group Terms of Reference CR19/73046** 

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**OFFICER'S RECOMMENDATION**

**That Council:**

1. **Appoint the following community representatives to the Reconciliation Action Plan Working Group:**
  - a. Dale Giles
  - b. Mary-Anne Ryan
  - c. Rebecca Kimlin
  - d. Melissa Steele
  - e. Clare McKay
2. **Adopt the Terms of Reference of the Reconciliation Action Plan Working Group.**
3. **The Reconciliation Action Plan Working Group Membership and Terms of Reference Review report be noted.**

**SUMMARY**

The Gawler Reconciliation Action Plan (RAP) July 2018 – July 2020, outlines practical actions that Council and its partners are implementing to build strong relationships and enhanced respect with Aboriginal people from across the region. The RAP framework provides an avenue for all members of the community to contribute to the reconciliation process and is based on the three key areas of Relationships, Respect and Opportunities.

The Reconciliation Action Plan Working Group is responsible for monitoring the implementation of Council's Reconciliation Action Plan (RAP). Council recently sought active and committed members of the community to join the RAP Working Group to review the current RAP and develop the next version of the document in 2020.

This report outlines the suggested successful candidates as selected by the RAP Working Group Membership Selection Panel and also provides the RAP Working Group Terms of Reference for review and adoption.

**BACKGROUND**

The current Reconciliation Action Plan Working Group commenced meetings in March 2016. The RAP Working Group comprises representation from across the organisation and the local community.

The RAP was adopted at the May 2018 Council meeting and was officially launched in November, 2018. The RAP is due to be reviewed in 2020.

Council, at its meeting on 24 September 2019, resolved the following:

RESOLUTION 2019:09:COU371

Moved by Cr D Fraser

Seconded by Cr N Shanks

*That:*

1. *The updated Reconciliation Action Plan Working Group Expression of Interest Form be approved.*
2. *The Reconciliation Action Plan Working Group expressions of interest be sought.*
3. *A RAP Working Group Membership Selection Panel comprising the following Council Members be appointed:*
  - a. *Cr Paul Little*
  - b. *Cr Cody Davies*
  - c. *Cr Paul Koch*

## COMMENTS/DISCUSSION

### **RAP Working Group Membership**

Section 3 of the current RAP Working Group Terms of Reference outlines that membership is to comprise:

1. A minimum of two (2) Council Members will be appointed by the Council by resolution as members of the Working Group, for a period determined by Council.
2. A minimum of three (3) independent members of the Aboriginal Community will be appointed by the Council by resolution as members of the Working Group, for a period determined by Council.
3. A minimum of three (3) Council Staff representatives will be appointed by the Council by resolution as members of the Working Group, for a period determined by Council.

Expressions of interest for the RAP Working Group were sought from Monday 30 September to Friday 25 October, 2019.

Expressions of interest were promoted and encouraged via the following avenues:

1. Two advertisements placed in The Bunyip.
2. Media release.
3. Town of Gawler social media avenues including the main website, Your Voice Gawler and Facebook.
4. Direct communication with the current RAP Working Group.
5. Direct communication to Gawler community groups and organisations.
6. Direct communication with organisations, agencies, groups and individuals working directly with the Aboriginal community.

A total of five expressions of interest were received. A summary of candidates is in the attached table (**Attachment 1**).

The RAP Working Group Membership Selection Panel convened on Wednesday 30 October, 2019 to discuss the applications received.

All of the five people that presented an expression of interest are recommended to be the community representatives of the RAP Working Group:

1. Dale Giles
2. Mary-Anne Ryan
3. Rebecca Kimlin
4. Melissa Steele
5. Clare McKay

These people bring a vast amount of experience, knowledge and passion in regard to Aboriginal affairs and working towards reconciliation in the Gawler community.

The current RAP Working Group will hold its last meeting in late November 2019 and it is anticipated that the new RAP Working Group will commence meetings in early 2020.

### **RAP Working Group Terms of Reference**

The RAP Working Group Terms of Reference is required to be reviewed within 12 months of a general election. The RAP Working Group Terms of Reference is attached to this report (**Attachment 2**) with no changes to the document at this time.

### **Reconciliation Action Plan Update**

A detailed RAP update was provided at the July 2019 Corporate and Community Services Committee meeting, highlighting the progress made regarding the 22 Actions of the RAP. However, it is important to note some key initiatives that have taken place since this time.

#### **Cultural Learning Sessions for Staff**

The Executive and Leadership Teams participated in some cultural learning sessions on 16 and 17 October, 2019. The sessions were facilitated by Jack Buckskin of Kuma Kaaru Cultural Services and addressed topics including diversity of Aboriginal communities and languages, social structures and kinship, pre-colonisation and first contact, impacts of colonisation and government policies, and working with and communicating with Aboriginal people.

Feedback from participants has been overwhelmingly positive. Some feedback received from staff includes:

*'I have attended previous training sessions relating to cultural awareness where they have been confrontational, guilt inducing and negative. However it was such a refreshing change with Jack. He has a great conversational style and I found him really interesting to listen to. I was disappointed when the training ended and it has sparked my interest in learning more.'*

*'I wanted to let you know how great last week's culture awareness session was. I was really unsure about attending but I am so glad I did. I have attended a few over the years and I honestly haven't found them useful at all, but the way that Jack ran the session was fantastic. He shared some really valuable information and reminded us all how valuable a conversation can be. The session allowed everyone to process the information in their own way and determine how they would apply it following the session.'*

It is anticipated that further staff sessions will occur in early 2020.

#### **Staff Reconciliation Survey**

A survey has been developed, with input by the RAP Working Group, to capture staff levels of understanding in regard to reconciliation. So far, 83 staff members have completed the survey, with a summary of the results including:

Question	Overview of Responses
Are you aware that the Town of Gawler has a RAP?	Of 81 respondents to this question: 72 – Yes 9 – No
Have you had the opportunity to attend National Reconciliation Week and/or NAIDOC Week activities in Gawler?	Of 81 respondents to this question: 29 – Yes 52 – No  <u>Comments</u> 13 – I didn't know about the events 1 – I didn't feel supported to attend 17 – I wasn't aware I could attend during work time 31 – It's difficult to attend due to work commitments

	<p><i>The opportunity has been provided, however I have not managed to attend.</i></p> <p><i>I have attended both and for some years.</i></p> <p><i>Various events at Apex Park, Sport Centre and Civic Centre.</i></p>
Why do you think a Statement of Acknowledgement is given at the commencement of meetings/events?	<p><u>Comments</u></p> <p><i>To recognise the complete story of the area (not just from the settlement times) and to include all in any meeting and event taking place.</i></p> <p><i>To acknowledge that we understand the land we live on has significant cultural aspects for Aboriginal people and that this is important to them.</i></p> <p><i>To pay respect to the Aboriginal nation as a whole, past and present. To acknowledge they are and will always be the first nation of Australia.</i></p> <p><i>It acknowledges Aboriginal and Torres Strait Islanders as the first custodians of the land, it promotes awareness of the history and culture of Aboriginal and Torres Strait Islanders, as well as their continued relationship and presence to this day.</i></p> <p><i>It's respectful, it reminds us all that this is Aboriginal land and that it was never 'terra nullius'.</i></p>
Is a Statement of Acknowledgement given at the start of your Team/Divisional meetings?	<p><u>Of 82 respondents to this question:</u></p> <p>11 – Yes</p> <p>71 - No</p>
Do you feel that your work environment is culturally safe and welcoming?	<p><u>Of 82 respondents to this question:</u></p> <p>61 – Yes</p> <p>5 – No</p> <p>16 – Somewhat</p> <p><u>Comments</u></p> <p><i>I think there is always room for improvement and there is definitely more that could be done.</i></p> <p><i>Some staff embrace cultural differences, some don't.</i></p> <p><i>It is important to provide an environment that is culturally safe and welcoming for all, no matter their ethnicity.</i></p> <p><i>As a white Australian, I don't know enough about Aboriginal culture or other cultures to know whether this environment is culturally safe and welcoming, but I'd like to think it is.</i></p> <p><i>There is still much to do in the areas of staff training, in the management of our facilities and in the way the community feels about the environment. There are no Aboriginal people working within our environment so it could feel prohibitive from a community perspective.</i></p>

