AGENDA

FOR A

COUNCIL MEETING

TO BE HELD ON

TUESDAY 26 NOVEMBER 2019

COMMENCING AT 7PM

AGENDA FOR A MEETING OF THE COUNCIL TO BE HELD IN THE COUNCIL CHAMBERS, 131 BELAIR ROAD, TORRENS PARK ON TUESDAY, 26 NOVEMBER 2019 AT 7PM.

MEMBERSHIP:  Mayor H Holmes-Ross
               Crs J Bange, J Berry, A Christopoulos, S Fisher, K Hockley, D Kruse, C McCarthy, D Munro, J Sanderson, K Steele, L Taeuber, A Tilley and Y Todd

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MATTHEW PEAR
CHIEF EXECUTIVE OFFICER
PLEDGE AND KAURNA ACKNOWLEDGEMENT

The Mayor will pledge:

We acknowledge that this land we meet on is the traditional land of the Kaurna people. We respect their spiritual relationship with their country.

We, as a Council, welcome all members of the community and pledge honesty and good governance in all of our dealings.

PRESENT:

APOLOGIES: Cr J Bange

LEAVE OF ABSENCE:

ABSENT:

STAFF IN ATTENDANCE:

WELCOME

BUSINESS

1. ELECTED MEMBERS’ DECLARATIONS OF INTERESTS

The Mayor will ask if any Member wishes to disclose an interest in relation to any item being considered at the meeting.
2. CONFIRMATION OF MINUTES

2.1 FULL COUNCIL MEETING - 12 NOVEMBER 2019

RECOMMENDED that the Minutes of the Full Council Meeting held on 12 November 2019 be confirmed.

3. ADJOURNED MOTIONS

Nil

4. DEPUTATIONS

*Deputations are to be no more than three minutes in length, without leave of the meeting.*

5. ADJOURNED BUSINESS

Nil
6. PRESENTATIONS

6.1 SRWRA PRESENTATION
Attending: Chris Adams, Chief Executive Officer and Mark Booth, Chairperson, SRWRA

Please be advised that this item is to be considered as close to 8pm as possible.

PURPOSE

Presentation to brief Council on their Trummel Operations and their progress on developing a Materials Recovery Facility (MRF) at Seaford Rise

DECISION 1 - GO INTO CONFIDENCE

That pursuant to Section 90(2) of the Local Government Act 1999, the Council orders the public be excluded with the exception of staff present along with Mr Mark Booth, Chairperson, and Mr Chris Adams, CEO, of SRWRA for Agenda Item 6.1 SRWRA Presentation as it relates to commercial aspects of their business and operations.

The Council is satisfied that, pursuant to Section 90(3)(d) of the Act, the information to be discussed in relation to the Agenda Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to confer a commercial advantage on a third party.

The Council is satisfied that the principle the meeting be conducted in a place open to the public has been outweighed in the circumstances because this matter relates to details which have not yet been finalised nor released to the public and could therefore result in the public becoming inadvertently misinformed.

DECISION 2 - OUT OF CONFIDENCE/ ITEMS REMAIN IN CONFIDENCE

That having considered the said information or matter pursuant to Section 90(2) and 90(3)(d) under Part 3 of Chapter 6 of the Local Government Act 1999, the Council orders pursuant to Section 91(7) of the Local Government Act 1999 that;

a. The discussion be kept confidential until such time that the details of progression regarding the Materials Recovery Unit at Seaford Rise is released to the public. This information has not yet been finalised and could therefore result in the public becoming inadvertently misinformed.

That the Chief Executive Officer be authorised to review the confidentiality order annually.

That pursuant to Section 91(9)(c) of the Local Government Act 1999 the Chief Executive Officer be authorised to revoke this order.
7. **GALLERY QUESTION TIME**

Members of the Gallery may ask two questions.

*These questions must be in writing and supplied to the Minute Secretary. If a response is not given by the Mayor or Administration at the meeting, the reply will be provided in a future Agenda.*

**QUESTION FROM THE COUNCIL MEETING – 22 OCTOBER 2019**

**7.1 MS JANET SCOTT - CUSTOMER SERVICES QUESTIONS - 22 OCTOBER 2019**

**QUESTION**

Ms Scott of Colonel Light Gardens asked the following questions;

1. Can Mitcham Council please – when acknowledging my question – please include my question ideally the subject line with the acknowledgment – so I know which of the 10 questions I put in this one is about?

2. Can Mitcham Council please provide a time frame for a useful response to the question?

**ANSWER**

1. There are two acknowledgements sent to customers who email mitcham@mitchamcouncil.sa.gov.au The purpose of the first is an automatic response which notifies the sender that the email has been received by the City of Mitcham. The second is a customised acknowledgement which is a response to the customer’s email (retaining the subject line and original email). The customised acknowledgement contains a reference number and identifies the team responsible for response. If there are multiple queries sent in the one email, the customised acknowledgement will make reference to each query, and provide the reference number and the relevant team(s) to which the multiple questions have been referred. This occurs in the body of the email.

   Subsequent communications from that point are managed and coordinated by the relevant team(s) and are not currently managed or coordinated via any centralised case management service.

   This system is suitable to most cases that are based on a single or small number of points of inquiry.

   A review of Council’s front end interfaces, communications and customer service functions will consider how best to manage complex and multiple based queries in a way that provides the best balance between bespoke and customised service and overall value for ratepayer funding. Council is currently seeking input from the community in regards to informing how best to meet these challenges
and what solutions / changes to invest in that will result in the best overall community benefit.

2. The current review of Council’s front end interfaces, communications and customer service functions will consider this challenge as well. To a large extent it depends on the number and complexity of the questions and the limited resources available and in some cases a timeframe for which to get back in touch with an update on progress may be all that is possible.
8. PETITIONS

Nil
9. DECISION REPORTS

9.1 ADOPTION OF THE AUDITED ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2019

Report Author/Manager: Luke Harris
General Manager: Wade Reynolds
(Meeting Date: 26 November 2019)
(Location: Council Wide)
(Consultant Used: $Nil)

PROPOSAL

Council to adopt the City of Mitcham Audited Annual Financial Statements for the financial year ended 30 June 2019 for incorporation into Council’s Annual Report for 2018/19 in accord with the recommendation of the Audit Committee.

COMMITTEE RECOMMENDATION TO COUNCIL – ITEM 9.1

That Council adopts the Audited Annual Financial Statements 2018/19 (Attachment A) for the year ended 30 June 2019 and authorises the Mayor and the Chief Executive Officer to sign the Certification Statement with minor amendments as discussed.

BACKGROUND

The final Annual Financial Statements 2018/19 (Attachment A) have been prepared in accordance with the Local Government Act 1999, the Local Government (Financial Management) Regulations 2011, Australian Accounting Standards and the South Australian Model Financial Statements and include minor amendments as recommended by the Audit Committee at its meeting of 14 November 2019.

Council’s Audit Committee is required, pursuant to Section 126(4) of the Local Government Act 1999, to review the Annual Financial Statements to ensure that they present fairly the state of affairs of Council. The Audit Committee met on 14 November and their recommendation is provided here for Council’s consideration.

The Annual Financial Statements have been audited by Council’s External Auditors (Dean Newbery and Partners) in accordance with Section 127 of the Local Government Act 1999 and the Local Government (Financial Management) Regulations 2011. Once the Annual Financial Statements have been signed by the Mayor and the Chief Executive Officer, the External Auditors will provide Council with the signed copy of the Audit Opinion. The Annual Financial Statements, complete with the signed Audit Opinion, will be incorporated into Council’s 2018/19 Annual Report.

Attachments:

A. Final Annual Financial Statements and Analytical Review of Financial Performance 2018/19
B. Combined Attachments - 14 November 2019 Audit Committee Agenda
   Item 5.1

STRATEGIC OBJECTIVES

Goal 5 Continuous Organisation Improvement Strategy

Objective 5.3 Efficient and Effective Organisation with a culture of positive change, process improvement and productivity gains.

DISCUSSION

A copy of the final Annual Financial Statements 2018/19 is included as Attachment A. Following endorsement by Council the final signed copy, including the Audit Opinion, will be included in the City of Mitcham 2018/19 Annual Report.

Adoption of the Annual Financial Statements will finalise the financial and budgeting processes for the 2018/19 financial year. The processes throughout the year included the initial adoption of the 2018/19 Annual Business Plan, Long Term Financial Plan and Declaration of Rates followed by three reconsiderations of the Council Budget for 2018/19, which were adopted by Council.

Council recorded a Headline Operating Result of $3.713 million surplus for 2018/19. This Headline Operating Result, as reported on the Statement of Comprehensive Income, includes once-off items as well as the change in the value of Council's investment share of subsidiaries. The result also includes once-off savings in expenditure during the year and a significant amount of once-off grant revenue related to roads to recovery federal grant (capital expenditure).

The Audit Committee has reviewed the preliminary Audited Annual Financial Statements (Attachment B) and has recommended Council authorises the Mayor and Chief Executive Officer to sign the Certification Statement with minor amendments as discussed at the Audit Committee meeting.

Financial Indicators and Measures

Council’s policy on Financial Indicators and Measures serves as an indicator of the financial health of Council and applies to Council budgetary and long term planning decisions. This policy articulates the following self-imposed indicators and measures with regard to financial sustainability:

1. Operating Result Ratio;
2. Asset Renewal Funding Ratio;
3. Net Financial Liabilities Ratio
4. Debt Repayment Term;
5. Interest Coverage Ratio and
6. Asset Sustainability Ratio;

Council’s key financial ratios and commentary are outlined in the attached 2018/19 Analytical Review of Financial Performance (Attachment A).
Council’s key financial ratios differ to the prescribed financial indicators disclosed in the Annual Financial Statements in accordance with the Local Government Association Financial Sustainability Program and set out by the Model Financial Statements, which are:

- Operating Surplus Ratio;
- Net Financial Liabilities Ratio, and
- Asset Sustainability Ratio.

Although Council does not use these prescribed ratios for decision making it is still a requirement to calculate and report on them as part of the prescribed financial statements and hence they will be included in the Annual Report.

**Community Implications**

Ensuring that Council has a strong external audit function and continuously improves its financial management, risk and internal controls, in turn provides assurance and transparency to the community and ultimately value for money.

**Environmental / Heritage Implications**

None apparent.

**Cost Shifting Implications / Legislative Cost Imposts**

None apparent.

**Impact on Budget including Lifecycle Costing**

The Audited Annual Financial Statements 2018/19 show the actual results for the financial year just ended and they also establish the base position (balance sheet as at 30 June 2019) from which future iterations of Council’s Long Term Financial Plan will be developed.

The Long Term Financial Plan will be updated for both the Audited Annual Financial Statements 2018/19 and the reconsiderations of the 2019/20 budgets.

Administration shall review the results of 2018/19 as part of the process for preparing the 2020/21 Long Term Financial Plan.

**Risk Management / WHS Assessment**

The audit scope and brief includes the use of risk management and financial standards that relate to Council’s operational and strategic requirements.
Legal / Policy Implications

The final Annual Financial Statements 2018/19 (Attachment A) have been prepared in accordance with the *Local Government Act 1999*, the Local Government (Financial Management) Regulations 2011, Australian Accounting Standards and the South Australian Model Financial Statements.

Engagement

There is no requirement to consult with the community in respect to the Audited Annual Financial Statements. However, a copy of the Council’s Statements will be incorporated into Council’s Annual Report and made available to the public and provided to other key stakeholders.

CONCLUSION

The Annual Financial Statements 2018/19 have been audited by Council’s External Auditors (Dean Newbery and Partners) in accordance with Section 127 of the *Local Government Act 1999* and the Local Government (Financial Management) Regulations 2011, and reviewed by Council’s Audit Committee. Once the Annual Financial Statements have been signed by the Mayor and the Chief Executive Officer, the External Auditors will provide Council with the signed copy of the Audit Opinion. The Annual Financial Statements, complete with the signed Audit Opinion, will be incorporated into Council’s 2018/19 Annual Report.
9.2 2018/19 ANNUAL REPORT
Report Author/Manager: Virginia Fisher / Dan Jellings
General Manager: Wade Reynolds
(Meeting Date: 26 November 2019)
(Location: Council Wide)
(Consultant Used: $Nil)

This report has been previously brought to Council as a Discussion Paper and is now provided as a Decision Report.

Changes to the previous report are highlighted in Bold Italics.

PROPOSAL
To endorse Council’s Annual Report and Financial Statements for 2018/19 and to receive the 2018/19 Annual Reports of Council’s regional subsidiaries; Centennial Park Cemetery Authority, Eastern Waste Management Authority and Brown Hill and Keswick Creeks Stormwater Board.

RECOMMENDATION – ITEM 9.2

DECISION 1 – CITY OF MITCHAM 2018/19 ANNUAL REPORT

Option 1 (Staff Recommendation)

That the:

- 2018/19 Annual Report text in Attachment A
- Audited Financial Statements in Attachment B
- 2018/19 Annual Report of Council subsidiary, Centennial Park Cemetery Authority Attachment C,
- 2018/19 Annual Report of Council subsidiary, Eastern Waste Management Authority Attachment D and

be endorsed to form the City of Mitcham 2018/19 Annual Report with the final layout and other grammatical and minor amendments delegated to the Chief Executive Officer.

Option 2

That the:

- 2018/19 Annual Report text in Attachment A
- Audited Financial Statements in Attachment B
- 2018/19 Annual Report of Council subsidiary, Centennial Park Cemetery Authority Attachment C,
- 2018/19 Annual Report of Council subsidiary, Eastern Waste Management Authority Attachment D and
be endorsed to form the *City of Mitcham 2018/19 Annual Report* with the following amendments:

- *(amendments)*

with the final layout and other grammatical and minor amendments delegated to the Chief Executive Officer.

**BACKGROUND**

The Annual Report enables Council to communicate to the community and other interested stakeholders its activities and achievements of the preceding financial year in delivering against Council’s goals and objectives Strategic Management Plan.

*Council requires the Audit Committee, through its Terms of Reference, to ‘review the Annual Financial Statements and application of accounting policies with Administration and the External Auditor and provide opinion to the Council on whether they present fairly the state of affairs of Council’. Accordingly, the Financial Statements (Attachment B) were presented to the Audit Committee on 14 November 2019. The Audit Committee recommendation is presented to Council at Item 9.1 of this Agenda. The Audit Committee resolved:*

*That Council adopts the Audited Annual Financial Statements 2018/19 (Attachment B) for the year ended 30 June 2019 and authorises the Mayor and the Chief Executive Officer to sign the Certification Statement with minor amendments as discussed.*

Section 131(1) of the *Local Government Act 1999* requires that:

“A Council must, on or before 30 November in each year, prepare and adopt an annual report relating to the operations of the council for the financial year ending on the preceding 30 June”.

In addition, Schedule 4 1 (ha) of the Act requires that:

“the annual report of any subsidiary received by the council under Schedule 2 for the relevant financial year” be included in the annual report of a council.

The Act also requires a copy of the Annual Report to be provided to each member of the Council, to the Presiding Members of both Houses of Parliament and to the SA Local Government Grants Commission by 31 December 2018.

Section 35 of the *Libraries Act 1982*, requires Council to send a copy to the Parliamentary Library and the State Library.

Section 201 of the *Copyright Act 1968* requires Council to send a copy to the National Library of Australia.
Council's 2018/19 Annual Report is formed by the combination of Attachments A, B, C, D, and E as listed below.

**Attachments:**

A. Draft 2018/19 Annual Report
B. Audited Financial Statements 2018/19
C. 2018/19 Centennial Park Annual Report
D. 2018/19 East Waste Annual Report
E. 2018/19 Brownhill and Keswick Creek Annual Report
F. External Audit Completion Report

**STRATEGIC OBJECTIVES**

**Goal 5 Continuous Organisation Improvement Strategy**

**Objective 5.3 Efficient and Effective Organisation with a culture of positive change, process improvement and productivity gains.**

**DISCUSSION**

The 2018/19 Annual Reports of Council's three regional subsidiaries are provided to Council and are attached (Attachments C, D and E) for Council's receipt.

The draft 2018/19 Annual Report text (Attachment A) details Council’s performance for the period 1 July 2018 to 30 June 2019 against the Goals and Objectives of the 2017-2027 Strategic Management Plan, as well as initiatives endorsed in the 2018/19 Annual Business Plan and Budget. The Annual Report includes information required to meet legislative obligations and includes Council’s audited financial statements (Attachment B) and the Annual Reports of Council’s regional subsidiaries.

**For Council’s information, the External Audit Completion Report has been provided with this report (Attachment F).**

The format of the performance section of the Annual Report is consistent with that of the 2017-2027 Strategic Plan Goals and Objectives. Highlights and achievements across the year have also been included against relevant strategic goals. Performance updates for any 2018/19 performance measures with a status of “Attention Required” will be included in the quarterly performance reports to Council during 2019/20.

The annual reports of Council’s three regional subsidiaries; Centennial Park Cemetery Authority (Attachment C), Eastern Waste Management Authority (Attachment D) and Brown Hill and Keswick Creeks Stormwater Board (Attachment E) are provided with this report.

‘At a Glance’ statistics provided by Centennial Park Cemetery Authority have been confirmed as achievements undertaken for the 2018/19 financial year. Additionally, the tonnage of waste for the City of Mitcham as reported by the Eastern Waste Management Authority
Annual Report accurately reflects waste collection as the City of Mitcham is the largest council in comparison.

After feedback from Elected Members on 12 November 2019 the following changes were made to the Annual Report text. Page numbers referred to are the Annual Report page numbers.

Page 2, Image replaced due to quality, caption amended accordingly.
Page 6, City profile updated
Page 10, Financial Sustainability Statement simplified.
Page 11 and page 17 Grants Awarded figure corrected.
Page 13 and page 40 reference to number of Volunteers amended
Page 16, Image replaced due to quality, caption amended accordingly.
Page 27 photograph replaced.
Page 46, CAP attendance for Cr Todd amended.
Page 49, amended to Mrs Helen Scarborough ‘(Community Member)’
Pages 53 Brown Hill and Keswick Creeks Stormwater Board name corrected.
Page 56, included November 2019 as the time for mandatory training to have been completed, year of LGA AGM Dinner amended to 2018.
Page 62, Local Nuisance and Litter Control information refined to include only Expiations and Prosecutions with a value greater than ‘0’.
Attachment G External Audit Completion Report added.

On adoption of the final text by Council the Annual Report will be finalised by a graphic designer and combined with the Audited Financial Statements and the three subsidiaries’ annual reports to form the 2018/19 Annual Report.

The endorsed 2018/19 Annual Report will be available on Council’s website, to view and purchase at the City of Mitcham Civic Centre and available to view at the Mitcham and Blackwood Libraries.

Community Implications

The Annual Report provides the opportunity to provide information to the community and other interested stakeholders on Council’s performance and achievements during the 2018/19 financial year.

Environmental / Heritage Implications

Not applicable.

Cost Shifting Implications / Legislative Cost Imposts

Not applicable.

Impact on Budget including Lifecycle Costing

The production of the 2018/19 Annual Report is funded through recurrent budget.
Risk Management / WHS Assessment

Production of the Annual Report ensures compliance with the *Local Government Act 1999* and eliminates the risk of breaching legislation.

Legal / Policy Implications

Legislative obligations have been met through the production of the 2018/19 Annual Report.

Engagement

The content of the draft 2018/19 Annual Report was compiled in collaboration with all areas of the Administration and provided as a working draft to Elected Members during the writing of the document.

A summary of the 2018/19 Annual Report will be included in a future edition of the Mitcham Community News.

CONCLUSION

The 2018/19 Annual Report text, Audited Financial Statements and subsidiary annual reports form the City of Mitcham 2018/19 Annual Report and are provided here for adoption by Council.
9.3 BUSINESS INTERRUPTION INSURANCE

Report Author/Manager: Kate O'Neill
General Manager: Kate O'Neill
(Meeting Date: 26 November 2019)
(Location: Council Wide)
(Consultant Used: $Nil)

PROPOSAL

To seek Council endorsement for the one-off increase of Council’s insurance to 30 June 2020 in relation to the loss of revenue and rates and additional increased cost of working following a disaster.

RECOMMENDATION – ITEM 9.3

Option 1 (Staff Recommendation)

1. That Administration increase the Council’s Business Interruption coverage to 30 June 2020 as follows:
   - Loss of Revenue / Rates: $44.3 million – quarter of city rates
   - Additional Increased Cost of Working: $5,000,000
   - Indemnity Period: 36 months

2. That Council endorse $5,974 + GST for the increased business interruption coverage to be included at Budget Review 2 and that a longer term decision be made as part of the formation of the 2020/21 Annual Business Plan and Budget.

Option 2 – Council to Determine

1. That Administration increase the Business Interruption coverage to 30 June 2020 as follows:
   - Loss of Revenue / Rates: $XX
   - Cost of Business: $5,000,000
   - Indemnity Period: XX months

2. That the Chief Executive Officer be delegated authority to spend the necessary funds for this cover and that it be allocated at Budget Review 2 and that a longer term decision be made as part of the formation of the 2020/21 Annual Business Plan and Budget.

Option 3 – No Increase

1. That Administration does not increase the current business interruption coverage at this time with further discussions to occur as part of the 2020/21 Annual Business Plan and Budget.

2. Should a business interruption event occur that impacts on the rates / revenue of Council, a report be brought to Council.
BACKGROUND

The City of Mitcham, as a member of the Local Government Association Asset Mutual Fund, has access to a range of services to support it mitigate risk and improve its risk profile of Council and the City.

One such product offered by Local Government Risk Services (LGRS) is the “Business Interruption Program”.

The objectives of this program is to assist councils to have a clear understanding of the potential consequence of financial loss due to a disaster including:

- What is the impact on revenue and revenue streams?
- What are the additional expenses to keep Council's operations functioning normally during any rebuilding process / interruption?

At the same time Administration, with the assistance of the LGRS, is progressing a number of projects in the emergency management space and is also about to commence a review of the asset insurance.

Within this context, a review of Council's current Business Interruption Insurance has been undertaken with this report being provided to Council for further direction.

Attachments:

Nil

STRATEGIC OBJECTIVES

Goal 2 Sustainable City

Objective 2.5 Our community is resilient to climate change and the impacts of natural disasters.

Goal 3 Dynamic & Prosperous Economy

Objective 3.3 We work collaboratively with neighbouring Councils, State Government and private sector partnerships.

DISCUSSION

A business interruption is any event which has the potential to hinder Council to deliver services or continue functioning.

Business interruption could be a bomb explosion, earthquake, fire or flood and has the potential to impact not only Council but the community.

Business Interruption Insurance covers some of the financial loss experienced as a result of these types of events. Cover includes:
• Loss of Revenue (for example, loss of rates revenue, building and equipment hire, registration fees and other sources of revenue).
• Additional increased cost of working (for example hire of temporary premises and / or equipment, additional personnel, extra communications, additional security).

The Business Interruption Insurance also has a defined indemnity period, which is the specified amount of time period, which Council can receive benefit under an insurance policy, with the protection for the loss of rates / revenue being paid annually during the indemnity period. The Additional Increased Cost of Working Cover has a one-off limit applied.

Council’s current coverage provides for:
• Indemnity period: 24 months
• Loss of Revenue / Rates / Additional Increased Cost of Working: $3,868,000 ($1,934,000 per annum)
• Cost: $4,674

Council’s 2019/20 Annual Rates is $56.5 million.

Council’s 2019/20 Revenue (Statutory and User Charges) is $2.5 million.

Based on the potential rates / revenue which could be lost in a business interruption event, it has been determined that Council’s current coverage may not be appropriate and therefore should be reviewed.

When placing this coverage, Council is required to determine the declared values in relation to the coverage and the indemnity period, all of which are used to determine the cost of the coverage.

As such the number of options available are endless. However, the following scenarios are put forward for Council’s consideration, with $5,000,000 for the Additional Increased Cost of Working as well as the indemnity period of 36 months being recommended for all scenarios:

25% of rates (Staff Recommendation):
• Indemnity period: 36 months
• Loss of Revenue / Rates: $44.3 million ($14.8 million per annum)
• Additional Increased Cost of Working $5,000,000
• Cost: $16,261 + GST per annum
• 2019/20 Additional Budget Required: $5,794 + GST

50% of rates:
• Indemnity period: 36 months
• Loss of Revenue / Rates: $88.5 million ($29.5 million per annum)
• Additional Increased Cost of Working $5,000,000
• Cost: $32,412 + GST
• 2019/20 Additional Budget Required: $13,869

75% of rates:
• Indemnity period: 36 months
• Loss of Revenue / Rates: $132.8 million ($44.3 million per annum)
• Additional Increased Cost of Working $5,000,000
• Cost: $48,674 + GST
• 2019/20 Additional Budget Required: $22,000

No Change – Redistribute to Non-Effected Properties
Council could determine not to increase coverage and should a business interruption event occur, chose to recognise the financial loss in Year 1 and then in outward years, redistribute across not affected ratepayers.

Based on the staff recommendation outlined above, this would increase rates by approximately 35% ($656 increase per rateable property).

No Change – Pursue Rates from Effected Properties
Council could determine not to increase coverage and should a business interruption event occur, chose to enforce and pursue rates from effected properties.

Community Implications
Nil

Environmental / Heritage Implications
Nil

Cost Shifting Implications / Legislative Cost Imposts
Nil

Impact on Budget including Lifecycle Costing
Additional funds would need to be authorized and allocated at Budget Review 2, should Council wish to amend its current Business Interruption Insurance arrangements.

The cost implications are detailed within the report.

