

COUNCIL AGENDA

Council Meeting

Notice is hereby given pursuant to the provisions of the *Local Government Act, 1999*, that the next Meeting of City of Unley will be held in the Council Chambers, 181 Unley Road, Unley on

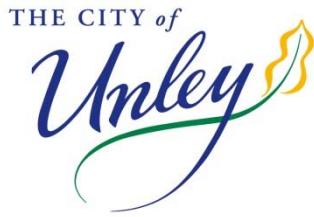
Monday

26 November 2018

7.00pm

for the purpose of considering the items included on the Agenda.

Peter Tsokas
Chief Executive Officer



OUR VISION 2033

Our City is recognised for its vibrant community spirit, quality lifestyle choices, diversity, business strength and innovative leadership.

COUNCIL IS COMMITTED TO

- Ethical, open honest behaviours
- Efficient and effective practices
- Building partnerships
- Fostering an empowered, productive culture – “A Culture of Delivery”
- Encouraging innovation – “A Willingness to Experiment and Learn”

ACKNOWLEDGEMENT

We would like to Acknowledge that the land we meet on today is the traditional lands for the Kaurna people and that we respect their spiritual relationship with their Country.

We also acknowledge the Kaurna people as the traditional custodians of the Adelaide region and that their cultural and heritage beliefs are still as important to the living Kaurna people today.

PRAYER AND SERVICE ACKNOWLEDGEMENT

Almighty God, we humbly beseech Thee to bestow Thy blessing upon this Council. Direct and prosper our deliberations for the advancement of Thy Kingdom and true welfare of the people of this city.

Members will stand in silence in memory of those who have made the Supreme Sacrifice in the service of their country, at sea, on land and in the air.

Lest We Forget.

WELCOME

ORDER OF BUSINESS

ITEM NO

PAGE NO

APOLOGIES

Nil

LEAVE OF ABSENCE

Nil

1335 **CONFLICT OF INTEREST**

1336 **MINUTES**

Minutes of the Council meeting held on
22 October 2018

Minutes issued separately

DEFERRED / ADJOURNED ITEMS

Nil

PETITION

Nil

DEPUTATIONS

Nil

REPORTS OF COMMITTEES

Nil

REPORTS OF OFFICERS

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	Nil	
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	Nil	
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	Nil	
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	DEPUTY MAYOR’S REPORT	
	Nil	
	REPORTS OF MEMBERS	
	Nil	

ITEM NO

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CONFIDENTIAL ITEMS

Nil

FUTURE ITEMS – December-February (subject to change)

Existing Structures and Issues of UBED and the Trader Associations
Community Grant Program Recommendations for Funding–
Conservation Grant Funding
Quarterly Finance Performance Report
Welcoming Cities Membership
EOI for TDU Stage Start
Unley Road Revitalisation
Licence for 255 Goodwood Road, Kings Park
Banner Poles
Forthcoming due leases/licences
Canopy cover – 2nd report
Community land management plan
Consultation for Sturt Football Club lease
Shared streets
Centennial Park Recruitment
Options Paper for Gourmet Gala and Tour Down Under
King William Road contract tender price

NEXT MEETING

Monday 10 December 2018 – 7.00pm

INFORMATION REPORT

REPORT TITLE: 2018 LOCAL GOVERNMENT ELECTION RESULTS
ITEM NUMBER: 1337
DATE OF MEETING: 26 NOVEMBER 2018
AUTHOR: TAMI NORMAN
JOB TITLE: EXECUTIVE MANAGER OFFICE OF THE CEO

1. **EXECUTIVE SUMMARY**

This report summarises the 2018 Local Government Election results for the City of Unley.

2. **RECOMMENDATION**

The report be received.

3. **RELEVANT CORE STRATEGIES/POLICIES**

3.1 Civic Leadership: 4.1 – We have strong governance and leadership.

4. **BACKGROUND**

The *Local Government (Elections) Act 1999* requires elections to determine the membership of each council to be held at intervals of four years on the basis that voting at the elections will close at 5pm on the last business day before the second Saturday of November in the year the election is held.

Local Government elections are conducted via postal voting, with the election process managed by the Electoral Commission SA (ECSA). Ballot papers are sent to electors, designated persons of a group or body corporate whose names appear on the roll of certified voters. Ballot papers were distributed to electors of the City of Unley from 22 October 2018, with postal voting closing on 9 November 2018.

The City of Unley is comprised of six wards, each with two elected members, and the position of Mayor, comprising a total of 13 positions that were eligible for contest during the 2018 elections.

The next periodic elections will be conducted in 2022.

5. **DISCUSSION**

At the close of nominations on 18 September 2018 a total of 32 Candidate nominations were received for the 13 vacant positions.

The Fullarton and Unley Park Wards received two nominations each, being the same number of nominations as vacancies and resulting in four candidates being declared elected unopposed as follows:

Fullarton Ward: Jordan DODD and Peter HUGHES

Unley Park Ward: Monica BRONIECKI and Michael RABBITT

Elections were conducted for the four remaining wards and the Mayoral position, with counting of votes occurring on Saturday 10 November 2018. The following statistics summarise the ballot process within the City of Unley for 2018, compared with 2014 and 2010:

	2018	2014	2010
Ballot Papers Issued	27438	22743	26924
Ballot Papers Returned	8552	6290*	8479
Return Rate (%)	31.17%	27.7%	31.5%

* Note: The office of Mayor was elected unopposed.

Election Results

Following the conclusion of the 2018 Local Government Elections for the City of Unley the Returning Officer, Electoral Commissioner, Mick Sherry, has declared the following candidates elected:

Mayor	HEWITSON, Michael	
Unley Ward	DEWING, Sue	RUSSO, Jane
Parkside Ward	ANASTASSIADIS, Kay	HUDSON, Mike
Fullarton Ward	DODD, Jordan	HUGHES, Peter
Goodwood Ward	WRIGHT, Emma	SHEEHAN, Nicole
Clarence Park Ward	BOISVERT, Jennie	PALMER, Don
Unley Park Ward	BRONIECKI, Monica	RABBITT, Michael

The formal declaration of election results provided by the Returning Officer is attached in full for the information of Council.

Attachment 1

Attachment 2

The Local Government Association and Electoral Commission SA are conducting evaluations of various elements of the election process. Once available this information will be circulated to members.

4. ATTACHMENTS

- Attachment 1 – Formal Declaration of Election Results for City of Unley
- Attachment 2 – Election Report: City of Unley

5. REPORT AUTHORISERS

<u>Name</u>	<u>Title</u>
Peter Tsokas	Chief Executive Officer



Electoral Commission of South Australia
 Level 6 / 60 Light Square Adelaide SA 5000
 GPO Box 646 Adelaide SA 5001
 P 08 7424 7400
 F 08 7424 7444
www.ecsa.sa.gov.au

16 November 2018

Mr P Tsokas
 Chief Executive Officer
 Corporation of the City of Unley
 PO Box 1
 UNLEY SA 5061

Re: Council Elections 2018 - Election Results

In accordance with the Local Government (Elections) Act 1999, I enclose the results for the November 2018 council elections.

The council elections were conducted entirely by post. Voting material comprising ballot papers, candidate profiles, a postal voting guide, ballot paper envelope containing the elector's declaration and reply paid envelope was sent to electors, bodies corporate and groups whose names appeared on the certified voters roll.

Voting closed at 5 pm Friday 9 November 2018 with the scrutiny and count conducted at the Council Chambers, Council Office, 181 Unley Rd.

In accordance with section 50 of the Local Government (Elections) Act 1999, I Mick Sherry, Returning Officer, declare the following candidates elected:

Mayor		Vacancies (1)
HEWITSON, Michael	Elected	
Councillor for Unley Ward		Vacancies (2)
DEWING, Sue	Elected 1	
RUSSO, Jane	Elected 2	
Councillor for Parkside Ward		Vacancies (2)
ANASTASSIADIS, Kay	Elected 1	
HUDSON, Mike	Elected 2	
Councillor for Fullarton Ward		Vacancies (2)
DODD, Jordan	Unopposed	
HUGHES, Peter	Unopposed	
Councillor for Goodwood Ward		Vacancies (2)
WRIGHT, Emma	Elected 1	
SHEEHAN, Nicole	Elected 2	

Councillor for Clarence Park Ward

BOISVERT, Jennie

Elected 1

PALMER, Don

Elected 2

Vacancies (2)

Councillor for Unley Park Ward

BRONIECKI, Monica

Unopposed

RABBITT, Michael

Unopposed

Vacancies (2)

All candidates will be notified in writing of the results of the elections and I enclose a report on the outcome for your council. Candidates will also be advised that copies of the reports along with copies of the full scrutiny and count details are available on the ECSA website at: ecsa.sa.gov.au/elections/council-elections-home/results.

I would like to thank you and your staff who have assisted in conducting these elections and remind you of the obligations for all candidates to lodge a Campaign Donations Return, regardless of whether they have been successful, within 30 days of the conclusion of the election, which is the date on this letter. You and your Governance Officers should be mindful of the operation of section 86 of the Local Government (Elections) Act 1999.

Should you require any guidance regarding the lodgement of returns, I would invite you to contact Ms Carol Vu, Manager Compliance, Funding & Disclosure Branch, on 7424 7459 at any time after Monday 3 December 2018.

Yours sincerely



Mick Sherry

RETURNING OFFICER

CORPORATION OF THE CITY OF UNLEY

Mayoral**3 candidates contesting 1 vacancy**

	Ballot Papers		Quota	1st Preference Votes	Elected / Excluded	Votes at Election / Exclusion	Count
	Formal	Informal					
	8357	61 0.7%	4179				
HEWITSON, Michael				4220	Elected 1	Quota	1
CENTRELLA, Dario				2465		2465	
SCHNELL, Bob				1672		1672	

Provisional Declaration made at 15:25 Saturday 10 November 2018**Unley Ward****7 candidates contesting 2 vacancies**

	Ballot Papers		Quota	1st Preference Votes	Elected / Excluded	Votes at Election / Exclusion	Count
	Formal	Informal					
	1466	37 2.5%	489				
DEWING, Sue				347	Elected 1	478	13
GREEN, Daniel				145	Excluded	180	5
RUSSO, Jane				268	Elected 2	467	13
SALAMAN, Rufus				219	Excluded	287	8
CHATAWAY, Roslyn				135	Excluded	135	2
BONHAM, Jennifer				208		381	
BARNES, Dami				144	Excluded	156	3

Provisional Declaration made at 18:30 Saturday 10 November 2018**Parkside Ward****7 candidates contesting 2 vacancies**

	Ballot Papers		Quota	1st Preference Votes	Elected / Excluded	Votes at Election / Exclusion	Count
	Formal	Informal					
	1074	43 3.8%	359				
MARTIN, Stu				95	Excluded	100	3
DE ROSA, Max				88	Excluded	88	2
BRINKLEY, Michael				92	Excluded	125	5
DABROWSKI, Rob				172	Excluded	222	9
HUDSON, Mike				227	Elected 2	329	15
ANASTASSIADIS, Kay				229	Elected 1	357	15
KEYNES, Alex				171		309	

Provisional Declaration made at 21:05 Saturday 10 November 2018**Fullarton Ward****2 candidates contesting 2 vacancies**

	Ballot Papers		Quota	1st Preference Votes	Elected / Excluded	Votes at Election / Exclusion	Count
	Formal	Informal					
DODD, Jordan					Elected Unopposed		
HUGHES, Peter					Elected Unopposed		

Goodwood Ward**7 candidates contesting 2 vacancies**

	Ballot Papers		Quota	1st Preference Votes	Elected / Excluded	Votes at Election / Exclusion	Count
	Formal	Informal					
	1468	25 1.7%	490				
TRAN, Adeline Wei Wei				191		346	
DOOLETTE, Ann				156	Excluded	186	3
MALCOLM, Anthony				135	Excluded	135	2
TIPPER, Denise				191	Excluded	230	5
WRIGHT, Emma				327	Elected 1	Quota	9
SHEEHAN, Nicole				285	Elected 2	457	16
SMOLUCHA, Luke				183	Excluded	275	9

Provisional Declaration made at 18:55 Saturday 10 November 2018

Clarence Park Ward**4 candidates contesting 2 vacancies**

	<i>Ballot Papers</i>		<i>Quota</i>	<i>1st Preference Votes</i>	<i>Elected / Excluded</i>	<i>Votes at Election / Exclusion</i>	<i>Count</i>
	<i>Formal</i>	<i>Informal</i>					
	1343	29 2.1%	448				
PALMER, Don				410	Elected 2	Quota	3
ANSPACH, Tamsin				256		373	
WALLACE, Angus				203	Excluded	208	3
BOISVERT, Jennie				474	Elected 1	Quota	1

Provisional Declaration made at 20:20 Saturday 10 November 2018**Unley Park Ward****2 candidates contesting 2 vacancies**

	<i>Ballot Papers</i>		<i>Quota</i>	<i>1st Preference Votes</i>	<i>Elected / Excluded</i>	<i>Votes at Election / Exclusion</i>	<i>Count</i>
	<i>Formal</i>	<i>Informal</i>					
RABBITT, Michael					Elected Unopposed		
BRONIECKI, Monica					Elected Unopposed		

DECISION REPORT

REPORT TITLE: APPOINTMENT OF DEPUTY MAYOR
ITEM NUMBER: 1338
DATE OF MEETING: 26 NOVEMBER 2018
AUTHOR: TAMI NORMAN
JOB TITLE: EXECUTIVE MANAGER OFFICE OF THE CEO

1. **EXECUTIVE SUMMARY**

This report provides information with respect to the appointment of a Deputy Mayor for the current term of Council, and seeks a decision from Council as to whether it wishes to make such an appointment.

2. **RECOMMENDATION**

That

1. Pursuant to Section 51(3) and (4) of the *Local Government Act 1999*, the Council of the City of Unley hereby resolves that there shall be a Deputy Mayor for the Council term November 2018 – November 2022.
 2. Cr. _____ be appointed to the position of Deputy Mayor for the period commencing from the date of this resolution and concluding _____
-

3. **RELEVANT CORE STRATEGIES/POLICIES**

3.1 Civic Leadership: 4.1 – We have strong governance and leadership

4. **BACKGROUND**

Section 51(3) and (4) of the *Local Government Act 1999* provides:

51 (3) *If a council has a mayor, there may also be, if the council so resolves, a deputy mayor and if a council has a chairperson, there may also be, if the council so resolves, a deputy chairperson.*

(4) *If there is to be a deputy mayor or deputy chairperson, he or she will be chosen by the members of the council from amongst their own number and will hold office for a term determined by the council.*

The term must not exceed 4 years.

While it has been the practice of Unley Council to have a Deputy Mayor, Council is not obligated to make such an appointment.

Nominations for the office of Deputy Mayor are initially sought at the first meeting of Council following the conclusion of an election. Historically the appointment has been made for a one year term, with Council then re-considering the appointment of Deputy Mayor in January of each year.

The table below sets out the history of the position of Deputy Mayor for the previous Council term:

November 2014 – January 2016	Cr Bob Schnell
January 2016 – January 2017	Cr Michael Rabbitt
January 2017 – January 2018	Cr Don Palmer
January 2018 – November 2018	Cr Michael Hewitson

4. **DISCUSSION**

In the absence of the Mayor, a Deputy Mayor acts in the office of the Mayor. If Council choose not to create the role of Deputy Mayor and appoint a member to that role, then a decision of Council is required to appoint a member to act in the office of Mayor each time the Mayor is absent from official duties (section (51(7))).

The position of Deputy Mayor receives an annual allowance of \$21,587.50 per annum, in accordance with the Remuneration Tribunal SA Determination 6 of 2018, Allowances for members of Local Government Councils,

Procedure for appointment

Clause 46 of the *Code of Practice – Procedures at Meetings* sets out the process for nomination/appointment of Elected Members to internal and external positions. In brief, the process is:

- Meeting procedures are suspended to enable a ballot process to be undertaken.
- Nominations for the position are sought.
- Ballot papers are completed, with members recording their vote by placing a 1 next to the name of their preferred candidate.
- Ballot papers are collected and counted by the CEO and a General Manager.
- The outcome of the ballot is communicated to the Presiding Member and the successful outcome is announced.
- Meeting procedures are resumed and the Presiding Member will call for a motion in relation to the item to confirm the ballot outcome.

If Council resolves to appoint a Deputy Mayor, on the expiration of a term of office, the current serving Deputy Mayor is eligible to be chosen for a further term.

5. **ANALYSIS OF OPTIONS**

Option 1

Pursuant to Section 51(3) and (4) of the *Local Government Act 1999*, the Council of the City of Unley hereby resolves that there shall be a Deputy Mayor for the Council term November 2018 – November 2022.

Cr. _____ be appointed to the position of Deputy Mayor for the period commencing from the date of this resolution and concluding

This option provides for Council to determine that the position of Deputy Mayor be created and for the appointment of a member to the position for a specified term.