	<p><i>I think that on the whole, the Town of Gawler promotes and works towards a culturally safe and welcoming work environment, and most people support and agree with this stance; but continued education is always beneficial. Our actual workforce is not particularly diverse, so perhaps some strategies to help increase diversity may be beneficial.</i></p> <p><i>I feel culturally safe and welcome but I am part of the dominant culture. Although I believe it is the intention of the organisation that everyone feels safe and welcome, I would not assume that everyone feels that way because it can be difficult to know what others need to feel safe.</i></p>
<p>Do you think the implementation of the RAP and advocating reconciliation in our organisation and community fits within your work role?</p>	<p><u>Of 81 respondents to this question:</u> 63 – Yes 18 – No</p> <p><u>Comments</u> <i>Reconciliation is everyone's business no matter what your work role is. The RAP is a document for our whole organisation that aims to get everyone involved in the reconciliation process and conversation.</i></p> <p><i>Advocating the Reconciliation Action Plan only enhances what I believe in.</i></p> <p><i>As employees of the organisation we are all responsible. That being said, there are limitations in applying this within our team's role.</i></p> <p><i>I think we can all do our part, no matter our role, to assist in this. Even if we are not management, we can still ask the question in our team projects to remind each other of this important element. We can also speak positively about the RAP to our colleagues and the community which will help keep it front of mind and prompt putting it into action.</i></p> <p><i>It is everyone's responsibility.</i></p> <p><i>It should sit within the work roles of all Australians.</i></p> <p><i>It's everyone's role to be considerate and welcoming.</i></p>
<p>Please feel free to provide any further comment regarding reconciliation in our organisation.</p>	<p><u>Comments</u> <i>I'm glad that we have an Action Plan that has been formalised, and is something we are currently working on and prioritising.</i></p> <p><i>I love learning about Aboriginal culture and would like to have more opportunities within the workplace and our town to highlight Aboriginal contributions and culture.</i></p> <p><i>All people are important, and it is unfair to focus on just one demographic.</i></p> <p><i>Need to do it because that's what everyone is doing these days and it ticks the box.</i></p>

	<p><i>I would welcome greater cultural learning in this area as it is a topic which is not well understood. Noting this is a broader national issue and I struggle to understand why this isn't being addressed to educate and build community awareness.</i></p> <p><i>I feel proud that I work for an organisation that has a RAP and that actively supports reconciliation activities.</i></p> <p><i>I'm proud to work for an organisation that has a RAP and makes an effort to education staff and to build strong relationships with the Aboriginal community.</i></p>
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This information from this survey will be used to shape staff involvement and opportunities to actively participate in the reconciliation process. The same survey will be conducted again in 12 months to show any variation to staff views and knowledge regarding reconciliation.

Council continues to build relationships with the Aboriginal community and implement the actions of the RAP. The Gawler RAP is an opportunity for Council to embed culturally appropriate practice into the daily operations of the organisation.

### **COMMUNICATION (INTERNAL TO COUNCIL)**

Chief Executive Officer  
 Manager Library and Community Services  
 Manager Business Enterprises and Communications  
 Team Leader Recreation and Community  
 Youth Development Officer  
 Coordinator Marketing and Communications  
 RAP Working Group Selection Panel – Cr P Little, Cr C Davies, Cr P Koch

### **CONSULTATION (EXTERNAL TO COUNCIL)**

Reconciliation Action Plan Working Group  
 Gawler Reconciliation Action Group  
 Other key stakeholders

### **POLICY IMPLICATIONS**

Public Consultation Policy

### **STATUTORY REQUIREMENTS**

Nil

### **FINANCIAL/BUDGET IMPLICATIONS**

All activity directly related to the Reconciliation Action Plan Working Group is undertaken within the allocated Reconciliation budget of \$15,000.

### **COMMUNITY PLAN**

Objective 1.2: Build a local community that is proud of Gawler  
 Objective 1.4: Foster a vibrant and active, event-filled Council area  
 Objective 1.5: Promote cultural heritage and the creative sector to build community spirit pride  
 Objective 2.3: The local environment to be respected  
 Objective 3.4: Gawler to be an inclusive and welcoming community  
 Objective 3.5: Recognise, respect, support and advocate on behalf of volunteers  
 Objective 3.6: Encourage the development of the Arts and the creative sector  
 Objective 4.4: Support sustainable use of natural resources and minimise further waste to landfill  
 Objective 5.1: Support and encourage community teamwork

Objective 5.2: Be recognised as a 'best practice' Local Government organisation


Objective 5.4: Create a safe community environment

**12.15 PERIODIC ADJUSTMENT OF COUNCIL MEMBER ALLOWANCES**

**Record Number:** CC19/319;IC19/717

**Author(s):** Chris Haynes, Governance Support Officer

**Previous Motions:** Nil

**Attachments:** 1. **Section 1 Policy - Council Members Allowances and Benefits CR18/65266** 

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**OFFICER'S RECOMMENDATION**

**That the Periodic Adjustment of Council Member Allowances report be noted.**

**SUMMARY**

This report is to advise Members of the recent annual increase in Council member allowances as prescribed in the *Local Government (Members Allowances and Benefits) Regulations 2010*.

**BACKGROUND**

Section 76(9) of the Local Government Act 1999 provides for Council Member allowances to be adjusted on the first, second and third anniversaries of periodic elections to reflect changes in the Adelaide Consumer Price Index (CPI) published by the Australian Bureau of Statistics. The first anniversary of the last periodic election was 9 November 2019.

Prior to each periodic election (i.e. every four years), the Remuneration Tribunal independently determines the allowance payable to Council Members. On 31 August 2018, the Tribunal set the amount payable at \$17,270 per annum (for a Group 2 Council), this subsequently being the base amount upon which further annual anniversary increments would be determined.

Regulation 4(2) of the *Local Government (Members Allowances and Benefits) Regulations 2010* sets out the formula for adjusting an allowance. The Regulation states that:

*For the purposes of section 76(9) of the Act, an allowance is to be adjusted by multiplying the allowance by a proportion obtained by dividing the Consumer Price Index for the September quarter last occurring before the date on which the allowance is to be adjusted by the Consumer Price Index for the September quarter immediately before the date on which the allowance was determined under section 76 of the Act (with the amount so adjusted being rounded up to the nearest dollar).*

Council reviewed and adopted its Council Members' Allowances and Benefits Policy in November 2018. A copy of the Policy is attached for easy reference and is due for renewal in November 2022.

**COMMENTS/DISCUSSION**

Given the date of the 2018 determination made by the Remuneration Tribunal was 31 August 2018, the relevant Consumer Price Index (CPI) reference dates (pursuant to Regulation 4(2) above) are technically September 2017 and September 2019 (i.e. this consequently equates to two years movement in the index).

The CPI raw statistics for September 2017 and 2019 published by the Australian Bureau of Statistics were 110.4 and 114.5 respectively – such that the annual adjustment applicable from November 2019 is  $114.5 \div 110.4 = 3.7\%$ , which represents the September 2017-2018 CPI movement of 1.8% and the September 2018-2019 CPI movement of 1.9%. As a result, the annual amount now payable is calculated by  $\$17,270 + 3.7\% = \$17,912$ .



The remaining annual adjustments to the allowances over the term of the existing Council (i.e. at the second and third anniversaries of the 2018 Election) will be effectively based on one year's movement in the CPI index, consistent with the Regulations.

The annual allowance payable for Principal Members, is equal to four times the annual allowance for individual Council Members of the Council (i.e. \$71,648), in accordance with the independent determination.

**COMMUNICATION (INTERNAL TO COUNCIL)**

Manager, Finance & Corporate Services

**CONSULTATION (EXTERNAL TO COUNCIL)**

Local Government Association

**POLICY IMPLICATIONS**

Council Members' Allowances and Benefits Policy

**STATUTORY REQUIREMENTS**

Local Government Act 1999.

Local Government (Members Allowances and Benefits) Regulations 2010.