Risk Management / WHS Assessment
Nil

Legal / Policy Implications
Nil

Engagement
Nil
CONCLUSION

This report is provided to seek direction from Council in relation to its arrangements for the loss of revenue / rates and increased costs of business operations following a disaster within the City.
9.4 ELECTED MEMBER APPOINTMENT TO THE SPRINGBANK / GOODWOOD / DAWS ROAD INTERSECTION COMMUNITY LIAISON GROUP

Report Author/Manager: Deb Horton
General Manager: Kate O'Neill
(Meeting Date: 26 November 2019)
(Location: Babbage Ward)
(Consultant Used: $Nil)

PROPOSAL

For Council to appoint two representatives to the Springbank / Goodwood / Daws Road Community Liaison Group.

RECOMMENDATION – ITEM 9.4

Option 1 (Staff Recommendation)

That Council appoints Councillors <<name>>, <<name>> and Cr <<name>> as proxy to the Springbank / Goodwood / Daws Road Intersection Community Liaison Group for a term of two years.

Option 2

That Council does not make any appointments to the Springbank / Goodwood / Daws Road Intersection Community Liaison Group at this time.

BACKGROUND

The Department of Planning, Transport and Infrastructure (DPTI) are upgrading the intersections of Springbank, Daws and Goodwood Roads to improve safety and travel times for motorists.

Goodwood Road is one of southern Adelaide’s major north-south arterial routes, with Springbank Road and Daws Road providing a key east-west connection.

On average more than 60,000 vehicles a day travel through this location, with travel time delays in peak periods. This may be further impacted upon completion of the Darlington Upgrade Project.

There have been 50 crashes in the past five years, including 20 casualty crashes.

Once complete, the upgrade will:

- Improve connectivity for vulnerable users
- Improve transport capacity
- Improve safety for all users.

Following community feedback, detailed costings and new data, a realigned four-way intersection will be delivered, rather than the previously planned ‘staggered T’ option.
The project is expected to cost $60 million, with early works expected to commence in the first quarter of 2020. Major construction is expected to commence late 2020 with project completion expected by end of 2021.

DPTI is forming a Community Liaison Group to provide a forum for local residents and businesses to discuss and exchange information about the project.

The purpose of the Community Liaison Group (the Group) is to work with the DPTI Project Team to minimise the impacts of the project on the local community and road users, whilst maximising the opportunities for stakeholders and the local community to be well informed about the project progress and provide input on project elements.

The Terms of Reference for the Group are provided at Attachment A of this report, which provides the opportunity for Council to appoint two Local Government Representatives as members to the Group.

It is unclear at the time of writing this report how long the Group will be active for – however it is presumed until the end of 2021 during the delivery of the upgrade project. The term of membership has therefore been allocated a period of two years in line with usual governance practice for Elected Member appointments on external boards and committees.

Attachments:

A. Community Liaison Group Terms of Reference
B. Community Liaison Group Nomination Form

STRATEGIC OBJECTIVES

Goal 5 Continuous Organisation Improvement Strategy

Objective 3.3 We work collaboratively with neighbouring Councils, State Government and private sector partnerships.

DISCUSSION

The Group will work within a consultative framework rather than being a decision-making group with the DPTI Project Team carefully considering the input from the Group in light of the overall project objectives and statutory requirements and government policy.

The Terms of Reference (Attachment A) determine that membership of the Group is voluntary and restricted to a total of 16 representatives (quorum of eight members) comprising of:

- Eight local residents
- Local businesses
- Local community / environmental groups
- Local Government Representatives (two positions)
- DPTI Representatives (project team)
According to the Terms of Reference each member should only have one proxy to ensure consistency in attendance.

Meeting dates and venue will be determined by the group however, the Term of References acknowledge that meetings will be:

- informal;
- held every six weeks – or on an ‘as needed basis’;
- proposed to be no longer than 90 minutes; and
- include standing items (meeting introductions / apologies, summary of actions and outcomes of previous meeting, project updates, discussion, and other business).

There is no remuneration associated with being a member of the Group.

Discussions with DPTI have confirmed that a total of two representatives are sought from Local Government however should Council wish to nominate more than the two representatives, then all applications received will be duly considered.

There are a number of options available for representation from the City of Mitcham as Local Government Representatives; however, below are the most likely.

**Option 1 – Nominate Two Elected Members (Staff Recommendation)**

After confirmation with DPTI, two Local Government Representatives are required and at least one (proxy).

Both Cr Todd and Cr Sanderson have advised Administration of their interest.

Should this option proceed, Administration will require completed nomination forms (Attachment B) to forward onto DPTI with the formal resolution of Council for completeness. This correspondence is due to DPTI by 17 January 2020.

The City of Mitcham Full Council Agendas accommodate “Written Reports by Elected Members” whereby information can be relayed back to the Council on the discussion / outcomes of the Group.

**Option 2 – No Members**

Council may alternatively determine that representation is not prudent at this time. Should this option proceed, Administration will notify the DPTI project team by email for their records and continue to liaise with DPTI in relation to the project through usual process and formal channels.

**Meeting Procedures**

It is recommended that before a motion is put, that Council suspend meeting procedures to allow for the call of nominations, allow Elected Members to speak to their nomination and carry out the supporting vote process (as detailed below).
In order to suspend meeting procedures, the approval of at least two thirds of the members present at the meeting will be required.

Conflict of Interest

An Elected Member will not have a conflict of interest in this item during the suspended meeting procedures, at which time that will have the opportunity to nominate, speak to their nomination and participate in the ballot and counting process as outlined below.

Once the ballot and counting process has been completed, Council nominees determined and meeting procedures resumed, the Elected Members determined to be the final nominees the ballot and count process will need to determine whether they have a Conflict of Interest or not before a motion to nominate / appoint is moved in the meeting.

Information to assist Elected Members determine whether they have a Conflict of Interest or not in a matter, is available via the Local Government Association’s Conflict of Interest Guidelines or from the Chief Executive Officer prior to the meeting.

Election System for Use when Electing Members to Official Positions

If more nominations are received than positions available the following will apply:

(a) Voting and Ballot System

The following voting system will be used when electing Members to official positions:
- Single vacancy: Members to record a single name.
- Multiple vacancies: Members should record sufficient names of their choice, equal to the number of vacancies that are to be filled.

(b) Counting System

In the first instance, the candidate with the least number of votes is eliminated. If there remain more candidates than vacancies, a further election is held with all Members able to vote again for the remaining candidates. This process is repeated until the required number of candidates is delivered.

Should a tie exist between any of the candidates with the least number of votes at any stage of the ballot, the names of the tied candidates are announced and a draw is conducted, with the person whose name is drawn being eliminated.

The most senior members of staff present will act as Returning Officer and Scrutineer respectively.
Community Implications

Elected Member appointment on external / community boards and committees, such as the Community Liaison Group provides the opportunity for greater engagement with the community and improved communication and understanding of issues and needs.

Environmental / Heritage Implications

Nil

Cost Shifting Implications / Legislative Cost Imposts

Nil

Impact on Budget including Lifecycle Costing

Sitting fees are not provided to Members of the Group.

Risk Management / WHS Assessment

Nil

Legal / Policy Implications

Nil

Engagement

An email was sent to Elected Members providing the opportunity to express interest in being appointed to the Group. At the time of writing this report, Councillors Todd and Sanderson had expressed interest.

CONCLUSION

This report is provided for Council to consider nominating representatives to apply to DPTI for consideration of their membership to the Springbank / Goodwood / Daws Road Community Liaison Group.
9.5 CODE OF PRACTICE - MEETING PROCEDURES

Report Author/Manager: Deb Horton
General Manager: Kate O'Neill
(Meeting Date: 26 November 2019)
(Location: Council Wide)
(Consultant Used: $Nil)

This report has been previously brought to Council as a Discussion Paper and is now provided as a Decision Report.

Changes to the previous report are highlighted in Bold Italics.

PROPOSAL

For Council to consider and adopt a revised Code of Practice – Meeting Procedures in accordance with the Local Government Act 1999 (SA) (the Act) and Local Government (Procedures at Meetings) Regulations 2013 (SA) (the Regulations).

To adopt a revised Code of Practice, the motion must be supported by at least two thirds of Elected Members who are present.

RECOMMENDATION – ITEM 9.5

DECISION 1 – PETITIONS “ADDRESS”

The preferred recommendation (Option 1 or 2 or alternative) must be supported by at least two thirds of Elected Members present;

Option 1

1. That “Address” for the purposes of Petitions be defined as either a street, and/or suburb, and/or PO Box and/or email address.

2. That Council notes that the above definition facilitates electronic petitions to meet the requirements of ‘address’ within the City of Mitcham – Code of Practice (Meeting Procedures) in relation to petitions.

3. That the City of Mitcham Code of Practice (Meeting Procedures) at Attachment A of this report be updated where relevant to reflect this position.

Option 2

1. That “Address” for the purposes of Petitions be defined as either a street and/or suburb, and/or PO Box.

2. That Council notes that the above definition may not facilitate electronic petitions to meet the requirements of ‘address’ within the City of Mitcham – Code of Practice (Meeting Procedures) in relation to petitions.
3. That Council notes that electronic petitions received not meeting the requirements of the City of Mitcham – Code of Practice (Meeting Procedures) in relation to ‘address’, will be provided to Council for information indicating that they have not met the requirements but may still be considered by Council in its decision making.

4. That the City of Mitcham – Code of Practice (Meeting Procedures) at Attachment A of this report be updated where relevant to reflect this position.

**DECISION 2 - MEETING FINISH TIMES**

The preferred recommendation (Option 1 or 2 or alternative) must be supported by at least two thirds of Elected Members present;

**Option 1**

1. That Full Council meeting times conclude at 10.00pm with the ability to extend the meeting to 10.30pm as resolved by an ordinary majority of members. Extensions beyond 10:30pm can be approved by resolution supported by a two thirds majority of those present.

2. The only new motion which can be considered after the scheduled finished time of a Council or Committee meeting is a motion to extend the meeting.

3. That the City of Mitcham – Code of Practice (Meeting Procedures) at Attachment A of this report be updated where relevant to reflect this position.

**Option 2**

1. That no change to Full Council meeting times as provided in the current City of Mitcham – Code of Practice (Meeting Procedures) be made.

**DECISION 3 – SETTING PRIORITY TO SPEAK TO THE MOTION**

The preferred recommendation (Option 1 or 2 or alternative) must be supported by at least two thirds of Elected Members present;

**Option 1**

1. That Elected Members wishing to move an item should register their interest via email to the Presiding Member between 9am the next business day after the Agenda is released to 2pm the day of the meeting.

2. That the City of Mitcham – Code of Practice (Meeting Procedures) at Attachment A of this report be updated where relevant to reflect this position.
Option 2

1. That no change to setting priority to speak to the motion as provided within the current Code of Practice – Meeting Procedures be made.

DECISION 4 – DEPUTATION TIMES

The preferred recommendation (Option 1 or 2 or alternative) must be supported by at least two thirds of Elected Members present;

Option 1

1. That Full Council meetings allow deputations five (5) minutes, with one (1) minute extension to be granted at the discretion of the Presiding Member, with a maximum of 10 minutes (including questions) without leave of the meeting.

Option 2

2. That no change to Deputation times be made to the Code of Practice – Meeting Procedure be made.

DECISION 5 – ADOPT THE CODE OF PRACTICE

The preferred recommendation (Option 1 or 2 or alternative) must be supported by at least two thirds of Elected Members present;

Option 1

That Council adopts the revised City of Mitcham – Code of Practice (Meeting Procedures) as provided at Attachment A of this report (effective as at 27 November 2019), with amendments to ensure that all Full-Council resolutions in relation to this item are given effect.

That the Chief Executive Officer be given delegated authority to make minor amendments.

Option 2

That Council adopts the revised City of Mitcham – Code of Practice (Meeting Procedures) as provided at Attachment A of this report (effective as at 27 November 2019), with amendments to ensure that all Full-Council resolutions in relation to this item are given effect.

That the Chief Executive Officer be given delegated authority to make minor amendments, with the following additional amendments:

- Amendments
- Amendments
- Amendments
BACKGROUND

The conduct of Council and Committee meetings is prescribed in legislation. Furthermore, Sections 86(8) and 89(1) of the Local Government Act 1999 provide that the conduct of Council and Committee Meetings should be:

- as prescribed by regulation;
- insofar as the procedure is not prescribed by regulation – as determined by the Council; and
- insofar as the procedure is not prescribed by regulation or determined by the Council – as determined by the Council Committee itself.

The Regulations are prescriptive but do not cover every eventuality. Where the Meeting Regulations are silent on a matter, Council is able to determine its own position thereby supporting the administration of the regulations to meet the particular needs of a Council.

The additions and variations to meeting practices that Council has adopted over the years are contained within Council’s Code of Practice – Meeting Procedures (the Code), as required by Regulation 6(1) of the Meeting Regulations and are marked in green font and shaded.

The Code should be reviewed at least once every financial year in accordance with the Regulations.

A report was presented to Council on 27 November 2018 with suggested amendments as a result Elected Member feedback provided during the year.

At this meeting the newly formed Council resolved to defer the item until such time that a workshop could be convened and that Elected Members could garner further experience in council meetings.

Council at its meeting on 12 March 2019 resolved to vary Regulation 15(1) Addresses by Members, etc with the result of reducing the initial speaking time from five minutes to three minutes.

Council at its meeting on 9 July 2019 resolved that a report be provided advising on the most useful and dependable process to implement recording of Full Council Meetings. This has been provided to Elected Members for feedback via email in September and was presented as a Discussion report to Council at its meeting on 8 October and Decision at its meeting on 22 October 2019. At this meeting, Council resolved to defer the report to the Full Council meeting where the Meeting Procedures will be presented.

A workshop with Elected Members was convened on 16 July 2019 whereby the meeting procedures were discussed in detail, with the attached draft (Attachment A) provided as a result. Elected Members have also provided feedback via email (for those unable to attend the workshop) which has been incorporated into this report where relevant.

Council at its meeting on the 27 August 2019 resolved that options be investigated for allowing petitions that have been collected electronically to be tabled at Full Council meetings and included in the Agenda and Minutes of
the relevant meeting. This report proposes clarification in the meeting procedures regarding the acceptance of the electronic petition to be incorporated within a Full Council Agenda.

Attachments:

A. Draft Code of Practice Meeting Procedures

STRATEGIC OBJECTIVES

Goal 5 Continuous Organisation Improvement Strategy

Objective 5.3 Efficient and Effective Organisation with a culture of positive change, process improvement and productivity gains.

DISCUSSION

As a result of the events outlined in the Background section of this report, the Staff Recommendation is that Council adopt the revised Code of Practice – Meeting Procedures (“the Code”), with the proposed amendments as marked in bold red text (Attachment A). Please note, general formatting has made to assist with the administration of this Code, have been made throughout the document, including the reordering of information.

A summary of the key proposed amendments is provided below regarding:

Recording of Council Meetings (Clause 8 – Minutes) (separate report)

A separate report has been prepared on this matter that will provide various options regarding the recording and publishing of Council meetings.

As the recording of Council meetings does not need to be contained in the Code of Practice, the section of the Code of Practice in relation to the recording of Council meetings has been limited to recording by members of the public.

Council’s resolution in relation to this matter in a future report will provide the formal direction for the recording of Council meetings (and as such will not require 2/3 majority to be passed).

Petitions (Clause 10)

The current City of Mitcham Code of Practice Meeting Procedures, Local Government Act and associated Regulations are silent in relation to the acceptance or otherwise of electronic petitions on two criterion; the first is ‘signature’ the second is ‘address’.

Given emails and other electronic communications have in many ways replaced traditional letter writing and hard copy petitions, the Electronic Communications Act (SA) 2000 (the Act) provides guidance regarding electronic communications, their validity and management (including what constitutes an electronic signature and therefore what is legally acceptable
in terms of giving, sending or serving communication in order to make an application, lodge a claim, make a request, make a declaration, cancel or vary communication, issue a certificate or lodge an objection).

For clarity, an email as a reasonably reliable form of communication received by the City of Mitcham that includes a person’s name that clearly communicates their intention, will meet the requirements of an ‘electronic signature’ pursuant to the Act.

**Petitions - Address**

As the current Code of Practice is silent on the definition of ‘address’, it is unclear if an electronic petition provided via/with an email address would satisfy ‘address’ (location) as has been past practice for traditional hard copy petitions that may provide a street name, suburb or Post Office Box.

Option one (1) proposes that Council facilitates the provision of electronic petitions to ensure that the City of Mitcham Code of Practice Meeting Procedures and thereby Regulation 10(1) is met by defining ‘address’ as either a street, and/or suburb, and/or PO Box and/or email address.

This definition acknowledges that electronic communications have surpassed traditional forms of communication. Given the requirement for a signature will be taken to have been legally met in relation to an emailed or electronic petition in accordance with the Electronic Communications Act (SA) 2000 an electronic petition with an email address submitted to Council will be included in the Full Council Agenda.

This option however, will not provide Elected Members with information relating to the location/s of the petitioner/s.

Option two (2) proposes that Council does not broaden the definition of ‘address’ to include an email address. Noting that this will not facilitate electronic petitions.

Please note that is possible that a petitioner could submit a petition electronically via existing online platform – then provide in a separate email their name and address (as per the City of Onkaparinga’s process explained below).

Electronic petitions that do not meet the requirement of address (or any other criteria) Administration will action in accordance with usual Requests for Services/Complaint Handling Mechanisms and will provide to Council for information indicating that they have not met the requirements but may still be considered by Council in its decision making.
Electronic Petitions Research

Various electronic platforms facilitate petitions (Change.org, and ipetition for example) however, they do not provide the function for each petitioner to include an ‘address’ (location/residential) for each petitioner endorsing/signing the petition.

Other Councils treat electronic petitions in the following way;

Adelaide Hills – Accepts Electronic Petitions, but an electronic address will not meet the requirements of Regulation 10. Petitioners are directed to an online link.
City of Burnside – No advice regarding electronic petitions.
City of Marion – Accept emailed electronic petitions where;
  • An email has an electronic copy attached; or
  • An email includes a link to a petition site, or
  • Where a petition is posted to the Council’s Social Media page, AND;
  • The petition meets Regulation 10 of the Local Government Procedures at meetings AND;
  • A Petition is clearly defined to mean a document signed by more than two residents/members of the public and at least two different property addresses.
City of Onkaparinga – Accept emailed electronic petitions where;
  • The petition meets Regulation 10 of the Local Government Procedures at meetings
  • Online petitions received via change.org are requested to provide supporters a separate email address and clearly state at the top of that page that supporters will need to provide their name and address separately to that email.
City of Playford – provides a pdf template but no advice regarding electronic petitions.
City of Port Lincoln – No advice regarding electronic petitions.
City of Prospect – Online petitions must be sent to a specific email address that complies with the Electronic Communications Act, there is an online link whereby the petitioner is requested to notify Council.
City of Salisbury – No advice regarding electronic petitions.
City of Tea Tree Gully – No advice regarding electronic petitions.
City of West Torrens – Electronic Petitions must comply with Regulation 10.

In order to facilitate petitions to the City of Mitcham that will prompt petitioners to provide the relevant information, Administration could provide a form that can be made available on its website or a link to another platform for petitioners to utilise.

Depending upon the simplicity of the form and the flexibility of the platform, would depend upon the costs involved and the time taken to implement.
Anecdotal advice has determined an electronic editable PDF form available on the City of Mitcham site could be uploaded at relatively low costs. This would result in a petitioner being able to download a blank form, disseminate/complete and return via email.

Current online platforms require a monthly ongoing subscription from @ $50 a month. Their malleability to provide the information from a petitioner to be compliant with the City of Mitcham Code of practice has not been fully investigated however some seem to have this ability. Additionally, if such a link was hosted on the City of Mitcham website, Council could be seen to be supporting causes that are not in the City of Mitcham’s interest to do so therefore vetting of petitions would be required. Further questions are raised regarding record keeping, availability, in/accessibility, appropriate content, other potential legal requirements.

To progress this further would require either a motion of Council or such being identified as an organisational priority complete with project scope, budget bid and timeframes.

Full Council Meeting Finish Time (Clause 33 – Finish time for Council / Committee Meetings)

There has been much discussion regarding the length of Council meetings and the impact this may have on an individual’s contribution given respective “outside of Council” obligations and responsibilities. This alteration aims to have Council business completed by 10:00pm instead of 10:30pm allowing a half an hour extension (to be made via a motion before 10pm) and further half hour by two thirds majority.

Setting priority to speak to the motion

Option one (1) allows a specific timeframe in which Elected Members wishing to move an item may register their interest via email. This gives Elected Members Thursday evening to read/receive their agenda before submitting their interest the next day (Friday 9am to Tuesday 2pm).

Deputations

Option one (1) allows for a depute to present/address the chamber for up to five minutes initially. This provides two more minutes for the depute to present without interruption (instead of three minutes). The total time for a presentation does not extend beyond the current ten minute timeframe.

Vote and Count (Clause 37 - Election of Members to Official Positions)

The current voting process is laborious, particularly when there are more nominations than positions available. The amendments provide a more efficient process that caters for these situations thereby expediting the voting process during a council meeting.
12 November Full Council meeting feedback

The following feedback was provided at the 12 November full council meeting, which will result in the draft revised Code of Practice – Meeting Procedures (Attachment A) to be amended.

City of Mitcham provisions will be numbered to be easily identifiable.

The Code of Practice is made available on the City of Mitcham Website as is free to download/access at the Civic Centre. Should a member of the public request a hard copy to take away/keep, a nominal fee will apply in accordance with the City of Mitcham Fees and Charges Policy.

Community Implications

The community has a right to expect that Council and Committee meetings are conducted efficiently and effectively in the interests of good decision making.

Environmental / Heritage Implications

Not applicable.

Cost Shifting Implications / Legislative Cost Imposts

Not applicable.

Impact on Budget including Lifecycle Costing

Not applicable.

Risk Management / WHS Assessment

The Code of Practice – Meeting Procedures, in conjunction with the Meeting Regulations, provides a set of guidelines and protocols to assist with the smooth running and accountability of Council and Committee meetings.

Legal / Policy Implications

The Code is primarily a quasi-legislative instrument that allows for the decisions of Council to be legally binding.

Local Government Act 1999
Local Government (Meeting Procedures) 1999

Please note that to endorse a revised Code of Practice, the motion must be supported by at least two thirds of Elected Members who are present to vote.

Engagement
Elected Members have had a year of meetings (November 2018 – November 2019) under the existing code adopted by the previous council. This experience has enabled Elected Members to contribute to the improvement of the meeting procedures.

Public consultation is not required in relation to this matter.

CONCLUSION

The Code provides for a Council to adopt a range of local provisions to assist with the smooth running of Council and Committee meetings as required whilst still meeting legislative instruments, which allow for the decisions of Council to be transparent to its community and legally binding.

For Council to endorse an amended Code of Practice – Meeting Procedures, the support is required of at least two thirds of Elected Members who are present to vote.
9.6 COUNCIL MEETING RECORDING
Report Author/Manager: Deb Horton
General Manager: Kate O’Neill
(Meeting Date: 26 November 2019)
(Location: Council Wide)
(Consultant Used: $Nil)

This report has been previously brought to Council as a Discussion Paper and is now provided as a Decision Report.

Changes to the previous report are highlighted in Bold Italics. OR There have been no changes.

PROPOSAL

To present various options regarding the recording of meetings via audio / video for Council's consideration giving effect to a resolution of Full Council as made on 9 July 2019.

RECOMMENDATION – ITEM 9.6

DECISION 1 – PURPOSE FOR RECORDING MEETINGS

Option 1 (Staff Recommendation)

That Council:

1. Records Full Council Meetings for the purposes of aiding transparency and accountability to the public of its decision making and increase accessibility to the public and as such will be made available to the public.

2. Acknowledges that the written minutes will continue to be deemed the official record of the Full Council Meeting and resolutions of Council.

Option 2

That Council:

1. Records Full Council Meetings for the purposes of aiding the creation of minutes and training / educative purposes and therefore able to be destroyed upon the confirmation of the minutes and will be available upon request until destroyed.

2. Acknowledges that the written minutes will continue to be deemed the official record of the Full Council Meeting and resolutions of Council.
Option 3

That Council;

1. Records Full Council Meetings for [insert reason].

2. Acknowledges that the written minutes will continue to be deemed the official record of the Full Council Meeting and resolutions of Council.

DECISION 2 – MECHANISIM USED TO RECORD AND BROADCAST FULL COUNCIL MEETING

Option 1 - Audio captured and broadcast via the website ($2,000)

That Council:

1. Record the audio of Council Meetings and upload on the City of Mitcham Website for public access.

2. This recording be operational effective immediately – to coincide with the publication of the formal council minutes.

3. Administration purchase the requisite equipment and licenses in order to achieve the above in accordance with the City of Mitcham’s procurement policies / financial delegation – up to an initial value of $2,000.


5. That a report be brought back to Council after a year of operation to evaluating practices associated including any technological advancements that may prove to be better practice.

Option 2 - Audio captured and broadcast using online streaming platform embedded on website ($2,000)

That Council:

1. Record the Audio of Council Meetings and broadcast using a suitable online platform embedded on the City of Mitcham Website for public access.

2. This recording be operational effective immediately – to coincide with the publication of the formal council minutes.

3. Administration purchase the requisite equipment and licenses in order to achieve the above in accordance with the City of Mitcham’s procurement policies / financial delegation – up to an initial value of $2,000.

5. That a report be brought back to Council after a year of operation to evaluating practices associated including any technological advancements that may prove to be better practice.