The appointment of a Deputy Mayor allows for that person to act in the absence of the Mayor without the need for a separate decision to be made each time an absence occurs. This provides an efficient and responsive mechanism to ensure the functions of the office of Mayor continue to be delivered during any period of absence. It also provides an opportunity for the appointed member to develop skills in representation and leadership as they fulfil civic duties required by the role.

Option 2

The report be received.

Council is under no obligation to establish a Deputy Mayor position. This option receives the report and takes no further action. In the event that the Mayor is absent from official duties Council would need to appoint a member to act in the office of Mayor.

6. **RECOMMENDED OPTION**

Option 1 is the recommended option.

7. **REPORT CONSULTATION**

Nil

8. **ATTACHMENTS**

Nil

9. **REPORT AUTHORISERS**

<u>Name</u>	<u>Title</u>
Peter Tsokas	Chief Executive Officer

INFORMATION REPORT

REPORT TITLE: QUESTIONS LAYING ON THE TABLE
ITEM NUMBER: 1339
DATE OF MEETING: 26 NOVEMBER 2018
AUTHOR: PETER TSOKAS
JOB TITLE: CHIEF EXECUTIVE OFFICER

1. **EXECUTIVE SUMMARY**

Section 12(19) of the *Local Government (Procedures at Meetings) Regulations 2013* ('the Regulations') provides that any question that lies on the table as a result of a successful formal motion under subregulation (14)(c) lapses at the next general election.

Section 12(20) requires the Chief Executive Officer to report on each question that lapses under subregulation (19) to the council at the first ordinary meeting of the council after the general election.

2. **RECOMMENDATION**

The report be received.

3. **RELEVANT CORE STRATEGIES/POLICIES**

3.1 Civic Leadership: 4.1 – We have strong governance and leadership

4. **BACKGROUND**

Regulation 12(14)(c) of the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations) states:

(14) *If the formal motion is—*

...

- (c) *that the question lie on the table, then the effect of the motion, if successful, is that the meeting immediately moves to the next item of business and the question can then only be retrieved at a later time by resolution (and, if so retrieved, debate is then resumed at the point of interruption):*

The Regulations provide for the treatment of questions that are laying on the table, pursuant to a successful formal motion under regulation 12(14)(c), following a general election.

Section 12 (Motions) provides:

- (19) *Any question that lies on the table as a result of a successful formal motion under subregulation (14)(c) lapses at the next general election.*
- (20) *The chief executive officer must report on each question that lapses under subregulation (19) to the council at the first ordinary meeting of the council after the general election.*

The practical effect is that the question is disposed of and the only way for the matter to again be considered by the Council is by consideration of a new report prepared by administration or by way of motion given by an Elected Member. Both approaches result in Council considering the item of business afresh.

5. DISCUSSION

At the conclusion of the 2014 – 2018 Council term there were no questions that had been laid on the table and subsequently lapsed at the conclusion of the Council term.

6. REPORT CONSULTATION

Nil

7. ATTACHMENTS

Nil

8. REPORT AUTHORISERS

<u>Name</u>	<u>Title</u>
Peter Tsokas	Chief Executive Officer

DECISION REPORT

REPORT TITLE: DETERMINATION OF TIME AND PLACE OF ORDINARY MEETINGS OF COUNCIL FOR 2019

ITEM NUMBER: 1340

DATE OF MEETING: 26 NOVEMBER 2018

AUTHOR: LARA JONES

JOB TITLE: EXECUTIVE ASSISTANT OFFICE OF THE CEO

1. **EXECUTIVE SUMMARY**

For the purposes of section 81 of the *Local Government Act 1999*, Council must determine the time and place of its ordinary meetings. There must be at least one ordinary meeting in each month.

This report provides the meeting dates for the 2019 calendar year.

2. **RECOMMENDATION**

That:

1. The report be received.
 2. The Council meet on the fourth Monday of every month (excepting January, April and December 2019) at 7.00pm in the Council Chambers, 181 Unley Road Unley, with appropriate adjustments to accommodate public holidays, in accordance with the meeting schedule outlined below:

Tuesday	29 January 2019
Monday	25 February 2019
Monday	25 March 2019
Monday	29 April 2019
Monday	27 May 2019
Monday	24 June 2019
Monday	22 July 2019
Monday	26 August 2019
Monday	23 September 2019
Monday	28 October 2019
Monday	25 November 2019
Monday	9 December 2019
 3. Council meet, when required, on the second Monday of the month, as determined by the Chief Executive Officer.
 4. The Chief Executive Officer be delegated authority to amend the date and time of Council meetings should the need arise, with advice provided to Elected Members as soon as practicable when a need for change is identified, and formal notification provided in accordance with the requirements of section 83(1) of the *Local Government Act 1999*.
-

3. RELEVANT CORE STRATEGIES/POLICIES

Civic Leadership

4.1 We have strong leadership and governance.

4.2 Council provides best value services to the community.

Local Government Act 1999, section 81 of the Act provides:

(1) *Subject to this section, ordinary meetings of a council will be held at times and places appointed by resolution of the council.*

(2) *There must be at least one ordinary meeting in each month.*

...

(5) *Ordinary meetings of a council may not be held on Sundays, or on public holidays.*

(6) *In the case of a municipal council, ordinary meetings of the council may not be held before 5pm unless the council resolves otherwise by a resolution supported unanimously by all members of the council.*

4. DISCUSSION

Council is required to meet at least once in each month. Current practice is that Council meetings are convened on the fourth Monday of the month and it is proposed that this practice continue and form the basis of the 2019 Council meeting schedule. In circumstances where the CEO determines it is required, a further meeting may be scheduled for the second Monday of the month.

Variations to the standard meeting schedule is proposed for the months of January, April and December 2019 as follows:

- The Council meeting scheduled for Monday 28 January 2019 be moved to Tuesday 29 January to accommodate the public holiday on 28 January.
- The Council meeting that would ordinarily be scheduled for Monday 22 April 2019 be moved to Monday 29 April to align with timing required for preparation of the Annual Business Plan.
- The Council meeting scheduled for the fourth Monday of December 2019 be brought forward to the second Monday of the month, 9 December.

In addition, in the event that a meeting falls on a public holiday that is not noted in the schedule, the meeting will be held the following day.

5. ANALYSIS OF OPTIONS

Option 1 – the proposed Council meetings for 2019 be endorsed by adopting the following resolution:

1. The report be received.
2. The Council meet on the fourth Monday of every month (excepting January, April and December 2019) at 7.00pm in the Council Chambers, 181 Unley Road Unley, with appropriate adjustments to accommodate public holidays, in accordance with the meeting schedule outlined below:

Tuesday 29 January 2019
Monday 25 February 2019
Monday 25 March 2019
Monday 29 April 2019
Monday 27 May 2019
Monday 24 June 2019
Monday 22 July 2019
Monday 26 August 2019
Monday 23 September 2019
Monday 28 October 2019
Monday 25 November 2019
Monday 9 December 2019

3. Council meet, when required, on the second Monday of the month, as determined by the Chief Executive Officer.
4. The Chief Executive Officer be delegated authority to amend the date and time of Council meetings should the need arise, with advice provided to Elected Members as soon as practicable when a need for change is identified, and formal notification provided in accordance with the requirements of section 83(1) of the *Local Government Act 1999*.

Option 2 – Adopt the meeting schedule with amendments.

5. **RECOMMENDED OPTION**

Option 1 is the recommended option.

6. **POLICY IMPLICATIONS**

7.1 *Financial/Budget*

Nil.

7.2 *Legislative/Risk Management*

Nil.

7.3 *Staffing/Work Plans*

Not applicable.

7.4 *Environmental/Social/Economic*

Not applicable.

7.5 *Stakeholder Engagement*

Section 84 of the Local Government Act requires that public notice of council meetings be given by causing a copy of the notice and the agenda for the meeting to be placed on public display at each office of the council and by publishing the notice and the agenda on a website.

In addition, the meeting schedule will be communicated to stakeholders and the community through other council publications and communication channels.

7. **REPORT CONSULTATION**

Executive Assistants.

8. **ATTACHMENTS**

Nil.

9. **REPORT AUTHORISERS**

<u>Name</u>	<u>Title</u>
Tami Norman	Executive Manager Office of the CEO

DECISION REPORT

REPORT TITLE: ELECTED MEMBER ALLOWANCES AND BENEFITS POLICY

ITEM NUMBER: 1341

DATE OF MEETING: 26 NOVEMBER 2018

AUTHOR: TAMI NORMAN

JOB TITLE: EXECUTIVE MANAGER OFFICE OF THE CEO

1. EXECUTIVE SUMMARY

Section 76(1) of the *Local Government Act 1999* (the Act) provides that an Elected Member is entitled to receive an allowance to defray the costs associated with performing or discharging their official functions and duties. Allowances are determined by the Remuneration Tribunal SA and certain other benefits, primarily in the form of reimbursement of expenses, are provided for within the Act and the *Local Government (Members Allowances and Benefits) Regulations 2010*. However, Council may also determine facilities and support to be provided to Elected Members to assist with the discharge of their duties.

The attached *Elected Member Allowances and Benefits Policy* has been prepared for the consideration of Council and sets out the statutory and discretionary allowances and benefits available for the support of Elected Members at the City of Unley.

2. RECOMMENDATION

That:

1. The report be received.
 2. In accordance with Section 78 of the *Local Government Act 1999*, Council resolves that the provision of facilities and support set out in the *Elected Member Allowances and Benefits Policy* (as set out in Attachment 1 to this report, Item No 1341, Council Meeting 26/11/2018) are necessary or expedient to the performance or discharge of official functions and duties by Elected Members.
 3. The *Elected Member Allowances and Benefits Policy* as set out in Attachment 1 to this report (Item No 1341, Council Meeting 26/11/2018) be endorsed.
 4. The Elected Member allowance provided under Section 76(1) of the *Local Government Act 1999* be paid _____.
-

3. RELEVANT CORE STRATEGIES/POLICIES

Civic Leadership

4.1 We have strong leadership and governance

4.3 Our business systems are effective and transparent.

4. BACKGROUND

Section 76 of the *Local Government Act 1999* (the Act) provides that Elected Members are entitled to receive an allowance (determined by the Remuneration Tribunal) to defray the costs associated with their Council roles and responsibilities. Pursuant to s77(1) of the Act, an elected member is also entitled to:

- (a) reimbursement of prescribed expenses under r5 of the *Local Government (Members Allowances and Benefits) Regulations 2010* (the Regulations) incurred in performing or discharging official functions and duties; and
- (b) reimbursement of prescribed expenses under r6 of the *Local Government (Members Allowances and Benefits) Regulations 2010*, approved by the council, either specifically or under a policy, incurred in performing or discharging official functions and duties.

Section 78 of the Act provides for the provision of facilities and other forms of support to members to assist with the performance and discharge of official functions and duties. The provision of facilities and services under section 78 is at the discretion of the Council, subject to:

- (a) council specifically resolving that the provision of the facilities or services is necessary or expedient to the performance or discharge of official functions or duties;
- (b) facilities and services being available to members on a uniform basis (other than facilities or services specifically provided for the benefit of the principal member);
- (c) any property provided to a member remains the council's.

The previous Council adopted an *Elected Member Allowances and Benefits Policy*, which incorporated details of allowances determined by the Remuneration Tribunal and set out other benefits available to Elected Members. This included items such as communication/IT equipment, stationery, Elected Members Room, and details of additional support provided to the Mayor.

In accordance with section 77(2) of the Act, the *Elected Member Allowances and Benefits Policy* lapsed at the general election of council.

Entitlements

Elected Member allowance:

An elected member is entitled to an allowance determined by the Remuneration Tribunal (the Tribunal) in relation to the member's office. The Tribunal makes the determination on a four-yearly basis, on date set prior to the periodic elections.

The most recent Determination was No.6 of 2018 and was released in the Government Gazette on 6 September 2018. As provided for by section 76(8) of the Act, the determination came into operation at the conclusion of the 2018 Local Government Elections.

The allowances determined by the Tribunal applicable to the City of Unley are as follows:

Mayor:	\$69,080 per annum
Deputy Mayor:	\$21,587.50 per annum
Presiding Member of a "prescribed committee":	\$21,587.50 per annum
Elected Member:	\$17,270 per annum
<p><i>An additional allowance in the form of a sitting fee is payable to a councillor (other than the principal member, or deputy principal member, chairperson or deputy chairperson or a presiding member of a prescribed committee) who is the presiding member of a committee, that is not a prescribed committee, as follows:</i></p> <p><i>An allowance of \$170 per meeting limited to an aggregate amount of allowance of \$1,020 per annum.</i></p>	

The allowance is:

- Payable from the first ordinary meeting of the council held after the conclusion of the relevant periodic election (Section 76(8))
- To be adjusted on the first, second and third anniversaries of the relevant periodic elections under a scheme prescribed by the Regulations (Section 76(9)).

Section 76(12) of the *Local Government Act 1999* provides that an allowance must be paid in accordance with any requirements set in the regulations, unless the member declines to accept payment of an allowance. The regulations provide that:

4—Allowances—section 76

- (1) For the purposes of section 76 of the Act, an allowance may be paid in instalments up to 3 months in advance or 3 months in arrears of each month in respect of which an instalment is payable.

In the previous term of Council, allowances were paid quarterly in advance. Council will need to either confirm that this approach should continue, or determine an alternative instalment for allowance payments.

Reimbursement of expenses:

Regulation 5, in reference to s77(1)(a), provides for reimbursement of expenses actually and necessarily incurred for travelling to and from a "prescribed meeting" and for care of a child or dependent while at such a meeting. Under the regulations, "prescribed meeting" is defined as:

a meeting of the council or council committee, or an informal gathering, discussion, workshop, briefing, training course or similar activity which is directly or closely related to the performance or discharge of the roles or duties of the member.

Regulation 6, in reference to s77(1)(b), provides for reimbursement of expenses approved by Council either specifically or under a policy for the purposes s77(1)(b). To this end, the Elected Member Allowances and Benefits Policy (the policy) was established.

The types of council business expenses that may be reimbursed under r6 include:

- (a) expenses incurred in the use of a telephone, fax or other telecommunications device, or in the use of a form of electronic communication, on the business of the council;
- (b) travelling expenses incurred by the member as a consequence of the member's attendance at a function or activity on the business of the council (other than for which the member is reimbursed under section 77(1)(a) of the Act);
- (c) travelling expenses incurred by the member in undertaking an eligible journey to the extent that those expenses are attributable to travel outside the area of the council;
- (d) expenses for the care of—
 - (i) a child of the member; or
 - (ii) a dependant of the member requiring full-time care,incurred by the member as a consequence of the member's attendance at a function or activity on the business of the council (other than for which the member is reimbursed under section 77(1)(a) of the Act);
- (e) expenses incurred by the member as a consequence of the member's attendance at a conference, seminar, training course or other similar activity which is directly or closely related to the performance or discharge of the roles or duties of a member of a council (other than for which the member is reimbursed under section 77(1)(a) of the Act).

As the policy lapses at a general election of Council, a new policy is being presented to Council for consideration and endorsement (Attachment 1).

Attachment 1

Discretionary provision of facilities and support

Section 78 of the Act allows that a Council may, at its discretion, provide facilities and support in addition to the above if these assist the Elected Members in the performance and discharge of their official functions and duties.

The provision of discretionary facilities and services under s78 is subject to the following requirements:

- (a) Council must specifically resolve which facilities and support will be made available;
- (b) The facilities and services are provided on a uniform basis to all members, with the exception of the Mayor; and
- (c) All property provided remains the property of Council.

Section 78(3) of the Act specifically provides:

- (3) A member of a council must not use a facility or service provided by the council under this section for a purpose unrelated to the performance or discharge of official functions or duties (unless the use has been approved by the council and the member has agreed to reimburse the council for any additional costs or expenses associated with this use).

The Allowances and Benefits Policy sets out facilities and support to be made available to all members.

A separate item is being presented to Council setting out the support specific to the office of Mayor, which will form Schedule 4 to the Allowances and Benefits Policy. This separation is necessary due to conflict of interest provisions and the definition of 'ordinary business matters' (8AAA, *Local Government (General) Regulations 2013*) which identifies:

“the preparation, discussion, adoption or revision of a policy relating to allowances and benefits payable to members if the policy relates to allowances and benefits payable equally to each member (rather than allowances and benefits payable to particular members or particular office holders)”

as ordinary business, so therefore members are not required to declare a conflict of interest in relation to the matter. However, the determination of allowances and benefits specific to the Mayor does bring rise to a conflict for the individual in the office of the Mayor so for ease of consideration that Schedule has been separated from the Policy.