**FINANCIAL/BUDGET IMPLICATIONS**

The value of allowances paid for Council Members is provided for in the annual budget.

**COMMUNITY PLAN**

Objective 5.2: Be recognised as a 'best practice' Local Government organisation

**12.16 DELEGATIONS UPDATE - NOVEMBER 2019****Record Number:** CC19/319;IC19/659**Author(s):** Kate Symes, Governance Coordinator**Previous Motions:** Nil

**Attachments:**

1. **Development Act 1993 and Development Regulations 2008 CR19/72413** 
2. **Planning Development and Infrastructure Act 2016 CR19/72415** 
3. **Planning Development and Infrastructure (Transitional Provisions) Regulations CR19/72416** 

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**OFFICER'S RECOMMENDATION****That Council:-**

1. In exercise of the power contained in Section 44 of the *Local Government Act 1999*, the powers and functions under the following Acts, and specified in an amended extract (attached to the Report dated 26 November 2019 and titled Delegation Amendments) contained in Attachments 1 to 3 identified as indicated below, are hereby delegated this 26<sup>th</sup> day of November 2019 to the person occupying the office of Chief Executive Officer of the Council subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instruments of Delegation:

1.1 Development Act 1993 and Development Regulations 2008

1.2 Planning Development and Infrastructure Act 2016

1.3 Planning Development and Infrastructure Regulations 2017

2. Notes the powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the *Local Government Act 1999* as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.

**SUMMARY**

The purpose of this report is to update the delegations which exist based on the review conducted by Governance staff due to legislation changes that have occurred since the last review.

**BACKGROUND**

All of a Council's powers come from legislation. The decision making process for a Council starts with a statutory power or function conferred upon a Council by statute. The way in which a Council makes decisions is by resolutions passed at Council meetings. A Council does not act or make decisions through its individual Council Members but as a whole. However, administratively and practically, a Council cannot itself attend to each and every matter and issue that arises for action and determination.

Accordingly, for the purposes of conducting its governing, regulatory and service activities effectively and efficiently, a Council will have in place a process of delegation. A delegation is the means by which a Council may authorise another person or body to exercise certain powers and functions. Delegation enables the Council to focus on policy and strategy and enables the day to day operations of the Council to be carried out by the Council's administration.

Section 44 of the *Local Government Act 1999* provides that the Council may delegate a power or function vested or conferred under this or another Act. Some other Acts also contain a specific power of delegation.

Delegations made by the Council under Section 44 of the *Local Government Act 1999* can be made to a Council committee, a subsidiary of the Council, an employee of the Council, the employee of the Council for the time being occupying a particular office or position or, an authorised person. Other Acts may specify different delegates than the *Local Government Act 1999*.

A delegation made pursuant to Section 44 of the *Local Government Act 1999* is revocable at will and does not prevent the Council from acting in a matter.

Delegations made to a Council committee under section 44 mean that any decision made by the committee is binding on Council and can only be altered or revoked by a Motion on Notice in accordance with the *Local Government Act 1999*.

There are a number of powers and functions of the *Local Government Act 1999* which the Council cannot delegate. These are set out in Section 44(3) of the *Local Government Act 1999*, as follows:

- a) power to make a by-law;
- b) power to declare rates or a charge with the character of a rate;
- c) power to borrow money or to obtain other forms of financial accommodation;
- d) power to adopt or revise a strategic management plan or budget of the council;
- e) power to approve expenditure of money on works, services or operations of the council not contained in a budget approved by the council;
- f) power to determine annual allowances under Chapter 5;
- g) power to approve payment or reimbursement of expenses that may be paid at the discretion of the council and for which the council has not adopted a formal policy or made specific financial provision;
- h) power to establish a subsidiary, or to participate in the establishment of a regional subsidiary;
- i) power to make an application or recommendation, or to report or to give a notice, to the Governor or the Minister, being an application, recommendation, report or notice for which provision is made by or under this or another Act;
- j) power to fix, vary or revoke a fee under section 188(1)(d) to (h);
- k) a power or function excluded from delegation by the regulations.

If the Council purports to delegate any of these powers or functions, that delegation would be ineffective. Any action undertaken in reliance on that delegation would be unauthorised. This may cause legal and administrative problems for the Council.

Section 44 of the *Local Government Act 1999* sets out various other matters in relation to delegations. For example:

- Section 44(6) provides that the Council must cause a separate record to be kept of all delegations made under Section 44, and should at least once in every financial year review the delegations for the time being in force under Section 44;
- Section 44(7) provides that a person is entitled to inspect (without charge) the record of delegations under Section 44(6) at the principal office of the Council during ordinary office hours.

Section 101 of the *Local Government Act 1999* provides that the Chief Executive Officer may delegate (or sub-delegate) a power or function vested or conferred in or on the Chief Executive Officer under the *Local Government Act 1999*. Section 101 sets out various other matters in relation to delegations (or sub-delegations) by the Chief Executive Officer.

A delegation or sub-delegation by the Chief Executive Officer made under Section 101 of the *Local Government Act 1999* may be made to an employee of the Council or to the employee for the time being occupying a particular office or position, a committee comprising employees of the Council, or an authorised person.

### **COMMENTS/DISCUSSION**

Council maintains a register of its delegations in accordance with the requirements of the *Local Government Act 1999*. Under Section 44(6) of the *Local Government Act 1999* Council is required to review its delegations at least once in every financial year.

Delegations allow Council to transfer its powers and duties to the Chief Executive Officer (CEO) and other relevant officers and bodies, in order to improve the efficiency and timeliness of Council's decision-making processes. A delegation does not prevent the Council from exercising any power.

Delegations may be changed at any time by way of a Council resolution.

This report recommends that a resolution is passed in respect to a review of delegations undertaken due to updates that have been made to legislation since the last update on 25 June 2019. Changes to the instruments are attached. It is recommended that the Chief Executive Officer is able to exercise these powers under delegated authority.

### **COMMUNICATION (INTERNAL TO COUNCIL)**

Chief Executive Officer  
Manager Finance & Corporate Services  
Manager Development and Regulatory Services  
Governance Coordinator

### **CONSULTATION (EXTERNAL TO COUNCIL)**

Local Government Association

### **POLICY IMPLICATIONS**

Nil

### **STATUTORY REQUIREMENTS**

*Development Act 1993*  
*Local Government Act 1999*  
*Planning Development and Infrastructure Act 2016*

### **FINANCIAL/BUDGET IMPLICATIONS**

Nil

### **COMMUNITY PLAN**

Objective 5.2: Be recognised as a 'best practice' Local Government organisation

**12.17 LOCAL GOVERNMENT ASSOCIATION 2020 ORDINARY GENERAL MEETING - ITEMS OF BUSINESS****Record Number:** CC19/319;IC19/742**Author(s):** Chris Haynes, Governance Support Officer**Previous Motions:** Nil**Attachments:**

1. **Guidelines - Considering Proposed Items of Business for LGA General Meetings CR19/36362** 
2. **LGA General Meeting - Proposed Item of Business form CR19/36363** 

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**OFFICER'S RECOMMENDATION****That Council Members:**

1. **Note the report and the call for Items of Business for the purpose of the Local Government Association of South Australia Ordinary General Meeting to be held on 3 April 2020.**
2. **Endorse the following Motion/s to be presented to the LGA for consideration at the 2020 Ordinary General Meeting.**
  - a. ....
  - b. ....

**SUMMARY**

The Local Government Association of South Australia (LGA) is calling for Councils to submit Notices of Motion for the 2020 LGA Ordinary General Meeting, to be held on 3 April 2020 at the Adelaide Entertainment Centre.

**BACKGROUND**

The LGA have requested that submissions for Notice of Motions be received by 13 December 2019. The request for submission was received via the LGA circulars on 8 November 2019.

Council has contacted the LGA regarding the early deadline date set and requested an extension until 8 January 2020 to allow Council time to consider any items of business and then adopt at the December Council Meeting. The LGA advised that they are considering the extension and will advise Council by COB 22 November 2019.

The LGA has advised that the early deadline date is due to a number of factors including:

- the Christmas and New Year shutdown period
- the new process of requiring resolution of SAROC/GAROC and the LGA Board.
- the meeting date for GAROC to consider business items is 3 February 2020 with the agenda being distributed by 27 January 2020.