**Option 3 - Audio and visual captured and broadcast via the website ($5,000)**

That Council:

1. Record the audio / visual of Council Meetings using an audio and visual recording and broadcast using the website for public access.

2. This recording be operational effective **within a month of this resolution, with the current practice of audio files being made available to the public in the interim.**

3. Administration purchase the requisite equipment and licenses in order to achieve the above in accordance with the City of Mitcham’s procurement policies / financial delegation – up to an initial value of $5,000.


5. That a report be brought back to Council after a year of operation to evaluate practices associated including any technological advancements that may prove to be better practice.

**Option 4 – Audio and visual captured and broadcast using streaming platform ($5,000)**

That Council:

1. Record the audio / visual of Council Meetings using an audio and visual recording and broadcast via streaming platform for public access.

2. This recording be operational effective **within a month of this resolution, with the current practice of audio files being made available to the public in the interim.**

3. Administration purchase the requisite equipment and licenses in order to achieve the above in accordance with the City of Mitcham’s procurement policies / financial delegation – up to the value of $5,000.


5. That a report be brought back to Council after a year of operation to evaluate practices associated including any technological advancements that may prove to be better practice.
Option 5 – Fully integrated system for audio / visual recording solution ($25,000)

That Council:

1. Record Council Meetings using fully integrated system for audio / visual solution streamed the best platform available for public access.

2. This recording be operational effective by June 2020, with the current practice of audio files being made available to the public in the interim.

3. Administration purchase the requisite equipment and licenses in order to achieve the above in accordance with the City of Mitcham's procurement policies / financial delegation.


5. That a report be brought back to Council after a year of operation to evaluate practices associated including any technological advancements that may prove to be better practice.

Option 6 – Fully integrated system for audio / visual recording solution ($25,000)

That Council:

1. Record Council Meetings using fully integrated system for audio / visual solution streamed the best platform available for public access.

2. That the ability for an Elected Member to choose when their image and/or voice is recorded during all or part of a meeting be available as a result of this option.

3. This recording be operational effective by June 2020, with the current practice of audio files being made available to the public in the interim.

4. Administration purchase the requisite equipment and licenses in order to achieve the above in accordance with the City of Mitcham’s procurement policies / financial delegation.


6. That a report be brought back to Council after a year of operation to evaluate practices associated including any technological advancements that may prove to be better practice.
Option 7 – Status quo

1. That the City of Mitcham Code of Practice – Meeting Procedures continue to allow Full Council Meetings to be recorded with the permission of the Council or the Principal Member.

2. This record be made available upon request until destroyed.

Option 8– Council does not record Full Council Meetings

1. The City of Mitcham does not record Full Council Meetings at this time.

2. As a result, Council notes that when the City of Mitcham Code of Practice – Meeting Procedures is next presented to Council for review, Council removes the ability for Full Council Meetings to be recorded with the permission of the Council or the Principal Member.

BACKGROUND

The 2018/22 term of Council has indicated strong support to provide the community with a digital record of Council Meetings in addition to the current legislative framework and the City of Mitcham Code of Practice – Meeting Procedures.

For fullness, the following provides the chronological history of this matter:

- 27 November 2018 Full Council Meeting, Item 7.4 Code of Practice Meeting Procedures – DEFERRED
- 11 December 2018 Full Council Meeting, Item 14.1 Cr Hockley – Recording of Council Meetings – LOST
- 12 June 2019 onwards, the Mayor commenced recording the audio of Full Council Meetings for teaching and training purposes in accordance with the City of Mitcham’s Code of Practice Meeting Procedures.
- 25 June 2019, Item 15.3 Cr Kruse – Audio Recording and Publishing of Council Meetings – LOST

On the 9 July 2019, Item 15.3 Cr Todd – Recording of Meetings Council resolved:

That a report providing advice on the most useful and dependable process to implement recording of meetings be brought to council to guide potential changes to the Code of Practice - Meeting Procedures around the issue of recording meetings.

This report should seek to address issues such as known best practices, how council will ensure the integrity and security of the material, period of time that recordings must be maintained, where the recordings should be made available and advice on the best material to use i.e. audio versus video
versus live streaming. Associated costs in recording meetings and displaying material, should also be provided.

This report has taken into consideration legislative requirements, financial implications and best governance practice based upon the experiences of other South Australian councils that either record audio or live stream council meetings, which are available to the public to download from multiple devices.

For the purposes of providing various options in this report, Administration:

- Has assumed (based upon the history above) that the main purpose of a digital recording (audio or visual or both) and then its broadcasting, is to aid transparency and increase accessibility to Full Council Meetings and its decision making whilst at the same time, providing a comprehensive record to be made available to the public and not exclusively as a record for teaching and training purposes as is current practice. This is important to decipher as it depends upon the intent and use of such as to how it is captured and treated in accordance with legislative instruments.

- Has identified that recording and then broadcasting will apply to Full Council Meetings and Special Full Council Meetings only.

- Has identified that confidential items of a Full Council Meeting (or Special Full Council Meeting) will not be subject to audio or visual recording or broadcasting.

- Confirms that the written minutes will continue to be deemed the official record of the Full Council Meeting and only resolutions of Council, as published within the written minutes, can and will be actioned regardless of the content of any audio / visual recording of discussion or debate captured during the meeting.

- Advises that once a recording has been made available to the public, this record is susceptible to being copied, edited and reused by third parties.

- Advises that State Records is currently reviewing quasi legislative instruments valid to 2020 (General Disposal Schedule No 20 (5th Edition) for Local Government) for which the City of Mitcham is subject to, that may change the way in which audio / visual files are being stored by Local Government Authorities in the near future.

**DEFINITIONS**

**Embed**: an object inbuilt into a larger object  
(multi-media file inbuilt into a larger file)

**Fully integrated**: bringing all parts of a system together

**Streaming**: a method of transmitting or receiving data
**Streaming platform:** a media file utilising a ‘platform’ such as a website or software package as a method of transmitting or receiving data

**Upload:** transfer from one system to another

**Attachments:**

Nil

**STRATEGIC OBJECTIVES**

Goal 5 Continuous Organisation Improvement Strategy

Objective 5.3 Efficient and Effective Organisation with a culture of positive change, process improvement and productivity gains.

**DISCUSSION**

When a ‘record’ (whether it be audio or visual or both) is created that is made publicly available as a record of a City of Mitcham Full Council Meeting, it becomes a permanent record that is owned by the City of Mitcham that is required to be kept for a minimum of 15 years on site. General disposal schedules allow for the transferal of these records from Council to State Records for storing after 15 years.

Records are intended to be made available to the public and consequently there are associated risks given these records can be used as evidence to support allegations of impugned conduct. Obviously, a live streamed recording has a higher risk for Elected Members whom may unintentionally or inadvertently offend another, than a record that can be broadcasted with editing (such as agenda items identified, ambient noise filtered, etc).

The following provides a general overview of the implications and best practice of making such records public and whether any legal protections are afforded in the management of such records.

**GENERAL IMPLICATIONS – LEGAL PROTECTIONS**

Should an Elected Member offend as a result of a Council Meeting recording made publicly available, a person may seek legal remedies against this individual for which the individual member (or a group of Elected Members) may find themselves either in breach of the Code of Conduct for Council Members or potentially personally sued subject to civil remedies ie, Tort Law (defamation).

Should an Elected Member offend another Elected Member as a result of a recording made publicly available, the Elected Member may undertake any of the following (in no priority) as is currently the case:

- Submit a Code of Conduct complaint for investigation.
• Personally seek civil legal remedies (at the personal cost of the Elected Member) depending on the impugned conduct would depend on the remedy sought; ie Tort Law (defamation), Criminal Law (unlawful threats, criminal defamation, blackmail).

In this situation, any legal costs of an Elected Member will not be paid for by Council unless prior approval has been obtained from the Council or the Chief Executive Officer (CEO) in accordance with the City of Mitcham Elected Members Allowances and Support Policy.

Should an Elected Member offend a member of the public as a result of a recording made publicly available, the member of public may undertake any of the following (in no priority) using the recording as justification/evidence to support such allegations:

• Submit a complaint to the CEO or Mayor.
• Submit a complaint to an external agency including the Office of Public Integrity or the South Australian Ombudsman or the South Australian Independent Commissioner Against Corruption.
• Personally seek civil legal remedies against the Elected Member/s. Depending on the impugned conduct would depend on the remedy sought; ie Tort Law (defamation), Criminal Law (unlawful threats, criminal defamation, blackmail).

Depending upon the nuanced circumstances and the impugned conduct by the Elected Member/s will depend upon whether the Elected Member/s are protected pursuant to the Local Government Act 1999 (the Act) (immunity of civil liability for an honest act or omission in the discharging of duties). For clarity, the Act provides:

39—Protection of members

(1) No civil liability attaches to a member of a council for an honest act or omission in the exercise, performance or discharge, or purported exercise, performance or discharge, of the member’s or council’s powers, functions or duties under this or other Acts.

(2) A liability that would, but for this section, attach to a member of a council attaches instead to the council.

However, in this situation, any legal costs of an Elected Member will not be paid for by Council unless prior approval has been obtained from the Council or the CEO in accordance with the City of Mitcham Elected Members Allowances and Support Policy.

GENERAL IMPLICATIONS – INFORMALITY OF COUNCIL MEETINGS

Current Full Council Meetings have a balance of formality and informality in consonance with the Presiding Member’s approach to the items on the agenda for that particular meeting. It is reasonable to deduce that should Full Council Meetings be recorded and then published / broadcast to the world at large, then responses to questions, requests by members and dialogue may
become less informal and more structured. There is also the potential for questions raised to be taken on notice, or questions not asked to avoid misinterpretation or be misconstrued or give incorrect information.

Deputations or Gallery Questions which currently allow for community interaction with the Council at a Full Council Meeting may decline or increase. This may impact the record itself (that a potential deputee request that their audio / image not be recorded and therefore the recording will require the ability to be manipulated accordingly).

Should inaccurate information be provided by an Elected Member to a meeting, then the onus would be on that member to correct that inaccuracy, for example a personal explanation. However, the ‘record’ of the original inaccuracy will remain in perpetuity, unless a resolution of Council would address that inaccuracy.

DATA INTEGRITY

Persons downloading / acquiring a copy of the audio / visual record, potentially altering or manipulating the record and then re-releasing it creates a risk that currently exists for hard copy records. Such conduct would be breach of Commonwealth copyright laws (see below).

Preservation of the original record ‘maintained in good order and condition’ is required by the City of Mitcham under State legislation, which can be currently stored ad infinitum within current record management software. In doing so, evidence of the original discussion / imagery for comparison will be achievable.

COPYRIGHT/INTELLECTUAL PROPERTY

MP3/MP4 files (or similar) that hold audio and visual data are files that can attract copyright.

Copyright laws are extensively nuanced however broadly speaking, the Copyright Act 1968 (Cth) (Commonwealth Act) protects intellectual property rights in ‘works’. A recording (audio or visual record or both) would be captured as ‘work’ which applies regardless of any obligations the City of Mitcham has pursuant to State legislation.

There are tensions in the obligations between the Commonwealth Act and a number of South Australian Acts and their supporting regulations however; the most pertinent are the State Records Act 1995 (SA), Freedom of Information Act 1991 (SA) and Development Act 1993 (SA) and the imminent Planning, Development & Infrastructure Act 2016 (SA). Further legal advice would need to be sought regarding specific circumstances however audio / visual of a public meeting that captures or divulges ‘plans, blueprints, databases, written works, photographs and certain reports, films, sound recordings, artistic literary, dramatic or musical works’ that are subject to copyright could be held to be breaches of the Commonwealth Act.

To attempt to circumvent breaches, a copyright or creative commons license is available for the ability to copy and share third party works.
A creative common licence is available free of charge allowing copyright owners the ability to share, reuse and remix their material so it can be reused legally thereby addressing copyright and intellectual property principles.

**A copyright licence via an appropriate Copyright Agency (as utilised by other Local Government Authorities) authorises the reproduction of other's works. This type of licence is not free of charge and will be required whereby 'works' are reproduced by Council when it creates a record.**

*For clarity, as the City of Mitcham will be the owner / creator of the record (hard copy agenda and digital) and exceptions apply within the Commonwealth Act for State and Federal Governments to provide records created as a result of its usual business for public purposes and that a fee to access such would not likely be imposed, it would be reasonable to assert that a copyright licence will not be required for the capturing and broadcasting of a full council meeting.*

**PRIVACY**

It is a common misnomer that despite its title, *The Privacy Act 1988 (Cth)* does not protect an individual’s privacy generally, rather it limits the exchange of ‘private’ data between Federal Government Agencies and private corporate entities with a profit of $3million or more. Therefore, there is no ‘privacy’ law being breeched by the capture of audio or visual per se however:

Pursuant to the *Surveillance Devices Act 2016 (SA)* the installation of either listening (audio) or surveillance (visual) devices to record and then publish ‘private conversations’ requires consent of the parties whom are being recorded. It is not the intention of Council that private conversations of members of public in the gallery are being recorded, however, members of the public that attend meetings should be made aware that ancillary conversations or their image may be recorded – depending of course upon the technology used to capture the record in the first instance.

**TECHNOLOGY CHANGES**

Preservation of the original record ‘maintained in good order and condition’ is required by the City of Mitcham under state legislation. With advancing technology, any record would require assurance over time that it is actually ‘accessible’.

MP3/MP4 files are the accepted form of capturing audio/visual and it is reasonably foreseeable that this will continue in the future.

**EDITING AND STREAMING OPTIONS**

There are various streaming options and editing packages whereby the recording can be manipulated to indicate when a new item is being discussed and potentially cut to delete ambient noise or conversation that is not part of the agenda debate (for example if the recording was continued during a break). In addition, some systems also provide streaming options. These
software solutions that have at least a dual ability provide the best option in relation to editing and livestreaming and will no doubt be more efficient in the publishing of the record.

Whilst Council would own the record, Council would be required to accept the Terms and Conditions of the relative streaming platform used. For example general Terms and Conditions can provide:

- Third parties may provide links on the platform to other sites or content which the platform may not have control over and therefore makes no claim or representation regarding responsibility for accuracy, legality, nature, availability or reliability of other sites.
- Limits the platform’s liability in terms of its use.
- Platform reserves the right to add, delete or amend Terms and Conditions at any time and without prior notice.
- Platform may restrict, modify or terminate use.
- Any copying, reproduction, re-arrangement, sale, leasing, distribution, modification or adaptation, downloading, side loading, creating of derivative works etc is strictly prohibited.
- Some platforms use law as applied in other jurisdictions (United States of America or United Kingdom) in relation to Terms and Conditions including their interpretation.

Where possible, Council will seek to provide a caveat / instructions for the public use / downloading of the recording similar to a disclaimer that is usually applied to emails and downloading information from other websites. This will of course depend upon the platform used – for example, if the record was made available from the website, such would be easier to apply / manage than a third party platform.

COUNCIL COMPARISONS

At the time of writing this report, the following neighbouring councils offer:

Alexandrina Council – Audio recording (Mp3 file) via website link.
City of Adelaide – Live stream (SKYPE) and previous meetings available via (YOUTUBE).
City of Burnside – Live stream (YOUTUBE).
City of Campbelltown – Audio recording (Mp3 file) via website link.
City of Charles Sturt City Council – Nil.
City of Holdfast Bay – Nil.
City of Marion – Audio recording (Mp3 file) via website link.
City of Onkaparinga – Nil however, investigations underway for streaming live.
City of Prospect – live streamed and uploaded (YOUTUBE).
City of Salisbury – record audio to assist preparation of minutes only.
City of Unley – Nil.
City of West Torrens – Nil.
Port Augusta City Council – Live stream (YOUTUBE) – site not active upon conclusion of the meeting.
CURRENT CHAMBER AUDIO TREATMENTS

The current cordless infrared conference system complete with speakers / sound used in the chamber was installed sometime in 2009/10. It includes a chairperson unit (transmitter and receiver) and some 20-delegate battery operated units connected to a central unit for audio. Each unit (chairperson and delegate) monitors speech input which is then output from the infrared transmitter / receiver central unit with two speakers positioned on the walls either side of the chamber.

The overhead projector is on a separate output system as are the monitors for the Executive Leadership Group that provides the visual record of the minutes as they are made.

PROCUREMENT

The City of Mitcham’s Procurement Policy states that the purchase of goods over the value of $5,000 require three quotes to demonstrate accountability and responsibility to our ratepayers, be fair and equitable to prospective suppliers, be transparent in our dealings and that the best outcome is achieved for Council.

Additionally, the City of Mitcham may request an Expressions of Interest (EOI) or Request for Tender (ROI) from the market where Council would then choose from a select group of potential suppliers for the provision of an audio / image system and streaming platform that is fully integrated.

The following options have initially explored costs (provided approximately) and systems that have considered the current specifications of the Chamber which also indicate the advantages / disadvantages of such generally. It is the intention that once Council has indicated its preference, Administration will source and secure the most suitable supplier / software solution in accordance with procurement policies to ensure the best outcome is achieved.

DECISION ANALYSIS

DECISION 1 – PURPOSE FOR RECORDING MEETINGS

The recommended option (Option 1) supports the following principle functions of a Council as articulated within the Local Government Act including:

- Provide open, responsive and accountable government;
- Be responsive to the needs, interests and aspirations of individuals and groups within its community;
- Manage its operations and affairs in a manner that emphasises the importance of service to the community;
- Seek to ensure that council resources are used fairly, effectively and efficiently; and
- Achieve and maintain standards of good public administration.
Option 2 allows for the recording to be temporarily stored to assist with the creation of the minutes and then destroyed in accordance with disposal schedules.

For an Elected Member to control whether their image or voice or both is captured during a meeting, which would result in their contribution to the meeting (image and / or voice) being mute from all or part of the record to be broadcasted would oppose the above principles. This ability would require an appropriate resolution (Option 3) and further investigation into the most appropriate technology / mechanism used to capture the record. Additional procedural etiquette surrounding the use of this ability may be considered by Council to be appropriate.

DECISION 2 – MECHANISIM USED TO CAPTURE AND BROADCAST A RECORD OF A FULL COUNCIL MEETING

The options provided allow for the various ways in which the record can be captured and then broadcast.

Option 1 – Audio recording uploaded onto the website - maximum cost: $2,000

This option provides for a suitable microphone, extension cable and recording device to create an Mp3 file to be uploaded onto the website. This option would cost an initial $2,000 (capital) cost, depending on the quality of the device and an ongoing cost of $500 to $1,000 annually.

It is anticipated that each recording (Mp3 file) would be roughly 600-800MB minimum, equating to approximately 18-25gb a year of additional storage. This would be required to be monitored over time to ensure that record ‘space’ is manageable and that the file is easily accessible after being in storage / inactive.

The minute taker will require manual ‘labelling’ of the time when items on the agenda occur within the minutes. This will require reconciling with the audio file when the audio is uploaded publicly.

Advantages:
- Cost effective initially
- Can be implemented immediately within budget
- Meets legislative record keeping requirements
- Easily accessed by the community
- Relatively straightforward to upload
- No change to current chamber audio
- Council ‘owns’ the record and the website ergo manageability of the record is better controlled/maintained
- Allows for transparency to meetings and the ability to apply learnings as technology changes to develop a longer-term solution over time

Disadvantages:
- The device and accessories (microphone / extension) has a limited life span of approximately 1 - 2 year/s and would therefore require replacement every 1 – 2 year/s.
• Manual process to stop / start recordings for adjourning / resuming the meeting and confidential items.
• No audio editing capacity to bookmark agenda items. This would require additional systems such as:
  o Adobe Audition - $343 may be able to reduce this cost if packaged with other adobe products / licences.
  o Audacity – Free but may have limitations in terms of extra packages that would make any auditing ‘fluid’.
• Over time, the storage of the Mp3 file as a permanent record will require liaison with TechOne to increase capacity of ECM Information Management Systems / Server requirements if storage is maintained on the premises ad infinitum.
• 15 years hold then may transfer to State Records as per G20 Schedule.
• Not a long-term solution to recording.

Option 2 – Audio recording using online streaming platform embedded on website – maximum cost: $2,000

This option provides for a suitable microphone, extension cable and recording device using an online streaming platform to upload this ‘record’ onto the website. This option would cost up to an initial $1,500, with annual streaming subscriptions in the vicinity of $200 - $500 per year ongoing.

Advantages:
• Cost effective initially
• Can be implemented immediately within budget
• Meets legislative record keeping requirements
• In theory the record is easily accessed by the community
• Relatively straightforward to upload
• No change to current chamber audio
• Will not require additional onsite storage requirements
• Will not require a media player for website
• If uploaded to a streaming player, files can be compressed to a lower quality for storage purposes, as the streaming player would host the high-quality version.
• Allows for time stamping (or bookmarking) agenda items as a less manual task however the minutes will still need manual manipulation to reflect the time an Agenda item commenced.
• Compatible with City of Mitcham Website platform.

Disadvantages:
• The device and accessories (microphone / extension) has a limited life span of approximately 1 - 2 year/s and would therefore require replacement every 1 – 2 year/s.
• Manual process to stop/start recordings.
• Council ‘owns’ the record but management of the record on another platform for streaming may prove difficult should the record not be readily accessible as intended
• Higher risk of technical outages / accessibility issues
Option 3 - Audio and visual record uploaded onto the website - maximum cost: $5,000

This option provides for the same as option one (audio) plus the recording of images using an appropriate file.

It is anticipated that each recording (Mp4 file) would be roughly 600-800MB minimum, equating to approximately 18-25gb a year of additional storage. This would be required to be monitored over time to ensure that record ‘space’ is manageable and that the file is easily accessible after being in storage / inactive.

The advantages and disadvantages are in essence, the same as option one with the additional consideration of the implementation of a policy position to advise the public that their image may be recorded as a result, and should they wish to remain in the chamber or make a deputation they consent to their images being captured.

Option 4 – Audio and visual record via streaming platform - maximum cost: $5,000

This option provides for the same as option three with the difference this record is made available via another platform.

The advantages and disadvantages are, the same as option two with the additional considerations;

• YouTube account / use requirements.

Option 5 – Fully integrated system for audio / visual recording solution - maximum cost: $25,000

Should Council require the ability for an Elected Member to choose whether their image and / or voice is captured for all or part of a meeting or item on a full council agenda, this option would most likely provide an appropriate solution.

Preliminary investigations for a digital audio / visual recording solution similar to the City of Adelaide but with an upgrade to the current microphones, speakers, screens and overhead projector could cost as much as a budget will allow.

A conservative budget of up to $25,000 will provide a suitable upgrade to the technology that is currently used with greater visibility for the public gallery. This technology should last for 10 years.

Advantages:

• Addresses audio / visual requirements that have been experienced on occasion in the chamber as a long-term solution (visibility of screen and microphone)
• Meets legislative requirements in relation to record keeping and storage.
• Less manual task of labelling then reconciling timing/date stamping of items on the agenda with the minutes.
• Individual agenda items can be easily identifiable.

Disadvantages:
• Initial cost/outlay relatively expensive.
• Further liaison with current agenda / minute software.
• Potential time taken to implement with EOI / ROI.
• Potentially limited industry experts.
• Support required if the technology glitches and the implications for the delivery of the minutes being publicly available within legislated timeframes.
• Unknown ongoing costs to maintain.
• Heritage Issues regarding the installation of equipment in the Chamber such as speakers / projectors / cameras and their placement – which may require development approval.

Community Implications
By recording and then broadcasting a Full Council Meeting, the community will have additional access to be informed about the decisions and debate as made in the Chamber.

Environmental / Heritage Implications
There may be implications regarding the installation of equipment and any structural change to the Chamber as a result.

Cost Shifting Implications / Legislative Cost Imposts
Nil

Impact on Budget including Lifecycle Costing
Each option provides for the financial costs as known at the time of writing.

At the minimum, the City of Mitcham would require a Copyright License – annual ongoing cost of approximately $1,000.

Risk Management / WHS Assessment
See “General / Legal Implications” above.

Legal / Policy Implications
The following legislative instruments guide the administration in the capturing and maintaining a visual / audio file (or both) resulting in the creation of a record of council meetings for the purpose of providing this to the public.

State Records Act 1997 (SA)
Under this Act, an audio or visual record to be made available to the public becomes an ‘official record’ of the City of Mitcham triggering specific
requirements regarding its preservation and disposal (General Disposal Schedule No 20 (5th Edition) for Local Government).

For example, audio / visual information for the purposes of aiding the creation of minutes could be determined as a ‘facilitative’ temporary record and therefore able to be destroyed upon the confirmation of the minutes (Local Government General Disposal Schedule 20 – clause 9.24.3).

Conversely, audio / visual information for the purposes of providing such to the public would be determined as a record made by Council in the conduct of its business. As such, Council must ensure that such records are maintained in good order and condition as a permanent record (Local Government General Disposal Schedule 20 – clause 9.24.1). Once a permanent record has reached a lifespan of 15 years, it must be delivered into the custody of State Records if the Council no longer requires access to the record for current administrative purposes (Local Government General Disposal Schedule 20 – clause 9.24.1).

Surveillance Devices Act 2016 (SA)
Under this Act, the installation of either listening (audio) or surveillance (visual) devices to record ‘private conversations’ requires consent of the parties whom are being recorded. It is not the intention of Council that private conversations of the gallery are being recorded, however, members of the public that attend meetings should be made aware that ancillary conversations may be recorded – depending of course upon the mechanisms / software system used to capture the record in the first instance.