4 DISCUSSION

Following the general election the former Elected Members Allowances and Benefits Policy lapsed. As a consequence, it is necessary for Council to determine whether it wishes to establish a new policy that details the facilities and support that will be made available to elected members, including any additional facilities and support that will be made available to the Mayor.

To assist Council with its deliberations, a draft Elected Members Allowances and Benefits Policy is included as an attachment to this report. The draft Policy is consistent with the requirements of the *Local Government (Allowances and Benefits) Regulations 2010* and proposes facilities and support consistent with those previously made available to Elected Members at the City of Unley. For the sake of completion, information relating to Elected Members allowances, as included in “*Determination No. 6 of 2018: Allowances for Local Government Councils*”, has been included within the draft Policy.

Any facilities/support accessed under the Elected Members Allowances and Benefits Policy will be recorded in the Allowances and Benefits Register, in accordance with the requirements of s.79 of the Act.

5 ANALYSIS OF OPTIONS

Option 1

1. The report be received.
2. In accordance with Section 78 of the *Local Government Act 1999*, Council resolves that the provision of facilities and support as set out in *Elected Member Allowances and Benefits Policy as set out in Attachment 1* to this report (Item No 1341, Council Meeting 26/11/2018) are necessary or expedient to the performance or discharge of official functions and duties by Elected Members.
3. The *Elected Member Allowances and Benefits Policy* as set out in Attachment 1 to this report (Item No 1341, Council Meeting 26/11/2018) be endorsed.
4. The Elected Member allowance provided under Section 76(1) of the *Local Government Act 1999* be paid _____.

By adopting the proposed *Elected Member Allowances and Benefits Policy*, Elected Members will be provided with a suite of discretionary facilities and benefits to support them in the performance and discharge of their official functions and duties, in addition to the benefits provided for in Part 5 of the *Local Government Act 1999*.

Council must determine the basis of instalments for payment of Elected Member allowances. These were previously paid quarterly in advance, however, it is open to Council to determine any frequency up to three (3) months and payments may be made in advance or arrears.

Option 2

1. The report be received.
2. In accordance with Section 78 of the *Local Government Act 1999*, Council resolves that the provision of facilities and support as set out in *Elected Member Allowances and Benefits Policy as set out in Attachment 1* to this report (Item No 1341, Council Meeting 26/11/2018) are necessary or expedient to the performance or discharge of official functions and duties by Elected Members.
3. The Elected Member Allowances and Benefits Policy be adopted, with the following amendments:
 - *To be determined by Council.*
4. The Elected Member allowance provided under Section 76(1) of the *Local Government Act 1999* be paid _____.

The Elected Member Allowances and Benefits Policy shown at Attachment 1 may be adopted with amendments. Council will need to identify any changes required to the Policy within part 3 of the above resolution so that these can be reflected within the final version of the Policy.

The requirement to determine the basis of instalments for payment of Elected Member allowances remains.

Option 3

1. The report be received.
2. The Elected Member allowance provided under Section 76(1) of the *Local Government Act 1999* be paid _____.

The previous *Elected Member Allowances and Benefits Policy* lapsed at the local government election in November 2018. Council may wish to have further discussions in relation to the discretionary facilities and support to be provided to Elected Members, prior to endorsing the Policy.

Should this Option be preferred, Council are advised to make a decision in relation to the payment of allowances so that the necessary arrangements for allowance payment can be put in place. A workshop will then be scheduled with Members to facilitate a discussion on the Elected Member Allowances and Benefits Policy. As noted in the report in the absence of a policy adopted by Council the additional discretionary allowances and benefits will not be available to Members. Elected Members would only be able to rely upon the provisions of s77(1)(a) to seek reimbursement of expenses.

6 RECOMMENDED OPTION

Option 1 is the recommended option.

7 POLICY IMPLICATIONS

Please consider the following issues when discussing the policy implications of the recommended option:

7.3 Financial/Budget

- The 2018 -19 Council budget includes costs to cover the allowances and benefits to the same level as in the previous policy. Should Council decide to change or add to their benefits, then a budget adjustment may be required.

7.4 Legislative/Risk Management

- Council has the legislative right to provide additional facilities and services under the Act. If it chooses not to use its discretion to provide additional benefits, Elected Members will only be able to claim for those which are legislatively prescribed.

8 REPORT CONSULTATION

Office of the Chief Executive Officer

9 ATTACHMENTS

- Attachment 1 – Elected Member Allowances and Benefits Policy

10 REPORT AUTHORISERS

Name	Title
Peter Tsokas	Chief Executive Officer



S0006: ELECTED MEMBER ALLOWANCES AND BENEFITS

Policy Type:	Statutory Policy
Responsible Department:	Office of the CEO
Responsible Officer:	Executive Manager Office of the CEO
Related Policies and Procedures	<ul style="list-style-type: none"> • S0007: Elected Member Training and Development Policy • S0015: Seeking Legal Assistance and Advice Policy
Community Plan Link	Civic Leadership: 4.1 We have strong leadership and governance 4.3 Our business systems are effective and transparent
Date Adopted	
Last review date	
Next review date	
Reference/Version Number	
ECM Doc set I.D.	

1. PREAMBLE

1.1. The City of Unley seeks to ensure that the payment of Elected Member allowances, the reimbursement of expenses and the provision of facilities and support is accountable, transparent and in accordance with the *Local Government Act 1999*, *Local Government (Members Allowances and Benefits) Regulations 2010*, and *Remuneration Tribunal Determination No. 6 of 2018: Allowances for Local Government Councils*.

1.2. Allowances, reimbursements, facilities and support are provided to Elected Members to enable them to effectively perform or discharge official functions and duties.

2. SCOPE

2.1. This policy applies to all Elected Members

3. POLICY PURPOSE/OBJECTIVES

3.1. This policy sets out

- Elected member allowances as determined by the Remuneration Tribunal in *Determination No. 6 of 2018: Allowances for Local Government Councils*;
- The expenses that may be reimbursed to Elected Members, as provided for within the *Local Government Act 1999/Local Government (Members Allowances and Benefits) Regulations 2010*;

- Facilities and other support available to all Elected Members as determined by Council; and
- Additional facilities and other support available only to the office of Mayor.

4. DEFINITIONS

Eligible journey – means a journey (in either direction) between the principal place of residence, or a place of work, of a member of the council, and the place of a prescribed meeting.

Facilities and support – facilities and other forms of support made available to Elected Members in accordance with Section 78 of the *Local Government Act 1999*.

Prescribed meeting – in relation to a member of a council, means a meeting of the council or council committee, or an informal gathering, discussion, workshop, briefing, training course or similar activity which is directly or closely related to the performance or discharge of the roles or duties of the member.

Prescribed reimbursements – are those reimbursements provided for within Section 77 of the *Local Government Act 1999* (and supporting Regulations).

5. POLICY STATEMENT

5.1. Elected Members shall be provided with reimbursements, facilities or support that are necessary or expedient to the performance or discharge of official functions or duties.

5.2. In support of this philosophy Elected Members are provided with a range of reimbursements, facilities and support on the following basis:

- All facilities and support are made available to Elected Members on a uniform basis (other than facilities or services specifically provided for the benefit of the Mayor).
- Any property provided to an Elected Member in accordance with this policy remains the property of Council.
- Reimbursements will be restricted to prescribed reimbursements (travel and child care related) unless otherwise approved within this Policy or specifically approved by way of Council resolution.
- All reimbursements claimed by Elected Members must be for expenses actually and necessarily incurred. Requests for reimbursement must be received within the financial year relevant to the expense incurred and must include full details of the nature of the expense, be supported by evidence of the expense and accompanied by the relevant request for reimbursement form.

5.3. Section 77(1)(b) of the *Local Government Act 1999* allows for the provision of further reimbursement of expenses, subject to the approval of council. Schedule 2 of this Policy provides full details relating to reimbursements that may be made to Elected Members.

5.4. As required by section 79 of the *Local Government Act 1999*, the Chief Executive Officer will ensure a record of the allowances paid, expenses reimbursed or any other benefits paid or provided to a member is maintained (Register of Allowances and Benefits). The Register is to be available for public inspection, without charge, at the Civic Centre offices during normal business hours. An extract from the Register

may be purchased upon payment of a fee determined through the Council's annual Review of Fees and Charges.

5.5. Elected Member Allowances are prescribed by Remuneration Tribunal *Determination No. 6 of 2018: Allowances for Local Government Councils* and will be adjusted in accordance with that Determination on an annual basis.

5.6. Schedules to this Policy provide details of:

- Elected Member Allowances (Schedule 1)
- Approved reimbursements (Schedule 2)
- Additional facilities and support (Schedule 3)
- Facilities and support specific to the Mayor (Schedule 4)

6. LEGISLATION

- *Local Government Act 1999*, sections 76, 77 and 78
- *Local Government (Members Allowances and Benefits) Regulations 2010*
- *Determination No. 6 of 2018: Allowances for Local Government Councils*

7. AVAILABILITY OF POLICY

7.1. The Policy is available for public inspection during normal office hours at:

The Civic Centre,
181 Unley Road, Unley SA 5061.

A copy may be purchased for a fee as determined annually by Council.

It is also available for viewing, download and printing free of charge from the Council's website www.unley.sa.gov.au.

8. DOCUMENT HISTORY

Date	Ref/Version No.	Comment
19/11/2018		Replacement

SCHEDULE 1 – ELECTED MEMBER ALLOWANCES

1. Elected Member Allowances are determined by the Remuneration Tribunal SA and set out in *Determination No. 6 of 2018: Allowances for Local Government Councils*. In summary, this determination provides the following allowances for City of Unley Elected Members:

Mayor:	\$69,080 per annum
Deputy Mayor:	\$21,587.50 per annum
Presiding Member of a “prescribed committee”:	\$21,587.50 per annum
Elected Member:	\$17,270 per annum
<p><i>An additional allowance in the form of a sitting fee is payable to a councillor (other than the principal member, or deputy principal member, chairperson or deputy chairperson or a presiding member of a prescribed committee) who is the presiding member of a committee, that is not a prescribed committee, as follows:</i></p> <p><i>An allowance of \$170 per meeting limited to an aggregate amount of allowance of \$1,020 per annum.</i></p>	

2. The allowances prescribed in Determination No. 6 of 2018 are operative for all council members from the first ordinary meeting of the Council held after the conclusion of the 2018 Local Government elections.
3. In accordance with section 76(9) and 76(15) of the *Local Government Act 1999*, allowances set out in *Determination No. 6 of 2018: Allowances for Local Government Councils* will be adjusted annually on the first, second and third anniversaries of the 2014 Local Government election to reflect changes in the Consumer Price Index under a scheme prescribed by the Regulations.
4. For the purposes of the adjustment of allowances, **Consumer Price Index** means the Consumer Price Index (All groups index for Adelaide) published by the Australian Bureau of Statistics.
5. Regulation 4(2) of the *Local Government (Members Allowances and Benefits) 2010* provides that 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).
6. Regulation 4(1) of the *Local Government (Members Allowances and Benefits) 2010* provides that an allowance may be paid in instalments up to 3 months in advance or 3 months in arrears of each month in respect of which an instalment is payable. Council has resolved that Elected Member allowances at the City of Unley will be paid **[insert details of Council resolution here]**.

SCHEDULE 2 – APPROVED REIMBURSEMENTS

1. In accordance with the requirements of section 77 of the *Local Government Act 1999* and the *Local Government (Members Allowances and Benefits) Regulations 2010* the kinds of expenses for which an Elected Members will be reimbursed are as follows:

With reference to section 77(1)(a), Regulation 5 provides for:

- a. Travelling expenses actually and necessarily incurred by the member in travelling to or from a prescribed meeting if –
 - i. The journey is an eligible journey; and
 - ii. The journey is by the shortest or most practicable route;
 - b. Expenses for the care of –
 - i. A child of the member; or
 - ii. A dependant of the member requiring full time care actually and necessarily incurred by the member as a consequence of the member's attendance at a prescribed meeting.
2. In relation to reimbursement of travelling expenses:
 - a. If an eligible journey relates to travel between a place within the area of the council and a place outside the area of the council (in either direction) the member is only entitled to be reimbursed in respect of expenses that can be attributed to travel within the area of the council (unless the travel relates to an activity specified in clause 4 below).
 - b. The rate of reimbursement for motor vehicle costs will be at a rate equal to the appropriate rate per kilometre prescribed for the purposes of calculated deductions for car expenses as detailed on the Australian Taxation Office website.
 - c. Travel by taxi, bus or other means of public transport is reimbursed on the basis of expenses "actually and necessarily incurred", but is limited to 'eligible journeys' as defined in this Policy.
 3. In relation to reimbursement of care expenses:
 - a. Claims for child care/dependant expenses may include:
 - i. hourly fees (or part thereof, up to a maximum of \$25 per hour) subject to any minimum period which is part of the provider's usual terms;
 - ii. agency booking fees;
 - iii. reasonable travelling expenses of the carer to and from the Member's residence, or of the Member's child/dependant(s) to and from the place of care.
 - b. Expenses are not payable if care is provided by a relative of the Member who ordinarily resides with the Member.
 - c. A Member must certify that the child care/dependent care expenses were incurred due to the Member's attendance on the business of Council. Claims for care services, together with supporting receipts, are to be forwarded to the CEO.

SCHEDULE 2 – APPROVED REIMBURSEMENTS

4. Council has also determined that reimbursement will be available for travel to and from the following meetings (both within and outside the Council area) and care costs associated with attendance at the following meetings (subject to the limitations set out in clause 2 above):
 - Regional Subsidiary meetings when a member is appointed by Council
 - External Committees where an Elected Member is appointed by Council
 - Activities where an Elected Member is representing the Mayor on behalf of Council
 - Conferences and Training
5. With reference to Section 77(1)(b) of the Act, which provides for reimbursement of expenses of a prescribed kind subject to the approval by Council, Regulation 6 specifies the expenses which may be reimbursed under this provision as follows:
 - a. expenses incurred in the use of a telephone, fax or other telecommunications device, or in the use of a form of electronic communication, on the business of the council, up to \$60 per month, per member;
 - b. travelling expenses incurred by the member as a consequence of the member's attendance at a function or activity on the business of the council (other than for which the member is reimbursed under section 77(1)(a) of the Act);
 - c. travelling expenses incurred by the member in undertaking an eligible journey to the extent that those expenses are attributable to travel outside the area of the council;
 - d. expenses for the care of—
 - i. a child of the member; or
 - ii. a dependant of the member requiring full-time care,
incurred by the member as a consequence of the member's attendance at a function or activity on the business of the council (other than for which the member is reimbursed under section 77(1)(a) of the Act);
 - e. expenses incurred by the member as a consequence of the member's attendance at a conference, seminar, training course or other similar activity which is directly or closely related to the performance or discharge of the roles or duties of a member of a council (other than for which the member is reimbursed under section 77(1)(a) of the Act).
6. Claims for reimbursement must be submitted on the Elected Member Expense Reimbursement Form (Attachment 1).

SCHEDULE 3 – ADDITIONAL FACILITIES AND SUPPORT

Council has resolved, in accordance with section 78 of the *Local Government Act 1999*, that the provision of the facilities and support set out in this Schedule are necessary or expedient to the performance or discharge of official functions or duties by Elected Members.

The facilities and support set out in this Schedule are made available to all Elected Members on a uniform basis. An Elected Member is not obligated to receive or use any item set out in this Schedule.

An Elected Member must not use a facility or service provided by Council within this Schedule for a purpose unrelated to the performance or discharge of official functions or duties (unless the use has been approved by the council and the member has agreed to reimburse the council for any additional costs or expenses associated with this use) (s.78(3)).

1. **Communication Equipment**

- An internet enabled laptop computer or equivalent and compatible printer (or access to printing facilities)
- The following costs relating to Communication Equipment will be met by Council:
 - Internet access via an internet enabled laptop, up to a cost of \$60 per month per member;
 - Servicing, repair and maintenance of Council provided hardware
 - Provision of software and any necessary software upgrades to enable Members to conduct Council business within the Council IT environment;
 - Provision of training to enable effective use of communication equipment provided
 - Support services within the limits of purchasing arrangements relating to the equipment;
 - Insurance of Council provided hardware;
 - Consumable items such as toner cartridges, paper etc.
- The supply of accessories for Council issued Communication equipment, not included as part of the standard provision for IT equipment, or the cost of internet access beyond the monthly limit, will be borne by the respective Member.
- Communication equipment provided to Elected Members must be positioned and supervised in an appropriate location when in use to ensure that confidentiality of Council material is not compromised and Council information/systems are not subject to inappropriate access.
- Communication equipment provided to Elected Members must be returned within agreed timeframes following the Elected Members cessation in office.

2. **Council E-mail Account**

Elected Members will be provided with a Council email account (name@unley.sa.gov.au) for the sole purpose of performing or discharging official functions and duties. No other email account should be used for the conduct of Council business.