At the LGA Annual General Meeting held on 31 October 2019 the Town of Gawler were successful in the following business items which were all endorsed at the Meeting.

## 8.2 State of Climate Emergency (Gawler)

Moved Gawler Seconded Burnside that the Annual General Meeting:

1. notes the October 2018 Special Report of the Intergovernmental Panel on Climate Change (IPCC) and the Federal Government's latest emissions data showing increased carbon emissions;
2. strengthens the LGA's 'Managing the Risks of Climate Change' Policy Statement to acknowledge that climate change poses a serious risk to local communities and ecosystems, and that all levels of government are urged to take action that will help address the effects of climate change in local communities; and
3. continues to lobby the State and Federal Government to prioritise climate change action, in particular advocate for greater State and Federal funding in initiatives that will assist local governments and their communities to mitigate and adapt to the effects of climate change.

**Carried**

## 8.3 Electric Vehicles (Gawler)

Moved Gawler Seconded Mitcham that the Annual General Meeting:

1. requests the LGA to develop a policy for the issues and opportunities associated with predicted increased use of electric vehicles in the Local Government sector and the general community; and
2. to satisfy the item of business, requests that the LGA Policy Manual be amended to include the following draft Policy Statement on Electric Vehicles:

*Local government recognises that electric vehicles provide for potential zero emission transport and reduce negative impacts such as toxic emissions, engine noise and greenhouse gas emissions and that councils, because of their roles and responsibilities as road authorities, infrastructure providers, fleet managers and representatives of their local communities, can support and encourage the use of electric vehicles through their planning, policies, investment and procurement activities.*

**Carried**

## 8.5 Contributory Items (Gawler)

Moved Gawler Seconded Norwood Payneham St Peters that the Annual General Meeting requests the LGA write to the Minister of Planning to:

- a. reinforce local government's position that all existing Heritage and Historic Conservation Zones and Contributory Items should be transitioned into the first generation of the Planning and Design Code;
  - a. and
- b. outline the following concerns local government has with the State Government's proposed approach to transitioning Contributory Items to Local Heritage Places where appropriate:
  - I. the requirement to use the 'Heritage in Transition – Practitioner Guide' dated August 2019, which is considered to be flawed, contrary to the Burra Charter, undermines the legislative criteria and will have the effect of greatly limiting the number of places which meet the criteria;
  - II. the requirement for all statutory consultation associated with Local Heritage Development Plan Amendments to have been completed 30 June 2020; and
  - III. the costly heritage assessment, investigations and preparation of the DPA needing to be finalised by December 2020.

**Carried**

**8.7 Reform in the aged care sector (Gawler)**

Moved Gawler Seconded Salisbury that the Annual General Meeting requests the LGA to assist councils to navigate the changes to the Aged Care sector through information provision and advocacy.

**Carried**

**COMMENTS/DISCUSSION**

Member Councils have the opportunity to submit a proposed item of business to the Board, SAROC or GAROC for approval to be placed on the agenda of a General Meeting. No Item of Business will be placed upon the agenda for a General Meeting unless it has been approved by one of the relevant bodies, which must consider whether a matter is of 'strategic importance' to local government and the LGA'.

The Guideline for Considering Proposed Items of Business for LGA General Meeting is available at **Attachment 1**.

The form requesting consideration of an Item of Business to be included in a LGA General Meeting is available at **Attachment 2**.

Member Councils are requested to submit Items of Business to the Local Government Association by 13 December 2019. The Town of Gawler has requested an extension until 8 January 2020 to allow Council Members more time to consider potential items of business. Any Items of Business would need to be presented to the 17 December 2019 Council meeting for consideration.

**COMMUNICATION (INTERNAL TO COUNCIL)**

Chief Executive Officer

**CONSULTATION (EXTERNAL TO COUNCIL)**

Local Government Association of South Australia

**POLICY IMPLICATIONS**

Nil

**STATUTORY REQUIREMENTS**

Nil

**FINANCIAL/BUDGET IMPLICATIONS**

Nil

**COMMUNITY PLAN**

Objective 5.2: Be recognised as a 'best practice' Local Government organisation

Objective 5.3: Deliver ongoing effective and efficient services, including support for regional collaboration

**12.18 REVOCATION OF CONFIDENTIAL ORDERS**

**Record Number:** CC19/319;IC19/715

**Author(s):** Chris Haynes, Governance Support Officer

**Previous Motions:** Nil

**Attachments:**

1. **13-09-2018 Council Agenda Special Item 7.1 Murray Street Stage 6 - Upgrade Report CR18/57209** 
2. **22-11-2016 Council Agenda Item 15.1 Permanent Partial Road Closure Sixth Street Gawler South CR19/77940** 

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**OFFICER'S RECOMMENDATION**

That Council notes the revocation of the following confidential orders under delegation, by the Chief Executive Officer, relating to:

1. **Motion 2018:09:337 for Item 7.1 – Murray Street Upgrade Stage 6 – Update Report of the Special Council meeting held on 13 September 2018. Release of report and attachments. Minutes of this meeting were released on 5 October 2018.**
2. **Motion 2016:11:486 for Item 15.1 - Proposed Permanent Portion Road Closure - Sixth Street, Gawler South of the Council meeting held on 22 November 2016. Release of report, attachments and minutes.**

**SUMMARY**

This report provides information regarding confidential orders that have been revoked, since the last Council meeting.

**BACKGROUND**

Pursuant to Section 91(9)(c) of the Act, the Council delegated the Chief Executive Officer the power to revoke the following orders if the matters have been partially or fully resolved. The Chief Executive Officer must then advise the Council of the revocation of the orders as soon as possible after such revocations have occurred.

**COMMENTS/DISCUSSION**

1. Council's relevant Manager and the Chief Executive Officer have advised that the trigger for the release of the following order from confidentiality have now been met, being practical completion of the contracted works, as follows.

RESOLUTION 2018:09:337

Moved: Cr K Fischer

Seconded: Cr A Shackley

1. *Pursuant to Sections 91(7) and 91(9) of the Local Government Act 1999 the Council orders that the:*

- *The written report*
- *Attachments to the written report*

*associated with Item 7.1 Murray Street Upgrade Stage 6 - Update Report, having been considered by the Council in confidence under Section 90(3)(k) be kept confidential and not available for public inspection until after practical completion of contracted works, on the basis that the information received, discussed and considered in relation to this agenda item is:*

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



2. *Further that Council delegates the power of review, but not the extension, of the confidential order to the Chief Executive Officer on a monthly basis in accordance with the provisions of Section 91(9)(c) of the Local Government Act 1999.*
3. *All confidential orders will be reviewed at least annually in accordance with the Local Government Act 1999.*

The report and attachments were released on 1 November 2019, a copy of the related documents can be found in **Attachment 1**. The minutes of Item 7.1 were released on 5 October 2018.

2. Council's relevant Manager and the Chief Executive Officer have advised that the proposed road closure (Sixth Street Gawler South) is not proceeding following cessation of negotiations with the interested party and the following order is no longer required to be confidential.

Moved by Cr Nicolson  
Seconded by Cr Gidman  
Motion No: 2016:11:486

*That:*

1. *Pursuant to Section 91(7) of the Local Government Act 1999, the Council orders that the following document(s) (or part) shall be kept confidential, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(b) of the Act:*
  - *The written report Item No.15.1 of 22-11-2016*
  - *The minutes of Item No. 15.1 of 22-11-2016*

*on the grounds that the document(s) (or part) is/or:*

*(b) information the disclosure of which—*

- (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and*
- (ii) would, on balance, be contrary to the public interest;*

*Specifically, the present matter relates to possible divestment of Council owned property.*

*The disclosure of this information could reasonably be expected to prejudice the commercial position of the Council because disclosure of this information may affect the potential sale value of the land in an open market environment.*

*The Council has considered the public interest in relation to whether to make this order, the prevailing public interest in these circumstances and the Council's ability to undertake divestment planning and achieve the highest value outcomes. The Council considers that, on balance, disclosure would be contrary to the public interest. Public discussion of the possible divestment would compromise the Council's ability to successfully plan an advantageous divestment outcome and may negatively affect the value of land parcels within the Town of Gawler.*

2. *This order shall operate for a period of 12 months unless revoked earlier by the Chief Executive Officer in accordance with paragraph 3 of this resolution and will be reviewed at least annually in accordance with the Act.*
3. *Pursuant to Section 91(9)(c) of the Act, the Council delegates to the Chief Executive Officer the power to revoke this order, and must advise the Council of the revocation of this order as soon as possible after such revocation has occurred.*

The minutes, report and attachments were released on 14 November 2019, a copy of the related documents can be found in **Attachment 2**.