Freedom of Information Act 1999 (SA)
Under this Act, a member of the Public may seek to access an official record (that is not publicly available) of the City of Mitcham. This Act becomes relevant if an audio / visual recording is created as an item on a full council agenda that is subject to confidential provisions. It is not the intention of administration to record confidential items.

Local Government Act 1999 (SA)
Various clauses of this Act and supporting regulations, indicate that the public and Elected Members must have access to council / committee meetings and their associated documents. The provision of either audio / visual content made available to the public no doubt meets this legislative intention.

Work Health Safety Act 2012 (SA)
Under this Act, the City of Mitcham has a duty to provide a safe place of work.

Copyright Act 1968 (Cth)
The Copyright Act 1968 (Cth) (Commonwealth Act) protects intellectual property rights in ‘works’. A recording (audio or visual record or both) would be captured as ‘work’ which applies regardless of any obligations the City of Mitcham has pursuant to State legislation. However given the City of Mitcham will be the owner / creator of the record and exceptions apply within the Commonwealth Act for State and Federal Governments to provide records created as a result of its usual business for public purposes and that a fee to access such would not likely be imposed, it
would be reasonable to assert that a copyright licence will not be required.

Policy Position
Additionally, a policy document expressing the philosophical will of the Council in relation to the use and dissemination of audio / visual recordings would guide both the public and the administration in its management and facilitation of recordings.

Engagement

This report was presented to Council as a discussion report at its meeting on 8 October 2019 and re-presented on the 22 October 2019 for decision. On the 22 October 2019, the Full Council resolved for the report to be deferred until the Code of Practice – Meeting Procedures was presented to council for consideration at the same meeting.

CONCLUSION

The report aims to supply the best information available at the time to allow Elected Members to make an informed decision regarding recording meetings.
9.7 REDEVELOPMENT OF THE MITCHAM MEMORIAL LIBRARY AND BROWN HILL CREEK PROJECT - KAURNA REFERENCE

Report Author/Manager: Ursula Hickey
General Manager: Kate O'Neill
(Meeting Date: 26 November 2019)
(Location: Council Wide)
(Consultant Used: $Nil)

This report has been previously brought to Council as a Discussion Paper and is now provided as a Decision Report.

Changes to the previous report are highlighted in Bold Italics.

PROPOSAL

To present options for the reference to Kaurna People as part of the redevelopment of the Mitcham Memorial Library and Brown Hill Creek project.

RECOMMENDATION – ITEM 9.7

Option 1 (Staff Recommendation) – Log sculpture and traditional tree shield carving

That Council endorses the log sculpture and traditional tree shield carving, to reference Kaurna People as part of the redevelopment of the Mitcham Memorial Library and Brown Hill Creek.

Option 2 – Log Sculpture

That Council endorses the sculpture in an existing log alongside Brown Hill Creek, to reference Kaurna People as part of the redevelopment of the Mitcham Memorial Library and Brown Hill Creek.

Option 3 – Traditional Tree Shield Carving

That Council endorses the traditional tree shield carving on a gum tree, to reference Kaurna People as part of the redevelopment of the Mitcham Memorial Library and Brown Hill Creek.

Option 4 – Bridge Mural

That Council endorses the mural on the Angas Road Bridge, to reference Kaurna People as part of the redevelopment of the Mitcham Memorial Library and Brown Hill Creek.
Option 5 – Package of Works

That Council endorses a combined package of artwork to reference Kaurna People as part of the redevelopment of the Mitcham Memorial Library and Brown Hill Creek which includes:

- A mural on the Angas Road Bridge
- A traditional tree shield carving within an existing gum tree along the Brown Hill Creek adjacent to the Mitcham Memorial Library
- Sculpture into an existing log.

Option 6 – No Further Action

1. That Council does not further progress the reference of Kaurna People as part of the Mitcham Memorial Library redevelopment and / or Soldiers Memorial Gardens, Brownhill Creek rehabilitation.

2. That the allocated budget be returned to the 2019/20 Operating Projects’ pool.

BACKGROUND

At its 26 September 2017 meeting, Council resolved:

That the City of Mitcham includes reference to the Kaurna People as part of the Mitcham Memorial Library redevelopment and / or Soldiers Memorial Gardens, Brownhill Creek rehabilitation. Such references could be made in the form of art, sculpture or signage and if possible should be determined with input from the Kaurna Nation Cultural Heritage Association (KNCHA), the City of Mitcham Art Advisory Committee and other as appropriate.

This report is reflecting on the outcomes of discussions held between staff and relevant groups and presenting options for Council to consider.

Attachments:

A. Angas Road Bridge overlooking Brown Hill Creek - Mural Location
B. Traditional Shield Carving
C. Traditional Shield Carving - Example 2
D. Log Example at Brown Hill Creek
E. Log Next to a Large Tree at Brown Hill Creek

STRATEGIC OBJECTIVES

Goal 3 Dynamic & Prosperous Economy

Objective 3.4 We are a destination well regarded by residents and visitors for our heritage, natural environment, events, educational and medical facilities.

Goal 4 Vibrant & Rich Culture

Objective 4.1 We have special places, spaces and stories that create a strong sense of place and great experiences for our community.
DISCUSSION

Following Council’s decision, Administration met with the Chairperson (Uncle Jeffrey Newchurch) and Project Officer (Colin Darcy) of Kaurna Nation Cultural Heritage Association (KNCHA), where the development of the Mitcham Memorial Library and Brown Hill Creek project was discussed along with the opportunity to include references to the Kaurna People.

Following this meeting, an onsite meeting was held with a KNCHA representative and a local Indigenous artist. A tour of the creek was provided and plans for the redeveloped library were presented.

As a result of this meeting the following artworks were suggested:
- Traditional Kaurna shield carved on a gum tree
- A sculpture carved in to an existing log
- Art design / mural on the Angus Road bridge, facing the park
- Stick on Kaurna etchings to glass meeting room entry walls.

Subsequently Administration met with the Mitcham Arts Advisory Group (MAAG) on Tuesday, 31 July 2018 to gain their feedback on the suggested art works and the following advice was supplied.

Preferred projects were (in order of preference):
1. Log carving / sculpture
2. Angus Road bridge mural (life of 10 years then review)
3. Kaurna shield on tree trunk (for the life of the tree).

Members of MAAG felt that there was strong synergy between having a log carving (possibly a stylised bench or seat) which looked towards the Kaurna shield located on the tree trunk. The log could be completed first and then there could be a traditional ceremony to accompany the carving of the tree.

However, when they noted the location of the Library deck, which overlooks the Brown Hill Creek towards the Angus Road Bridge, it was felt that the mural would be a relevant and reasonably quick artwork to achieve. At the very least it was agreed that the bridge needed a ‘tidy up’ as it was highly visible from the Library outlook. With any mural located on the Angas Road Bridge, the overarching premise of the Soldiers Memorial Park with its theme of ‘quiet contemplation’ needs to be considered. It was also agreed that all members were happy with all three suggested works of art.

In addition, under the Public Art Grant, an indigenous art mural was painted on the adjacent Hawthorn Community Centre. This work was completed in December 2018.

Funding was provided in the 2019/20 Annual Business Plan and Budget to progress this project.

Following the official openings of both the Mitcham Memorial Library and the Brown Hill Creek Projects in 2019, Administration now seeks a decision from Council on a preferred artwork to reference the Kaurna People within the precinct, taking in to consideration the feedback received from MAAG and KNCHA representatives.
The following section provides an overview of the options available for Council’s consideration.

The costs of each of the individual options have estimate costs only at this time; however, budget for the project has been included within the 2019/20 Annual Business Plan.

Following the Expression of Interest process, should additional funding be required, a report will be brought back to Council for further consideration. Alternatively, any surplus will be returned to Council at the next available budget review process.

Option 1: Traditional Shield Tree Carving and Sculpture in to an Existing Log

The staff recommendation is for both the tree carving and sculpture in an existing tree.

Both options are discussed below and are expected to be able to be funded within the approved budget.

Option 2: Traditional Kaurna Shield Tree Carving

The expected life of this art has been deemed to be the life of the tree.

Council’s Arborist has confirmed that this art piece will not impact the health / life of the tree.

Refer to Attachment B and C.

Option 3: Sculpture in to an Existing Log

The expected life of this art has been deemed to be the life of the log.

Refer to Attachments D and E.

Option 4: Bridge Mural

The mural on the bridge adds to the amenity of the reserve following the investment in the Library and Creek.

The expected life of this art is approximately 10 years and may require maintenance during the life of the mural and a decision at the end of the useful life as to whether to refresh the mural, paint over or commission a new mural.

The Expression of Interest would encourage artists to use a number of different materials, such as painting or mosaics as examples.

Based on experience with the City of Mitcham Public Art Grant, the artist fee will cover materials and scaffolding / safety arrangements required across the creek.
Refer to Attachment A.

**Option 5: Combined Package of Works**

In response to the MAAG approving all three works of art, a combined package of works costing has been estimated. Various combinations of work could be selected. This package would include the bridge mural, the traditional Kaurna shield carving and a sculpture within an existing log. The combination of these works could establish a ‘story’ within the precinct.

Following the Expression of Interest process, additional funding would need to be allocated by Council to facilitate the combined package.

**Option 6: No Action**

Alternatively, Council may wish to take no further action and return the allocated budget to the 2019/20 Operating Projects’ pool.

**Selection Process**

Expression of Interest for a Kaurna artist would be advertised on Council’s website, Messenger, social media and via the KNCHA and Blackwood Reconciliation Group requesting designs and quotes for the work.

All Expressions of Interest will need to be consistent with the values of the Soldiers Memorial Reserve and inclusive of all costs associated with the project, including items such as safety equipment, artists materials, the installation, any remediation prior to work beginning, clean up, and the artist fees and detail the anticipated ongoing maintenance requirements. The successful artwork would also need to include interpretative signage for display at the sight and duplication on the Council website, social media and other media as required.

It is suggested that shortlisting will be conducted by the MAAG for a decision by Council, any required maintenance costs associated with the recommended works will be included in the report to Council (dependent on the art, design and materials).

Budget for this project has been included in the 2019/20 Annual Business Plan and Budget **but is not disclosed in this report as to not prejudice the procurement process and achieving value for money.**

Following the Expression of Interest process, should additional funds be required Administration will bring a report back to Council.

Consultation with the Mitcham Branch of the RAAF and RSL will also occur to finalise the design, following endorsement by Council.

Administration will then engage the artist and oversee the delivery of the project.
Community Implications

Recognition of the Kaurna People and culture within key public projects has become integral to the history and respect for a particular area.

Environmental / Heritage Implications

With regard to the carving of the traditional Kaurna shield on the gum tree trunk, further advice would be sought from Council’s arborist prior to any implementation.

Cost Shifting Implications / Legislative Cost Imposts

Nil

Impact on Budget including Lifecycle Costing

Budget for this project has been included in the 2019/20 Annual Business Plan and Budget but is not disclosed in this report as to not prejudice the procurement process and achieving value for money.

Risk Management / WHS Assessment

A full risk assessment would be carried out dependent on the artwork chosen.

Legal / Policy Implications

Nil

Engagement

As per Council’s decision, engagement has been undertaken with the Kaurna Nation Cultural Heritage Association and Mitcham Art Advisory Group.

CONCLUSION

The reference to Kaurna People in the form of an artwork/s within the project site blends the modern world and the historical elements of the area. The project aims to activate the precinct, not just the building; therefore the inclusion of some artwork within the adjacent reserve assists with the connections between the elements and adds to overall vibrancy and discovery.
9.8 PRICE MEMORIAL OVAL - HAWTHORN BOWLING CLUB CLUBROOM IMPROVEMENTS - LANDLORD APPROVAL
Report Author/Manager: Jody Hardenberg / Thuyen Vi-Alternetti
General Manager: Craig Harrison
(Meeting Date: 26 November 2019)
(Location: Gault Ward)
(Consultant Used: $0)

PROPOSAL

To seek Landlord approval to enable plans to be submitted for development approval for improvements to the Hawthorn Bowling Club clubrooms at Price Memorial Oval, Angas Road, Hawthorn.

RECOMMENDATION – ITEM 9.8

Option 1 (Staff Recommendation)

1) That Council notes that Hawthorn Bowling club was successful in obtaining $100,000 (excl. GST) from the Federal Governments Community Development Grants Programme to fully fund the improvements to the Hawthorn Bowling Club Clubrooms as outlined in this report.

2) That landlord approval be granted for the improvements to the Hawthorn Bowling Club Clubrooms as outlined in this report.

3) That the Hawthorn Bowling Club manage the project subject to works agreement mechanisms being put in place, to the satisfaction of Administration, to manage and deliver the project and associated risks.

4) That Council authorises an additional $3,500 (excl. GST) per annum in the annual budget commencing in 2020/2021 financial year to fund the ongoing operating costs for the Hawthorn Bowling Club clubroom improvement project.

Option 2

1) That Council notes that Hawthorn Bowling club was successful in obtaining $100,000 (excl. GST) from the Federal Governments Community Development Grants Program to fully fund the improvements to the Hawthorn Bowling Club Clubrooms as outlined in this report.

2) That Council does not provide Landlord approval at this time for the improvements to the Hawthorn Bowling Club clubrooms as outlined in this report.
BACKGROUND

The Hawthorn Bowling Club (the Club) is located at Price Memorial Oval, Monmouth Road, Hawthorn and was founded in 1912. The club has 135 full playing members, 250 social members and is an amateur club that competes in the SA Bowls and Metro bowls association competitions.

The club has four bowling greens and fields 26 Tuesday night owl teams and 30 Wednesday teams as well as 5 Wednesday Pennant teams, 2 Thursday Lady teams and 6 Saturday mixed teams.

The Club has been successful in the past in obtaining funding from the State and Federal Government and has had experience in managing projects to improve club facilities utilising grant funding received. These projects include:

- Fund My Neighbourhood Program ($105,000)
  - Shades, shelter and irrigation

- Stronger Communities Program ($28,000)
  - Kitchen upgrade
  - Amenities upgrade

- Active Clubs Program ($30,000)
  - Paving of surface at end of bowling greens
  - Paving of concrete walking surfaces

Attachments:

A. Proposed Clubroom Extensions
B. Foyer Entry Extension
C. Storage Shed Upgrade
D. BBQ Preparation and Servery Area

STRATEGIC OBJECTIVES

Goal 1 Accessible & Connected Community

Objective 1.3 Our community has access to high quality, vibrant, well serviced places and spaces to meet, learn and recreate.

Goal 4 Vibrant & Rich Culture

Objective 4.1 We have special places, spaces and stories that create a strong sense of place and great experiences for our community.

DISCUSSION

In August 2019, the Club was successful in obtaining $100,000 (excl. GST) in funding from the Federal Government through the Community Development Grants Program to fund the following clubroom improvements (Attachment A):
- Providing an extension and upgrade to the entry foyer incorporating a new electric door and expanded entry access to improve disabled access. (Attachment B)
- Replacement of the existing dilapidated storage shed and its asbestos ceiling with a new structure incorporating aluminium framed windows, insulated walls and ceiling and additional access door. (Attachment C)
- Installation of barbeque preparation and servery area (Attachment D) adjacent to the bowling green. The installation will incorporate a fixed installation grill plate and fume extraction, roll up door above a food service counter, refrigeration facilities and storage area. This facility upgrade will reduce the labour intensity associated with food preparation and sales to increase fund raising capability.
- Aluminium seating and tables (six sets) will be provided at the common end to C and D greens to provide durable, long life, low maintenance facilities for members and visitors.
- Replacement of the existing dilapidated coverings to the banks of the greens will eliminate potential emerging tripping hazards and provide safer access to the bowls surface.

The works are considered as Category 1 minor works and therefore there is no requirement for public consultation under the Development Act & Regulations, however landlord approval is required prior to submitting a development application.

The Club has requested formal landlord approval to proceed with submitting a development application for the proposed clubroom improvement projects. Providing landlord approval is time critical to allow the Club to submit all necessary forms to comply with the terms and conditions of the grant. The project will be funded by the Community Development Grants Program and no additional capital funding from Council is required for the project. It is estimated that an additional $3,500 (excl. GST) per annum in operational costs will be required to fund the additional maintenance and depreciation as a result of the project.

The Club will project manage the clubroom improvement project under a works agreement. Administration will also meet regularly with the club and the building contractors throughout the design and construction phase to assist in managing any associated project risks.

Community Implications

The project will improve the appearance of the clubrooms and will improve the facilities functionality, accessibility and safety. The clubrooms improvement could potentially lead to increased membership and participation for the club as well as improve the fund raising ability and sustainability of the club

Environmental / Heritage Implications

Works will be in line with AS4674-2004 Design, construction and fit-out of food premises where applicable
Cost Shifting Implications / Legislative Cost Imposts

Not applicable

Impact on Budget including Lifecycle Costing

The clubroom improvement project is fully funded through the Community Development Grants Program.

There will be an estimated increase in operating costs of $3,500 (excl. GST) per annum to Council as a result of the project.

Risk Management / WHS Assessment

The project will be managed by the Club. Council will liaise with the Club to ensure the relevant WHS standards are adhered to.

There is also a risk that should landlord approval not be granted, the Club would lose the $100,000 Federal Government grant for the clubroom improvement project.

Legal / Policy Implications

Not applicable

Engagement

Not applicable

CONCLUSION

The Club, which is based at Price Memorial Oval, has been successful in securing $100,000 from the Federal Governments’ Community Development Grants Program to fund a number of improvements to the clubrooms at Price Memorial Oval. The clubroom improvement project is fully funded by the grant.

The club is seeking landlord approval to submit a development application and undertake the clubroom improvements. The Club will manage the project under a works agreement with Council and Administration will meet regularly with the club and the building contractors throughout the design and construction phase to assist in managing any associated project risks.

It is recommended that Council provide landlord approval for the Hawthorn Bowling clubroom improvements at Price Memorial Oval.
9.9 MITCHAM ARTS ADVISORY GROUP (MAAG) PUBLIC ART GRANTS ROUND 3 (2019-2020)

Report Author/Manager: Rebecca Olthoff / Ulus Fuat
General Manager: Kate O’Neill
(Meeting Date: 26 November 2019)
(Location: Council Wide)
(Consultant Used: $Nil)

PROPOSAL

To receive the recommendations of the Mitcham Art Advisory Group (MAAG) for the awarding of the 2019/20 Round 3 Public Arts Grants that are to be delivered by 30 June 2020.

RECOMMENDATION – ITEM 9.9

DECISION 1 – PUBLIC ART GRANT: STREET STORIES

Option 1 (MAAG Recommendation)

1. That Council award a Public Art Grant to the project Street Stories to the value of $1,990 (excluding GST).

2. The Street Stories project be incorporated into a full kerb renewal being delivered by the City of Mitcham along with the community’s support, to be determined by Administration.

Option 2

That Council does not support the Street Stories project at this time and seeks the following information:

• Information

DECISION 2 – PUBLIC ART GRANT: TOGETHER

Option 1 (MAAG Recommendation)

1. That Council award a Public Art Grant to the project Together to the value of $10,272 (excluding GST).

2. The Together mural be installed on the western wall of the Shepherds Hill Dental Centre (facing Precious Cargo) and visible to east-bound traffic up Shepherds Hill Road.

Option 2

1. That Council award a Public Art Grant to the project Together to the value of $10,272 (excluding GST).

2. The Together mural be installed on << location >>.
Option 3

That Council does not support the Together project at this time and seeks the following information:

- Information

DECISION 3 – PUBLIC ART GRANT: CULTURAL SPACES

Option 1 (MAAG Recommendation)

1. That Council award a Public Art Grant to the project Cultural Spaces to the value of $11,880 (excluding GST).

2. The Cultural Spaces totem poles be installed at Waite Reserve, Blackwood Stage 1 nature play playground.

Option 2

1. That Council award a Public Art Grant to the project Cultural Spaces to the value of $11,880 (excluding GST).

2. The project Cultural Spaces totem poles be installed at << location >>, to be determined in consultation with the Mayor.

Option 3

That Council does not support the Cultural Spaces project at this time and seeks the following information:

- Information

DECISION 4 – PUBLIC ART PRIZE DIRECTION

Option 1 (MAAG Recommendation) – Small Public Art Interventions Grant

1. That the recurrent Public Art Prize budget be used for the creation of a “Small Public Art Interventions Grant” for emerging artists to be assessed by MAAG and recommended to Council.

2. That a report be brought back to Council on the criteria for the Small Public Art Interventions Grant.

3. That the balance of any unused Public Art Grants budget be redirected into the Small Public Art Interventions Grants, through the relevant Quarterly Budget Review annually.
Option 2 – Public Choice Exhibition

1. That the recurrent Public Art Prize be used for a “Public Choice Exhibition”, which is curated by the City of Mitcham showcasing all forms of artwork produced by artists that live or delivered in the City of Mitcham. This would include contemporary and traditional forms such as murals, sculpture, performance art, jewellery, memorials and sound installations.

2. That a report be brought back to Council on the operations of the Public Choice Exhibition.

Option 3 – Increase to Public Art Grant

That the Public Art Prize annual allocation of $3,000 be transferred to the existing Public Art Grants budget increasing the annual budget from $25,000 to $28,000 annually.

Option 4

That Council no longer budget for the Public Art Prize and the $3,000 be returned to the bottom line at the next Quarterly Budget Review (ongoing).

BACKGROUND

Public Art Grants

Public art makes a significant contribution to local identity, helps create and activate vibrant public realm and assists to build a strong cultural and arts sector for the betterment of the community.

Art can be seen as an expression of culture and can include traditional forms such as memorials, monuments, sculptures and murals; or more contemporary forms such as sound installations, video or laser projections, text, aerosol art and street banners. It also includes functional objects such as fountains, street furniture, lighting and paving. It may be both permanent and / or temporary.

The Mitcham Art Advisory Group (“MAAG” or “the Advisory Group”) was established in 2017 to review and provide recommendations to Council on significant or contentious public or community art proposals, up to the value of $25,000 each financial year.

Following the Information Report presented to Council at its meeting on 27 August 2019, the 2019/20 (Round 3) Public Art Grant round was advertised in the Mitcham Community News (August 2019), appeared in the Messenger Newspaper – Mitcham Community News column (11 September 2019), via the City of Mitcham Facebook page (29 August and 10 September 2019), and throughout September 2019 it was emailed to our internal artist register, appeared the City of Mitcham website and on the telephone on-hold message service.
An information session was also held on 18 September 2019 to provide information on the Grant to interested applicants. At the closing of the Grant on 30 September, 10 grant applications were received to the total value of $83,742.

**Public Art Prize**

The City of Mitcham has allocated a recurrent budget of $3,000 for a Public Art Prize. There is currently no formal direction in relation to what the Public Art Prize looks like for the City of Mitcham and as such the MAAG has been requested to provide recommendations to Council.

**Attachments:**

A. 2019/20 Round 3 Public Art Grant Applicants Ranking Summary

**STRATEGIC OBJECTIVES**

**Goal 1 Accessible & Connected Community**

Objective 1.6 Our community is actively encouraged and supported to have a voice and to participate in a meaningful way in shaping our City.

**Goal 4 Vibrant & Rich Culture**

Objective 4.1 We have special places, spaces and stories that create a strong sense of place and great experiences for our community.

Objective 4.2 We recognise, embrace and celebrate social and cultural diversity in our vibrant community.

Objective 4.3 We are a City that encourages creativity and innovation in all its forms.

Objective 4.5 The strong characteristics of the City, including the natural and rural landscape character of the Mitcham Hills, the leafy streetscapes of the plains, and the heritage values of the City, are protected and enhanced.

**DISCUSSION**

The MAAG met on Wednesday, 16 October 2019 to assess the 10 Public Art Grant applications and make recommendation on the Public Art Prize, each of this is discussed below.

**2019/20 PUBLIC ART GRANT**

Applications were assessed using the criteria as reported to Council at its meeting on 27 August 2019, resulting in a short list of applications and the three highest ranked being recommended for funding by Council.
These projects are:

**Street Stories by John Denlay (Decision 1)**

A placemaking pilot project where neighbourhood stories are presented into concrete curbing. It involves writing short stories/poems into the face of the kerb when the concrete is poured. Historically people have opportunistically left their mark in the wet concrete. Street stories looks to utilize this simple form as public art to create a greater sense of place for a local neighbourhood. The pilot includes selecting a street scheduling for upcoming kerbing work, canvassing neighbourhood interest, community engagement, development of story, community review and installation. Additional street stories would cost $1,170 per street.

**Concept**

![Street Stories Image](image)

**Cost**

$1,990 (excluding GST)

**Location of Artwork**

To contribute towards geographic equity for public art, it is recommended that this project be delivered in Mitcham West, in consultation with the City of Mitcham Engineering Team and future projects.

Alternatively, Council could identify another area of the City for this project to be delivered, with Administration to determine the actual street, based on the Capital Works Schedule.

**Lifespan**

80 years (same extended life as the asset)

**Maintaining Artwork**

No maintenance required

**MAAG Feedback**

“Delightful idea; lends itself to future projects creating a trail across the City of Mitcham; love the incorporation if local stories; if execution is good then this could become a fantastic idea to spread; great link with local people and communities; idea that is simple yet brilliant”.

**Previous Public Art Grants Awarded**

Round 1, 2017/18 – Indigenous Mural: Hawthorn Community Centre
Together by Elizabeth Close (Decision 2)

Large scale aboriginal inspired mural of approximately 19.5m. The artwork has key dimensions and themes including community. The circular motifs represent different families and sectors of the community, the palette references the landscape, and the dots represent Aboriginal connection to country stories and culture. In addition, the budget provides for the creation of a professional time-lapse package, capturing the evolution of the mural, which will be made available to Mitcham Council, Precious Cargo and Shepherds Hill Dental for their use.