SCHEDULE 3 – ADDITIONAL FACILITIES AND SUPPORT

Use of the Council provided email account should be avoided on the basis that:

- a. All emails created or received (including any attachments or other documents transmitted) in the course of, or associated with, the conduct of Council business are a Council record.
- b. Council records are subject to the requirements of the *State Records Act 1997* and may be subject to disclosure under the *Freedom of Information Act*.

3. **Building Access, Meeting Room and Pigeon Holes**

Elected Members will be provided with an Access Card allowing access Elected Member Pigeon Holes and relevant meeting rooms within the Civic Centre.

Elected Members will be provided with access to a Meeting Room and Pigeon Holes to facilitate the collection of materials at the convenience of the Member.

4. **Meals and Refreshments**

Meals/refreshments will generally be provided prior to Council meetings and workshops. Every effort will be made to ensure expenditure on catering is minimised, without unnecessarily compromising quality of the catering provided.

Access to Council provided meals and refreshments by persons other than Elected Members is to be at the invitation of the Chairperson/Presiding Member of the relevant meeting or the CEO.

Chairpersons/Presiding Members are to be mindful that refreshments are provided through public funds and invitations are therefore to be issued in particular and special circumstances only, and not as a regular occurrence.

5. **Stationery**

In the place of pre-printed letterhead, Elected Members will be provided with letterhead templates to enable printing of correspondence on plain paper as required.

The following stationery items will be available to each Elected Member:

- Business Cards – up to 500 per annum
- Plain paper – up to four reams per annum
- Envelopes – up to 2000 per annum
- With Compliments Slips – up to 500 per annum
- Postage facilities – accessible via Office of the CEO
- Name badge

6. **Additional Support**

Specific Requirements

Council, or the CEO as delegate, may determine that reasonable additional facilities or expenses will be made available to support an Elected Member with specific requirements to ensure the expedient performance or discharge of official functions and duties.

Insurance Cover

In accordance with section 80 of the *Local Government Act 1999*, Council provides a policy of insurance insuring every member of the council, and a spouse, domestic partner or another person who may be accompanying member of the council, against risks associated with the performance or discharge of official functions and duties by members.



ELECTED MEMBER EXPENSE REIMBURSEMENT CLAIM

(Relating to expenses claimed under S.76 & 77 of the *Local Government Act 1999* and detailed in the Policy – *Elected Member Allowances and Benefits*)

This form must be completed by Elected Members when claiming for the reimbursement of expenses.

NAME:

REIMBURSEMENT OF TRAVEL EXPENSES

(a) **Personal Vehicle:**

Date	Details/Purpose	Km
	TOTAL KILOMETRES CLAIMED:	
<u>Office Use Only:</u>		Kilometres @ 68¢/km = \$

(b) **Taxi/Bus/Train/Carparking (receipts must be attached)**

Date	Details/Purpose	Amount

REIMBURSEMENT OF CHILD / DEPENDENT CARE EXPENSES

I wish to claim \$..... for the reimbursement of child/dependent care expenses required when I attended
Receipts must be attached.

REIMBURSEMENT OF TELEPHONE EXPENSES

I wish to claim \$..... for the reimbursement of Telephone expenses incurred for the period of
Receipts must be attached.

I certify that the above expenses claimed have been actually and necessarily incurred in the performance of my official duties as an Elected Member with the City of Unley.

Signature of Claimant: Date:

Checked by Governance: Date:



EXTRACT FROM ELECTED MEMBER ALLOWANCES AND BENEFITS POLICY

1. In accordance with the requirements of section 77 of the *Local Government Act 1999* and the *Local Government (Members Allowances and Benefits) Regulations 2010* the kinds of expenses for which an Elected Members will be reimbursed are as follows:
 - a) Travelling expenses actually and necessarily incurred by the member in travelling to or from a prescribed meeting if –
 - (i) The journey is an eligible journey; and
 - (ii) The journey is by the shortest or most practicable route;
 - b) Expenses for the care of –
 - (i) A child of the member; or
 - (ii) A dependant of the member requiring full time care actually and necessarily incurred by the member as a consequence of the member's attendance at a prescribed meeting.

In relation to reimbursement of travelling expenses:

- a) If an eligible journey relates to travel between a place within the area of the council and a place outside the area of the council (in either direction) the member is only entitled to be reimbursed in respect of expenses that can be attributed to travel within the area of the council (unless the travel relates to an activity specified in clause 4 below.
 - b) The rate of reimbursement for motor vehicle costs will be at a rate equal to the appropriate rate per kilometre prescribed for the purposes of calculated deductions for car expenses under section 28.25 of the *Income Tax Assessment Act 1936* of the Commonwealth (refer LGA Circular 40.4 03/10/2018).
 - c) Travel by taxi, bus or other means of public transport is reimbursed on the basis of expenses "actually and necessarily incurred", but is limited to 'eligible journeys' as defined in this Policy.
2. In relation to reimbursement of care expenses:
 - a) Claims for child care/dependant expenses may include:
 - (i) hourly fees (or part thereof up to a maximum of \$25 per hour) subject to any minimum period which is part of the provider's usual terms;
 - (ii) agency booking fees;
 - (iii) reasonable travelling expenses of the carer to and from the Member's residence, or of the Member's child/dependant(s) to and from the place of care.
 - b) Expenses are not payable if care is provided by a relative of the Member who ordinarily resides with the Member.
 3. Telephone Expenses
 - a) expenses incurred in the use of a telephone, fax or other telecommunications device, or in the use of a form of electronic communication, on the business of the council, up to \$60 per month, per member;
 4. Council has also determined that reimbursement will be available for travel to and from the following meetings (both within and outside the Council are) and care costs associated with attendance at the following meetings (subject to the limitations set out in clause 2 above):
 - Regional Subsidiary meetings when a member is appointed by Council
 - External Committees where an Elected Member is appointed by Council
 - Activities where an Elected Member is representing the Mayor on behalf of Council
 - Conferences and Training

DECISION REPORT

REPORT TITLE: ELECTED MEMBER ALLOWANCES AND BENEFITS POLICY – FACILITIES AND SUPPORT SPECIFIC TO THE MAYOR

ITEM NUMBER: 1342

DATE OF MEETING: 26 NOVEMBER 2018

AUTHOR: TAMI NORMAN

JOB TITLE: EXECUTIVE MANAGER OFFICE OF THE CEO

1. EXECUTIVE SUMMARY

The *Elected Member Allowances and Benefits Policy* has been developed in accordance with the requirements of section 78 of the *Local Government Act 1999*, which allows for provision of facilities and support to members on a uniform basis, other than facilities or services specifically provided for the benefit of the Mayor.

The *Local Government (General) Regulations 2013* define the preparation, discussion and adoption or revision of a policy relating to allowance and benefits as 'ordinary business', so long as the allowances and benefits apply equally to each member. This definition means that all members can consider and determine the Allowances and Benefits Policy, however, when it comes to the facilities and support specific to the Mayor, this brings rise to a conflict of interest for the individual in the office of the Mayor.

As a consequence Schedule 4: Facilities and Support specific to the Mayor has been separated from the Policy and is now presented for the consideration of Council.

2. RECOMMENDATION

That:

1. The report be received.
 2. In accordance with Section 78 of the *Local Government Act 1999*, Council resolves that the provision of facilities and support specific to the Mayor as set out in Schedule 4 to the *Elected Member Allowances and Benefits Policy* (Attachment 1, Item No 1342, Council Meeting 26/11/2018) are necessary or expedient to the performance or discharge of official functions and duties by the Mayor.
 3. Schedule 4 to the *Elected Member Allowances and Benefits Policy* as set out in Attachment 1 to this report (Item No 1342, Council Meeting 26/11/2018) be endorsed.
-

3. RELEVANT CORE STRATEGIES/POLICIES

Civic Leadership

4.1 We have strong leadership and governance.

4.3 Our business systems are effective and transparent.

4. BACKGROUND

Further to the consideration of Item 1341 - Elected Member Allowances and Benefits Policy, it is open to Council to determine facilities and support specifically provided for the principal member (section 78(b), *Local Government Act 1999*).

Similar to the requirements for the making of the Elected Members Allowances and Benefits Policy, the provision of facilities and other forms of support specific to the Mayor can be provided subject to:

- (a) council specifically resolving that the provision of the facilities or services is necessary or expedient to the performance or discharge of official functions or duties;
- (b) any property provided to a member remains the council's.

The provision of facilities and support specific to the Mayor is in addition to the facilities and support provided to all members on a uniform basis set out in the *Elected Member Allowances and Benefits Policy*.

Should the Council determine to apply facilities and support specific to the Mayor, the information will be incorporated as Schedule 4 to the *Elected Member Allowances and Benefits Policy*.

4 DISCUSSION

Schedule 4 to the *Elected Member Allowances and Benefits Policy* has been developed to identify facilities and support to be provided specifically to the office of Mayor.

Attachment 1

The Schedule lists items that may be made available to the Mayor, in addition to facilities and support provided to other members. The additional facilities and support are provided in recognition of the broader role and responsibilities associated with the position of Mayor.

Any facilities/support accessed under the Elected Members Allowances and Benefits Policy will be recorded in the Allowances and Benefits Register, in accordance with the requirements of s.79 of the Act.

5 ANALYSIS OF OPTIONS

Option 1

1. The report be received.
2. In accordance with Section 78 of the *Local Government Act 1999*, Council resolves that the provision of facilities and support specific to the Mayor as set out in Schedule 4 to the *Elected Member Allowances and Benefits Policy* (Attachment 1, Item No 1342, Council Meeting 26/11/2018) are necessary or expedient to the performance or discharge of official functions and duties by the Mayor.
3. Schedule 4 to the *Elected Member Allowances and Benefits Policy* as set out in Attachment 1 to this report (Item No 1342, Council Meeting 26/11/2018) be endorsed.

By adopting the proposed Schedule 4 to the *Elected Member Allowances and Benefits Policy*, the Mayor will be provided with some additional discretionary facilities and benefits to support him/her in the performance and discharge of official functions and duties, in addition to the benefits provided for in Part 5 of the *Local Government Act 1999* and the Policy.

Option 2

1. The report be received.
2. In accordance with Section 78 of the *Local Government Act 1999*, Council resolves that the provision of facilities and support specific to the Mayor as set out in Schedule 4 to the *Elected Member Allowances and Benefits Policy* (Attachment 1, Item No 1342, Council Meeting 26/11/2018) are necessary or expedient to the performance or discharge of official functions and duties by the Mayor.
3. Schedule 4 to the *Elected Member Allowances and Benefits Policy* as set out in Attachment 1 to this report (Item No 1342, Council Meeting 26/11/2018) be endorsed, with the following amendments:
 - *To be determined by Council*

Schedule 4 to the *Elected Member Allowances and Benefits Policy* may be adopted with amendments. Council will need to identify any changes required to the Schedule within part 3 of the above resolution so that these can be reflected within the final version of the Schedule.

Option 3

1. The report be received.

If Council opted to not endorse *Elected Member Allowances and Benefits Policy* when it considered the previous item, it would be appropriate to also defer a decision in relation to Schedule 4 until further discussions in relation to the discretionary facilities and support to be provided to Elected Members occur.

6 RECOMMENDED OPTION

Option 1 is the recommended option.

7 POLICY IMPLICATIONS

7.4 Legislative/Risk Management

- Council has the legislative right to provide additional facilities and services under the Act. If it chooses not to use its discretion to provide additional benefits, Elected Members will only be able to claim for those which are legislatively prescribed.

8 REPORT CONSULTATION

Office of the Chief Executive Officer

9 ATTACHMENTS

- Attachment 1 – Schedule 4 - Elected Member Allowances and Benefits Policy

10 REPORT AUTHORISERS

<u>Name</u>	<u>Title</u>
Peter Tsokas	Chief Executive Officer

SCHEDULE 4 – FACILITIES AND SUPPORT SPECIFIC TO THE MAYOR

Council has resolved, in accordance with section 78(b) of the *Local Government Act 1999*, that the provision of the facilities and support set out in this Schedule are necessary or expedient to the performance or discharge of official functions or duties by the Mayor.

The facilities and support set out in this Schedule are made available to the Mayor in addition to the facilities and support provided to all Elected Members and set out in Schedule 3.

The Mayor must not use a facility or service provided by Council within this Schedule for a purpose unrelated to the performance or discharge of official functions or duties (unless the use has been approved by the council and the Mayor has agreed to reimburse the council for any additional costs or expenses associated with this use) (s.78(3)).

The Mayor is not obligated to receive or use any of the facilities and support set out in this Schedule.

- Access to a dedicated office/meeting space including a desktop computer, telephone and speech to text software
- Access to administrative support to assist with coordination and management of council related activities, and responding to correspondence
- A Council provided mobile phone, or reimbursement of mobile phone costs associated with the conduct of Council business up to \$60 per month
- A fully maintained Council-owned vehicle, of a similar type and standard to that supplied to the CEO. In accordance with section 78(3) of the *Local Government Act 1999* the use of the vehicle for a purpose unrelated to the performance or discharge of official functions and duties is authorised, subject to the reimbursement to the council for any additional costs or expenses associated with this use.
- Attendance at:
 - Conferences, seminars, meetings or other engagements within the State;
 - South Australian Local Government Association meetings or events;
 - Australian Local Government Association meetings or events;
 - Intrastate or interstate meetings with representatives of Commonwealth, State and Local governments on Council related matters;

without the need for specific Council approval, and with all costs associated with the attendance to be met by Council.

- Conferences, seminars, meetings or engagements interstate or overseas may be approved by Council on a case by case basis, prior to the activity occurring.

DECISION REPORT

REPORT TITLE: AUDIT COMMITTEE AND CITY STRATEGY AND DEVELOPMENT POLICY COMMITTEE – TERMS OF REFERENCE AND MEMBERSHIP

ITEM NUMBER: 1343

DATE OF MEETING: 26 NOVEMBER 2018

AUTHOR: TAMI NORMAN

JOB TITLE: EXECUTIVE MANAGER OFFICE OF THE CEO

1. EXECUTIVE SUMMARY

Section 126 of the *Local Government Act 1999* dictates that Council must have an audit committee; whilst section 101A of the *Development Act 1993* states that Council must establish a strategic planning and development policy committee. The purpose of this report is to endorse the Terms of Reference and determine membership of both aforementioned committees.

2. RECOMMENDATION

That:

1. The report be received.
 2. The Audit Committee Terms of Reference as set out in Attachment 1 to this report (Item 1343, Council Meeting 26/11/2018) be endorsed.
 3. Councillors, and be appointed to the Audit Committee for the period commencing from the date of this resolution and concluding
 4. The City Strategy and Development Policy Committee Terms of Reference as set out in Attachment 2 to this report (Item 1343, Council Meeting 26/11/2018) be endorsed.
 5. Councillors,,,, and be appointed to the City Strategy and Development Policy Committee for the period commencing from the date of this resolution and concluding
 6. Councillor be appointed Presiding Member of the City Strategy and Development Policy Committee for the period commencing from the date of this resolution and concluding
-

3. RELEVANT CORE STRATEGIES/POLICIES

Civic Leadership

4.1 We have strong leadership and governance.

4. BACKGROUND

The establishment of Committees enables Council to more effectively manage the performance of its functions and the conduct of business. It ensures that appropriate consideration is given to all matters presented to Council for decision. The scope of work of Committees is determined by a Terms of Reference. These documents set out the purpose of the Committee and include all relevant information regarding the operation of the Committee. Unless specifically required under an Act, Council has the capacity to establish committees in accordance with section 41 of the *Local Government Act 1999* (the Act).

Section 41(1) of the Act provides that:

- (a) *A council may establish committees.*
- (b) *A committee may, according to a determination of the council (and subject to the operation of this Act), be established-*
 - (a) *to assist the council in the performance of its functions;*
Examples—
 - 1 *To carry out a project on behalf of the council.*
 - 2 *To manage or administer property, facilities or activities on behalf of the council.*
 - 3 *To oversee works on behalf of the council.*
 - (b) *to inquire into and report to the council on matters within the ambit of the council's responsibilities;*
 - (c) *to provide advice to the council;*
 - (d) *to exercise, perform or discharge delegated powers, functions or duties*

Audit Committee

Section 126(1) of the Act specifically requires Council to establish an audit committee. The functions of an audit committee set out within section 126(4) of the Act include:

- (a) *reviewing annual financial statements to ensure that they present fairly the state of affairs of the council; and*
- (ab) *proposing, and providing information relevant to, a review of the council's strategic management plans or annual business plan; and*
- (ac) *proposing, and reviewing, the exercise of powers under section 130A; and*
- (b) *liaising with the council's auditor; and*
- (c) *reviewing the adequacy of the accounting, internal control, reporting and other financial management systems and practices of the council on a regular basis.*

City Strategy and Development Policy Committee

Section 101A of the *Development Act 1993* (the Development Act) requires Council to establish a strategic planning and development policy committee.