The confidential register had been updated at the time of the decision made under delegation that the items detailed above were removed from confidentiality. The register is available on Council's website.

**COMMUNICATION (INTERNAL TO COUNCIL)**

Chief Executive Officer  
Manager Infrastructure & Engineering Services

**CONSULTATION (EXTERNAL TO COUNCIL)**

Local Government Association

**POLICY IMPLICATIONS**

Code of Practice for Access to Council and Committee Meetings and Council Documents.

**STATUTORY REQUIREMENTS**

*Local Government Act 1999*

**FINANCIAL/BUDGET IMPLICATIONS**

There are no financial implications in releasing documents from confidentiality

**COMMUNITY PLAN**

Objective 5.2: Be recognised as a 'best practice' Local Government organisation

**13 RECOMMENDATIONS FROM COMMITTEES****13.1 RECOMMENDATIONS FROM GAWLER YOUTH ADVISORY COMMITTEE MEETING HELD ON 4 NOVEMBER 2019**

**Record Number:** CC19/319;IC19/761

**Author(s):** Kate Symes, Governance Coordinator

**Previous Motions:** Nil

**Attachments:** Nil

**FOR NOTING**

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**RECOMMENDATION**

That Council notes the resolution from the Gawler Youth Advisory Committee made at item of the meeting of that Committee meeting held on 4 November 2019, being:

That the Gawler Youth Advisory Committee note the verbal update from the Youth Development Officer.

**FOR RESOLUTION**

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**RECOMMENDATION**

That Council adopts the recommendation from the Gawler Youth Advisory Committee made at item of the meeting of that Committee meeting held on 4 November 2019, being:

That the Gawler Youth Advisory Committee recommends to Council that Mr Sebastian Trudgen be thanked for his service on the Gawler Youth Advisory Committee.

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**RECOMMENDATION**

That Council adopts the recommendation from the Gawler Youth Advisory Committee made at item of the meeting of that Committee meeting held on 4 November 2019, being:

That the Gawler Youth Advisory Committee recommends to Council that Ms Freya Pollard receive \$100 of sponsorship from the Gawler Youth Artist Sponsorship Program for Theatre.

**RECOMMENDATION**

That Council adopts the recommendation from the Gawler Youth Advisory Committee made at item of the meeting of that Committee meeting held on 4 November 2019, being:

That the Gawler Youth Advisory Committee recommends to Council that:

1. Council acknowledges twelve (12) applications to the Youth Sports Person Sponsorship Program were received.
2. The following ten (10) applications met the criteria and receive sponsorship collectively valued at \$1100 from the Youth Sports Person Sponsorship Program:
  - a. Makayla Collins – Basketball (\$100)
  - b. Alyssa Dix – Dance (\$100)
  - c. Charlotte Dix – Dance (\$100)
  - d. Seth Taylor – Hockey (\$100)
  - e. Michaela Gallie – Hockey (\$100)
  - f. Harry Crawford – Football (\$100)
  - g. Jett Klose – Inline Hockey (\$100)
  - h. Max Grivell – Orienteering (\$100)
  - i. Keiran Curthoys-Davies – Hockey (\$100)
  - j. Seth Phillips – Cheerleading (\$200).

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**RECOMMENDATION**

That Council adopts the recommendation from the Gawler Youth Advisory Committee made at item of the meeting of that Committee meeting held on 4 November 2019, being:

That the Gawler Youth Advisory Committee recommends to Council that school-aged Gawler Youth Advisory Committee Members be sponsored from the Youth Leadership Program to attend the Adelaide Halogen Leadership Conference in March 2020.

---

**RECOMMENDATION**

That Council adopts the recommendation from the Gawler Youth Advisory Committee made at item of the meeting of that Committee meeting held on 4 November 2019, being:

That the Gawler Youth Advisory Committee recommends to Council that the Rotary Club of Gawler Light be thanked for their sponsorship of Ms Brenna Carmichael to YMCA Junior Youth Parliament that occurred in October 2019.

**13.2 RECOMMENDATIONS FROM AUDIT COMMITTEE MEETING HELD ON 7 NOVEMBER 2019**

**Record Number:** CC19/319;IC19/757  
**Author(s):** Chris Haynes, Governance Support Officer  
**Previous Motions:** Nil  
**Attachments:** Nil

**FOR RESOLUTION****Item 6.1 - Draft 2018/19 General Purpose Financial Statements**

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**RECOMMENDATION**

That Council adopts the recommendation from the Audit Committee made at item 6.1 of the meeting of that Committee meeting held on 7 November 2019, being:

That the Audit Committee recommends to Council that the:

1. General Purpose Financial Statements for the year ended 30 June 2019, subject to any minor variations requested by the External Auditors, present fairly the state of affairs of the Council and be presented to Council for adoption at the Council meeting scheduled on 26 November 2019.
2. Certification of Financial Statements be signed by the Chief Executive Officer and the Mayor.
3. Auditor's Certification of Auditor's Independence be received and noted.
4. Certification of Auditor Independence be reviewed and signed by the Audit Committee Presiding Member and Chief Executive Officer.
5. Management Representation letter be received and noted.

**Item 6.2 - 2018/19 Financial Performance Summary**

---

**RECOMMENDATION**

That Council adopts the recommendation from the Audit Committee made at item 6.2 of the meeting of that Committee meeting held on 7 November 2019, being:

That the Audit Committee recommends to Council that the 2018/19 Financial Performance Summary Report be received.

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**Item 6.3 - 2019/20 1st Quarter Budget Review**

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**RECOMMENDATION**

That Council adopts the recommendation from the Audit Committee made at item 6.3 of the meeting of that Committee meeting held on 7 November 2019, being:

That the Audit Committee recommends to Council that the 2019/20 1<sup>st</sup> Quarter Budget Review (as at 30 September 2019) be adopted, as amended, which estimates a revised 2019/20 operating surplus of \$159,000.

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**Item 6.4 - 2018/19 Audit Committee Annual Report**

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**RECOMMENDATION**

That Council adopts the recommendation from the Audit Committee made at item 6.4 of the meeting of that Committee meeting held on 7 November 2019, being:

That the Audit Committee recommends to Council that the 2018/19 Audit Committee Annual Report be received and noted.

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**Item 6.5 - Policy Review**

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**RECOMMENDATION**

That Council adopts the recommendation from the Audit Committee made at item 6.5 of the meeting of that Committee meeting held on 7 November 2019, being:

That the Audit Committee recommends to Council that the following policies be adopted:

1. Section 6 Policy – Community Loans, as amended
2. Section 6 Policy – Depreciation
3. Section 6 Policy – Funding

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**Item 6.6 - 2020/21 Budget / Business Plan Community Engagement**

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**RECOMMENDATION**

That Council adopts the recommendation from the Audit Committee made at item 6.6 of the meeting of that Committee meeting held on 7 November 2019, being:

That the Audit Committee recommends to Council:

1. That the 2020/21 Budget / Business Plan Community Engagement report be noted
2. The adoption of the proposed Community Engagement and consultation approach relative to the 2020/21 Budget / Business Plan, incorporating:
  - a) Early Community Engagement from 29 November – 20 December 2019 inclusive, including interactive posters at key Council sites and an on-line survey; and
  - b) Community Consultation on the draft 2020/21 Budget / Business Plan, undertaken pursuant to Section 123(4) of the Local Government Act 1999, from 15 April – 8 May 2020, in accordance with Council's adopted 2020/21 Budget / Business Plan timetable.