Concept
Cost
$10,272 (excluding GST)

Location of Artwork
Western façade of Precious Cargo and Shepherds Hill Dental Centre facing towards east-bound traffic up Shepherds Hill Road, Blackwood.

The Artist has submitted Letters of Support for the mural project from the building owners of Shepherds Hill Dental Centre, adjoining business operator Precious Cargo Blackwood and from an Executive Member of the Blackwood Reconciliation Group.

Lifespan
10 years

Maintaining Artwork
The Shepherds Hill Dental Centre would be responsible for the maintenance of the mural and The City of Mitcham has already received correspondence from the dental clinic approving the transfer of ownership and ongoing maintenance responsibilities.

MAAG Feedback
“Outstanding application; thoroughly explained concept and description; great links to community and local environment; very visible wall and great scale; exceptional explanation of how the work links with the community”.

Previous Public Art Grants Awarded
Round 1, 2017/18 – Four Seasons Ribbon Art: APEX Park Hawthorndene

Cultural Spaces by Marra Dreaming (Decision 3)

A series of five totem poles inspired by the River Red Gums within local reserves to reflect Indigenous culture. These totem poles are not Kaurna Artwork; however the poles will include information about flora, fauna or other aspects that were of importance to the Kaurna People (depending on location).

Concept
Cost
$11,880 (excluding GST)
($7,880 + $4,000 installation, engineering and soft-fall)

Location of Artwork
It is recommended that this project be installed at Waite Reserve, Blackwood, to compliment the newly landscaped area around Stage 1 of the nature play playground which has good connection and visibility with the community. The preliminary design for the Blackwood Community Hub and Waite Street Reserve will be able to incorporate these elements.

Council may choose to identify another public playground, reserve or open space area of the City for this project to be delivered.

Alternatively, Council could request Administration to consult with the Blackwood Reconciliation Group on a preferred location.

Lifespan
20 years

Maintaining Artwork
A protective anti-graffiti coating will be applied to artwork on the poles and has been included as part of the project cost. There are no ongoing maintenance requirements during the life of the artwork.

MAAG Feedback
"Artwork looks amazing; portfolio of artist is fantastic; love the totem poles better and would like to explore option of artist creating totems; would be a great look; good description on how it relates to the local area; flexibility in design location to maximise public exposure is great".

Previous Public Art Grants Awarded
Nil

PUBLIC ART PRIZE (Decision 4)

The MAAG was established to assist Council plan and recommend public or community art; ensuring that it was fit for purpose and plan, implement and management of Council’s initiated Public and Community Art. In additional they can provide recommendations to Council on significant public or community art proposal that may arise and bring to Council for consideration.

As there is currently no formal direction in relation to what the Public Art Prize looks like for the City of Mitcham, the MAAG was requested to provide recommendations to Council.

There are a number of existing art prizes that are offered annually across Mitcham through organisations such as Gallery One’s Annual Mitcham Art Prize and Rotary Club of Blackwood Art Show. The City of Mitcham has not supported either or any other art competitions during the 2019/20 budget.

The MAAG has discussed how they feel the art prize monies could be spent and unanimously agreed that the money should not be used towards existing
art prizes as they did not feel that it was an inclusive way to promote art. Through discussions they felt that other more innovative solutions could attract more attention to the arts in Mitcham.

The MAAG’s preference was for the establishment of a process which supports innovative smaller scale art projects across the City of Mitcham. The introduction of a Small Public Art Interventions Grant is in alignment with MAAG’s vision by helping provide an alternative avenue for small and creative space activation art interventions. An example of this type of initiative is the successful Random Festival held in the City of Holdfast Bay which invited 10 artists to create random acts of art within the streets (Decision 2, Option 1).

An alternative to this, could be a “Public Choice Exhibition”, curated by the City of Mitcham showcasing all forms of artwork produced by artists that live or delivered in the City of Mitcham could be developed. This would include contemporary and traditional forms such as murals, sculpture, performance art, jewelry, memorials and sound installations (Decision 2, Option 2).

With both options for the Public Art Prize, a report would need to be brought back to Council in relation to how these proposals would operate before being implemented. It is also proposed that any funding remaining, following the awarding of the Public Art Grant be reallocated to the Public Art Prize and the MAAG Terms of Reference updated to reflect this.

Public Art Grants are often medium sized projects leaving a balance of funds not spent annually. For instance, last year in Round 2 Grants were awarded totaling $22,220; leaving a balance of $2,780 of unspent monies. In addition, a line item titled Public Art Prize currently sits unspent totaling $3,000.

It is also open to Council to direct the $3,000 allocated to the Public Art Prize to the Public Art Grant (Decision 2, Option 3) or return it to the bottom line (Decision 2, Option 4).

**Community Implications**

Public Art makes a significant contribution to local identity, helps create and activate vibrant public realm and assists to build a strong cultural and arts sector for the betterment of the Mitcham community.

**Environmental / Heritage Implications**

Public art has the ability to contribute to a sense of place and highlight the elements that make that place unique.

**Cost Shifting Implications / Legislative Cost Imposts**

Not applicable
Impact on Budget including Lifecycle Costing

No change to the bottom line. Movement of allocated funds from Public Art Prize to the Public Art Grant.

Risk Management / WHS Assessment

Risk Management and WHS assessment included in delivery of each project. Totem poles will be installed 1 metre deep and surrounded by soft fall in order to minimize risk.

Legal / Policy Implications

Public Art Policy adopted 11 April 2017

Engagement

Following the Information Report presented to Council at its meeting on 27 August 2019, the 2019/20 (Round 3) Public Art Grant round was advertised in the Mitcham Community News (August 2019), appeared in the Messenger Newspaper – Mitcham Community News column (11 September 2019), via the City of Mitcham Facebook page (29 August and 10 September 2019), and throughout September 2019 it was emailed to our internal artist register, appeared in the City of Mitcham website and on the telephone On-Hold Message Service.

An information session was also held on 18 September 2019 to provide information on the Grant to interested applicants. At the closing of the Grant on 30 September, 10 grant applications were received to the total value of $83,742.

Applicants were advised via phone about MAAG’s recommendations and of the Council meeting date scheduled for Tuesday 26 November 2019.

CONCLUSION

Public art makes a significant contribution to local identity, helps create and activate vibrant public realm and assists to build a strong cultural and arts sector for the betterment of the community. The Public Art Grant enables innovative artistic creation for the City of Mitcham, enhanced by the recommendations of the MAAG which contributes towards informed decision making by Council.
10. CONFIDENTIAL REPORTS

Nil
11. DISCUSSION ITEMS FOR FUTURE DECISION

11.1 MANSON OVAL TENNIS COURT RESURFACE AND COURT LIGHTING

Report Author/Manager: Hayley Ashworth / Thuyen Vi-Alternetti
General Manager: Craig Harrison
(Meeting Date: 26 November 2019)
(Location: Craigburn Ward)

Due to the complexity of this issue and community interest, a draft report has been attached for discussion prior to a final report being presented to a future meeting.

PROPOSAL

To seek landlord approval and a funding consideration for court resurfacing and lighting installation at the Manson Oval Tennis Courts, Bellevue Heights.

Attachments:

1. Draft Report - Manson Oval Tennis Court Resurface and Court Lighting
   A. Attachment to Draft Report - Manson Oval Master Plan
   B. Attachment to Draft Report - Council In Principle Project Support and Landlord Approval
   C. Attachment to Draft Report - Bellevue Heights Tennis Club Court Resurface and Lighting Proposal

RECOMMENDATION – ITEM 11.1

That the report be received for information only.
MANSON OVAL TENNIS COURT RESURFACE AND COURT LIGHTING

Report Author/Manager: Hayley Ashworth / Thuyen Vi-Alternetti
General Manager: Craig Harrison
(Meeting Date: 10 December 2019)
(Location: Craigburn Ward)
(Consultant Used: $Nil)

PROPOSAL

To seek landlord approval and a funding consideration for court resurfacing and lighting installation at the Manson Oval Tennis Courts, Bellevue Heights.

RECOMMENDATION – ITEM 0.0

DECISION 1 – Landlord Approval & Council Funding

Option 1 (Staff Recommendation) – Engineer Recommendation Pavement Depth of 480mm.

1. That landlord approval be granted for the court resurfacing and lighting installation at the Manson Oval Tennis Courts, Bellevue Heights, subject to Development Approval.

2. That Council endorse the Engineer’s recommendation to allow for a pavement depth of 480mm for the tennis courts as recommended by the Engineer, noting that this option has an estimated timeframe of 5-7 years before cracking may appear and regular maintenance to the courts needs to occur.

3. That Council endorse a one off capital contribution of $121,088 and an increase in re-current operational costs of $22,915 per annum and for court resurfacing and lighting installation at Manson Oval Tennis Courts to be included at Budget Review 2.

4. That Council manage the project to deliver the design, construction and commissioning stages of the project, noting that development approval will be required.

5. That Council authorises the Chief Executive Officer to execute the funding agreement between Council and Bellevue Heights Tennis Club to enable the delivery of the project

6. That administration ensures appropriate recognition is made of Council’s contribution to the project.

Option 2 – (Original Cost Estimate) Pavement Depth of 180mm

1. That landlord approval be granted for the court resurfacing and lighting installation at the Manson Oval Tennis Courts, Bellevue Heights, subject to Development Approval.
2. That Council endorse a pavement depth of 180mm for the tennis courts as identified in the original cost estimates based on a site inspection, noting that this option has an estimated timeframe of 2-5 years before cracking may appear and regular maintenance to the courts needs to occur.

3. That Council endorse a one off capital contribution of $44,038 and an increase on re-current operational costs of $18,144 per annum and for court resurfacing and lighting installation at Manson Oval Tennis Courts to be included at Budget Review 2.

4. That Council manage the project to deliver the design, construction and commissioning stages of the project, noting that development approval will be required.

5. That Council authorises the Chief Executive Officer to execute the funding agreement between Council and Bellevue Heights Tennis Club to enable the delivery of the project

6. That administration ensures appropriate recognition is made of Council’s contribution to the project.

Option 3

That Council does not provide landlord approval and funding contribution for the court resurfacing and lighting installation at the Manson Oval Tennis Courts.

DECISION 2 – Lease Fees

Option 1 (Staff Recommendation)

That Council does not waive Bellevue Heights Tennis Club’s Lease fees of $610 (plus annual CPI increases) per annum for the next 15 years.

Option 2 (Clubs Request)

That Council approves Bellevue Heights Tennis Club’s Lease fees of $610 (plus annual CPI increases) per annum to be waived for the next 15 years allowing the club to re-accumulate reserves to contribute towards the resurfacing costs of the tennis courts in the future.

BACKGROUND

Manson Oval is a neighbourhood level sports facility located at Sargent Parade, Bellevue Heights and is currently used for soccer, tennis and broader informal community use. Bellevue Heights Tennis Club (the Club) are located at the Manson Oval Tennis Courts and have been providing social and competitive tennis, as well as coaching, since 1979. There are six courts located at this site. The two eastern courts are open to the public and were
resurfaced approximately 18 months ago by Council. These courts did not have sub-surface treatment and have started cracking in just 18 months.

In 2015, Council endorsed the Master Plan for Manson Oval (Attachment A) to be progressed and costed ready for future implementation (subject to funding). The Master Plan provides a comprehensive vision and plan for future improvement and development of the site.

In 2017 Council endorsed the Master Plan for Manson Oval and noted that the cost to implement all components of the Master Plan was in the vicinity of $3,100,000. Due to costs, it is appropriate that a staged approach is taken in implementing the different components from the Master Plan, as funding becomes available.

Sturt Lions Football Club have previously received Federal Funding to install lights at Manson Oval and this project is currently being completed. There are several elements identified in the Master Plan for Manson Oval, one of which relates to resurfacing the tennis courts and installing new floodlights suitable for training purposes.

The Club applied for Sport Australia’s Community Sport Infrastructure Funding program to resurface and install lights to the four western courts and were provided with in principle landlord support from Council Administration (Attachment B) to submit the application.

In April 2019, the Club were successful in receiving $372,537 through Round 3 of Sport Australia’s Community Sport Infrastructure Funding Program. The funding received was based on an initial cost estimate for the project based on a site inspection and without any investigations into the sub-surface ground conditions. The cost estimate was submitted with their grant application which, at the time was fully funded by the successful funding application, a club contribution and funding from Tennis Australia.

Since the funding was received, meetings have been held with club representatives, Tennis SA and Administration where the initial cost estimate needed to be revised based on Council managing the project and the results from geotechnical investigations and the subsequent works which are recommend. The Club are now requesting (Attachment C) formal landlord support, a funding contribution to the project and for Council to manage the project.

Attachments:
A. Manson Oval Master Plan
B. Council In Principle Project Support and Landlord Approval
C. Bellevue Heights Tennis Club Court Resurface and Lighting Proposal

STRATEGIC OBJECTIVES

Goal 1 Accessible & Connected Community

Objective 1.3 Our community has access to high quality, vibrant, well serviced places and spaces to meet, learn and recreate.
Goal 3 Dynamic & Prosperous Economy

Objective 3.1 We have attractive and vibrant precincts, places and spaces, supported by a variety of quality community facilities and retail, commercial and residential development.

DISCUSSION

City of Mitcham’s Manson Oval Master plan identified the following for the tennis courts:
- Resurfacing of tennis courts (4x western club courts and 2x eastern public courts)
- New flood lights suitable for training level purposes

The two eastern public courts were resurfaced in 2018. At the time of these works being completed the sub-surface conditions were not taken into consideration and since then the court surface is already showing cracks.

When the initial cost estimate was received from the Club, geotechnical investigations had not been conducted and therefore the works identified in the original cost estimates were based on a site inspection only.

Option 2 (Pavement depth of 180mm) based on a site inspection, included the following:
- Construct a 200mm wide concrete edging to complete perimeter
- Stabilisation of the upper 250 mm of subgrade, with approximately 2.5% quicklime;
- Tensar TX160 Geotextile membrane
- Construct a 150m thick quarry rubble pavement for Tennis Courts, graded and compacted, ready to receive Hotmix Bitumen.
- On completed base works, machine lay a 30mm compacted thickness of Hot Premix Bitumen

This option has an estimated timeframe of 2-5 years before cracking may appear and maintenance to the courts needs to occur.

Due to the unknown sub-surface conditions, Administration engaged an Engineering company to conduct geotechnical investigations to understand what the current subsurface conditions are at the site and receive a recommendation on what reconstruction should be completed to avoid future cracking/distress to the courts.

A geotechnical investigation was conducted in November 2019. The results came back highlighting that the most likely mechanism causing the observed distress in the existing tennis court pavement is shrink-swell movements in the highly reactive clays caused by changes in soil moisture content. Such moisture content changes have resulted in cracking of the asphalt seal and differential movement over the pavement surface.

The Engineering company noted in their report that due to the highly reactive nature of the soil profile, it is expected that a conventional flexible pavement (thin asphaltic concrete seal overlying a granular basecourse and sub-base)
will not eliminate any future pavement distress, particularly where trees are located close to the tennis courts. Due to the sub-surface conditions the site is not ideal for tennis courts and therefore future on-going maintenance, such as crack sealing or shape correction, of the tennis court surface would be expected for a conventional flexible pavement.

To fully eliminate the potential for future shrink-swell movements it would be necessary to excavate all of the highly reactive clays to expose the underlying stable rock. This option is prohibitively expensive and therefore at this stage is not being considered.

The Engineer subsequently recommended Option 1 (Pavement Depth of 480mm), which includes the following:

- the tennis court pavement is at 480 mm thick, comprising at least 50 mm of asphaltic concrete overlying basecourse and sub-base quality materials;
- lime stabilisation of the subgrade is undertaken;
- a geogrid, such as TriAx TX160, is placed on top of the lime treated subgrade for a width of at least 6 m around the perimeter of the courts.

This option has an estimated timeframe between 5-7 years before cracking may appear and maintenance needs to occur.

Administration reviewed the initial works identified in the cost estimates and engineering recommendation. Noting that due to the sub-surface conditions at the site no matter what works are completed both options will not guarantee cracking from occurring, they will only delay the process. Although the works suggested by the Engineers (Option 1) are at an increased cost to Council the additional works may delay the cracking process by an estimated 5-7 years which is 3-5 years more than the initial cost estimated works (Option 2).

**Project Cost**

There are two proposed scope of works that need to be considered within this report.

**Option 1 – Engineering Recommendation, 480mm depth (Staff Recommendation)**

<table>
<thead>
<tr>
<th>Scope of Works</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Designs</td>
<td>$8,500</td>
</tr>
<tr>
<td>Courts</td>
<td>$192,000</td>
</tr>
<tr>
<td>Sub-Surface Works</td>
<td>$133,000</td>
</tr>
<tr>
<td>Fencing incl book a court</td>
<td>$53,300</td>
</tr>
<tr>
<td>LED Lighting</td>
<td>$83,250</td>
</tr>
<tr>
<td>Project Management</td>
<td>$30,000</td>
</tr>
<tr>
<td>Additional Costings</td>
<td>$5,250</td>
</tr>
<tr>
<td>Contingency</td>
<td>$40,825</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$546,125</strong></td>
</tr>
</tbody>
</table>
Option 2 – Initial cost estimate, 180mm depth

<table>
<thead>
<tr>
<th>Scope of Works</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Designs</td>
<td>$8,500</td>
</tr>
<tr>
<td>Courts</td>
<td>$192,000</td>
</tr>
<tr>
<td>Subsurface</td>
<td>$63,000</td>
</tr>
<tr>
<td>Fencing incl book a court</td>
<td>$53,300</td>
</tr>
<tr>
<td>LED Lighting</td>
<td>$83,250</td>
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<tr>
<td>Project Management</td>
<td>$30,000</td>
</tr>
<tr>
<td>Additional Costings</td>
<td>$5,200</td>
</tr>
<tr>
<td>Contingency</td>
<td>$33,825</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$469,075</strong></td>
</tr>
</tbody>
</table>

In addition the Club are also requesting Council waive their lease fees for 15 years to enable the Club to start developing the reserve funds to be able to undertake the resurfacing of the courts when they are due in the future. If Council chooses to waive this lease fee for 15 years, they are subsidising the club by approximately $9,150.

Proposed Funding

The club are requesting for Council to manage the project and cover any shortfall costs. Depending on which option is decided upon the proposed funding would be:

**Engineering Recommendation (Option 1 – Pavement Depth 480mm)**

<table>
<thead>
<tr>
<th>Funding Amount</th>
<th>Proposed Source</th>
<th>Funding Source</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>$372,537</td>
<td>Federal Government</td>
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<tr>
<td>$22,500</td>
<td>Bellevue Heights Tennis Club</td>
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<tr>
<td>$30,000</td>
<td>Tennis Australia</td>
<td></td>
<td>Confirmed</td>
</tr>
<tr>
<td>$121,088</td>
<td>City of Mitcham</td>
<td></td>
<td>Not confirmed – subject to this report</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$546,125</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Initial Cost Estimates for Grant Application (Option 2 – Pavement Depth 180mm)**

<table>
<thead>
<tr>
<th>Funding Amount</th>
<th>Proposed Source</th>
<th>Funding Source</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>$372,537</td>
<td>Federal Government</td>
<td></td>
<td>Confirmed</td>
</tr>
<tr>
<td>$22,500</td>
<td>Bellevue Heights Tennis Club</td>
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<td>Confirmed</td>
</tr>
<tr>
<td>$30,000</td>
<td>Tennis Australia</td>
<td></td>
<td>Confirmed</td>
</tr>
<tr>
<td>$44,038</td>
<td>City of Mitcham</td>
<td></td>
<td>Not confirmed – subject to this report</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$469,075</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Community Implications

The installation of lighting at the courts will provide increased opportunities for use by Bellevue Heights Tennis Club.

Environmental / Heritage Implications

Not applicable

Cost Shifting Implications / Legislative Cost Imposts

Not applicable

Impact on Budget including Lifecycle Costing

Option 1 (Pavement Depth 480mm)
One off capital contribution of $44,088 and an increase on re-current operational costs of $22,915 per annum, which equates to a rate increase of 0.04%.

Option 2 (Pavement Depth 180mm)
One off capital contribution of $121,088 and an increase on re-current operational costs of $18,144 per annum which equates to a rate increase of 0.03%.

Risk Management / WHS Assessment

The project will be managed by Council.

There is also a risk that should landlord approval not be granted; the Club may risk losing the $372,537 Federal Government Grant.

Legal / Policy Implications

Not applicable

Engagement

Consultation was previously undertaken as part of the endorsed Manson Oval Master Plan, which identified the need for court lighting and court resurfacing.

Bellevue Heights Tennis Club have consulted with Tennis SA and Council Administration on the plans and costings associated with the project.

Further engagement with the community will be undertaken as part of the Development Application for the proposed lighting.

CONCLUSION

Bellevue Heights Tennis Club have been successful in receiving $372,537 from the Federal Government’s Community Sport Infrastructure Grant Program (Round 3).
This report seeks Council to provide Landlord Approval and a funding contribution to resurface and install light to the four club courts at Manson Oval, Bellevue Heights.

This will provide a safe playing surface and further opportunities for increased participation at the facility.
11.2 INDEPENDENT REVIEW OF A DECISION POLICY (S270) AND UNREASONABLE COMPLAINTS AND REQUESTS POLICY

Report Author/Manager: Deb Horton
General Manager: Kate O'Neill
(Meeting Date: 26 November 2019)
(Location: Council Wide)

Due to the complexity of this issue and community interest, a draft report has been attached for discussion prior to a final report being presented to a future meeting.

PROPOSAL

To seek Council endorsement of a number of policies under Section 270 of the Local Government Act 1999, including:

- New Request for Service Policy
- Revised Independent Review of a Decision Policy
- New Unreasonable Complaints and Requests Policy.

Attachments:

1. Draft Report - Independent Review of a Decision Policy (s270) and Unreasonable Complaints and Requests Policy
   A. Attachment to Draft Report - NEW Draft Request for Service Policy
   B. Attachment to Draft Report - Independent Review of a Decision Policy
   C. Attachment to Draft Report - NEW Draft Unreasonable Complaints and Requests Policy

RECOMMENDATION – ITEM 11.2

That the report be received for information only.
INDEPENDENT REVIEW OF A DECISION POLICY (S270), REQUEST FOR SERVICE AND UNREASONABLE COMPLAINTS AND REQUESTS POLICIES

Report Author/Manager: Deb Horton
General Manager: Kate O'Neill
(Meeting Date: 10 December 2019)
(Location: Council Wide)
(Consultant Used: $Nil)

PROPOSAL

To seek Council endorsement of a number of policies under Section 270 of the Local Government Act 1999, including:
- New Request for Service Policy
- Revised Independent Review of a Decision Policy
- New Unreasonable Complaints and Requests Policy.

RECOMMENDATION – ITEM 0.0

DECISION 1 – REQUEST FOR SERVICE POLICY

Option 1 (Staff Recommendation)

That Council endorse the new Request for Service Policy as provided at Attachment A of this report with minor amendments delegated to the Chief Executive Officer.

Option 2

That Council endorse the new Request for Service Policy as provided at Attachment A of this report with minor amendments delegated to the Chief Executive Officer and incorporating the following amendments:
- Amendment
- Amendment
- Amendment

DECISION 2 – INDEPENDENT REVIEW OF A DECISION POLICY

Option 1 (Staff Recommendation)

That Council endorse the revised Independent Review of a Decision Policy as provided at Attachment B of this report with minor amendments delegated to the Chief Executive Officer.

Option 2

That Council endorse the revised Independent Review of a Decision Policy as provided at Attachment B of this report with minor amendments delegated to the Chief Executive Officer and incorporating the following amendments:
- Amendment
- Amendment
- Amendment
DECISION 3 – UNREASONABLE COMPLAINTS AND REQUESTS POLICY

Option 1 (Staff Recommendation)

That Council endorse the new Unreasonable Complaints and Requests Policy as provided at Attachment C of this report with minor amendments delegated to the Chief Executive Officer.

Option 2

That Council endorse the new Unreasonable Complaints and Requests Policy as provided at Attachment C of this report with minor amendments delegated to the Chief Executive Officer and incorporating the following amendments:

- Amendment
- Amendment
- Amendment

BACKGROUND

The City of Mitcham deals with customer complaints on a daily basis, which is managed by the principles contained within the City of Mitcham’s Complaints Management Policy (Attachment D).

In some cases, a complaint may escalate from the Team involved through to a request for an independent review triggering the Independent Review of a Decision Policy. Complaints at any time can also be escalated to the South Australian Ombudsman.

Section 270 of the Local Government Act 1999 requires Council to maintain policies, practices and procedures for dealing with requests for service, complaints and requests for the internal review of decisions of:

- Council;
- Employees of the Council; and
- Other persons acting on behalf of the Council.

The Request for Services Policy (Attachment A) is a new policy that has been written to provide guidance on what constitutes a reasonable request for service or an improvement to a service made to Council.

Council’s Independent Review of a Decision Policy was developed and endorsed by Council in May 2017 and was due for review in June 2018.

As part of Council’s ongoing review of policies, this policy has been reviewed (Attachment B) to ensure it is current, relevant and consistent with Council’s strategic direction, legislation and other Council policies and is now presented to Council for endorsement.