The functions of the committee are set out in section 101A(2) as follows:

- (a) *to provide advice to the council in relation to the extent to which the council's strategic planning and development policies accord with the Planning Strategy; and*
- (b) *to assist the council in undertaking strategic planning and monitoring directed at achieving—*
 - (i) *orderly and efficient development within the area of the council; and*
 - (ii) *high levels of integration of transport and land-use planning; and*
 - (iii) *relevant targets set out in the Planning Strategy within the area of the council; and*
 - (iiia) *the implementation of affordable housing policies set out in the Planning Strategy within the area of the council; and*
 - (iv) *other outcomes of a prescribed kind (if any); and*
- (c) *to provide advice to the council (or to act as its delegate) in relation to strategic planning and development policy issues when the council is preparing—*
 - (i) *a Strategic Directions Report; or*
 - (ii) *a Development Plan Amendment proposal; and*
- (d) *other functions (other than functions relating to development assessment or compliance) assigned to the committee by the council.*

Pursuant to s101A(3) of the Development Act, the provisions relating to the establishment of committees under s.41 of the Act apply to this committee.

5. DISCUSSION

Following the conduct of a Local Government Election Council must consider its governance structure and determine which Committees, if any, it wishes to form to assist with decision making processes.

Whilst Council largely has discretion in relation to the formation of Committees, legislation prescribes that Council must have both an audit committee (s126(1) of the Act) and a strategic planning and development policy committee (s101A of the Development Act).

Elected Member appointments to any committee established by the Council cease at the conclusion of a Council term. Council is now required to reappoint new Members to fill those vacancies. The commencement of a new Council term is also an opportune time to review terms of reference for these statutory committees.

Both committees are defined by the Remuneration Tribunal SA *Determination of Allowances for Members of Local Government Councils, 30 August 2018* as Prescribed Committees. Remuneration for the Presiding Member (if an Elected Member) is 1.25 times the standard Elected Member Allowance (\$21,587.50).

The Presiding Member may choose to decline the additional allowance associated with the role.

The Terms of Reference for both the Audit Committee, and the City Strategy and Development Policy Committee have been reviewed and are provided as Attachment 1 and Attachment 2 to this report.

Attachment 1

Attachment 2

Committee Membership

Section 41 of the Act includes detail regarding the requirements for establishing membership of a committee as follows:

- (3) The membership of a committee will be determined by the council and may consist of, or include, persons who are not members of the council*
- (4) The council must appoint a person as the presiding member of a committee, or make provision for the appointment of a presiding member.*
- (5) A member of a committee holds office at the pleasure of the council.*
- (6) The council may appoint the principal member of the council as an ex officio member of a committee (but in such a case the principal member will not be taken to be included in the membership of the committee unless actually present at a meeting of the committee).*

In accordance with Section 41(4), Council must appoint a person as the presiding member of a committee, or make provision for the appointment of a presiding member. Council's practice has been to appoint a Presiding Member for the term of Council, and to make provision in the Terms of Reference for the appointment of a Deputy Presiding Member by each committee at the first meeting of the Committee.

Section 41(6) allows the Council to appoint the principal member of Council (the Mayor) as an ex officio member of a Committee. An ex officio appointment provides the capacity for the Mayor to be considered as a full member of the Committee when in attendance at meetings, including voting rights applicable to committee members. For the purpose of determining a quorum for a meeting, an ex officio member is only considered a member of the committee when they are in attendance.

The term for which a member is appointed is at the discretion of Council, therefore a decision is required to determine both the members to be appointed and the period of appointment.

It should be noted that in relation to the Audit Committee, independent member appointments are current until May 2019. A report will be presented to Council in due course, in relation to the appointment of independent members to the Audit Committee following the conclusion of current appointments.

City Strategy and Development Policy Committee Membership

Membership of the City Strategy and Development Policy Committee expired at the conclusion of the previous term of Council. Composition of the committee previously comprised four (4) elected members and three (3) independent members. Sitting fees were paid to independent members for each meeting attended (\$300).

Membership of the City Strategy and Development Policy Committee prior to the conclusion of the last term of Council was:

- Cr Jennie Boisvert
- Cr Michael Hewitson
- Cr Don Palmer
- Cr Michael Rabbitt (Presiding Member)
- Mr Doug Wallace (independent member)
- Mr Lloyd Roberts (independent member)
- Dr Iris Iwanicki (independent member)

The Terms of Reference provide that the committee will meet, at a minimum, twice yearly. Other meetings of the committee may be convened as required.

Council is free to determine the composition of the City Strategy and Development Policy Committee: there is no requirement to appoint independent members. Should Council wish to retain independent members on the Committee a process is required to advertise for suitable persons to appoint. Council may prefer the committee membership to comprise only Elected Members at this time.

A decision is sought from Council as to the composition of the City Strategy and Development Policy Committee and Elected Member appointments to the Committee.

Audit Committee Membership

There are specific requirements for membership of the Audit Committee set out s.17 of the *Local Government (Financial Management) Regulations 1999* which state:

- (1) The audit committee of a council-
 - (a) *must have between 3 and 5 members (inclusive); and*
 - (b) *must include at least 1 person who is not a member of the council and who is determined by the council to have financial experience relevant to the functions of an audit committee; and*
 - (c) *must not include, as a member, the council's auditor under section 128 of the Act.*

Historically Council has determined that the Audit Committee membership will include three members that are independent of Council and its administration, with the necessary skills, knowledge and experience to ensure the effective discharge of the responsibilities of the Committee, with the Committee Chairman to be appointed from the independent members. Council has also determined that independent members be paid a sitting fee of \$300 per meeting (\$450 for the Presiding Member) and \$150 when required to attend a workshop.

Current independent members of the Audit Committee (with a current term expiring in May 2019) are:

- Mr J Rawson(Presiding Member)
- Mr Ed Parker
- Mr Sean Tu

It is proposed that sitting fees per meeting attended of:

- \$450 Presiding Member
- \$300 Independent Member
- \$150 workshop attendance

be retained, with Council reviewing sitting fees at the time new independent member appointments are made.

A report will be presented to Council in the new year regarding the process for appointment of the three (3) independent members to the Audit Committee for the term commencing June 2019.

Elected Members appointed to the Audit Committee prior to the conclusion of the last term of Council were:

- Cr Michael Rabbitt
- Cr Rob Sangster.

6. ANALYSIS OF OPTIONS

Option 1

1. The report be received.
2. The Audit Committee Terms of Reference as set out in Attachment 1 to this report (Item 1343, Council Meeting 26/11/2018) be endorsed.
3. Councillors, and be appointed to the Audit Committee for the period commencing from the date of this resolution and concluding
4. The City Strategy and Development Policy Committee Terms of Reference as set out in Attachment 2 to this report (Item 1343, Council Meeting 26/11/2018) be endorsed.
5. Councillors,,,, and be appointed to the City Strategy and Development Policy Committee for the period commencing from the date of this resolution and concluding
6. Councillor be appointed Presiding Member of the City Strategy and Development Policy Committee for the period commencing from the date of this resolution and concluding

Council is obligated to have both an audit committee and strategic planning and development policy committee (howsoever named). This option provides for the endorsement of revised terms of reference for both committees and appoints members which will enable meetings of the committees to be convened in accordance with the terms of reference.

Membership composition for the audit committee is prescribed within legislation, and this option meets the requirements. Membership composition for the strategic planning and development policy committee is at the discretion of Council. This option proposes that membership of the committee be comprised of five (5) Elected Members only. The Terms of Reference have been drafted to reflect a committee composition of Elected Members only.

Option 2

1. The report be received.
2. The Audit Committee Terms of Reference as set out in Attachment 1 to this report (Item 1343, Council Meeting 26/11/2018) be endorsed.
3. Councillors, and be appointed to the Audit Committee for the period commencing from the date of this resolution and concluding
4. The City Strategy and Development Policy Committee Terms of Reference as set out in Attachment 2 to this report (Item 1343, Council Meeting 26/11/2018) be endorsed, with the following amendments:

3. Membership

3.1 The Committee will comprise members as follows:

- (a) Elected Members
- (b) Independent Members
- (c) The Mayor *ex officio*

...

3.6 Council will determine the sitting fees for independent members. Sitting fees are payable based on attendance at meetings.

3.7 Independent Members of the City Strategy and Development Policy Committee are required to complete and submit Primary and Ordinary Returns, and comply with Conflict of Interest provisions as set out in the *Local Government Act 1999*.

5. Councillors [*the number of Elected Members determined in Part 3 to be named here*] be appointed to the City Strategy and Development Policy Committee for the period commencing from the date of this resolution and concluding

6. Councillors *[insert names of Elected Members to be appointed]* be appointed to a Selection Committee, in conjunction with the CEO or nominee, to shortlist and interview suitable persons as independent members for appointment to the City Strategy and Development Policy Committee.
7. Councillor be appointed Presiding Member of the City Strategy and Development Policy Committee for the period commencing from the date of this resolution and concluding

This option provides for the endorsement of Terms of Reference for both Committees, and appointment of members, which include independent members on the City Strategy and Development Policy Committee. It also provides for a variation to the Terms of Reference for that Committee to reflect the inclusion of independent members within the membership composition. Finally, this option establishes a selection panel to undertake a process of shortlisting and interviewing suitable persons to appoint as independent members to the City Strategy and Development Policy Committee. The recommendations of the Selection Committee would be presented to Council for decision.

7. **RECOMMENDED OPTION**

It is at Council discretion as to which Option is preferred.

8. **POLICY IMPLICATIONS**

Please consider the following issues when discussing the policy implications of the recommended option:

8.1 **Financial/Budget**

- *The costs to pay the Presiding and independent members of both committees has been budgeted for. By reducing the City Strategy and Development Policy Committee's membership to Elected Members only, the sitting fees for independent members would not be payable and the costs required for a process to recruit and appoint independent members would not be incurred.*

8.2 **Legislative/Risk Management**

- *It is a statutory requirement that Council establishes both the Audit and City Strategy and Development Policy Committees. Failure to do so would be a breach of the Local Government Act 1999 and Development Act 1993.*
- *Composition of the Audit Committee is prescribed in legislation and both Options set out in this report meet the requirements for membership.*
- *There are no legislative requirements regarding composition of the City Strategy and Development Policy Committee.*

9. REPORT CONSULTATION

Nil

10. ATTACHMENTS

- Attachment 1 – Terms of Reference Audit Committee
- Attachment 2 – Terms of Reference City Strategy and Development Policy Committee

11. REPORT AUTHORISERS

<u>Name</u>	<u>Title</u>
Peter Tsokas	Chief Executive Officer



AUDIT COMMITTEE - TERMS OF REFERENCE -

1. ESTABLISHMENT

- 1.1. The Audit Committee is established pursuant to Sections 41 and 126 of the *Local Government Act 1999* ("the Act").
- 1.2. The Committee is defined as a "prescribed committee" in the Remuneration Tribunal SA *Determination No. 6 of 2018, Allowances for Members of Local Government Councils*, dated 30 August 2018.

2. OBJECTIVES

- 2.1. Section 126(4) of the Act describes the functions of the audit committee to include:
 - 2.1.1. Reviewing annual financial statements to ensure that they present fairly the state of affairs of the council; and
 - 2.1.2. Proposing, and providing information relevant to, a review of the council's strategic management plans or annual business plan; and
 - 2.1.3. Proposing, and reviewing, the exercise of powers under section 130A of the Act; and
 - 2.1.4. Liaising with the council's auditor; and
 - 2.1.5. Reviewing the adequacy of the accounting, internal control, reporting and other financial management systems and practices of the council on a regular basis.
- 2.2. Specifically, the Audit Committee will:

Financial Reporting and Sustainability

 - 2.2.1. Review the annual financial statements of the Council to ensure that they present fairly the state of affairs of the Council, reviewing significant financial reporting issues and judgements which they contain.
 - 2.2.2. Review and make recommendations to the Council regarding the assumptions, financial indicators and targets in the Long Term Financial Plan, including financial sustainability of the Council and any risks in relation to the adoption of the Long Term Financial Plan and Annual Budget.
 - 2.2.3. Review, make recommendations and observations to Council on the financial outcomes of the Asset Management Plans.

- 2.2.4. Propose and provide information relevant to a review of the Council's strategic management plans or annual business plans.
- 2.2.5. Review and make recommendations to the Council regarding any other significant financial, accounting and reporting issues as deemed necessary by the Committee, Council or Management.

Risk Management and Internal Control

- 2.2.6. Monitor and review the performance and adequacy of Council's risk management framework for identifying, monitoring and managing significant business risks, including Work Health and Safety and Business Continuity Planning.
- 2.2.7. Review and comment on the adequacy of internal controls, internal audit, financial management systems and practices.
- 2.2.8. Ensure an appropriate compliance framework exists to identify risks and controls for compliance with applicable legislation and regulations.

Internal Audit and Compliance

- 2.2.9. Monitor and review the effectiveness of the Council's internal audit function and program in the context of the Council's overall risk management framework.
- 2.2.10. Contribute to the development of the Internal Audit Plan, review internal audit reports and meet with Internal Auditors as required.
- 2.2.11. Obtain regular updates from Management and/or Internal Auditors regarding compliance matters in relation to Council's statutory requirements, and provide comment to Council where necessary as part of the Committees reporting responsibilities.

External Audit

- 2.2.12. Liaise with, and meet with Council's External Auditor at least once per year.
- 2.2.13. Consider and make recommendations to the Council in relation to the selection, appointment and removal of the External Auditor.
- 2.2.14. Review and make recommendations to Council on the scope of work, reports and activities of the External Audit, including interaction with any internal audit capability.
- 2.2.15. Review the findings of the annual and interim audits with the External Auditor.
- 2.2.16. Review the response by Management to reviews, recommendations and audit letters provided by the External Auditor.

Governance

- 2.2.17. Review and comment on the overall adequacy of Council's Policy Framework.
- 2.2.18. Propose and review the exercise of powers under section 130A of the *Local Government Act 1999* "Other Investigations" if required by Council and/or deemed necessary by the Committee.
- 2.2.19. Consider, monitor and review the operation of Council's subsidiaries in relation to the minutes and recommendations from their respective

Committees and any other matter which is within the powers of the Council and is appropriate to be referred to the Committee by the Council.

2.2.20. Anything necessary, expedient or incidental to performing or discharging the functions of the Committee as listed herein or to achieving its objectives.

3. MEMBERSHIP

- 3.1. The Committee will comprise 5 members appointed by Council as follows:
 - 3.1.1. Three (3) independent members; and
 - 3.1.2. Two (2) Elected Members.
- 3.2. Independent members of the Committee must have recent and relevant experience in professions such as, but not limited to, accounting, audit, financial management, legal, risk management and governance.
- 3.3. Criteria used to select independent members will have regard to gender balance, youth and cultural representation.
- 3.4. It is desirable for Elected Members appointed to the Committee to have a sound understanding of financial management principles, and skills/knowledge in areas such as, but not limited to, risk management and governance.
- 3.5. Committee member appointments are for a term determined by Council.
- 3.6. Membership of the Committee continues for the term of appointment *unless* a member resigns, is otherwise incapable of continuing as a member, or is removed from office by the Council.
- 3.7. The Committee may, by a vote supported by at least half plus one of the members of the Committee, make a recommendation to the Council to remove a member of the Committee from office where a member has failed (without the leave of the Committee) to attend three consecutive meetings of the Committee.
- 3.8. Members of the Committee are eligible for re-appointment at the expiration of their term of office.
- 3.9. Council will determine the sitting fees for independent members. Sitting fees are payable based on attendance at meetings.
- 3.10. Independent members of the Committee are required to complete and submit Primary and Ordinary Returns and comply with Conflict of Interest provisions set out in the Act.

4. PRESIDING MEMBER

- 4.1. The Council will appoint the Presiding Member of the Committee.
- 4.2. The Council authorises the Committee to determine if there will be a Deputy Presiding Member of the Committee and, if so, authorises, the Committee to make the appointment to that position for a term determined by the Committee.
- 4.3. If the Presiding Member of the Committee is absent from a meeting the Deputy Presiding Member (if such position exists) will preside at that meeting. If there is no position of Deputy Presiding Member, or both the Presiding Member and the Deputy Presiding Member of the Committee are absent from a meeting of the Committee, then a member of the Committee chosen from those present will preside at the meeting until the Presiding Member (or Deputy Presiding Member, if relevant) is present.

- 4.4. The Presiding Member, with the CEO, has responsibility for execution of the Independence of External Auditor declaration as part of the end of financial year audit process.
- 4.5. The role of the Presiding Member includes:
 - 4.5.1. overseeing and facilitating the conduct of meetings in accordance with the *Local Government Act 1999*, and the *Local Government (Procedures at Meetings) Regulations 2013*.
 - 4.5.2. ensuring all Committee members have an opportunity to participate in discussions in an open and encouraging manner.