**13.3 RECOMMENDATIONS FROM CORPORATE & COMMUNITY SERVICES COMMITTEE MEETING HELD ON 12 NOVEMBER 2019**

**Record Number:** CC19/319;IC19/756  
**Author(s):** Chris Haynes, Governance Support Officer  
**Previous Motions:** Nil  
**Attachments:** Nil

**13.3 Motions Made Under Delegated Authority for Noting**

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**OFFICER'S RECOMMENDATION**

That Council notes the adopted Motions from the Corporate & Community Services Committee made under Delegated Authority at the meeting held on 12 November 2019, being:

**Item 7.2 - Karbeethan Reserve Management IC19/541**

That the Corporate & Community Services Committee;

1. Notes the Karbeethan Reserve Management report, including the review of the Karbeethan Sporting Association Memorandum of Understanding.
2. Acknowledges the ongoing support provided by Council to the Karbeethan Sporting Association as outlined within the report that has materially assisted in the positive transition in respect to both the financial and governance arrangements of the Association.
3. Notes that the ongoing involvement by Council staff with the Association will transition from a focus on financial and governance matters to working with the Association progressing the implementation of the Karbeethan Master Plan over the coming years.

**Item 7.3 - Karbeethan Reserve Master Plan - Community Consultation IC19/263**

That the Corporate & Community Services Committee:

1. Notes the Karbeethan Reserve Master Plan – Community Consultation report and request that staff, considering the discussion had at this meeting, proceed to finalise the Karbeethan Reserve Master Plan for presentation to the December 2019 Council meeting.
2. Be provided further information on opportunities in March 2020 to fast track stage 3 & 4 of the plan.

**Item 7.4 - Essex Park & Gawler Showgrounds Regional Sporting Precinct Master Plan IC19/693**

That the Corporate & Community Services Committee notes:

1. The Essex Park & Gawler Showgrounds Regional Sporting Precinct Master Plan report.
2. That the discussion had at this meeting, further to the details provided in the report, will assist in the ongoing consideration of the main interrelating opportunities and constraints that will go to inform the formulation of the Master Plan over the coming period.

Further information be provided with the plan on optimal functionality of the existing infrastructure in the precinct

That the potential movement of major sites both within or out of the precinct not be the major focus of the project.

**Item 7.5 - Public Consultation Policy Review IC19/679**

That the Corporate & Community Services Committee recommends to Council that:

1. The Public Consultation Policy be adopted.
2. The community engagement update be noted.

**Item 7.6 - Customer Service Strategy Update IC19/639**

That the Corporate & Community Services Committee notes:

1. The progression of the Customer Service Strategy; and
2. That phase 1b of the Public Consultation phase, being the survey interviews with stakeholders, contractors, service providers and community organisations, has been completed.
3. That a draft Customer Service Strategy will be presented to Council at its December 2019 meeting. If endorsed by Council at this time the draft Strategy is proposed to then be released for public consultation.

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**13.3.1      Item 7.1 - 2020 State Junior Softball Championships**

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**RECOMMENDATION**

That Council adopts the recommendation from the Corporate & Community Services Committee made at item 7.1 of the meeting of that Committee meeting held on 12 November 2019, being:

That the Corporate & Community Services Committee recommends to Council that it provides inkind support to the Gawler & Districts Softball Association, as detailed below, for the Junior State Softball Championships to be held at Karbeethan Reserve between 21 and 23 February 2020:

- (a) Ground preparation and management
- (b) Event management and planning advice and assistance
- (c) Promotion of Championships through Council website, social media platforms and at Council facilities
- (d) Complimentary access by Competitors and Officials to Council recreation facilities (Gawler Sport & Community Centre and/or Gawler Aquatic Centre) valued at a maximum of \$4,000

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**13.3.2      Item 7.7 - Policy Review**

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**RECOMMENDATION**

That Council adopts the recommendation from the Corporate & Community Services Committee made at item 7.7 of the meeting of that Committee meeting held on 12 November 2019, being:

That the Corporate & Community Services Committee:

1. Adopts the following Policies and Procedures:
  - a. Code of Practice for Council and Committee Meeting Procedures as per attachment 1 as amended.
  - b. Code of Practice for Working Groups as per attachment 2.
  - c. Code of Practice for Access to Council and Committee Meetings and Council Documents as per attachment 3.
  - d. Acting Chief Executive Officer Policy as per attachment 4.
  - e. Adopts the Equality of Information Provision to Council Members as per attachment 5.



- f. Adopts the Internal Review of a Council Decision Policy and Internal Review of a Council Decision Procedure as per attachment 6 and 7.
  - g. Adopts the Fraud Corruption Misconduct and Maladministration Prevention Policy as per attachment 8.
- 2. Revokes the following Policies and Procedures:
  - a. Code of Practice for Council Meeting Procedures and the Code of Practice for Committee Meeting Procedures as per attachment 9 and 10.
  - b. Fraud and Corruption Prevention Policy as per attachment 11.

## **14 EXTERNAL BODIES REPORTS**

### **14.1 GAWLER ROAD SAFETY GROUP MINUTES - OCTOBER 2019**

**Record Number:** CC19/319;IC19/726

**Author(s):** Chris Haynes, Governance Support Officer

**Previous Motions:** Nil

**Attachments:** 1. **Gawler Road Safety Group Minutes - October 2019 CR19/76507** 

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#### **OFFICER'S RECOMMENDATION**


**That Council notes the Minutes of the October 2019 Gawler Road Safety Group meeting.**

**14.2 ELDERLY CENTRE ADVISORY WORKING GROUP MEETING - OCTOBER 2019**

**Record Number:** CC19/319;IC19/745

**Author(s):** Connie Hall, Personal Assistant Library and Community Services

**Previous Motions:** Nil

**Attachments:** 1. 11-10-2019 Elderly Centre Advisory Working Group Minutes  
CR19/71194 

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**OFFICER'S RECOMMENDATION**

That Council note the Elderly Centre Advisory Working Group Notes for the meeting held on 11 October 2019.

**14.3 GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY MINUTES 17 OCTOBER 2019**

**Record Number:** CC19/319;IC19/765

**Author(s):** Chris Haynes, Governance Support Officer

**Previous Motions:** Nil

**Attachments:** 1. **Gawler River Floodplain Management Authority Minutes 17-10-2019 CR19/79231** 

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**OFFICER'S RECOMMENDATION**

**That Council notes the minutes of the Gawler River Floodplain Management Authority meeting held on 17 October 2019.**

**15 QUESTIONS ON NOTICE****15.1 CR DAVIES - FINNISS STREET MULTI-LEVEL CAR PARK****Record Number:** CC19/319;IC19/689**Author(s):** Kate Symes, Governance Coordinator**Previous Motions:** Nil**Attachments:** Nil

Councillor Cody Davies gave notice of his intention to ask the following question:

**Question**

What is the current regularity of cleaning services for the Council's Finnis Street car park? Is it up to the standards of our previous maintenance for the car park?

**15.2 CR TOOLEY - COMPLAINT HANDLING UNDER COUNCIL MEMBERS CODE OF CONDUCT PROCEDURE**

**Record Number:** CC19/319;IC19/698  
**Author(s):** Chris Haynes, Governance Support Officer  
**Previous Motions:** Nil  
**Attachments:** Nil

Councillor Cr Ian Tooley gave notice of his intention to ask the following question:

**Question**

1. With regard to the Code of Conduct and the handling of formal complaints under the ToG's Complaints Handling under Council Members Code of Conduct Procedure, and given that this procedure allows for in-house mediation, and also given that the LGA, ICAC and Ombudsman strongly advocate for managing complaints in-house, please explain why the ToG leadership has never once (in the past 5 years at least) even attempted in-house resolution when dealing with formal complaints, but has instead outsourced to expensive lawyers every time?
2. Is there any evidence to show that outsourcing complaints to expensive lawyers for resolution has resulted in a better outcome than from in-house attempts at resolution, and that outsourcing complaints to lawyers has resulted in effective conflict or complaint resolution, in the effective restoration of relationships and in improved council culture?
3. With regard to the managing of 'unruly' or 'disruptive' or 'disrespectful' behavior in the chamber by councillors, why does the ToG Administration and Leadership prefer to give the mayor/presiding member new and absolute powers to be able to summarily evict a councillor, rather than prefer to retain the existing powers enshrined in Local Government Meeting Procedure Regulation 29 which allows the mayor/presiding member to call for the eviction of an unruly or disruptive Councillor but requires that the remaining elected members then decide democratically if a contravention has in fact occurred, and if so, what action will then be taken?