In addition, to support the organisation in managing complaints, a new ‘Unreasonable Complaints and Requests Policy’ has been created (Attachment C) that will assist staff in managing customer complaints whereby the behaviour of the complainant or the complaint is unreasonable.
Attachments:
A. NEW Draft Request for Service Policy
B. Independent Review of a Decision Policy
C. NEW Draft Unreasonable Complaints and Requests Policy

STRATEGIC OBJECTIVES

Goal 5 Continuous Organisation Improvement Strategy

Objective 5.3 Efficient and Effective Organisation with a culture of positive change, process improvement and productivity gains.

DISCUSSION

Request for Service Policy (Attachment A)
This policy outlines the philosophical approach to managing requests for services including:
- The application of the principles of fairness, accessibility, responsiveness, efficiency and effectiveness;
- A request for service achieving; public safety, fulfilling Council’s strategic and business plans, using Council resources effectively and efficiently, established service standards and response times include and conditions of any external considerations (grant funding, jurisdictional); and
- Distinguishing between a complaint and a request for service.

Independent Review of a Decision Policy
The purpose of an independent review is to review the decision in relation to process and merit.

As a result of this review, the revised policy (Attachment B), includes the following proposed amendments (marked in red in the policy):

<table>
<thead>
<tr>
<th>Section</th>
<th>Proposed Amendments</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Definitions – inclusion of the following terms referenced in the policy: • Sufficient Interest Definitions – deletion of procedural information in relation to conciliation, mediation and neutral evaluation.</td>
<td>Clarification Removed from policy to include in the procedure now provided at Attachment B to the policy (and this report).</td>
</tr>
<tr>
<td>5</td>
<td>Principles – numbered</td>
<td>Formatting</td>
</tr>
<tr>
<td>6.</td>
<td>Policy Statement</td>
<td>Merged into 1. Preamble</td>
</tr>
<tr>
<td>6.1- 6.5</td>
<td>How to make an application for a review of a decision - deleted</td>
<td>This entire section is procedural in nature and has been removed from the policy document. The procedural component of this policy is now provided at</td>
</tr>
</tbody>
</table>
### Unreasonable Complaints and Requests Policy (Attachment C)

The most effective way to manage a complaint that is unreasonable (or the behavior of the complainant) is to endorse a policy position that will enable a consistent and structured approach to guide the actioning and managing of such complaints. This policy is intended to be accessed and read in conjunction with:

- City of Mitcham Complaint Management Policy
- City of Mitcham Independent Review of a Decision Policy

The City of Mitcham is supportive of an individual’s right to complain and have full access to the services provided. This policy establishes clear parameters in managing and resolving complaints as efficiently and effectively as possible including the following key principles:

- All complainants will be treated with respect and fairness.
- All complaints will be considered fairly on their merits.
- Unreasonable complainant conduct does not preclude a valid complaint from being made and actioned appropriately.
- The substance of a complaint dictates the level of resources dedicated to it, not the complainant’s demands or behavior.
- Frustration and anger are understandable emotions by complainants; however aggressive behavior (verbal or physical abuse or violence or threats of abuse or violence) directed at staff will not be tolerated.
- A complainant that does not accept, or agree with a decision that has been made in relation to their complaint (once the complaint has been reviewed or investigated, having exhausted all internal processes in relation to their complaint) and persists to demand action on their complaint will not be entertained, but will be referred onto another agency if appropriate.

### Community Implications

The existence of these three inter-related policies provides both Council and the community with confidence that their complaint will be treated seriously and provides clear parameters to manage the expectation of the complainant should the complaint request or behaviour of the complainant be unreasonable. They also provide clarity regarding what is a request for service and what is a complaint – including how a complaint is managed / escalated.
Environmental / Heritage Implications

Not applicable.

Cost Shifting Implications / Legislative Cost Imposts

Not applicable.

Impact on Budget including Lifecycle Costing

Costs associated with complaints are managed at a Divisional level in terms of budget and resources; however, a complaint may involve a number of Divisions at any one time.

This cost is not necessarily visible by the organisation in a meaningful way; however, it is noted that the costs are a concern from a budgetary and resourcing perspective considering such requests are usually escalated or duplicated by a very small percentage of the Council’s overall ratepayer base.

Risk Management / WHS Assessment

Policy documents are a fundamental tool of an effective risk management environment to manage the following (but not limited to):
- Resources effectively;
- Administration's and the community's / complainant's health, safety, security and wellbeing;
- Community / complainants expectations regarding the management of their complaint;
- Effective response and consistent approach.

Legal / Policy Implications

_**Local Government Act 1999**_
Complaints Management Policy

Engagement

Not legislatively required in relation to the review or adoption.

All policies will be made available on the Council website for inspection by the community upon Council endorsement.

CONCLUSION

This trilogy of inter-related policies are provided for Council’s consideration and endorsement. Individually and combined, these policies clarify Council’s philosophical will to provide guidance for Administration in managing community service requests and complaints.
11.3 PRICE AVENUE, CLAPHAM - PROPOSED STREETSCAPE WORKS AND TREE REMOVALS
Report Author/Manager: Richard Tang / Chris Haskas
General Manager: Daniel Baker
(Meeting Date: 26 November 2019)
(Location: Gault Ward)

Due to the complexity of this issue and community interest, a draft report has been attached for discussion prior to a final report being presented to a future meeting.

PROPOSAL

To inform Council of the opportunity of a streetscape upgrade for Price Avenue, Clapham, which maximises community outcomes through a smart design and delivery approach and in doing so seek Council's approval on the removal of twenty three (23) non-regulated trees.

Attachments:

1. Draft Report - Price Avenue, Clapham - Proposed Streetscape Works and Tree Removals

RECOMMENDATION – ITEM 11.3

That the report be received for information only.
PRICE AVENUE, CLAPHA - PROPOSED STREETSCAPE WORKS AND TREE REMOVALS

Report Author/Manager: Richard Tang / Chris Haskas
General Manager: Daniel Baker
(Meeting Date: 10 December 2019)
(Location: Gault Ward)
(Consultant Used: $Nil)

PROPOSAL

To inform Council of the opportunity of a streetscape upgrade for Price Avenue, Clapham, which maximises community outcomes through a smart design and delivery approach and in doing so seek Council’s approval on the removal of twenty three (23) non-regulated trees.

RECOMMENDATION – ITEM 0.0

Option 1 (Staff Recommendation)

1. That Council supports the opportunity for streetscape upgrade within Price Avenue, Clapham; and

2. That Council approves removal of the twenty three (23) non-regulated trees as identified along Price Avenue, Clapham.

Option 2

That Council does not approve removal of the twenty three (23) non-regulated trees as identified along Price Avenue, Clapham.

BACKGROUND

Price Avenue, Clapham is an urban collector road under the care and control of the City of Mitcham, is oriented in a north-south direction and provides connection between Wattlebury Road and Springbank Road.

Price Avenue additionally services as a north-south connection for both commuter and recreational cyclists predominantly using the existing on-road bicycle lanes and forms part of the broader Belair to City Bikeway (bikeway) that aims to provide a mixture of on-road and off-road path connections from the Rugby-Porter Bikeway through to the Lynton Trails in Belair.

Following concerns raised by the local community and the Member for Elder, Council Administration collaboratively engaged with these stakeholders and undertook an assessment of Price Avenue, relating to the condition of the footpaths, streetscape, general amenity and screening adjacent the railway corridor.

Based on the condition of the existing asphalt footpath on the western side of Price Avenue between Wattlebury Road and Springbank Road, the footpath had already been identified for renewal as part of the 2019/20 Capital Works Program.
Additionally, an assessment of the trees adjacent the railway corridor along Price Avenue (between McPherson Street and Anson Avenue) has identified deterioration to the extent that their contribution to street amenity is greatly diminished and the risk of falling branches is moderate and increasing as dead wood becomes brittle.

Representatives from Administration engaged with these local residents and the Member for Elder to discuss potential opportunities to deliver a co-ordinated streetscape upgrade that would promote infrastructure to accommodate sustainable modes of transport, enhance amenity in the area and deliver on Council’s commitment of more accessible and connected places for the community.

With the imminent timing of the footpath renewal, state of the deteriorating trees affecting streetscape amenity and the consideration of a future bikeway linkage, Administration has prepared this report to inform Council of the opportunity of a streetscape upgrade for Price Avenue through a strategic co-ordinated approach, which maximises community outcomes through smart design and delivery.

Attachments:

Nil

STRATEGIC OBJECTIVES

Goal 1 Accessible & Connected Community

Objective 1.1 Our community is connected to places through a people friendly transport, cycling and pedestrian network which offers accessible, integrated and efficient transport options.

Goal 2 Sustainable City

Objective 2.1 Our biodiversity within open spaces, waterways, reserves and streetscapes is protected and enhanced.

Goal 4 Vibrant & Rich Culture

Objective 4.5 The strong characteristics of the City, including the natural and rural landscape character of the Mitcham Hills, the leafy streetscapes of the plains, and the heritage values of the City, are protected and enhanced.

DISCUSSION

The current pedestrian connectivity along Price Avenue, Clapham (in this area) is serviced with a block paved footpath on the western verge and an asphalt footpath on the eastern verge.

The existing asphalt footpath on the western side of Price Avenue between Wattlebury Road and Springbank Road has been identified for renewal as part of the 2019/20 Capital Works Program. Figure 1 shows the current condition of the footpath within the area, adjacent the rail corridor.
Price Avenue forms part of the broader Belair to City Bikeway (bikeway) that provides a mixture of on-road and off-road path connections from the Ruby-Porter Bikeway through to the Lynton Trails in Belair. This bikeway was identified in both the South Australia Integrated Transport and Landuse Plan and the LGA Metropolitan Local Government Group Metropolitan Cycling Strategy (MLGG) as a high priority route that provides a strategic connection aligned with state government priorities between the Cities of Unley and Mitcham, in addition to Adelaide City Council.

Stage 1 has been formalised providing a connection from Cross Road to the Mitcham Memorial Library whilst Stage 2 has recently undergone Community Consultation in November 2019.

The alignment of Stage 3 utilises the existing on-road bicycle lanes along Price Avenue and will seek to provide an off-road shared-use path connection where the existing bicycle lanes terminate. Adjacent the rail corridor along Price Avenue, the proposed alignment of the off-road shared use path will consider widening the footpath to form a shared-use path and extend into the rail corridor and for additional bicycle friendly fencing and a possible planting buffer to provide segregation between path users and the railway line.

Figure 2 provides visual context on the potential alignment in consideration of tree replacement and renewed footpath and the ability for the Belair to City Bikeway to be constructed as an expansion in the future.
Administration has held preliminary discussions with both the Australian Rail Track Corporation (ARTC) and the Department of Planning, Transport and Infrastructure (DPTI) who have provided an indicative level of support for the route alignment subject to further detailed design investigations.

The final alignment of the current footpath renewal is proposed to be set back to align with the existing fenceline providing a buffer verge treatment improving the level of safety of pedestrians and path users with the greater off-set from the carriageway and allow for the future expansion as part of the Belair to City Bikeway.

The broader verge area would also allow for replacement vegetation screening in the form of tall native evergreen trees, which are less likely to be affected by residual herbicide, to be planted centrally at regular spacing to provide an enhanced streetscape for Price Avenue.

**TREE ASSESSMENT**

An assessment of some of the tree adjacent the railway corridor along Price Avenue, Clapham has been undertaken by Council’s arborists; this assessment has identified deterioration to the extent that their contribution to street amenity is greatly diminished and the risk of falling branches is moderate and increasing as dead wood becomes brittle.

Council’s Tree Policy (Infrastructure Policy 14.30) guides the management and maintenance of trees in public areas. Policy supports tree removal in limited circumstances including when risk is unacceptable and otherwise unmanageable, when environmental or aesthetic benefit is poor and deteriorating, and in support of works that will improve the local environment and amenity.

Section 3.1 of the Tree Policy requires that the removal of trees which are over five metres tall be approved by Full Council unless the trees are dead, present an immediate threat to the public or to property of substantial value, are diseased and treatment is not feasible, or are declared pest species.
Adjacent the railway corridor along Price Avenue, twenty three Desert Ash (*Fraxinus angustifolia* ssp. *oxycarpa*) extend up to 11 m tall and spread up to 10 m wide, have been identified to have deteriorated to the extent that their contribution to street amenity is greatly diminished. The risk of falling branches is moderate and increasing as dead wood becomes brittle.

The Desert Ash is a declared pest species that is usually managed under delegation. Council’s decision is sought in this instance due to the scale of tree removal, the high level of local community interest, and the opportunity presented to support approved capital works (footpath renewal).

These trees have shown signs of stem fasciation (Figure 3 and 4), chlorosis and overabundant seed production in the overly profuse epicormic growth (Figure 5). These signs are not uncommonly associated with residual herbicides, particularly due to common blends of amitrole and atrazine. Dieback is also a common sign of pesticide contamination (Figures 6, 7 and 8), although this also occurs due to many other causes.

The good health of similar species trees elsewhere on Price Avenue and the location of the deteriorating trees on the railway frontage, suggest the deterioration may be due to a localized effect such as herbicide residue beneath the rail corridor. The railway corridors are routinely sprayed with herbicides and chemicals that are persistent and potentially mobile and are known to have been used in the past in this area. Administration are in the process of undertaking an investigation into the soil conditions at this location.

![Figures 3 and 4: Signs of Tree Deterioration (Stem fasciation)](image-url)
Figure 5: Signs Tree Deterioration (Profuse epicormic growth)

Figure 6: Signs of Tree Deterioration (Dieback)
Figures 7 (Above) and 8 (Below): Signs of Tree Deterioration (Dieback)
Investing in maintenance pruning to retain some of these trees is not recommended as it returns poor value to the community. Replacement of these trees en-masse is recommended following appropriate community engagement.

The identified trees for removal are located between #80 and #100 Price Avenue on the Eastern side of the road alongside the rail corridor. The lineal span of trees occupies over 200m as shown in Figure 9.

Figure 9: Locality Plan (Price Avenue, Clapham)
GENERAL ASSESSMENT

Heritage trees: No
Heritage area: No
Management Plan: None
Legislation: Natural Resources Management Act 2004 (Declared species).
Options for retention: None. Deterioration of most trees is well advanced and replacement is required.
Tree policy: Removal is supported due to the poor and deteriorating health of the trees.

Figure 10 and 11 have been presented show the existing arrangement of the trees.
Based on resourcing and weather conditions, the appropriate replacement tree and ground level planting will take place in winter 2020.

A meeting held between Administration and a number of local residents found general support for tree removal and replacement at the time of footpath renewal. Options for tree replacement were discussed, with residents supporting Administration’s recommendation for planting a diverse mix of native species to provide screening at different levels. Plants of different sizes and growth rates will also minimize the potential for repeated large-scale dieback if the localized cause of the dieback persists into the future.

**Community Implications**

Strict controls on tree removal and replacement provide the community with confidence that trees will be protected and not removed unnecessarily. Maintaining quality urban vegetation and particularly trees has highly positive impacts on the community’s physical and mental health, wellbeing and quality of life. The proposed tree removal and replacement tree planting with the consolidated alignment of current and future capital infrastructure works will improve the level of amenity in the area and provide improved amenity for the enjoyment of the community.

As previously discussed within this report, representatives from Administration have actively engaged with the local residents and the Member for Elder to discuss potential opportunities to deliver a co-ordinated streetscape upgrade that would promote infrastructure to accommodate sustainable modes of transport, enhance amenity in the area and deliver on Council’s commitment of more accessible and connected places for the community. Based on these discussions, the community has expressed general support for this strategic coordinated approach maximizing community outcomes through smart design and delivery.

**Environmental / Heritage Implications**

Shady streetscapes are an effective means of reducing urban heat island effects, resulting in savings in energy use and reduced production of greenhouse gases. Urban trees and other flora, whether native, indigenous or exotic, provide habitat for urban fauna.

**Cost Shifting Implications / Legislative Cost Imposts**

Nil

**Impact on Budget including Lifecycle Costing**

The 2019/20 Capital Works Program has allocated funding towards the renewal of the existing footpath along the eastern side of Price Avenue, Clapham from Wattlebury Road to Springbank Road.

Tree maintenance works are typically funded through the adopted operating budget allocations for tree maintenance.
The future bikeway connection will be considered as part of future Capital Works and subject to applications for funding for the State Bicycle Fund or programs that involve promoting active transport. It should be noted that funding is not being considered as part of the current year Capital Works Program for the bikeway.

Risk Management / WHS Assessment

Recommended works will support corporate risk management (including financial risk due to tree impacts on property and infrastructure) on balance with the need to minimize tree loss. Recommended actions are reasonable and will demonstrate Council's duty of care. Adopted standard operating procedures and safe work methods will manage work process related risks.

Legal / Policy Implications

Nil

Engagement

The listed trees were brought to Council's attention by members of the community; these community members have been advised of the reporting and decision making process and timelines regarding tree removal. All residents in the vicinity of trees which are to be removed are notified of the imminent works via a card left in their letterbox.

CONCLUSION

Following concerns raised by the local community and the Member for Elder, Council Administration collaboratively engaged with these stakeholders and undertook an assessment of Price Avenue, Clapham, relating to the condition of the footpaths, streetscape, general amenity and screening adjacent the railway corridor.

Representatives from Administration engaged with these local residents and the Member for Elder to discuss potential opportunities to deliver a co-ordinated streetscape upgrade that would promote infrastructure to accommodate sustainable modes of transport, enhance amenity in the area and deliver on Council's commitment of more accessible and connected places for the community.

An assessment of some of the tree adjacent the railway corridor along Price Avenue have identified deterioration to the extent that their contribution to street amenity is greatly diminished and the risk of falling branches is moderate and increasing as dead wood becomes brittle.

With the current renewal of the footpath within the same localised section, and consideration of the route alignment planning through Price Avenue as part of the Belair to City Bikeway, an opportunity has presented itself to ensure the placement and alignment of the footpath and street tree replacement considers the current and future needs of the community.
The twenty three (23) Desert Ash trees that have been identified are a declared pest species and due to the scale of the removal and level of local community interest have been presented to Council to seek support to proceed with the removal in consideration of the proposed coordinated streetscape design approach.
11.4 CITIES POWER PARTNERSHIP
Report Author/Manager: Ben Leonello / Stephen Saffin
General Manager: Craig Harrison
(Meeting Date: 26 November 2019)
(Location: Council Wide)

Due to the complexity of this issue and community interest, a draft report has been attached for discussion prior to a final report being presented to a future meeting.

PROPOSAL

- That Council opt into the climate change mitigation pledge scheme titled, “Cities Power Partnership”.

- Council note findings of research into the scheme and in parallel finalise the “Mitcham 2030” Strategic Management Plan, Environment and Suitability Strategy and review the Resilient South program within six months.

- Once the above work is completed Council is provided with a report to determine a minimum of five City Power Partnership pledges that are viewed as achievable and align with the development and implementation of the “Mitcham 2030” Strategic Management Plan, the Environment and Suitability Strategy and the Resilient South program.

Attachments:

1. Draft Report - Cities Power Partnership
   A. Attachment to Draft Report - Cities Power Partnership Pledge Assessment
   B. Attachment to Draft Report - SA LGA - High Level Energy Efficiency Audit for City of Mitcham

RECOMMENDATION – ITEM 11.4

That the report be received for information only.
CITIES POWER PARTNERSHIP

Report Author/Manager: Ben Leonello / Stephen Saffin
General Manager: Craig Harrison
(Meeting Date: 10 December 2019)
(Location: Council Wide)
(Consultant Used: $Nil)

PROPOSAL

- That Council opt into the climate change mitigation pledge scheme titled, “Cities Power Partnership”.

- Council note findings of research into the scheme and in parallel finalise the “Mitcham 2030” Strategic Management Plan, Environment and Suitability Strategy and review the Resilient South program within six months.

- Once the above work is completed Council is provided with a report to determine a minimum of five City Power Partnership pledges that are viewed as achievable and align with the development and implementation of the “Mitcham 2030” Strategic Management Plan, the Environment and Suitability Strategy and the Resilient South program.

RECOMMENDATION – ITEM 0.0

Option 1 (Recommendation)

- That Council opt into the Cities Power Partnership.

- Council note findings of research into: (1) the membership of ‘Cities Power Partnership’, a climate change initiative developed specifically for local government; and (2) what climate change initiatives are being offered by the South Australian Local Government Authority and Australian Local Government Authority (ALGA).

- As a priority and in parallel to above Council staff finalise the “Mitcham 2030” Strategic Management Plan, Environment and Suitability Strategy and review the Resilient South program within six months.

- Once the above work is completed Council is provided with a report to determine a minimum of five City Power Partnership pledges that are viewed as achievable and align with the development and implementation of the “Mitcham 2030” Strategic Management Plan, the Environment and Suitability Strategy and the Resilient South program.

Option 2

- That Council do not opt into the Cities Power Partnership at this current point in time.
• Council note findings of research into: (1) the membership of ‘Cities Power Partnership’, a climate change initiative developed specifically for local government; and (2) what climate change initiatives are being offered by the South Australian Local Government Authority and Australian Local Government Authority (ALGA).

• As a priority Council staff instead finalise the “Mitcham 2030” Strategic Management Plan, Environment and Suitability Strategy and review the Resilient South program within six months.

• Once the above work is completed Council is provided with a report to determine a minimum of five City Power Partnership pledges that are viewed as achievable and align with the development and implementation of the “Mitcham 2030” Strategic Management Plan, the Environment and Sustainability Strategy and the Resilient South program.

Option 3

• That Council do not opt into the Cities Power Partnership.

• Council note findings of research into: (1) the membership of ‘Cities Power Partnership’, a climate change initiative developed specifically for local government; and (2) what climate change initiatives are being offered by the South Australian Local Government Authority and Australian Local Government Authority (ALGA).

• Council staff continue to focus on the finalisation and review of the “Mitcham 2030” Strategic Management Plan, Environment and Suitability Strategy and Resilient South program within six months, that will outline an emission reduction target and achievable actions.

BACKGROUND

At the Council Meeting of 27th August 2019, Item 16.2 a resolution was endorsed:

“That staff prepare a report to investigate membership of ‘Cities Power Partnership’, a climate change initiative developed specifically for local government, and that staff also examine what climate change initiatives are being offered by the South Australian Local Government Authority and Australian Local Government Authority (ALGA)”.

Furthermore at the Council meeting on 22nd October 2019, Council declared:

• There is currently a climate emergency that requires urgent action by all levels of government in Australia (including Local Government) to both slow down changes in climate and to assist communities to better adapt to the changes already occurring.
• That the Mayor write to the Australian Prime Minister and Federal Opposition Leader, the South Australian Premier and South Australian Opposition Leader, and to all Federal and State Members of Parliament whose electorates contain the City of Mitcham, providing a copy of this resolution and calling upon them to act urgently to effectively address climate change and its impacts.

Climate Change and Local Government

For decades, Australian local governments have been at the forefront of climate action, even in the face of challenging federal and state policy environments. Councils have implemented energy efficiency and renewable energy projects on their assets and with their communities that have resulted in millions of tonnes of greenhouse gas abatement and have worked with and mobilised communities to join the challenge at the grass roots level. Fast forward to 2016 and the successful Paris Agreement adopted in December 2015 represents a historic turning point in the international fight against climate change. Central to the adoption of the Paris Agreement are items of critical importance to Australian councils.

1. The first is around how Australian councils set localised science-based targets that align with the ambitious target to limit the increase in global average temperature to 2 degrees by 2100.

2. The second is that the Paris Agreement explicitly recognises and engages local and subnational governments.

The graph below sourced from “Climate Action Tracker” shows that if we continue down a ‘business as usual’ pathway (in grey) the globe is likely to experience warming between 4.1-4.8 degrees by 2050, potentially catastrophic for residents, biodiversity and liveability of the city.
According to Climate Change Australia specific projections for South Australia include:

- very high confidence in continued substantial increases in projected mean, maximum and minimum temperatures projected in line with our understanding of the effect of further increases in greenhouse gas concentrations.

- For the near future (2030), the annually averaged warming across all emission scenarios is projected to be around 0.5 to 1.2 °C above the climate of 1986–2005.

- By late in the century (2090), for a high emission scenario (RCP8.5) the projected range of warming is 2.7 to 4.2°C. Under an intermediate scenario (RCP4.5) the projected warming is 1.2 to 2.1 °C.

Since the Paris conference a total of 175 countries officially signed the Paris Climate Agreement at the United Nations. Australia was one of these 175 countries meaning we have committed to implementing an economy wide target to reduce greenhouse gas emissions. This means the opportunity that Australian councils have for impact is now greater than ever – and indeed their advocacy position is more powerful than ever – in ensuring that national targets are consistent with contributing to the critical 2 degree global target. It also means that councils need to understand the importance and process of setting local climate targets that are based on science and reflect the 2 degree target agreed to in Paris. This requires moving away from the traditional approach of setting targets based on criteria such as available budget; community expectations; executive support and known actions. It means moving towards a science-based approach to setting targets.

**Climate Change and City of Mitcham**

**Mitcham 2030**

The City of Mitcham is currently inviting feedback from the community on its draft strategic directions. Council is developing a new Strategic Management Plan ‘Mitcham 2030’ which will set the strategic focus for Council over the next ten years and inform its four year delivery plan. As part of this delivery plan a ‘sustainable city’ goal has been proposed with three linked themes that include:

- T2.1 Climate change mitigation & resilience;
- T2.2 Sustainable resources; and
- T2:3 Natural Environment.