5. OPERATIONAL MATTERS

5.1. Frequency of Meetings

- 5.1.1. The Committee shall meet, at least four (4) times per year at appropriate times in the financial reporting cycle, and when the Committee may otherwise deem necessary. The CEO is authorised to determine the time and date of each meeting of the Committee.
- 5.1.2. The CEO is authorised, after consulting with the Presiding Member of the Committee, to cancel the respective Committee meeting, if it is clear that there is no business to transact for that designated meeting. Members are to be advised at least 3 clear days before the scheduled meeting. Advice of the same will also be posted on Council's website.

5.2. Delegation

- 5.2.1. The Committee is not delegated any of the decision making powers, functions or duties of the Council. All decisions of the Committee will therefore constitute recommendations to the Council to consider and determine.

5.3. Notice of Meetings

- 5.3.1. Notice of the meetings of the Committee will be given in accordance with sections 87 and 88 of the Act. Accordingly, notice will be given:-
 - (a) to members of the Committee by email, or in a form as otherwise agreed by Committee members, at least 3 clear days before the date of the meeting; and
 - (b) to the public as soon as practicable after the time that notice of the meeting is given to members by causing a copy of the notice and agenda to be displayed at the Council's offices and on the Council's website.
- 5.3.2. The agenda and reports for all meetings of the Committee must be delivered to members of the Committee at least 3 clear days before the meeting.

5.4. Reporting

- 5.4.1. For the purposes of section 41(8) of the Act, the Council determines that the Audit Committee will satisfy reporting and other accountability requirements through the presentation of the minutes of each meeting of the Committee at the next ordinary meeting of the Council following each Committee meeting.

5.4.2. At the request of the CEO, the Presiding Member (and other Independent Members as required) shall provide a report and/or presentation to the Council relating to Strategic Financial, Risk or Governance matters.

5.5. Public Access to Meetings

5.5.1. The Committee shall meet at the Offices of the Council located at 181 Unley Road, Unley SA 5061.

5.5.2. Members of the public are able to attend all meetings of the Committee, unless prohibited by resolution of the Committee under the confidentiality provisions of Section 90 of the Act.

6. MEETING PROCEDURE

6.1. The Council has resolved to apply Part 2 of the *Local Government (Procedures at Meetings) Regulations 2013* to this Committee.

6.2. Insofar as the Act, the Regulations, the Code of Practice - Meeting Procedures or these Terms of Reference do not prescribe the procedure to be observed in relation to the conduct of a meeting of the Committee, the Committee may determine its own procedure.

6.3. Subject to clause 6.4 of these Terms of Reference, all decisions of the Committee shall be made on the basis of a majority of the members present.

6.4. A quorum is ascertained by dividing the total number of Committee members by two, ignoring any fraction resulting from the division, and adding one.

6.5. If the Mayor attends a meeting of the Committee as *ex-officio*, the Mayor's attendance will be included in the calculation of quorum.

6.6. All members of the Committee must (subject to a provision of the Act or Regulations to the contrary) vote on any matter arising for decision at a meeting of the Committee.

6.7. Every member of the Committee has a deliberative vote only. In the event of a tied vote the person presiding at the meeting does not have a second or casting vote and the matter will be referred to Council for decision.

6.8. Any decision of the Committee which does not arise from a recommendation of a Council officer must be supported in the minutes of the meeting by clear reasons for the decision.

Responsible Department:	Business Support and Improvement
Responsible Officer:	General Manager Business Support and Improvement
Date Adopted	
Reference/Version Number	
ECM Doc set I.D.	



**CITY STRATEGY AND DEVELOPMENT POLICY COMMITTEE
- TERMS OF REFERENCE -**

1. ESTABLISHMENT

- 1.1. The Council has established the City Strategy and Development Policy Committee (referred to in these Terms of Reference as "the Committee") pursuant to Section 41 of the *Local Government Act 1999* ("the Act") and Section 101A of the *Development Act 1993*.
- 1.2. The Committee is defined as a "prescribed committee" in the Remuneration Tribunal SA *Determination No. 6 of 2018, Allowances for Members of Local Government Councils*, dated 30 August 2018.

2. OBJECTIVES

- 2.1. The Committee is established in accordance with the requirements of section 101A(2) of the *Development Act 1993* to:
 - 2.1.1. provide advice to the council in relation to the extent to which the council's strategic planning and development policies accord with the State Planning Strategy; and
 - 2.1.2. assist the council in undertaking strategic planning and monitoring directed at achieving—
 - (a) orderly and efficient development within the area of the council; and
 - (b) high levels of integration of transport and land-use planning; and
 - (c) relevant targets set out in the State Planning Strategy within the area of the council; and
 - (d) the implementation of affordable housing policies set out in the State Planning Strategy within the area of the council; and
 - (e) other outcomes of a prescribed kind (if any); and
 - 2.1.3. provide advice to the council (or to act as its delegate) in relation to strategic planning and development policy issues when the council is preparing—
 - (a) a Strategic Directions Report; or
 - (b) a Development Plan Amendment proposal; and
 - 2.1.4. undertake other functions (other than functions relating to development assessment or compliance) assigned to the committee by the council.

- 2.1.5. review and consider specific changes to the Development Plan as initiated by the State Government
- 2.1.6. review relevant State legislative, strategy and policy changes affecting Local Government activity and responsibilities in relation to development, and recommending appropriate course(s) of action.
- 2.1.7. receive reports, at least six monthly, from the City of Unley Council Assessment Panel (CAP) regarding trends, issues and other relevant matters.
- 2.1.8. provide advice to Council regarding strategies and policies to deal with major changes in urban form, increased population or changing population age profiles in the council area related to the State 30 Year Plan for Greater Adelaide, or other factors.

3. MEMBERSHIP

- 3.1. The Committee will comprise five (5) Elected Members. The Mayor is appointed *ex officio* to the Committee.
- 3.2. Committee member appointments are for a term determined by Council.
- 3.3. Membership of the Committee continues for the term of appointment *unless* a member resigns, is otherwise incapable of continuing as a member, or is removed from office by the Council.
- 3.4. The Committee may, by a vote supported by at least half plus one of the members of the Committee, make a recommendation to the Council to remove a member of the Committee from office where a member has failed (without the leave of the Committee) to attend three consecutive meetings of the Committee.
- 3.5. Members of the Committee are eligible for re-appointment at the expiration of their term of office.

4. PRESIDING MEMBER

- 4.1. The Council will appoint the Presiding Member of the Committee.
- 4.2. The Council authorises the Committee to determine if there will be a Deputy Presiding Member of the Committee and, if so, authorises, the Committee to make the appointment to that position for a term determined by the Committee.
- 4.3. If the Presiding Member of the Committee is absent from a meeting the Deputy Presiding Member (if such position exists) will preside at that meeting. If there is no position of Deputy Presiding Member, or both the Presiding Member and the Deputy Presiding Member of the Committee are absent from a meeting of the Committee, then a member of the Committee chosen from those present will preside at the meeting until the Presiding Member (or Deputy Presiding Member, if relevant) is present.
- 4.4. The role of the Presiding Member includes:
 - 4.4.1. overseeing and facilitating the conduct of meetings in accordance with the *Local Government Act 1999*, and *the Local Government (Procedures at Meetings) Regulations 2013*.
 - 4.4.2. ensuring all Committee members have an opportunity to participate in discussions in an open and encouraging manner.

5. OPERATIONAL MATTERS

5.1. Frequency of Meetings

- 5.1.1. The Committee shall meet, at a minimum, twice a year and then on an as needed basis. The CEO is authorised to determine the time and date of each meeting of the Committee.
- 5.1.2. The CEO is authorised, after consulting with the Presiding Member of the Committee, to cancel the respective Committee meeting, if it is clear that there is no business to transact for that designated meeting. Members are to be advised at least 3 clear days before the scheduled meeting. Advice of the same will also be posted on Council's website.

5.2. Delegation

- 5.2.1. The Council authorises the Committee to conduct public hearings in regard to Plan Amendment Reports and Section 30 reviews under the *Development Act 1993* and report to Council accordingly.
- 5.2.2. The Committee is not delegated any of the decision making powers, functions or duties of the Council. All decisions of the Committee will therefore constitute recommendations to the Council to consider and determine.

5.3. Notice of Meetings

- 5.3.1. Notice of the meetings of the Committee will be given in accordance with sections 87 and 88 of the Act. Accordingly, notice will be given:-
 - (a) to members of the Committee by email, or in a form as otherwise agreed by Committee members, at least 3 clear days before the date of the meeting; and
 - (b) to the public as soon as practicable after the time that notice of the meeting is given to members by causing a copy of the notice and agenda to be displayed at the Council's offices and on the Council's website.
- 5.3.2. The agenda and reports for all meetings of the Committee must be delivered to members of the Committee at least 3 clear days before the meeting.

5.4. Reporting

- 5.4.1. The Committee may establish working parties to expedite the current business of the Committee. These working parties may only be established for a specific matter and/or purpose with a defined and limited term.
- 5.4.2. For the purposes of section 41(8) of the Act, the Council determines that the City Strategy and Development Policy Committee will satisfy reporting and other accountability requirements through the presentation of the minutes of each meeting of the Committee at the next ordinary meeting of the Council following each Committee meeting.

5.5. Public Access to Meetings

- 5.5.1. The Committee shall meet at the Offices of the Council located at 181 Unley Road, Unley SA 5061.
- 5.5.2. Members of the public are able to attend all meetings of the Committee, unless prohibited by resolution of the Committee under the confidentiality provisions of Section 90 of the Act.

6. MEETING PROCEDURE

- 6.1. The Council has resolved to apply Part 2 of the *Local Government (Procedures at Meetings) Regulations 2013* to this Committee.
- 6.2. Insofar as the Act, the Regulations, the Code of Practice - Meeting Procedures or these Terms of Reference do not prescribe the procedure to be observed in relation to the conduct of a meeting of the Committee, the Committee may determine its own procedure.
- 6.3. Subject to clause 6.4 of these Terms of Reference, all decisions of the Committee shall be made on the basis of a majority of the members present.
- 6.4. A quorum is ascertained by dividing the total number of Committee members by two, ignoring any fraction resulting from the division, and adding one.
- 6.5. If the Mayor attends a meeting of the Committee as *ex-officio*, the Mayor's attendance will be included in the calculation of quorum.
- 6.6. All members of the Committee must (subject to a provision of the Act or Regulations to the contrary) vote on any matter arising for decision at a meeting of the Committee.
- 6.7. Every member of the Committee has a deliberative vote only. In the event of a tied vote the person presiding at the meeting does not have a second or casting vote and the matter will be referred to Council for decision.
- 6.8. Any decision of the Committee which does not arise from a recommendation of a Council officer must be supported in the minutes of the meeting by clear reasons for the decision.

Responsible Department:	Office of the CEO
Responsible Officer:	Chief Executive Officer
Date Adopted	
Reference/Version Number	
ECM Doc set I.D.	

DECISION REPORT

REPORT TITLE: COUNCIL ASSESSMENT PANEL: ELECTED MEMBER APPOINTMENTS AND INDEPENDENT ELECTED MEMBER RECRUITMENT

ITEM NUMBER: 1344

DATE OF MEETING: 26 NOVEMBER 2018

AUTHOR: PAUL WEYMOUTH

JOB TITLE: MANAGER DEVELOPMENT AND REGULATORY SERVICES

1. EXECUTIVE SUMMARY

The purpose of this report is to enable Council to consider the process for appointing new members to the Council Assessment Panel (CAP) for the next term commencing in March 2019.

The process will include the establishment of an Elected Member Selection Committee to shortlist, interview and recommend to Council the three Independent Members and Independent Presiding Member.

The report will also require Council to appoint a new Elected Member and Deputy Elected Member to CAP as following the commencement of the new council term these positions are currently vacant.

2. RECOMMENDATION

That:

1. The report be received.
 2. Councillor _____ be appointed as a member of the Council Assessment Panel commencing from the date of this resolution and expiring on 28 February 2021.
 3. Councillor _____ be appointed as a Deputy Member of the Council Assessment Panel commencing from the date of this resolution and expiring on 28 February 2021.
 4. Councillors _____, _____ and _____ be appointed to form a Council Assessment Panel Selection Committee in conjunction with the CEO or Nominee to shortlist and interview suitable persons as Independent Members for appointment to the Council Assessment Panel commencing in March 2019.
-

3. RELEVANT CORE STRATEGIES/POLICIES

1.1 Section 83 of the *Planning, Development and Infrastructure Act 2016* (the PDI Act) designates authority to establish Assessment Panels of no more than five members (being one Elected Member and four Independent Members).

4. DISCUSSION

Background

The City of Unley CAP was formally established by Council on 28 August 2017. At that time Council also made the following membership appointments to the CAP:

- *Council appoint Councillor Salaman to be a member of the Council Assessment Panel and appoint Councillor Boisvert to be a Deputy Member of the Council Assessment Panel commencing on 1 October 2017 and expiring at the end of the current Council term.*
- *Council appoint the following four Independent Members to be members of the Council Assessment Panel commencing on 1 October 2017 and expiring on 28 February 2019.*
 - *Independent Member Mr Brenton Burman (Presiding Member)*
 - *Independent Member Mr Roger Freeman*
 - *Independent Member Ms Ann Nelson*
 - *Independent Member Ms Nicole Dent*

It is now timely to consider the recruitment process for independent members of CAP given the conclusion of the current CAP term on 28 February 2019.

The following is a summary of the process to appoint the new CAP:

- Advertisements have been placed seeking expressions of interest for new CAP Members throughout November 2018
- This report seeks the following resolutions of Council:
 - Appointment of a new Elected Member and Deputy Elected Member of the CAP
 - Appointment of a CAP Selection Committee comprising three Elected Members in conjunction with the CEO or nominee, to interview and recommend the appointment of Independent Members for the CAP.
- Based on the advice of the CAP Selection Committee, a report will be prepared for the January 2019 Council meeting seeking to appoint new Independent Members (including the Presiding Member) to CAP.
- The January 2019 report shall also consider related matters such as code of conduct, terms of reference, sitting fees and meeting procedures.

Membership

The PDI Act dictates that the membership of a CAP cannot exceed five members and that notwithstanding the total number of members, Council cannot appoint more than one Elected Member to its CAP. Council is also at liberty to have no Elected Members on the Panel if it so wishes.

The PDI Act does enable the appointment of deputy members to the Panel. It is recommended that one Elected Member be appointed as Deputy Member. The Deputy Member may only attend CAP meetings in circumstances where the appointed Elected Member is an apology.

Term

The current term of the existing CAP membership expires on 28 February 2019. The Development Act previously limited the term of the appointment to two years. The PDI Act enables Council to determine the term of the appointment of members to the CAP. There is no limitation on the length of the term. The length of term will be determined by Council at the January 2019 meeting.

Accredited Professionals

All independent members of a CAP will, in future, need to be accredited professionals. An accreditation scheme is currently being prepared by DPTI and is expected to be implemented by July 2019. Council will need to consider the ability to satisfy accredited professional requirements as part of the selection process for Independent Members.

However, a Council member on a CAP will not need to be an accredited professional if the Council is satisfied that the person is appropriately qualified to act as a member of the assessment panel on account of the person's experience in local government.

Related Matters

The January 2019 report to Council will need to consider a number of other related matters including:

- Sitting fees
- Code of conduct
- Terms of reference
- Meeting procedures.

5. ANALYSIS OF OPTIONS

Option 1

- 1 Councillor _____ be appointed as a member of the Council Assessment Panel commencing from the date of this resolution and expiring on 28 February 2021.

- 2 Councillor _____ be appointed as a Deputy Member of the Council Assessment Panel commencing from the date of this resolution and expiring on 28 February 2021.
- 3 Councillors _____, _____ and _____ be appointed to form a Council Assessment Panel Selection Committee in conjunction with the CEO or Nominee to shortlist and interview suitable persons as Independent Members for appointment to the Council Assessment Panel commencing in March 2019.

There are limited alternative options available to Council.

Council is able to determine the term of appointment for CAP Members. This could be for a specific time period or the full four year term of the new Council. The PDI Act does not limit the term of the appointment.

The appointment of the Elected and Deputy Elected Member has been recommended for two years and three months to align with the expected (two year) term of the Independent Members. The term of the Independent Members will be determined by Council at the January 2019 meeting.

The recommended term for the Elected and Deputy Elected Member will provide a reasonable timeframe to understand and succeed on the CAP while allowing rotation to enable different Elected Members an opportunity to participate during the four year term.

Option 1 is the recommended option.

Option 2 –

1. The report be received.
2. Councillors _____, _____ and _____ be appointed to form a Council Assessment Panel Selection Committee in conjunction with the CEO or Nominee to shortlist and interview suitable persons as Independent Members for appointment to the Council Assessment Panel commencing in March 2019.