**15.3 CR TOOLEY - MEETING PROCEDURES**

**Record Number:** CC19/319;IC19/719

**Author(s):** Kate Symes, Governance Coordinator

**Previous Motions:** Nil

**Attachments:** Nil

Councillor Ian Tooley gave notice of his intention to ask the following questions:

**Question**

1. Please advise re an Elected Members rights and actions should the answers that are officially provided by council administration to formal Questions on Notice, or formal Questions Without Notice, should those answers be incorrect, incomplete, inaccurate and/or misleading?

I'm not asking here about receiving answers that you just don't like, I'm asking here about answers that are factually wrong, misleading, inaccurate and/or misleading!

This is particularly concerning when those 'answers' are placed on the public record when included in meeting minutes!

Please advise re a Councillors rights and actions in the event that this were to happen....a very serious matter in my view!

2. Please advise re an Elected Members rights, and correct process to follow, in order to change the wording to a motion on notice under this circumstance:-

*The councillor that submitted the motion on notice also moved the motion (which is seconded) and then introduces and speaks to the motion.*

*During debate there are either no amendments made or amendments that are made are unsuccessful.*

*However, during the debate the mover/author of the motion is convinced (by the debate) that the motion could be improved by removing or changing some of the wording.*

What are the rights of the mover/author of the motion in this circumstance?

Can the mover/author volunteer to make such wording changes to their motion before they speak to conclude the debate, and if so, how do they do that?

3. Please advise what rights Elected Members have, AND what course of action they should take, when a Resolution of theirs, either passed by majority or passed unanimously, is not actioned by council staff / administration as resolved?

**15.4 CR TOOLEY - CIVIC CENTRE****Record Number:** CC19/319;IC19/744**Author(s):** Kate Symes, Governance Coordinator**Previous Motions:** Nil**Attachments:** Nil

Councillor Ian Tooley gave notice of his intention to ask the following question:

**Question**

1. In preparation for the Civic Centre completion and coming on line, several new positions were created and staff employed such as Civic Centre Operations Coordinator and Cultural Heritage Centre Coordinator, please confirm the FTE staff and the annual cost for these positions?
2. The Town of Gawler Manager Business Enterprise and Communications has, as part of his role, specific responsibilities for and oversight of operations, management and marketing of the Civic Centre - what percentage of his role is allocated to / taken up with Civic Centre related matters and what would this equate to in terms annualized salary costs?



**15.5 CR TOOLEY - GAWER CONNECT AND EQUALITY OF INFORMATION PROVISION TO COUNCIL MEMBERS**

**Record Number:** CC19/319;IC19/762

**Author(s):** Kate Symes, Governance Coordinator

**Previous Motions:** Nil

**Attachments:** Nil

Councillor Ian Tooley gave notice of his intention to ask the following question:

**Question**

1. Originally called 'Gawler Connect', allied with, and integral to the ToG Civic Centre Development, was the purchase of the Tafe Complex and its subsequent fit out and repurposing as the new ToG Administration Centre.
  - a) What was the total cost of the new ToG Administration Centre Development, ie cost to purchase Tafe complex plus cost of fit-out and repurposing?
  - b) Are these ToG Administration Centre costs included in the quoted \$1.2 million budget blow-out for the ToG Civic Centre or are they separate and additional to? Please explain?
2. Council has a policy titled 'Equality of Information Provision to Council Members Policy', please explain the intent and purpose of this policy?
3. The 'Equality of Information Provision to Council Members Policy' states the following in point 1.9:-'The CEO is responsible to ensure that where information is conveyed to one Council Member, a précis of the request and information provided, is to be communicated to all members by an immediate email within the next five working days.'
  - a) Does this apply to all requests submitted to the CEO and to all information conveyed to a Council Member? If not, then please explain how and why not?
  - b) For example, if a Council Member submitted a request to attend the LGA AGM at a cost of \$190 to council, in approving that request, and in responding to that Council Member, would the CEO be required to comply with clause 1.9 and ensure that a précis of the request and information provided, is communicated to all members by an immediate email within the next five working days? If not, then please explain how and why not?

**16      QUESTIONS WITHOUT NOTICE**

**17      MOTIONS ON NOTICE****17.1      CR DAVIES - MULTI-LEVEL CAR PARK****Record Number:**      CC19/319;IC19/688**Attachments:**      Nil

Councillor Cody Davies has given notice that he intends to move the following motion:-

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**MOTION**

That the staff provide a report on efficient ways to improve the lighting and safety at the Finnis Street multi-storey car park to make it more usable after dark, including costings to be provided for entry into the upcoming annual budget.

**17.2 CR DAVIES - ENTRANCES TO GAWLER****Record Number:** CC19/319;IC19/690**Attachments:** Nil

Councillor Cody Davies has given notice that he intends to move the following motion:-

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**MOTION**

That Council:

1. Prepare a report in regards to the maintenance and beautification of the entrances to our town, and any associated difficulties when it comes to dealing with DPTI in managing the connection of our town exits to main roads.
2. Provide suggestions on some effective ways to improve our town entranceways.

**17.3 CR DAVIES - SIGNAGE TO MULTI LEVEL CAR PARK**

**Record Number:** CC19/319;IC19/691

**Attachments:** Nil

Councillor Cody Davies has given notice that he intends to move the following motion:-

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**MOTION**

That the council investigate appropriate locations for signage on the Main Street to indicate the location of the Council's multi-storey car park on Finniss Street, with a report to be brought to a subsequent meeting of the IES Committee as soon as possible.

**17.4 CR TOOLEY - DELEGATIONS TO CORPORATE AND COMMUNITY SERVICES AND INFRASTRUCTURE AND ENVIRONMENTAL SERVICES COMMITTEES**

**Record Number:** CC19/319;IC19/697

**Attachments:** Nil

Councillor Ian Tooley has given notice that he intends to move the following motion:-

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**MOTION**

That council revoke powers of Delegated Authority from both the Infrastructure and Environmental Services and Corporate and Community Services Committees.

**17.5 CR TOOLEY - COMPLAINT HANDLING PROCEDURE****Record Number:** CC19/319;IC19/750**Attachments:** Nil

Councillor Ian Tooley has given notice that he intends to move the following motion:-

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**MOTION****Notice on Notice.****That Council:-**

1. **Directs the CEO that Resolution 2018:12:COU518 be fully honoured, complied with and actioned by council leadership, staff and Administration as described in detail in the resolution and as intended unanimously by the elected body of council.**
2. **Resolves that point 1 (above) includes the development of a detailed Grievance Procedure Document as described and intended by Resolution 2018:12:COU518.**
3. **Resolves that the CEO will give this matter priority and will ensure that the draft Grievance Procedure Document, AND the easy to read and accompanying draft Flow Chart, are both ready in time for the elected body to consider at the December 2019 meeting of council.**
4. **Rescind Resolution 2019:09:COU366 point 3 to adopt the Complaints Handling Procedure under Council Member Code of Conduct as amended, and that this is only brought back before council for consideration once the elected members have considered the draft Grievance Procedure, and its accompanying draft Flow Chart, and have considered how they both might be integrated into the ToG Complaints Handling Procedure under Council Member Code of Conduct.**

**17.6 CR TOOLEY - LOFOTEN DECLARATION****Record Number:** CC19/319;IC19/770**Attachments:** Nil

Councillor Ian Tooley has given notice that he intends to move the following motion:-

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**MOTION**

That Council:

1. Accepts its role, responsibility, and the critical part it plays, in providing and maintaining a safe and livable environment for its community and citizens.
2. As the first Council in South Australia to Declare a Climate Emergency, now signs the Lofoten Declaration in recognition that globally we have a window of opportunity to limit the expansion of the oil and gas industry, in order to achieve the Paris Climate Goals.
3. Recognizes that the goals described in the Lofoten Declaration are consistent with, and allied to, the goals and purpose of a CED and CEAP.
4. Acknowledges that the climate crisis cannot be solved without drastically reducing GHG emissions and that the burning of fossil fuels is the greatest source of GHG emissions.
5. Acknowledges that the transition from a fossil fuel based economy to a renewable energy based economy is needed in order to reduce GHG emissions and in order to future proof the economy, the environment and life on earth.
6. Recognizes that by signing the Lofoten Declaration the Town of Gawler is showing leadership in climate action and is joining the 530 organizations and 76 countries who have already signed in preparation for presenting the Lofoten Declaration to the COP25 - the United Nations Climate Change Conference, 2-13 Dec 2019, Madrid Spain.