As part of development and finalisation of the Strategic Management Plan ‘Mitcham 2030’ staff are currently firming recommendations for current and future action for Council over the next four years in relation to the above mentioned themes.
2019/20 Environmental and Sustainability Strategy Finalisation

An operating budget of $30,000 has been allocated in 19/20 and will be applied to finalising City of Mitcham’s Environmental and Sustainability Strategy. This work will aim to link to strategies already articulated in Mitcham 2030 Strategic Management Plan, Resilient South (Regional and Local Action Plans) health, tree, biodiversity, smart water and the integrated transport plans.

Resilient South

Based on the current business as usual scenario there is currently a strong likelihood, that City of Mitcham are more likely to experience 3 - 4.8 degrees of warming by 2050. In response in 2011, City of Mitcham committed to work in partnership with Cities of Onkaparinga, Marion and Holdfast Bay to implement the Resilient South Program, (which has been running since 2011), to commit Council to a range of regional and localised actions to improve:

- hazard management and minimisation of risk associated with climate change;
- improve emergency response capabilities relevant to climate change impacts; and increase the Council’s understanding of climate change risks, vulnerability and adaptation responses.

Actions implemented along with specific project performance indicators are currently articulated within the following plans:


Whilst the majority of the actions within these plans have been implemented over the last four years there is now a need for a review. Various updates on the program have been reported through to full Council on 23rd February 2016, 28th May 2017 and 10th of October 2017, however staff will be in a position to report back to full council on key achievements and future direction by February 2020. In the interim a list of achievements and projects are well articulated on the current Resilient South website: [https://www.mitchamcouncil.sa.gov.au/environment/climate-change/resilient-south](https://www.mitchamcouncil.sa.gov.au/environment/climate-change/resilient-south)

City of Mitcham’s Corporate Greenhouse Gas Emissions

Currently City of Mitcham is maintaining a corporate greenhouse gas inventory that complies with Greenhouse Gas Reporting Protocol. The current inventory assists staff to identify and prioritise opportunities for reduction of greenhouse gas emissions. A 2014/15 baseline has been established, where a 20% reduction in Council greenhouse gas emissions has been observed between 2014/15 and 2018/19 (Table 1).
Table 1. City of Mitcham Annual Greenhouse Gas Emissions (tonnes CO2 equivalent – CH4, CO2 and NO2)*.

*Council ceased to purchase green power in 2016/17 to instead focus funds on mitigation projects, which resulted in an initial slight Scope 2 greenhouse gas emission (electricity) increase followed by a decrease again in 2018/19 due to the upgrade of street lights to LED. Fluctuations in Scope 3 emissions are also influenced by variations in domestic and commercial waste streams and are subject to a current internal review so may be subject to change in the future where accuracy is improved.

This decrease observed above in emissions is mainly attributable to a range of emission reduction initiatives such as:

- Solar photovoltaics on buildings (Civic Centre, Melrose Park Depot and the Heritage Centre); and

- Upgrades of approximately 5000 residential street lights to LED.

Council staff have also recently:

- Completed energy audits of high energy use City of Mitcham sites have identified a range of Solar Photovoltaic, LED lighting and energy efficiency opportunities; and

- Linkage of potential greenhouse gas mitigation outcomes to other Council strategies and plans as they arise.
Currently staff are also progressing the following initiatives:

- Corporate Climate Change risk assessment in collaboration with Cities of Victor Harbour, Alexandrina and Kangaroo Island as part of Resilient South and Resilient Hills and Coasts;

- Firming up a preferred investment pathway for Solar Photovoltaic for council managed sites; and

- Finalising an Environment and Sustainability Strategy.

Despite above, however there is a pressing need to quickly establish emission reduction targets and further reduce operating costs and Council corporate greenhouse gas emissions across the following three categories:

- **Scope 1** emissions include the usage of: Liquid fuels for stationary energy purposes; fuels for transport energy purposes and natural gas.

- **Scope 2** emissions are from consumption of electricity from the South Australian grid (street lighting and buildings).

- **Scope 3** emissions are a consequence of Council activities, but occur from sources not owned or controlled by Council, including: waste generation; business travel & Paper; and third party suppliers.

**Review of City of Mitcham Electricity Contract**

City of Mitcham staff are currently participating in a Request for Tender for the supply of 12-24 Unmetered (Street Lighting) & Below 160MWh /Above 160MWh supplies for electricity for City of Mitcham Sites in partnership with SA LGA Procurement and the majority of other SA Councils across the state.

Substantial cost reductions have been secured over a three year term commencing January 2020 to Dec 2022. For 12-24 Unmetered (Street Lighting) & above 160MWh the retailer selected is a significant renewable project developer with the Lake Bonney Wind farms in the South East of South Australia totalling 278.5MW. The LGA Procurement agreement with the retailer will source around 60% of energy supply from the Lake Bonney Wind Farms – renewable sources. The selected retailer is also currently developing a battery energy storage system (BESS) at Lake Bonney proving 25MW of capacity with 2 hours of storage. By contracting with the new retailer City of Mitcham will be supporting a renewable project developer in addition to supporting retail competition in South Australia, a value consistent with the SA State Government’s vision.

For below 160MWh City of Mitcham Sites will also be engaging a retailer, where it will commit to purchase approximately 1,200 MW of new wind and solar projects, thus benefiting both City of Mitcham and other Councils participating.
Whilst the linkage and support of the renewable energy sector is a great outcome for the sector City of Mitcham can’t unfortunately claim this formally as a reduction in Scope 2 greenhouse gas emissions to meet carbon neutrality targets unless it chooses to purchase small-scale technology certificates (STCs). Whilst the purchase of STCs is a worthy proposition, this is currently viewed as very expensive offset pathway to reduce greenhouse gas emissions. Instead before considering greenhouse emission offsets it is recommended that City of Mitcham aim to move towards carbon neutrality via energy efficiency initiatives (such as LED lighting on buildings and street lights) and embracing renewable energy technologies (e.g. Solar PV and battery storage).

**Climate Change Pledge Schemes**

**Cities Power Partnership**

The Climate Council is represented by Tim Flannery and is an independent non-profit organisation funded by public donations, with no requirement or request that Councils donate. Their purpose is to provide authoritative, expert advice to the public on climate change outside of the party-political sphere. They have 200,000 members and supporters. The Cities Power Partnership (CPP) aims to highlight the work that “cities and towns” are doing across Australia in implementing their emissions reduction plans, switching to cleaner energy and building greener, efficient and more resilient communities. They are working via councils to do this.

It is now the largest climate & energy program for local government with 110 Member councils representing over 13 million Australians and 300 plus cities. The covert messaging is that despite a lack of national leadership – regions are doing it for themselves. This is something which has been a theme for the 20 odd years that local government has been working on emissions reduction. CPP aims to elevate and accelerate action across the country, claiming that transforming the way cities use and generate energy has the potential to deliver 70% of the total emissions reductions needed to stay on track for the 2 degrees limit set under the Paris Agreement. Participating councils sign a pledge and have 6 months to select 5 key actions under the themes of renewable energy, efficiency, transport and advocacy. Existing initiatives e.g. the LED changeover and our energy efficiency work in on buildings can be included and promoted. There is no cost to join. Due to the donation-funded model of the Climate Council they are calling the CPP a one-year program presumably because due to their donation-funded model they can’t be sure of their longevity.

**Global Convent of Mayors for Climate and Energy**

Whilst Cities Power Partnership is a good initial step to address City of Mitcham corporate greenhouse gas emissions the Global Convent of Mayors for Climate and Energy also offers potential benefit to Council with regard to monitoring and reporting on ‘community’ emissions and establishing credible emissions reduction targets. To reduce these emissions City of Mitcham would need to partner with the community and potentially provide a range of mutually beneficial strategies to transition to a low carbon economy.
Global Convent of Mayors is the world’s largest coalition of councils addressing climate change by pledging to reduce greenhouse gas emissions, tracking progress and preparing for the impacts of climate change. 526 councils, representing half a billion people, have now committed to the Compact of Mayors and in doing so have committed to:

1. Submitting a greenhouse gas emission inventory
2. Registering a greenhouse gas reduction target
3. Submitting a Climate Action Plan
4. Reporting on current and future climate hazards
5. Conducting a climate change risk assessment
6. Developing a Climate Adaptation Plan

In Australia, five councils have completed all of these steps (e.g. City of Adelaide being the only SA Council) and have been declared officially compliant to the Global Convent of Mayors for Climate and Energy. Any Australian Council can commit to the Global Convent of Mayors for Climate and Energy. It’s not about reinventing the wheel but harnessing the collective impact of council action and working together as a sector to fight climate change.

A science-based carbon budget for a council’s corporate and community emissions can potentially provide a framework to set targets and demonstrate a fair share of action being undertaken. City of Mitcham could draw on the invaluable work completed by the IPCC and Climate Change Authority to translate global targets into its localised carbon budgets.

If Council are also interested in exploring the ‘Global Convent of Mayors for Climate and Energy’ in parallel to the Cities Power partnership a cost estimate provided to Southern Region Resilient South Councils to measure and report on the City of Mitcham community emission profile is estimated to be $6,320. However subsequent stages to set targets, plan actions, implementation and monitoring/evaluation and review are yet to be full costed by staff but comprise of key actions that Council are already underway with developing such as an adaptation to climate change plan (through Resilient South program) and the development of a greenhouse gas mitigation action plan as part of the broader Environment and Sustainability Strategy.

**Other Climate Change Pledge Schemes**

Other alternative pledge schemes are also available to City of Mitcham include Zero Carbon Communities, Carbonn Climate Registry and C40 Cities.

- Zero Carbon Communities is a nine step carbon neutrality pathway for community groups and council programs promoted by a Australian ‘think tank’ called Beyond Zero Emissions that produces
independent and innovative research solutions demonstrating that a zero emissions is achievable and affordable.

- Carbonn Climate Registry has recently emerged from a merger between the Carbon Disclosure Project (CDP) and ICLEI which offers a process for subnational climate action reporting. This collaboration will apparently make reporting on climate change easier for local and regional governments worldwide.

- C40 is a network of the world’s megacities committed to addressing climate change. C40 supports cities to collaborate effectively, share knowledge and drive meaningful, measurable and sustainable action on climate change.

**Relevant Support Bodies**

**Australian Local Government Authority (ALGA)**

The Australian Local Government Association (ALGA) is the national voice of local government, representing 537 councils across the country. The Authority provides a range of services to its member associations and, through them, local councils throughout Australia. These include:

- representing local government on national bodies and ministerial councils, including representation by our president on the Council of Australian Governments (COAG);

- policy development to provide a local government perspective on national affairs, as well as providing submissions to government and parliamentary inquiries;

- raising the profile and concerns of local government at the national level by lobbying the Australian Government and Parliament on specific issues and running campaigns to secure agreed policy objectives;

- providing information on national issues, policies and trends affecting local government; and

- providing forums for local government to guide the development of national local government policies.

Under its key strategic priority area of ‘strengthened regions and cities’ the Authority has a mandated to:

- **Work in partnership with the Commonwealth to deliver environmental outcomes, human services, natural resource management, housing and water objectives at the local level with adequate levels of funding**

- **Enhance the capacity of local government to prepare, respond and effectively recover from natural disaster.**
ALGA recognises the need to address climate change and highlights a range of priority areas of work that could assist City of Mitcham prioritise greenhouse gas mitigation projects. The most relevant objectives include: (1) Intergovernmental collaboration on adaptation and mitigation; (2) Reduction of greenhouse gas emission in local government, particularly through replacement of streetlights with energy efficient LEDs; (3) Improved access to information and scalable data to inform council policy development planning and community engagement; and (4) Legal liability of councils. ALGA clearly provide a key advocacy role and in August 2019 the Authority submitted a response to federal government’s previous advice on meeting the Paris Agreement consultation paper with a raft of recommendations pushing for more funding for councils to assist them in responding to climate change.

**Local Government Authority (LGA)**

As the peak body representing Councils in South Australia, the Local Government Association (LGA) has a key role to provide coordinated and relevant support to South Australian Councils in both mitigation of greenhouse gas emissions and adaptation to climate change. Past activity by SA LGA in this space has included the following plans and sector agreement with State government: (1) the LGA Climate Change Action Plan 2014-2017; the LGA Climate Change Strategy 2008-2012; and the 2013 Sector Agreement between SA LGA and the State Government. However clearly these frameworks are now dated and there is anticipation these will all be subject to review by SA Local Government Authority based on a renewed partnership with State Government to establish a regional climate change coordinator. Future SA LGA initiatives will largely depend on linkage to a cross agency climate change strategy for South Australia and a Blue Carbon Strategy for South Australia currently being developed.

On the 11th October 2019, City of Mitcham participated in a SA LGA workshop that allowed Councils to give input on the following themes:

- Perspectives on emerging priorities for councils;
- Specific climate change priorities for council and regions; and
- How might Councils and SA LGA work together to focus on key climate change priorities.

Key priorities identified by participant Councils included urban greening, policy and planning, carbon emission reduction, climate risk management, common infrastructure and building requirements, education / awareness raising, and climate risk governance. City of Mitcham are currently awaiting a summary report by SA LGA, where the outcomes of the workshop will be considered by the Greater Adelaide Region of Councils (GAROC) in considering the potential role of the LGA moving forward.

Other recent South Australian LGA activities that could assist and inform City of Mitcham in its mitigation efforts include Building Upgrade Finance (BUF) and a High Level Energy Efficiency Audit completed in 2017.
**Building Upgrade Finance (BUF)**

Building Upgrade Finance is a finance product provided by private sector financiers and facilitated via a council administration process for environmental and heritage upgrade works to non-residential buildings.

City of Mitcham can voluntarily enter into a Building Upgrade Agreement with a building owner and a finance provider, where: a building owner agrees to undertake upgrade works in respect of their building; a financier agrees to advance money to the building owner for the purpose of funding the upgrade works; and a council agrees to declare a Building Upgrade Charge against the land on which the building is situated which is collected as repayments and transferred to the financier.

This process uses the existing council rates collection and finance system and the Building Upgrade Charge is recovered in a similar way to council rates. Like council rates, the Building Upgrade Charge becomes a debt on the property if unpaid.

This arrangement means that Building Upgrade Finance is secured by the property rather than the building owner. The heightened level of security allows financiers to offer attractive loan terms and provides additional benefits for building owners.

Eligible upgrade works under Building Upgrade Finance are those that improve the energy, water or environmental efficiency or sustainability of an existing non-residential building. This includes solar photovoltaic panels, water and energy efficiency fittings, wastewater reuse systems, waste management systems and much more. Owners of non-residential State and local heritage listed buildings can also access finance for conservation works, access or building compliance improvements and works to allow ongoing use of the building.

Building Upgrade Finance was enabled through amendments to the Local Government Act 1999, and Local Government (Building Upgrade Agreements) Regulations 2017. It has been operational since 1 August 2017.

However after touching base with a number of other South Australian councils who have recently opted into the scheme, such as City of Marion, it was advised there has been poor uptake by commercial building owners due to complexity of the scheme and the current availability of alternative low interest rates.

**2017 High Level Energy Efficiency Audit**

In 2017 The LGA concluded a High Level Audit of local government energy efficiency activities in collaboration with Lucid Consulting Australia. Forty-two councils, along with City of Mitcham participated (See attachment A).

The outputs of the High Level Energy Efficiency Audit included a concise report for each participating council that identified the good work that has already been undertaken across the sector as well as other energy efficiency
activities that councils could consider to further reduce costs and carbon emissions.

The report for City of Mitcham recommended Council: (1) establish a emission reduction target; (2) Further monitor energy consumption in council buildings which could be done by setting up monthly exception reporting and allocating assets to staff members to investigate anomalies in energy consumption; (3) using finding from the energy audits already completed to prepare project specifications for implementation; (4) consider energy audits and upgrade of council buildings leased out to sports clubs and community groups and investigate feasibility of co-funding with current tenant; and (5) continue to replace street lights on CLER tariff and LED’s as these lights are owned and maintained by City of Mitcham.

In addition, a Decision Making Tool which incorporated a repository of sector-wide energy efficiency information has been developed, to assist councils in identification of projects that would be suitable for councils to implement.

Recognising that the cost of implementing energy efficiency projects is often a limiting factor (even if payback periods are short), the SA LGA have also identified all currently available grant and investment sources for energy efficiency activities and have developed Fact Sheets for each initiative.

The SA LGA commissioned a Greenhouse Gas Emission and Energy Consumption Local Government Benchmarking Pilot Study in 2013 which investigated consistent SA Local government sector wide greenhouse gas monitoring/reporting with respect to standardised facilities and metrics; robust data collection mechanisms; increasing collaboration and agreements on types of emissions to be included/excluded and sector benchmarking. The pilot was undertaken with eleven Councils including City of Mitcham in 2015 and has been used to inform the management and maintenance City of Mitcham’s current greenhouse gas corporate greenhouse gas inventory.

Attachments:

A. Cities Power Partnership Pledge Assessment
B. SA LGA - High Level Energy Efficiency Audit for City of Mitcham

STRATEGIC OBJECTIVES

Goal 2 Sustainable City

Objective 2.2 Our greenhouse gas emissions are minimised and our uptake of clean and renewable energy technologies is maximised.

Goal 2 Sustainable City

Objective 2.5 Our community is resilient to climate change and the impacts of natural disasters.
DISCUSSION

Option 1

Option 1 involves noting research completed in this report and opting in to the 'Cities Power Partnership' to show strong leadership in responding to climate change.

Once joined the City of Mitcham will have 6 months to select a minimum of five key actions from the partnership pledge list ranging from renewable energy, energy efficiency, transport and advocacy. The full range of pledges can be seen in Attachment A where potentially achievable pledges in the short term have been bolded. Achievable actions/pledges will be formalised as part of the Mitcham 2030 Strategic Management Plan process and could include:

- (1) **Install renewable energy (solar PV and battery storage) on council buildings for example childcare facilities, libraries, street lighting, recreation centres, sporting ground and council offices** – Examples include recent installations of solar PV at Civic Centre, Depot and the Heritage Centre and current EOI into increasing solar PV at other Council managed sites.

- (2) **Public lighting can use a large proportion of city’s energy budget – roll out of energy efficient lighting (particularly Street lighting) across the municipality** - Examples includes the recent changeover of 4,980 residential street lights to LED and ongoing work my administration to examine changeover opportunities for main road decorative and open space lights managed by Council.

- (3) **Provide fast –charging infrastructure throughout the city at key locations for electric vehicles** –Draft Integrated Transport Plan (ITP) already commits to investigating a similar action and currently staff are exploring a fast –charging infrastructure opportunity that has potentially zero up-front cost and ongoing maintenance for Council (i.e. Jolt Charge). This would be subject to due diligence and a full report to Council but at this stage the opportunity looks very promising and is being seriously pursued by Cities of Marion, Charles Sturt and Port Adelaide Enfield via an EOI process.

- (4) **Encourage sustainable transport use (public transport, walking and cycling) through Council transport planning and design** - Draft Integrated Transport Plan (ITP) already commits to similar/related actions and Council have recently completed Stage 1 of Belair to City bike-way upgrade along Rugby St and as part of Stage 2 are currently consulting on the bikeway route from Mitcham Library to Price Avenue. Council are also currently out for consultation on the ‘Sturt River Linear Park’.
(5) Set city-level renewable energy or emission reduction targets and sustainable energy policies to provide a common goal and shared expectations for local residents and businesses – This is currently being progressed by staff as part of development of the Environment and Sustainability Strategy and Council have already established a corporate greenhouse gas inventory to inform.

It should be noted that a number of the above actions/pledges have already been implemented and endorsed by City of Mitcham (i.e. items 1, 2 and 4 above).

Several South Australian Councils (Adelaide City, Adelaide Hills, Mt Barker, Onkaparinga, Victor Harbor, Alexandrina & Kangaroo Island) are already members of the Cities Power Partnerships which assists these Councils in setting benchmark goals to mitigate against the effects of climate change for their local communities. After consultation with City of Onkaparinga, a decision to participate in Cities Power Partnership was made given it aligned with their current climate mitigation objectives. Similarly, Adelaide Hills Council, has reported that Cities Power Partnership has been a useful program to help focus and prioritise energy related targets and has resulted in the development of a comprehensive Corporate Carbon Management Plan, which has also supported its climate emergency declaration.

After reconnecting with the Climate Council Program Coordinator on 23rd September it was advised ‘intake rounds’ have been replaced with a ‘rolling intake’ and there is currently no official close date. However, the program is currently subject to review with respect to how Climate Council can best support its current member Councils. Whilst the Climate Council have still encouraged City of Mitcham to opt in, it is highly recommended the Mayor write a letter pledging her support for Cities Power Partnership prior to the end of November 2019 to ensure City of Mitcham does not miss out on the opportunity to participate (if that is Council’s direction). This sudden position by the Climate Council is mainly driven by the fact the Climate Council is reaching capacity, and it is likely to shortly announce it will not take on any more Councils (i.e. currently have 110 participating Councils).

The three phases to Cities Power Partnership include: (1) become a power partner; (2) power up; and (3) power on – See Table 1 below for a summary of what’s involved in each phase.

Table 1. Cities Power Partnership Phase & Elements

<table>
<thead>
<tr>
<th>Cities Power Partnership Phase</th>
<th>Elements of Each Phase</th>
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<tbody>
<tr>
<td>Become a Power Partner</td>
<td>• Mitcham signs up to be a Power Partner (requires a formal letter from the Mayor).</td>
</tr>
<tr>
<td></td>
<td>• Partners get exclusive access to the extensive online knowledge hub and Cities Power Partnerships analytics tool called Azility that has potential for city of Mitcham to track its greenhouse gas emissions</td>
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and energy. However there is no requirement to use the tool noting that City of Mitcham already have a similar system called Trellis that monitors greenhouse gas, electricity, fuel, gas, waste and savings from projects so it is not likely to be required.

- Each partner is buddied with two other cities to knowledge share throughout the year.
- Power partners are profiled in national and local media, online and to our 200,000 supporters.

| Power Up | Partners have 6 months to select 5 key actions from the partnership pledge ranging from renewable energy, efficiency, transport and advocacy. They must identify a point of contact within council who will liaise with the Climate Council and work to implement their actions. Pledges are submitted by each partner and profiled online.

- Partners will have ongoing access to the knowledge hub, webinars with domestic and international experts as well as communications and advocacy training where required.

- Power Partners can be connected with their local community energy group and relevant local organisations who can be contracted to help council begin or improve implementation of emission reduction actions. Councils who are already leading will play an important knowledge sharing role with other partners and will be profiled in the media to inspire others.

- Cities may have access to exclusive grants and renewable energy incentives as they become available.

| Power On | Partners report on progress against key actions in a one yearly survey.

- Partners access local and international knowledge and inspiration at a Power Partners Summit.

- Partners will be brought together to celebrate the high achieving towns and cities at the Power Partners Summit, scheduled for October 2020. The Climate Council are to yet finalise the costs per ticket but the 2018 Summit cost was $675 for the two day program including the awards dinner in 2018. Climate Council envisage that the costs will be somewhere in that ballpark with most likely a slight
increase as would be expected. As with all aspects of their program, there is no requirement that councils have to attend the Summit, although the response to our last one was overwhelmingly positive with all attendees finding great value in the program and knowledge sharing that we put together.

- Success stories will continually be celebrated in the media, Climate Councillors continue to travel to a range of Australian communities, more towns and cities become Power Partners and lead the switch to non-polluting energy across the country.

Option 2

All of the discussion outlined in Option 1 above is equally applicable to Option 2, the only difference being is that Council delay opting into Cities Power Partnership until it has finalised and reviewed the “Mitcham 2030 Strategic Management Plan”, the Environment and Sustainability Strategy” and the Resilient South Program. Once this work is done Council will then be provided with a report to determine a minimum of five City Power Partnership pledges.

However by pursing this option Council may miss out on the opportunity to participate in the Cities Power Partnership given November 2019 deadline by Climate Council to potentially stop further intakes.

Also by selecting Option 2 Council may delay: (1) much needed knowledge and intelligence from other participating Councils; (2) the opportunity to promote itself as a committed Council to address climate change; and (3) strengthen staffs ability to establish corporate emission reduction targets (carbon neutrality).

Option 3

Option 3 notes the above research in this report but does not opt in to Cities Power Partnership at this point in time. Instead Council staff continue to focus on the finalisation and review of the “Mitcham 2030” Strategic Management Plan, Environment and Suitability Strategy and Resilient South program. Staff would then look to establish its own emission reduction targets and actions independent from the Cities power partnership program.

Community Implications

Via the ‘the Cities Power Partnership the Climate Council may aim to engage with community energy groups to connect with councils as part of the program. As an indicator of success, the Climate Council may test public opinion over time for support for the statement “I consider my council to be a leader on emissions reduction”.
Environmental / Heritage Implications

Nil

Cost Shifting Implications / Legislative Cost Imposts

Nil

Impact on Budget including Lifecycle Costing

Whilst there is no up-front costs to join CCP there will likely be minor costs associated with additional staff time to complete the following tasks:

- General administration – provide a point of contact within council who will liaise with the Climate Council and work to implement nominated actions/pledges.
- Access to the knowledge hub, optional monthly webinars with domestic and international experts as well as communications and advocacy training where required.
- Respond to an annual survey to inform an annual report to be completed by Climate Council, which takes 30 minutes to complete. The survey is less around checking up on our member councils, and more around gaining an understanding of where our councils are in their emissions reductions journey, and what further support they might need to help them progress.
- Potential attendance of staff and nominated Elected Members at ‘optional’ future Power Partners Summit in October 2020.

Council staff would seek to manage the above task via the existing 19/20 operational budget and report back to Council should future resources be required.

There is likelihood, however, that that further resources may be required to Council representative along to the planned Cities Power Partnership summit in October 2020. Council staff will aim to factor into relevant budgetary reviews.