Under this option Council does not appoint an Elected Member to CAP

Under the PDI Act 2016, Council is not obligated to appoint and Elected Member to the CAP, and it may, if it so wishes appoint five independent members instead.

The advantage of not having an Elected Member on the CAP is that it removes any perception of political bias in the decision making process. If this option is selected then CAP will convene with only four members from December 2018 until the expiry of the current term (28 February 2019) at which time a panel of 5 Independent Members will be established.

However the benefit of having an Elected Member on the CAP is that they are likely to have a greater appreciation of local community planning issues.

It is worth noting that irrespective of whether a CAP member is an Elected Member or Independent Member they are required to assess development in accordance with the requirements of the PDI Act 2016 and Development Act 1993.

Option 2 is not recommended.

6. **RECOMMENDED OPTION**

Option 1 is the recommended option.

7. **POLICY IMPLICATIONS**

7.1 Financial/Budget

- There are no financial or budget implications. Sitting fees for CAP members are provided in the current budget.

7.2 Legislative/Risk Management

- The recommendations put forward within this report comply with the legislative requirements under the PDI Act.

7.3 Staffing/Work Plans

- The appointment of members to the CAP does not have any significant impact on staffing or work plans.

7.4 Environmental/Social/Economic

- There are no policy implications relating to the appointment or operations of the CAP at this time. The CAP is required to determine applications against the City of Unley Development Plan. There will be legislative and policy change associated with the phased implementation of the *PDI Act 2016* and associated *PDI Regulations* and the Planning and Design Code. This is expected to occur in stages over the next eighteen months.

7.5 Stakeholder Engagement

There is no requirement for stakeholder engagement.

8. **REPORT AUTHORISERS**

<u>Name</u>	<u>Title</u>
Megan Berghuis	General Manager City Services
Peter Tsokas	Chief Executive Officer

DECISION REPORT

REPORT TITLE: ACTING CHIEF EXECUTIVE OFFICER –
APPOINTMENT OF SUITABLE PERSON

ITEM NUMBER: 1345

DATE OF MEETING: 26 NOVEMBER 2018

AUTHOR: PETER TSOKAS

JOB TITLE: CHIEF EXECUTIVE OFFICER

1. **EXECUTIVE SUMMARY**

From time to time it is necessary for a person to be appointed to act in the office of Chief Executive Officer. Section 102 of the *Local Government Act 1999* allows the Chief Executive Officer to appoint a suitable person to act in the office after consultation with Council. This report seeks endorsement by Council of “suitable persons” to act in the role of Chief Executive Officer during periods of leave or other absences to facilitate the appointment process as required.

2. **RECOMMENDATION**

That

1. the following persons be endorsed as suitable persons to be appointed by the Chief Executive Officer to act in the office of Chief Executive Officer during periods of leave or absence:
 - General Manager Business Support and Improvement, Nicola Tinning
 - General Manager City Services, Megan Berghuis
 - Executive Manager Office of the CEO, Tami Norman
-

3. **RELEVANT CORE STRATEGIES/POLICIES**

3.1 Civic Leadership: 4.1 – We have strong governance and leadership

4. **BACKGROUND**

During periods of leave or other absence it is necessary to appoint an Acting Chief Executive Officer to ensure the day to day operations of the organisation can continue, particularly in relation to the exercise of delegations held solely by the Chief Executive Officer.

With the commencement of the new Council term it is appropriate to confirm with Council arrangements for appointment of Acting Chief Executive Officer.

Section 102 of the *Local Government Act 1999* (Persons to act in the absence of the chief executive officer) provides:

In the absence of the chief executive officer, the following provisions apply:

- (a) If there is a deputy to the chief executive officer – the deputy must act in the office of the chief executive officer;*
- (b) If there is no deputy or the deputy is absent – a suitable person appointed by the chief executive officer after consultation with the council must act in the office;*
- (c) If a person is not appointed under paragraph (b) – a suitable person must be appointed by the principal member of the council to act in the office (after taking into account the organisational structure of the council);*
- (d) If a person is not appointed under paragraph (c) – a suitable person must be appointed by any three or more members of the council to act in the office (after taking into account the organisational structure of the council)*

The responsibility to appoint a Deputy CEO rests with the CEO, however, the CEO must obtain the concurrence of the Council before making such an appointment. There is currently no deputy to the Chief Executive Officer appointed at the City of Unley.

5. DISCUSSION

Historically the responsibility of acting as Chief Executive Officer has been shared across the member of the Executive Management Team (EMT). This approach ensure that there is a pool of suitable persons available to make an appointment from and enables the management of ongoing operations of the organisation to continue with limited disruption. This approach also provides EMT members with development opportunities through performance at the chief executive officer level and contributes to their ongoing professional development.

The current practice of rotating acting Chief Executive Officer appointments has worked well and the intention is to retain this strategy. To facilitate this process, the following list of staff have been identified as suitable persons from which the Chief Executive Officer may make an acting CEO appointment during periods of leave or other absence:

- General Manager Business Support and Improvement, Nicola Tinning
- General Manager City Services, Megan Berghuis
- Executive Manager Office of the CEO, Tami Norman

Once an appointment has been made to the General Manager City Development position it is anticipated that a subsequent report will be presented to council to endorse the incumbent of that position as a suitable person to act in the office of Chief Executive Officer.

The determination of which person to appoint in an acting capacity will be made by the Chief Executive Officer taking into account operational requirements of the organisation and key issues likely to require action during the period.

6. ANALYSIS OF OPTIONS

Option 1

the following persons be endorsed as suitable persons to be appointed by the Chief Executive Officer to act in the office of Chief Executive Officer during periods of leave or absence:

- General Manager Business Support and Improvement, Nicola Tinning
- General Manager City Services, Megan Berghuis
- Executive Manager Office of the CEO, Tami Norman

This option identifies the current members of the Executive Management Team as suitable persons to act in the office of CEO during periods of leave or other absences, noting that a recruitment process for the position of General Manager City Development is currently underway so therefore the incumbent of that role is not included in the list.

The consideration of this report, and the resolution of Council endorsing “suitable persons” achieves the requirement of consultation with Council by the CEO before making any acting appointment, and enables the CEO to make acting appointments as required, without further reference to Council. This is an administratively efficient approach to ensure the organisation continues to have a suitable person available to act in the role of CEO if required.

Option 2

Council may choose to vary the list of suitable persons included in Option 1 by either adding or removing individuals to the list.

This option would either increase or decrease the list of suitable persons endorsed by Council to act in the office of CEO. It would be important to ensure that any additional persons have the relevant skills/knowledge/experience to act in the role. Should Council deem it necessary to remove persons from the list, it may result in a need for the CEO to undertake consultation regarding acting appointments if none of the persons remaining on the list are available to act when required.

Option 3

Council may choose not to endorse a list of suitable persons and require that the CEO consult with Council on a case by case basis when a decision is required in relation to the appointment of an acting CEO.

This option would mean that each time an acting appointment is required in the position of CEO consultation would need to occur with Council prior to the appointment being made.

7. RECOMMENDED OPTION

Option 1 is the recommended option.

8. POLICY IMPLICATIONS

8.1 Financial/Budget

- There are no financial/budget implications from this recommendation.

8.2 Legislative/Risk Management

- This recommendation responds to a requirement for the CEO to consult with Council prior to appointing a suitable person to act in the office of CEO during periods of leave or absence.

9. REPORT CONSULTATION

Nil

10. ATTACHMENTS

Nil

11. REPORT AUTHORISERS

Name	Title
Peter Tsokas	Chief Executive Officer

INFORMATION REPORT

REPORT TITLE: COUNCIL ACTION RECORDS
ITEM NUMBER: 1346
DATE OF MEETING: 26 NOVEMBER 2018
AUTHOR: LARA JONES
JOB TITLE: EXECUTIVE ASSISTANT OFFICE OF THE CEO
ATTACHMENT: 1. COUNCIL ACTION RECORDS

1. EXECUTIVE SUMMARY

To provide an update to Members on information and actions arising from resolutions of Council.

2. RECOMMENDATION

That:

1. The report be noted.
-

COUNCIL ACTION REPORTS - ACTIONS TO NOVEMBER 2018					
Meeting Date	Item #	Subject and Council Resolution	Responsible Exec.	Status/Progress	Expected Completion Date
23/01/17	744	<p>Notice of Motion Councillor Rabbitt re Vacant Land at 251 Goodwood Road</p> <p>1. Administration investigates ownership of the vacant land at 251 Goodwood Road, Kings Park (believed to be owned by the Department of Planning Transport and Infrastructure).</p> <p>2. On the basis of 1. above being confirmed, Administration requests the transfer of ownership of this land to the City of Unley 'gratis', on the basis that council will maintain the land in a tidy state.</p> <p>3. Administration prepares a concept plan and costing for a low maintenance, dry garden area that would provide an additional 'green space', enhance the western approach to the Millswood Train Station and hopefully discourage the regular dumping of rubbish at the site.</p> <p>4. Administration identifies funding sources as part of the 2017/18 budget process.</p>	GM City Development	<p>This matter has been escalated to the General Manager Property at DPTI for follow up. A draft agreement showing the conditions that would be imposed on Council by DPTI if the land was leased is being prepared by DPTI. This was expected to be available for discussions with DPTI at the end of June however at this time has not yet been received.</p> <p>Note that this agreement will require Ministerial approval.</p> <p>Following receipt of the report from DPTI, we will conduct soil testing on-site to check for contamination.</p> <p>October 2018 - still awaiting report from DPTI.</p>	January 2019
27/02/17	773	<p>Proposed Road Closure of Pieces of Rugby Street (Haslop Reserve) and Cremorne Street Malvern</p> <p>1. The report be received. 2. In accordance with the process under the Roads Opening and Closing Act 1991 that sections of the public roads known as Rugby Street (currently known as Haslop Reserve) and Cremorne Street, Malvern be closed as a public road and a Certificate of Title be issued in the ownership of Council. 3. Subject to the response to the Community Consultation process to close portions of Rugby Street and Cremorne Street, Malvern (currently known as Haslop Reserve), the CEO and Mayor be approved to sign and Seal where necessary, any documents to complete the roads closing process. 4. The sections of the public road proposed to be closed be excluded from the classification of community land. 5. Notice of this resolution, be published in the Government Gazette in accordance with S193 (6) (a) of the Local Government Act. 6. Administration discuss with the Department of Education and Child Development their interest in purchasing this portion land or contributing towards the cost of the land transfer.</p>	GM City Development	<p>Documentation has been finalised and lodged with the LTO (Lands Titles Office). Now waiting for LTO to process documents.</p>	Early 2019
27/03/17	799	<p>42 Ferguson Avenue and Ferguson Avenue Reserve Myrtle Bank - Proposed Land Swap and Road Closure</p>	GM City Development	<p>Documentation has been finalised and lodged with the LTO (Lands Titles Office). Now waiting for LTO to process documents.</p>	Early 2019
27/11/17	1021	<p>Priority Projects at Goodwood Oval and Millswood Sporting Complex</p> <p>1. The State Government offer of a grant of up to \$2.5m towards the construction of a new facility for the Goodwood Football and Cricket Clubs on Goodwood Oval be accepted, supported by financial contributions from the sporting clubs/SANFL of up to \$150,000 and a Council contribution of \$950,000 with the Chief Executive Officer authorised to enter into the necessary funding agreement with the State Government and any other agreement with funding contributors in order to deliver the project.</p> <p>2. The two-storey option proposed as the preferred option for the new facility on Goodwood Oval be endorsed, subject to discussions with the Office of Recreation and Sport and the sporting clubs, not proposing any major variations to the options.</p> <p>3. Community engagement on the proposed new facility on Goodwood Oval occur from January to March 2018, and a report be brought back to Council upon the completion of the engagement process.</p> <p>4. \$40,000 be allocated towards the sports lighting upgrade at the Millswood Tennis Complex, and discussions continue with external funding partners to achieve this project. Subject to confirmation of a funding contribution from Tennis SA:</p> <p>a. a development application for the project is to be submitted by the Administration; and</p> <p>b. at the appropriate time in 2018, a grant funding application is to be submitted to the Office for Recreation & Sport for additional funds to enable delivery of this project.</p> <p>5. \$260,000 be allocated towards the development of a new club building and surrounds at the Millswood Croquet Club and discussions continue with possible external funding partners before a commitment to proceed with this project is made.</p>	GM City Development	<p>Goodwood Oval Grandstand Refer to Item 1136.</p> <p>Tennis SA Lighting - With Tennis SA approval and funding contributions, State Government funding applications have been lodged for lighting upgrades, court resurfacing and interior building upgrades. There is currently no budget for this work in 2018/19. - According to the Office for Recreation and Sport website, the outcome of the funding application will be advised in 2019. - No further action at this stage.</p> <p>Croquet Club Building - Work will be undertaken to this progress this project once the Goodwood Oval grandstand project has been completed.</p>	TBA

COUNCIL ACTION REPORTS - ACTIONS TO NOVEMBER 2018

Meeting Date	Item #	Subject and Council Resolution	Responsible Exec.	Status/Progress	Expected Completion Date
26/02/18	1102	<p>MOTION OF WHICH NOTICE HAS BEEN GIVEN</p> <p>1. The Administration commence investigations into the possible future uses of the hockey playing field and building at the Goodwood Oval complex in order to ensure that this site is used appropriately, at such a time that Forestville Hockey Club should vacate the site. To enable the proposed review of alternative uses of the Forestville hockey playing field and building to be completed, Council is to consider a budget bid of \$30K during its 2018/19 budget deliberations.</p> <p>2. The Administration liaise with the State Government to obtain further information on the redevelopment of the Women's Memorial Playing Fields, including timelines and possible funding contributions, and that further updates be provided to Council once this information is obtained.</p>	GM City Development	Investigation will be undertaken by Administration. Work will commence following the appointment of the new Urban Planning and Design Officer in early 2019, and subject to the advancement of the Goodwood Oval Grandstand.	Ongoing
26/03/18	1116	<p>SHARED Street Opportunities</p> <p>1. The report be received.</p> <p>2. The criteria in Attachment 1 to Item 1116/18 (Council Meeting, 26/03/2018) be endorsed for use to assist with identification and prioritisation of streets that are suitable candidates for conversion to shared streets.</p> <p>3. Following the prioritisation of shared street opportunities, residents in prioritised streets be consulted. The results will then be used as a further criterion for determining which streets proceed to concept design and community engagement.</p> <p>4. Concept design and community engagement be undertaken in 2018/19 for one or more of the streets listed as 'priority' shared street conversion opportunities, with implementation to be considered as part of the 2019/20 budget process.</p>	GM City Development	Community consultation will be undertaken in the second half of 2018/2019 as per the Council endorsement. Work will commence in early 2019 following the appointment of the new Urban Planning and Design Officer. Based on the community feedback, the concept and designs will be developed for implementation of changes in FY 19/20.	June 2019
26/03/18	1117	<p>POCKET PARKS</p> <p>1. The report be received.</p> <p>2. Designs be prepared for up to two pocket parks in 2018/19 from the options contained within Attachment 1 "Potential Pocket Park Locations", (Item 1117/18, Council, 26/03/2018).</p>	GM City Development	Community consultation will be undertaken in the second half of 2018/2019 as per the Council endorsement. Work will commence in early 2019 following the appointment of the new Urban Planning and Design Officer. Based on the community feedback, the concept and designs will be developed for implementation of changes in FY 19/20.	June 2019