**18      MOTIONS WITHOUT NOTICE**

## **19 CONFIDENTIAL REPORTS**

### **19.1 RECOMMENDATIONS FROM CEO PERFORMANCE MANAGEMENT PANEL MEETING HELD ON 28 OCTOBER 2019**

#### **Reason for Confidentiality**

In accordance with Sections 83(5) and 84(6) of the Local Government Act, 1999 – the Chief Executive Officer considers that this item may be considered in confidence by the Council on the grounds set out below (and therefore will remain confidential until the Council resolves how this item is to be classified).

A further written report will be considered by Members at the Meeting after the following recommendation is carried.

#### **OFFICER'S RECOMMENDATION**

##### **19.1 Chief Executive Officer Performance Management Review Update**

That:

1. Pursuant to Section 90(3) (a) of the Local Government Act 1999 (the Act), the Meeting orders that the public be excluded from attendance at this part of the meeting relating to Item 19.1, expecting the following persons:
  - Chief Executive Officer
  - Minute Taker

to enable the Confidential CEO Performance Management Panel Meeting to consider Item 19.1 in confidence on the basis the Confidential CEO Performance Management Panel Meeting considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons listed above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 19.1:

Pursuant to Section 90(3):

(a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)

2. Accordingly, on this basis, the principle that meetings of the Confidential CEO Performance Management Panel Meeting should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

**19.2 RECOMMENDATIONS FROM AUDIT COMMITTEE MEETING HELD ON 7 NOVEMBER 2019****Reason for Confidentiality**

In accordance with Sections 83(5) and 84(6) of the Local Government Act, 1999 – the Chief Executive Officer considers that this item may be considered in confidence by the Council on the grounds set out below (and therefore will remain confidential until the Council resolves how this item is to be classified).

A further written report will be considered by Members at the Meeting after the following recommendation is carried.

**OFFICER'S RECOMMENDATION****19.2 External Audit Tender**

That:

1. Pursuant to Section 90(3) (k) of the Local Government Act 1999 (the Act), the Confidential Audit Committee Meeting orders that the public be excluded from attendance at that part of this meeting relating to Item 19.2, excepting the following persons:
  - Chief Executive Officer
  - Manager Development, Environment & Regulatory Services
  - Manager Infrastructure & Engineering Services
  - Manager Finance & Corporate Services
  - Manager Business Enterprises & Communications
  - Manager, Library and Community Services
  - Minute Taker

to enable the Confidential Audit Committee Meeting to consider Item 19.2 in confidence on the basis the Confidential Audit Committee Meeting considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons listed above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 19.2:

Pursuant to Section 90(3):

- (k) tenders for the supply of goods, the provision of services or the carrying out of works
2. Accordingly, on this basis, the principle that meetings of the Confidential Audit Committee Meeting should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

**19.3 CONCORDIA PRECINCT AUTHORITY - BUSINESS CASE LODGED WITH MINISTER****Reason for Confidentiality**

In accordance with Sections 83(5) and 84(6) of the Local Government Act, 1999 – the Chief Executive Officer considers that this item may be considered in confidence by the Council on the grounds set out below (and therefore will remain confidential until the Council resolves how this item is to be classified).

A further written report will be considered by Members at the Meeting after the following recommendation is carried.

**OFFICER'S RECOMMENDATION****19.3 Concordia Precinct Authority - Business Case lodged with Minister**

That:

1. Pursuant to Section 90(3) (j)(i) of the Local Government Act 1999 (the Act), the Meeting orders that the public be excluded from attendance at this part of the meeting relating to Item 19.3, expecting the following persons:
  - Chief Executive Officer
  - Manager Development, Environment & Regulatory Services
  - Manager Infrastructure & Engineering Services
  - Manager Finance & Corporate Services
  - Manager Business Enterprises & Communications
  - Manager, Library and Community Services
  - Minute Taker

to enable the Confidential Council Meeting to consider Item 19.3 in confidence on the basis that Confidential Council Meeting considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons listed above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 19.3:

- (j)(i) information the disclosure of which would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the Council, or a person engaged by the Council)

Specifically, the matter relates to The documents provided by Minister Knoll for review are Commercial in Confidence.

2. Accordingly, on this basis, the principle that meetings of the Confidential Council Meeting should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

## **19.4 PUBLIC LIGHTING UPDATE**

### **Reason for Confidentiality**

In accordance with Sections 83(5) and 84(6) of the Local Government Act, 1999 – the Chief Executive Officer considers that this item may be considered in confidence by the Council on the grounds set out below (and therefore will remain confidential until the Council resolves how this item is to be classified).

A further written report will be considered by Members at the Meeting after the following recommendation is carried.

### **OFFICER'S RECOMMENDATION**

#### **19.4 Public Lighting Update**

That:

1. Pursuant to Section 90(3) (i),(j)(i) of the Local Government Act 1999 (the Act), the Meeting orders that the public be excluded from attendance at this part of the meeting relating to Item 19.4, excepting the following persons:
  - Chief Executive Officer
  - Manager Development, Environment & Regulatory Services
  - Manager Infrastructure & Engineering Services
  - Manager Finance & Corporate Services
  - Manager Business Enterprises & Communications
  - Manager, Library and Community Services
  - Team Leader Asset Planning
  - Minute Taker

to enable the Confidential Council Meeting to consider Item 19.4 in confidence on the basis that Confidential Council Meeting considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons listed above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 19.4:

- (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
- (j)(i) information the disclosure of which would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the Council, or a person engaged by the Council)

Specifically, the matter relates to The Local Government Association of South Australia has requested the information relating to the legal dispute with SA Power Networks remain confidential.

2. Accordingly, on this basis, the principle that meetings of the Confidential Council Meeting should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

**19.5 EXECUTION OF DEED OF SETTLEMENT AND RELEASE FOR WOODVALE (STAGE 5) INFRASTRUCTURE CONTRIBUTION****Reason for Confidentiality**

In accordance with Sections 83(5) and 84(6) of the Local Government Act, 1999 – the Chief Executive Officer considers that this item may be considered in confidence by the Council on the grounds set out below (and therefore will remain confidential until the Council resolves how this item is to be classified).

A further written report will be considered by Members at the Meeting after the following recommendation is carried.

**OFFICER'S RECOMMENDATION**

19.5 Execution of Deed of Settlement and Release for Woodvale (Stage 5) Infrastructure Contribution

That:

1. Pursuant to Section 90(3) (b)(i) of the Local Government Act 1999 (the Act), the Meeting orders that the public be excluded from attendance at this part of the meeting relating to Item 19.5, expecting the following persons:

- Chief Executive Officer
- Manager Development, Environment & Regulatory Services
- Manager Infrastructure & Engineering Services
- Manager Finance & Corporate Services
- Manager Business Enterprises & Communications
- Manager, Library and Community Services
- Minute Taker

to enable the Confidential Council Meeting to consider Item 19.5 in confidence on the basis that Confidential Council Meeting considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons listed above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 19.5:

- (b)(i) information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council

Specifically, the matter relates to as the report pertains to ongoing financial negotiations relating to provision of critical infrastructure

2. Accordingly, on this basis, the principle that meetings of the Confidential Council Meeting should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

**20 CLOSE**

**21 NEXT ORDINARY MEETING**

Tuesday 17 December 2019 commencing at 7.00pm