COUNCIL ACTION REPORTS - ACTIONS TO NOVEMBER 2018

Meeting Date	Item #	Subject and Council Resolution	Responsible Exec.	Status/Progress	Expected Completion Date
23/04/18	1136	<p>GOODWOOD OVAL GRANDSTAND REDEVELOPMENT – RESULTS OF COMMUNITY CONSULTATION</p> <p>1. The report be received and the results of the community engagement be noted.</p> <p>2. Council endorse the concept designs for the new two-storey grandstand facility at Goodwood Oval, incorporating the recommended amendments to be included as part of detailed design development and proceed to detail design development and tender.</p> <p>The recommended amendments, in response to community and stakeholder feedback include:</p> <p>1. External Appearance and Streetscape Interface:</p> <p>a. Material and colour selection of the building, in particular the Curzon Avenue frontage will be selected appropriate to the local neighbourhood character.</p> <p>b. Detail design will include the development of landscape plans that address the streetscape interface and the external spaces associated with the new Grandstand Facility.</p> <p>c. Where practical, all existing trees will be retained in the detail design.</p> <p>2. Footprint of the Grandstand:</p> <p>a. The final footprint of the grandstand structure is to remain, where practical, within the footprint of the existing building.</p> <p>3. Leasing and License arrangements of the Facility.</p> <p>a. Council staff to develop new agreements with both clubs, to meet the requirements of the new facility, as well as to explore</p> <p>4. Provision of external storage:</p> <p>a. The proposed storage facility on Fairfax Avenue not proceed.</p> <p>b. The detail design process further engage with the Goodwood Saints Football Club and the Goodwood Cricket Club to identify their storage needs, with a view to providing the required storage capacity within the Grandstand and/or adjacent ancillary buildings (including potential extension of an ancillary building).</p> <p>5. Provision of public toilets:</p> <p>a. Public toilet provisions are to remain incorporated in the footprint of the ground floor of the new facility, with way finding signage incorporated across the park to direct public to the new facilities.</p> <p>3. Residents be notified of Council's decision by letter, to the same catchment area as that of the community consultation, and a notice be placed at the existing grandstand as well as Council's web site.</p> <p>4. Following the completion of detailed design development and in the event of no major variation to the project scope or total cost, the project proceed to tender for construction.</p>	GM City Development	Information report updating Council on this project was included in the Council agenda on 22 October 2018. Development Application has been lodged week beginning 12 November 2019. Council to hold an Open Day at the Goodwood Oval Grandstand between 11am to 2pm on Saturday 24 November 2018 with the Clubs to assist in the planning application consultation.	June 2019
23/04/18	1138	<p>USE OF LAND – 41 OXFORD TERRACE</p> <p>1. The report be received.</p> <p>2. A Development Application be prepared for 41 Oxford Terrace to change the use to a car park, as shown in Attachment 1, and if approval is obtained, proceed with design and construction of a car park.</p> <p>3. Funding for the works be identified during the 2018/19 budget quarterly review process.</p>	GM City Development	Plan for the car park has been prepared. Application has not yet been submitted, pending the outcome of the Expression of Interest process for 18 Trimmer Terrace. Pending the outcome of this process, a further report may be required to vary this decision of Council.	TBA

COUNCIL ACTION REPORTS - ACTIONS TO NOVEMBER 2018

Meeting Date	Item #	Subject and Council Resolution	Responsible Exec.	Status/Progress	Expected Completion Date
28/05/18	1174	<p>INCREASED USE OF SPORT AND RECREATION FACILITIES</p> <p>1. The report and attachments be received.</p> <p>2. A master plan for Ridge Park be developed in 2018/19 to establish a long-term vision for the park, considering:</p> <p>a. Football and cricket to suit female and junior participation, integrated into the existing amenity of the park</p> <p>b. Informal recreation opportunities, trees and vegetation, biodiversity and the management of Glen Osmond Creek.</p> <p>c. Further consultation with selected City of Unley clubs as potential users of future upgraded facilities, including Goodwood Saints Football Club, Goodwood Cricket Club and Glen Osmond scouts, as well as consideration of the Open Space Survey findings.</p> <p>3. Continue to work with City of Unley based clubs, particularly those based at Goodwood Oval, to facilitate the increased use of Orphanage Park in order to reduce the overuse of Goodwood Oval and do not undertake any improvements to sports infrastructure at Orphanage Park until designs for Brownhill Keswick Creek in this park are finalised.</p> <p>4. Review lease and licence documents to investigate opportunities to increase facility use after club hours.</p> <p>5. Develop individual four year management plans for each surveyed park to integrate the findings of the Open Space Survey with asset renewal and maintenance programs. These plans will identify possible actions for consideration as part of the 2019/20 budget process.</p> <p>6. Repeat the Open Space Survey in four years to enable an evaluation of Council's initiatives.</p>	GM City Development	Work will be progressing on each of these items throughout 2018/19.	Ongoing
28/05/18	1176	<p>MOTION ON NOTICE – UNLEY ROAD REVITALISATION</p> <p>1. A report be prepared that documents initiatives/projects currently underway (or approved) to inform future consideration of revitalisation activities for Unley Road.</p>	CEO	Discussion held with local member (David Pisoni MP) who is to arrange a meeting with relevant DPTI staff to discuss potential initiatives for Unley Road.	January 2019
23/07/18	1224	<p>MOTION ON NOTICE: GREER STREET, HYDE PARK / UNLEY PARK</p> <p>1. Staff prepares a report outlining possible options and associated costs to facilitate pedestrian and vehicle access and provide safety improvements for residents and visitors to Greer Street, Hyde Park/Unley Park.</p>	GM City Development	Study to be undertaken of issues on Greer Street, with report to be brought back to Council. Works to be integrated into Shared Street approach to ensure consistency across the City. Work will commence in early 2019 following the appointment of the new Urban Planning and Design Officer.	March 2019
27/08/18	1256	<p>18 TRIMMER TERRACE – LEASE OF PROPERTY PROCESS</p> <p>2. Staff conduct an Expressions of Interest process, seeking interest from prospective tenants for the lease of the property at 18 Trimmer Terrace, Unley on a commercial basis</p>	Director Strategic Projects	Expressions of Interest process underway - launched on 04/09/18 and closing 05/10/18. - Proposals are currently being assessed.	December 2018
27/08/18	1260	<p>UNLEY GOURMET GALA AND TOUR DOWN UNDER ROAD CLOSURES 2019</p> <p>2. In order to stage the 2019 Unley Gourmet Gala and Tour Down Under Stage Start, the temporary closure of King William Road from Arthur Street to approximately 50 metres south of the intersection with Park and Mitchell Streets (and associated side streets) from 6am on Thursday 17 January 2019 until 1.30pm Friday 18 January 2019 be endorsed.</p> <p>3. Businesses and residents impacted by the event be notified of road closures and changes to public transport and waste management services.</p>	GM City Services	Traffic management plan developed and resident/business notifications are scheduled for December 2018 and January 2019.	January 2019
27/08/18	1265	<p>LED STREET LIGHTING BULK REPLACEMENT</p> <p>2. The street lighting on key strategic routes/roads as depicted in Attachment 1 (Item 1265, Council Meeting 27/08/2018) be upgraded during 2018/19 to an appropriate level.</p> <p>3. Subject to available funding within the endorsed \$1.5M budget, and in addition to the P-Category lighting changeover, the existing V-Category street lights (Council-owned only) along Council's collector roads be upgraded to an appropriate standard.</p> <p>4. Communication of the LED Street Lighting Bulk Replacement be undertaken, using a range of communication strategies, including direct mail out, council publications, website and social media.</p> <p>5. A new fee be created for inclusion in the Fees and Charges Schedule relating to the conduct of a review of, and/or modification to, luminaires at the request of a customer, with the value of the fee to be determined by Council once the contract negotiations with SA Power Networks have been finalised.</p>	GM City Development	<ul style="list-style-type: none"> - Implementation of LED rollout. - Creation of a new fee for luminair shades to be included in Council's fees and charges schedule. - Finalising installation dates with SAPN for bulk replacement. At this stage due to insufficient stock of the LED Lights the commencement of the roll out will probably be in the new year. - Finalising contract details with SAPN. - Ironbark Sustainability currently working on lighting upgrade designs for compliance with regard to P category roads and traffic control devices. 	June 2019

COUNCIL ACTION REPORTS - ACTIONS TO NOVEMBER 2018

Meeting Date	Item #	Subject and Council Resolution	Responsible Exec.	Status/Progress	Expected Completion Date
10/09/18	1291	MOTION ON NOTICE: 1. Council Administration research options to reduce the use of plastic bottled drinks dispensed at Council venues. 2. A report be presented to Council in 2019	Executive Manager	Report will be prepared for Council in early 2019.	Early 2019
10/09/18	1292	MOTION ON NOTICE – CHANGE TO COUNCIL RESOLUTION 1195/18: MILLSWOOD AREA – ON-STREET PARKING REVIEW That Council Resolution 1195 of the Council meeting of 25 June 2018 be varied as follows (<i>bold text to be inserted, strikethrough text to be deleted</i>): 1. The report be received. 2. The implementation of Parking Controls (Stage 1) in Millswood and adjacent areas, as shown in Attachment 1 to this report (Item 1195/18, Council Meeting, 25/06/2018), and modified to include the area bounded by Allenby Avenue, Meredyth Avenue and Graham Avenue, be endorsed. 3. At the conclusion of six months following the implementation of Stage 1 Parking Controls in Millswood and adjacent areas, a review of parking practices in the area be undertaken to inform a decision regarding the need for implementation of further parking controls, that is, Stage 2. 4. The community originally consulted in relation to the implementation of Parking Controls in Millswood and adjacent areas be notified of the Council decision. 5. That residents in Meredyth Avenue and Graham Avenue be advised of the introduction of parking controls prior to implementation. 6. Further correspondence be provided to residents in Meredyth Avenue and Graham Avenue, to advise of Councils decision to not introduce parking controls in those streets as part of the Millswood Stage 1 implementation.	GM City Development	Community was informed regarding change of Council decision. Parking signage installation has been implemented and will be under review for six months as agreed. Report will be presented to Council on need for further parking controls.	Mid 2019
24/09/18	1300	TREE CANOPY COVER ASSESSMENT 1. Opportunities to advocate for changes to planning policy mechanisms and better design in relation to green cover in the private realm be pursued, including writing to relevant Ministers and Members of Parliament highlighting the importance of matters such as: a. Seeking more space around buildings to allow for larger plantings, including deep soil zones and medium/large trees; b. Regulated and significant trees and their retention; c. Green canopy criteria for more landscaping and trees, eg in and around buildings and car parks; d. Ensuring a strategic approach to maintain more lower density areas and limit increased densities in selected areas; e. Re-balancing the value and priority in development for retention of trees; f. Recognising the financial value of retaining existing trees as part of development or seeking commensurate offset payment (eg amenity/ market value); and g. Reviewing State Government Open Space funding models, including strengthening partnerships with developers and local governments to increase green cover, including streetscape enhancements and offset schemes; on the achievement of Tree Canopy Cover targets within the City of Unley. 2. A subsequent report be provided to Council with a recommended Tree Canopy Priority Action Plan, including detailed initiatives and supporting costings, to inform the development of the 2019/20 Business Plan and associated update of the long term financial plan	GM City Development	Write letters to relevant Ministers and Members. Report to Council on Tree Canopy Action Plan.	February 2019
24/09/18	1301	UNDERGROUNDING OF POWER LINES 2. A briefing be presented to the new Council, providing details of potential power line undergrounding projects that may be suitable for submission to the Power Line Environment Committee, to enable consideration of such projects for inclusion in the Long Term Financial Plan/future years budgets	GM City Development	Briefing to Council on PLEC options. Consideration of PLEC projects during Long Term Financial Plan preparation.	March/April 2019
22/10/18	1314	PETITION RE. PARKING RESTRICTIONS IN FOSTER STREET FORESTVILLE 2. The principal petitioner be advised that at the conclusion of six months following the implementation of Stage 1 Parking Controls in Millswood and adjacent areas, a review of parking practices in the area will be undertaken to inform any decision regarding the need for changes to Stage 1 parking controls or implementation of further parking controls, that is, Stage 2.	GM City Development	Petitioner has been advised as per resolution. Completed	Completed

COUNCIL ACTION REPORTS - ACTIONS TO NOVEMBER 2018					
Meeting Date	Item #	Subject and Council Resolution	Responsible Exec.	Status/Progress	Expected Completion Date
22/10/18	1319	<p>ANNUAL REPORT 2017-18</p> <p>2. The City of Unley Annual Report 2017-18 (including Appendices) (as set out in Attachment 1 to this Report, Item 1319, Council Meeting 22/10/2018) be adopted and a copy prepared for submission to both Houses of Parliament prior to 31 December 2018, noting that Financial Statements will be incorporated into the document following their separate adoption by Council.</p> <p>3. The Chief Executive Officer be authorised to correct errors of fact or make minor editorial amendments to the Annual Report 2017-18, if required.</p>	Executive Manager		December 2018

MAYOR'S REPORT

REPORT TITLE:	ACTING MAYOR'S REPORT FOR MONTH OF NOVEMBER
ITEM NUMBER:	1349
DATE OF MEETING:	26 NOVEMBER 2018
ATTACHMENTS:	1. REPORT INCLUDING FUNCTIONS ATTENDED

1. RECOMMENDATION

That:

1. The report be received.

NB This final report includes all functions attended in an official capacity up to the conclusion of my Acting Mayoral duties with the swearing in of the new Council on Monday 19th November.

Oct 18th – Attended the *Adelaide Review* FORM Journal Innovation Awards night with Ben Willsmore. The City of Unley was successful in winning a High Commendation for the consultation processes that we used in **Design King William**.

Oct 19th – Attended the Mainstreet SA Awards function at which Unley received 3 awards. The awards recognise initiatives that support main streets to be a vibrant destination place for people as well as an economic generator. We won for:

- Public space and streetscape design award- Goodwood Road
- Events with expenses under \$50,000 - Celebrate Goodwood Alive
- Events with expenses over \$50,000- Unley Gourmet Gala

Oct 20th – Attended the Deepavali Mela (Festival of Light) hosted by the Hindu Council of SA. A very colourful and informative cultural event held at the Showgrounds.

Oct 24th – Met with Cr Rabbitt and a resident at Heywood Park at which the resident pitched some proposals for future development.

Oct 25th – Attended the LGA Annual Conference which had the theme of Transformation.

Oct 28th – Attended the Fern Avenue Garden's Annual Open Day which was an excellent and very well supported Community Event.

Oct 29th – Participated in the Community Grants Working Party that provided feedback to Council staff re proposed Grants.

Oct 29th – Took part in the Council inspection of the completed Oatey Stand renovations at Unley Oval. An excellent project.

Oct 30th – Attended the Unley Road Traders / Rotary / Council 'Pride of Workmanship' Awards night now in its 3rd year.

Nov 1st – Conducted 2 Private Citizenship Ceremonies for Unley families who needed Citizenship well prior to our scheduled Australia Day Ceremony. Cr Rabbitt in attendance.

Nov 1st – Attended the Australian of the Year Awards for South Australia. The SA Category Winners go to Canberra for the Australia Day announcements.

Nov 3rd – Attended St Chad's Anglican Church Fayre at Highgate. This is always a very successful community event. The Rev Tracey Gracey has accepted another position after 10 years at St Chad's.

Nov 4th – Attended the Double Shot Fiesta No 5. A spectacular success with visitors from throughout the metropolitan area, regional SA and interstate. It was probably our largest ever event. Extremely well put together by our Event Staff. Congratulations to all. I took the opportunity to thank Sponsors, Stall holders and staff at the VIP event and emphasised the connection with Unley's Café and Coffee culture and our support for the coffee industry which is continuing to grow. The Regional Barrista Competition was conducted simultaneously in the Town Hall.

Nov 8th – Attended Concordia College Foundation's Business Breakfast.

Nov 9th – Attended the SA Tourism 2018 Awards as we were a finalist in the category of Festivals and Events with fewer than 50,000 visitors. Hearing 6 significant other events announced as finalists made me think that perhaps a Silver or Bronze medal would be a good outcome. The judges said: 'The Unley Gourmet Gala is one of Adelaide's most prestigious outdoor gourmet food and wine events.....'. We won! Our entry goes on to the National Tourism Awards early next year. Each winner was allowed a 30 second speech. I thanked the Tourism Industry for the award, the King William Road Traders for their ongoing support for 18 years and our great Event Managers Marcia and Carly. I also referred to the successful link with a TDU race start and how the events attract intrastate, interstate and overseas visitors and generates approx. \$1m of economic benefit to local traders.

Nov 11th – Represented Council and laid a wreath at the Centennial Park Remembrance Day Service. It was a very significant and poignant Service with a huge crowd.

Nov 14th – Attended the Official Opening of Carmelite, a residential retirement village at the previous Carmelite Convent Myrtle Bank. It is part of Southern Cross Care which provides extensive retirement accommodation in the precinct. They are also celebrating 50 years of operation. In 2011 Elected Members visited Southern Cross homes and were given an insight into their long term plans. Carmelite is the first manifestation of those plans. Council's Development staff were acknowledged for their professional conduct throughout the Development Assessment Planning stages. Bishop Hurley conducted the service. (Coincidentally he had presided over the wedding of one of my daughters).

Nov 16th – Participated in the Flag Raising of the Latvian Flag at the Council's flagpoles together with a contingent of representatives of the Latvian Community. This was to recognise Latvian Independence Day which itself celebrated 100 years on the 18th November. The Latvian community have had a strong presence in the City of Unley with the Latvian Hall being established in Wayville in 1966.

Nov 16th – Attended the 2018 Annual Hawke Lecture delivered by Stan Grant. It was titled ‘The Uluru Statement and the End of History’. He posited that the rejection of the Uluru Statement is a moment lost, a moment that could have completed Australian liberalism ... a moment lost but a dream still alive’.

Nov 19th – Attended a Community Forum on Federal Government matters co-hosted by Kate Ellis, retiring current Member for Adelaide, and Steve Georganas, current Member for Hindmarsh and endorsed candidate for the redrawn Adelaide.