Risk Management / WHS Assessment

There are minimal risks associated with Option 1 as it results in additional time for Council to firm up actions associated with greenhouse gas mitigation that are fully funded.

By committing to Option 2 Council will secure a range of benefits from the scheme which are outlined below along with some modest risks.

<table>
<thead>
<tr>
<th>Cities Power Partnership</th>
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<tbody>
<tr>
<td><strong>Benefits</strong></td>
<td><strong>Risks</strong></td>
</tr>
<tr>
<td>Webinars have been fantastic and highly valued by City of Onkaparinga.</td>
<td>The City of Mitcham currently don’t have an endorsed Sustainability and</td>
</tr>
</tbody>
</table>
- Councils Elected Members and staff will receive access to a national knowledge hub to assist with the implementation of emissions reductions projects and will be buddied with other participating councils to knowledge share.

- Cities Power Partnership will profile and connect community energy groups with councils involved in the partnership.

- Cities Power Partnership also invites interested businesses in providing incentives to help cities involved in the Cities Power Partnership achieve their energy and sustainability goals.

- City of Mitcham could be buddied with two other cities to knowledge share throughout the year.

- City of Mitcham will have ongoing access to the knowledge hub, webinars with domestic and international experts as well as communications and advocacy training where required.

- City of Mitcham are well placed to run carbon accounting for Council to measure the success of Cities Power Partnership initiatives given we now have up to date data from 2014/15 onwards for electricity, gas, fuel and water that can be reported at site, meter and city-wide levels. This due to an annual investment of $14,000 in an online sustainability reporting tool called Trellis that can be used by respective Officer across Council to monitor Environment Strategy that sets agreed targets for renewable energy and reduction of greenhouse gas emissions for both the council and its community.

- Staff time will be required to manage the program, liaise with the Climate Council, attend meetings and meet reporting / media requests.

- Will be a challenge to match enthusiasm with Council’s willingness to fund & resource the proposed programs identified in the Environment and Sustainability Strategy and potentially publicly committed to in a Cities Power Partnership program.

- Whilst, the Cities Power Partnership is directly aligned to City of Mitcham sustainability agenda, current capacity is low.
resource consumption and inform sustainability business cases.

Legal / Policy Implications

Nil

Engagement

No community engagement will be required to opt into the Cities Power Partnership, however once council opt into the pledge scheme the initiative could be widely promoted in Mitcham News and the council website once full Council agree to a minimum of five pledges. It is envisaged this is likely to attract some positive media attention for Council if managed properly.

CONCLUSION

This report provides relevant information for Council consideration on “Cities Power Partnership”, Climate change initiatives of the SA LGA and ALGA. In addition, other alternate pledge schemes available have been included.

By opting into the ‘Cities Power Partnership’ City of Mitcham will be better able to showcase the work we are already doing, demonstrate that we are part of a national solution, and provide a means to galvanise the work Council are already doing in this space.
11.5  **TENNIS CLUB SIGNAGE / DENMAN TENNIS CLUB**
Report Author/Manager: John Valentine / Thuyen Vi-Alternetti
General Manager: Craig Harrison
(Meeting Date: 26 November 2019)
(Location: Council Wide)

_Due to the complexity of this issue and community interest, a draft report has been attached for discussion prior to a final report being presented to a future meeting._

**PROPOSAL**

For Council to consider signage associated with Denman Tennis Club and clubs in the Council area.

**Attachments:**

1. Draft Report - Tennis Club signage / Denman Tennis Club
   A. Attachment to Draft Report - Denman Tennis Club, ball stop netting
   B. Attachment to Draft Report - Hopeward, Blackwood and Kingswood tennis clubs, ball stop netting

**RECOMMENDATION – ITEM 11.5**

That the report be received for information only.
TENNIS CLUB SIGNAGE / DENMAN TENNIS CLUB
Report Author/Manager: John Valentine / Thuyen Vi-Alternetti
General Manager: Craig Harrison
(Meeting Date: 10 December 2019)
(Location: Council Wide)
(Consultant Used: $Nil)

PROPOSAL

For Council to consider signage associated with Denman Tennis Club and clubs in the Council area.

RECOMMENDATION – ITEM 0.0

DECISION 1 – GUIDING PRINCIPAL FOR TENNIS COURTS SIGNS

Option 1 (Staff Recommendation)

1) That Council adopts the following guiding principle for the ball stop netting signs at Tennis Clubs in the City of Mitcham:

   a) that there be a maximum of two signs per court associated with ball stop netting at the ends of a tennis court, and

   b) that there should be no ball stop netting signs at the end of a court that is within 5 metres of an adjacent public road reserve boundary, and

   c) that the establishment of signs is subject to obtaining landlord and development approval where required.

2) That Council authorises Administration to negotiate with tennis clubs to see whether the limitation of signage of ball stop netting adjacent to the public road reserve boundary can be brought into effect prior to the renewal of tennis club leases.

Option 2

That Council adopts the following guiding principle for the ball stop netting signs at Tennis Clubs in the City of Mitcham:

a) that there be a maximum of one sign per court associated with ball stop netting at one end only of a tennis court, and

b) that there should be no ball stop netting signs at the end of a court that is within 5 metres of an adjacent public road reserve boundary, and

c) that the establishment of signs is subject to obtaining landlord and development approval where required.

2) That Council authorises Administration to negotiate with tennis clubs to see whether the limitation of signage of ball stop netting adjacent to the public road reserve boundary can be brought into effect prior to the renewal of tennis club leases.
road reserve boundary can be brought into effect prior to the renewal of tennis club leases.

Option 3

1) That Council does not establish a guiding principle for ball stop netting signs and will deal with future signs in accordance with existing leases and the requirements of the Development Act, 1993.

DEcision 2 – Denman tennis club signs

Option 1 (Staff Recommendation)

1) That Council directs Administration to incorporate into the lease with Denman Tennis Club, (due for renewal on 1 July 2021) the following requirement in relation to ball stop netting signs;

   a) that there be a maximum of two signs per court associated with ball stop netting at the ends of a tennis court, and

   b) that there should be no ball stop netting signs at the end of a court that is within 5 metres of an adjacent public road reserve boundary, and

   c) that the establishment of signs is subject to obtaining landlord and development approval where required.

2) That Council authorises Administration to negotiate with Denman Tennis Club to see whether the limitation of signage on ball stop netting adjacent to the public road reserve boundary can be brought into effect prior to the renewal of tennis club’s lease.

Option 2

1) That Council directs Administration to incorporate into the lease with Denman Tennis Club, (due for renewal on 1 July 2021) the following requirement in relation to ball stop netting signs;

   a) that there be a maximum of one sign per court associated with ball stop netting at one end only of a tennis court, and

   b) that there should be no ball stop netting signs at the end of a court that is within 5 metres of an adjacent public road reserve boundary, and

   c) that the establishment of signs is subject to obtaining landlord and development approval where required.

2) That Council authorises Administration to negotiate with Denman Tennis Club to see whether the limitation of signage on ball stop netting adjacent to the public road reserve boundary can be brought into effect prior to the renewal of tennis club’s lease.
Option 3

1) That Council authorises Administration to request Denman Tennis Club to remove all ball stop netting signs and for Administration to provide a report back to Council on the Club’s response.

BACKGROUND

Tennis clubs generally have two types of third party signs being, 1) signage associated with the names of tennis products companies and, 2) signs associated with local businesses that sponsor a local tennis club. This report focusses on signage associated with tennis products companies, ie balls, racquets and tennis wear.

Signs at sporting facilities are required to have landlord (Council) approval before they are established. Depending on the size, nature, location and type of signs they may also require development approval.

When signs require development approval the process needs to be that landlord approval is considered and granted first subject to the signs receiving development approval.

Denman Tennis Club

The Denman Tennis Club has six signs associated with ball stop netting (one sign per court). Various tennis product companies' signs have been at the site since approximately 2008. The Denman Tennis Club did not seek landlord approval when the signs were established in 2008.

The Club verbally requested approval for the signs in late 2017. Landlord approval was granted, under delegation, by Administration in late 2017. Time had expired to address the signs under Sections 84 and 85 of the Development Act, 1993.

Attachments:

A. Denman Tennis Club, ball stop netting
B. Hopeward, Blackwood and Kingswood tennis clubs, ball stop netting

STRATEGIC OBJECTIVES

Goal 1 Accessible & Connected Community

Objective 1.3 Our community has access to high quality, vibrant, well serviced places and spaces to meet, learn and recreate.

Goal 5 Continuous Organisation Improvement Strategy

Objective 5.3 Efficient and Effective Organisation with a culture of positive change, process improvement and productivity gains.
DISCUSSION

The ball stop netting signs associated with the Denman Tennis Club have been the subject of a number of Questions on Notice and inquiries to Administration from adjacent residents.

The most recent questions were at the Council meeting of 27 August, 2019 and related to, firstly; why the signs had not been dealt with under Section 3 of the Development Act, 1993 (signs requiring development approval) and, secondly; why the signs on the courts at the club can continue when the club did not seek approval under the lease for the signs.

Under Section 3 of the Development Act, 1993 the ball stop netting signs do constitute signs and require development approval. However Council cannot address the signs under the Development Act, 1993 as Sections 84 and 85 requires Council to act within 1 year and 3 years, respectively, to address such matters.

Furthermore whilst the club did not seek approval under the lease in 2008 the club did seek approval for the signs in 2017 and approval for the signs was granted retrospectively under delegation by Administration in 2017.

Question on Notice
At the 27 August 2019 Council meeting the following question was asked:

“Do other Tennis Clubs have similar signs on their tennis court surrounds as that displayed at Denman Tennis Club and do they all have development approval in place?”

Further to this question Administration visited all tennis club sites (13) in Mitcham. Twelve of the thirteen sites have relatively small signs varying from court information to promotion of tennis programs. Four of the sites (inclusive of Denman Tennis Club) have larger signs associated with ball stop netting. Clubs with the larger ball stop netting signs are:

Hope Ward Tennis Club, Tweed St, Cumberland Park;
Kingswood Tennis Club, Batchelor Reserve, Norseman Ave, Westbourne Park;
Blackwood Tennis Club, Hewett Reserve, Coromandel Parade, Blackwood;
Denman Tennis Club, Denman Terrace, Lower Mitcham.

Searches of Council records indicates that the signs at the above tennis clubs did not receive landlord or development approval.

Tennis SA have advised that netting provides two benefits for tennis being, 1) reducing the impact of wind on tennis balls during a match / practice and, 2) providing a consistent back drop to improve sighting of tennis balls during a match / practice. Tennis companies sponsor clubs and provide the netting with their signs for promotion. In addition to the wind and sighting benefits the clubs receive the netting at no, or a significantly reduced, cost and the club can purchase the company’s tennis balls at a reduced cost.
A number of community based tennis clubs rely on sponsorship to subsidise the cost of their sport. Whilst there are examples of tennis clubs with, and without, product sponsorship signs in Mitcham, (and across the metropolitan area), clubs with larger memberships tend to attract product sponsors. In exchange for sponsorship companies require promotion of their brand and the most common way this is done is with ball stop netting.

Ball stop netting signs are not internally or externally illuminated and have no moving parts.

Under sections 84 and 85 of the Development Act, 1993, time has expired to deal with the signs being established at Hope Ward, Kingswood and Blackwood tennis clubs without development approval.

**Denman Tennis Club**

The lease with the Denman Tennis Club is until June 30, 2021. Council could have in the new lease, that commences on 1 July 2021, a limitation on ball stop netting signs on courts adjacent to public roads, so as to manage the impact of signs on the amenity of adjacent residential areas. Such a limitation would need a distance limitation as there are some courts (at other clubs) that are bounded by two streets. The new lease could require that there be no ball stop netting signs at the end of a court that is within 5 metres of a public road reserve boundary.

In the case of Denman Tennis Court which has 6 tennis courts (and currently has 6 signs) this would allow two additional signs (at a rate of 2 signs per court for the four courts not adjacent at road reserve boundary) with the two courts that are within 5 metres of the adjacent road reserve boundary of Denman Terrace not having any ball stop netting signs.

Alternatively, as landlord, Council could grant retrospective approval for the six existing ball stop netting signs at the Denman Tennis Club and not require a limitation on signs adjacent to a public road boundary in the new lease to commence in 2021. In short to allow the status quo to remain.

A further alternative Council could consider is requesting the Denman Tennis Club to remove all ball stop netting signs at their facility. It should be noted that this alternative cannot be enforced under the lease and hence it would need to be a request of the club.

**Council wide tennis club signs**

In assessing signs associated with other tennis clubs in the Council area Administration considers that there should be a consistent approach to the number and location of signs, as recommended for Denman Tennis Club. It is recommended that there should be a maximum of two ball stop netting signs per court located at the ends only of a tennis court. Furthermore that in terms of residential amenity there should be no ball stop netting signs on the end of a court that is within 5 metres of a public road reserve boundary.
Community Implications

Community sporting clubs play an important role in facilitating active lifestyles and creating opportunities for residents to be well connected and involved in their community. Product / sponsor signs at tennis clubs results in clubs getting ball stop netting at no, or a reduced, cost and discounted tennis products.

The number, size and proximity of tennis sponsorship signs in a residential area can impact on the amenity of an area, hence the need for development approval to allow an assessment of signs.

Environmental / Heritage Implications

Not applicable

Cost Shifting Implications / Legislative Cost Imposts

Not applicable.

Impact on Budget including Lifecycle Costing

Not applicable

Risk Management / WHS Assessment

Not applicable.

Legal / Policy Implications

Council’s existing leases do not give Council authority for signs to be removed. Future leases will have more options for Council to require tennis clubs to comply with their lease terms.

Engagement

Not applicable.

CONCLUSION

Denman Tennis Club has had ball stop netting signs since 2008.

Council could require in its next lease, due to commence on 1 July 2021, to limit ball stop netting signs to a maximum of two per court and located only at the ends of a court.

Furthermore in the new lease with Denman Tennis Club Council could require that there should be no ball stop netting signs at the end of a court that is within 5 metres of the road reserve property boundary of the nearest adjacent public road.
This policy could be applied across the Council area with Council delegating to Administration authority to negotiate with clubs to bring this arrangement into effect.
11.6 LOT 6 (NO.9) ARCADIA COURT, MITCHAM - WAIVER TO LAND MANAGEMENT AGREEMENT

Report Author/Manager: Brendan Fewster & Cassia Byrne
General Manager: Craig Harrison
(Meeting Date: 26 November 2019)
(Location: Boorman Ward)

Due to the complexity of this issue and community interest, a draft report has been attached for discussion prior to a final report being presented to a future meeting.

PROPOSAL

To consider a waiver to Clause 2.2.1 of the Land Management Agreement registered over land at Lot 6 (No. 9) Arcadia Court, Mitcham.

Attachments:

1. Draft Report - Lot 6 (No.9) Arcadia Court, Mitcham - Waiver to Land Management Agreement
   A. Attachment to Draft Report - Copy of proposal plans
   B. Attachment to Draft Report - Copy of Land Management Agreement

RECOMMENDATION – ITEM 11.6

That the report be received for information only.
LOT 6 (NO.9) ARCADIA COURT, MITCHAM - WAIVER TO LAND MANAGEMENT AGREEMENT

Report Author/Manager: Brendan Fewster & Cassia Byrne / Craig Harrison
General Manager: Josephine Baker
(Meeting Date: 10 December 2019)
(Location: Boorman Ward)
(Consultant Used: $Nil)

PROPOSAL

To consider a waiver to Clause 2.2.1 of the Land Management Agreement registered over land at Lot 6 (No. 9) Arcadia Court, Mitcham.

RECOMMENDATION – ITEM 0.0

Option 1 (Staff Recommendation)

That Council agrees to a waiver of Clause 2.2.1 of the Land Management Agreement registered over land at Lot 6 (No. 9) Arcadia Court, Mitcham (Certificate of Title Volume 5949 Folio 661) to allow a building height in excess of 8 metres from natural ground level, with the maximum height of the proposed dwelling to be 8.9 metres above natural ground level.

Option 2

That the waiver of Clause 2.2.1 of the Land Management Agreement registered over land at Lot 6 (No. 9) Arcadia Court, Mitcham (Certificate of Title Volume 5949 Folio 661) to allow a maximum building height of 8.9 metres above natural ground level is not supported.

BACKGROUND

In 2003, a land division application was lodged with the Council to divide Lot 103 (then no. 1 Anderson Avenue Torrens Park) into 14 additional allotments (now allotments 1-15 Arcadia Court). In April 2004, the Development Assessment Panel resolved that consent be granted to the application subject to a Land Management Agreement (LMA) being entered into between the land owner and Council. The LMA was signed by all parties in July 2005, and following execution, the approval was issued.

The new allotments (1-15 Arcadia Court) are residential allotments. The LMA in question relates to all 14 residential allotments fronting Arcadia Court. The intent of the LMA is achieve consistent and high quality built form outcomes, with owner obligations that relate to the siting, building height and scale, external materials, landscaping and fencing. While some of the LMA requirements are similar to the corresponding design principles within Council’s current Development Plan, the LMA is specific to the properties within Arcadia Court whereas the Development Plan is applied more generically on a zone by zone basis.

A copy of the LMA is contained within Attachment B.
Requests to waive a requirement of a LMA, whilst not commonplace, do occur from time to time. The merits of a waiver need to be considered on a case by case basis in the context of the LMA and the requirements of Council's Development Plan. It is noted that some waivers have been granted by Council in the past to allow for height and side setback dispensations for dwellings.

Council granted a waiver of Clause 2.2.1 of the LMA at its meeting of the 28 July 2015 for a development on Lot 6 Arcadia Court. The waiver allowed a maximum building height of 8.875 metres to the top of the roof line to accommodate a lift overrun. The previous waiver to the LMA is highlighted below. The applicant did not proceed with the approved development and the property was sold.

The maximum height of the current proposal at 8.9 metres above the natural ground level would be consistent with the previously approved development, including the LMA waiver previously granted by Council.

The additional building height (above 8 metres) is a consequence of the slope of the land, which rises steeply from the road frontage to a height of
approximately 18 metres above the road level. The angled frontage and irregular boundary configuration is also restrictive from a siting and general design perspective. The applicant has not been willing to alter the current roof design as it would have implications for the overall form and appearance of the building, as well as requiring significant structural changes.

In addition to the building height, there is a small section of side wall on the eastern elevation that would encroach within the side setback requirement of the LMA. The side setback of the proposed building is considered in more detail below.

It should also be noted that all new development proposals are required to be designed in accordance with the Bryn Athyn Estate Housing Design Guidelines. The Encumbrancer that administers the guidelines has reviewed the proposal and confirmed that the proposed design satisfies the Bryn Athyn Estate Housing Design Guidelines.

Attachments:

A. Copy of proposal plans
B. Copy of Land Management Agreement

STRATEGIC OBJECTIVES

Goal 1 Accessible & Connected Community

Objective 1.5 Our community has a choice of housing and lifestyle options in locations with easy access to public transport, parks, local shops, services and educational institutes.

Goal 2 Sustainable City

Objective 2.6 Developments in our City are sustainable and complement the natural environment.

DISCUSSION

A Development Application (080/0333/19) for a three-storey detached dwelling and swimming pool has been lodged with Council. The proposal plans indicated a departure from Clause 2.1.2 and 2.2.1 of the LMA, which seek a side setback that complies with the Council Development Plan and a maximum building height of 8 metres from natural ground level to the roof line.

2.1.2 If the dwelling is more than one storey (including any split level building) the building must comply with Council Development Plan guidelines with respect to side boundary and rear setbacks.

2.2.1 The Owner shall not cause, suffer or permit to be erected on Lots 1-14 inclusive any dwelling which is more than 8 metres when measured from natural ground level to roof line, unless otherwise approved in writing by the Council.
As the plans are at odds with Clause 2.1.2 and 2.2.1 of the Land Management Agreement, Council must decide whether to exercise its discretion to waive the compliance with the owner’s obligations, as provided for by Clause 6.2 of the LMA:

6.2  The Council in its absolute discretion may waive compliance by the Owner with the whole or any part of the obligations on the part of the Owner herein contained provided that no such waiver shall be effective unless expressed in writing and signed by the Council. Further if the Council waives compliance in respect of any item whether once or more than once, it shall not constitute waiver forever in respect of this term.

Option 1 – Staff Recommendation

The Development Plan provides a side boundary building envelope for two storey development, as illustrated below.
The proposal plans show the north-eastern corner (front) of the dwelling encroaching within the recommended building envelope. As the natural slope of the land increases steeply in a southerly direction within the site, it means that only a small section of side wall at the very front of the dwelling would encroach beyond the recommended 45 degree plane. This encroachment is considered relatively minor in the context of the proposal and the adjoining dwelling. As illustrated in the section drawing below, the adjoining dwelling at no. 8 Arcadia Court has a side boundary setback that is at variance to the side boundary building envelope. The close proximity of the adjoining dwelling to the side boundary and its south-westerly orientation would ensure that any visual or overshadowing impacts associated with the encroachment would be negligible.

The proposal plans also show that the roof height of the dwelling above the natural ground level would vary due to the steepness of the land. As illustrated below, there is a relatively small portion of the roof that is up to 8.9 metres in height above the natural ground level. The section of the roof
above the 8 metre height requirement is approximately 6 metres in length and is located nearest to the road frontage. This would minimise the impacts on the main side windows of the adjoining properties and the visual impact upon the streetscape would not be significant given the low pitch of the roof and the spatial separation to the street of between 10 and 26 metres. The roof is designed to pitch away from the road in a manner that generally follows the slope of the land. It is noted that most of the roof is well below 8 metres as the height of the dwelling above the natural ground levels reduces the further it is located away from the road boundary (i.e. as the building steps up slope).

Similarly, the proposed building height would not result in additional impacts upon the amenity of the adjoining residential properties. The upper level walls are setback 2 metres from the eastern side boundary and at least 3 metres from the western side. As highlighted above, the dwelling on the eastern side is located quite close to the side boundary and has a garage and upper level that encroaches well within the side boundary building envelope. On the western side, the adjoining dwelling has side windows and a balcony that are orientated toward the subject land. The front section of this dwelling has also been built up with stairs and rock retaining walls fronting the road.

While the garage of the proposed dwelling will be benched at a higher level than the adjoining dwelling at no. 10 Arcadia Court, this would be due to the slope and configuration of the land, which requires the dwelling to be located further away from the road boundary than the adjoining dwelling. The proposed garage would be setback at least one metre from the western side boundary in accordance with the LMA and the upper levels would not encroach within the building envelope as the side walls are stepped and incorporate balconies that break-up the solid form.

The building articulation, the side setbacks and the north to south orientation of the land would sufficiently minimise any visual or overshadowing impacts.

It is noted also that Council previously agreed to a building height of 8.875 metres with a proposal for the site that was approved in 2015.

Extract from proposal plans showing the portion of the dwelling (red area) above the 8 metre height limitation of the LMA

The original proposal comprised a building height of 10.28 metres above the natural ground level. Following concerns raised by Council staff, significant
amendments to the proposal were made to reduce the height and overall bulk of the built form.

Extract from the original proposal plans showing a building height of 10.28 metres which has since been amended

Whilst a formal planning assessment has not been completed at this time, it is considered acceptable that Council agree to a waiver of Clause 2.1.2 and 2.2.1 to allow a detailed planning assessment of the proposed building setbacks and building height.

Option 2

Council has the option to refuse to allow any variation to the LMA. It can be considered that Clause 2.1.2 and 2.2.1 of the LMA are clear in their requirements and therefore a departure to the owner’s obligations should not be allowed. It may be considered that opportunities exist for the applicant to amend the current dwelling design, in particular the roof design, to achieve conformity with the requirements of the LMA. Amendments to the proposal may require additional earthworks and associated costs.

Community Implications

There would be no apparent community implications.

Environmental / Heritage Implications

The proposed dwelling has been designed in a manner that is relatively sensitive to the slope of the land and the local built form character. The building height would maintain the character and amenity of the local area.

There would be minimal impact on existing vegetation. The site is mostly devoid of vegetation and a suitable landscape plan has been provided that would contribute positively to the character and amenity of the site and the surrounding area.
Cost Shifting Implications / Legislative Cost Imposts

There would be no apparent cost implications

Impact on Budget including Lifecycle Costing

It is considered that the proposed development options would have no impact on the budget of Council. The applicant is responsible for any costs associated with a variation to the LMA and any subsequent development application costs.

Risk Management / WHS Assessment

There would be no apparent risk management or WHS implications.

Legal / Policy Implications

There would be no apparent legal or policy implications.

Engagement

The extent of community involvement is limited to the owners of the property other than what may be necessary as part of the development application process. The development application is to be assessed as a Category 2 form of Development and will be the subject of a public consultation process, with adjoining and adjacent properties being notified. The applicant has been encouraged to discuss the proposal with neighbouring property owners.

CONCLUSION

Option 1 (Staff Recommendation)

This option is supported as the variance to the LMA to allow a building height in excess of 8 metres from natural ground level would not have material planning impacts or consequence in this instance. It has been demonstrated that the additional building height would not have any notable amenity impacts in relation to the streetscape or neighbouring properties.

The proposed building height is also consistent with the height of a previously approved development, including the LMA waiver previously granted by Council.
12. INFORMATION ONLY REPORTS

12.1 MONTHLY FINANCIAL REPORT OCTOBER 2019

Report Author/Manager: Luke Harris
General Manager: Wade Reynolds
(Meeting Date: 26 November 2019)
(Location: Council Wide)
(Consultant Used: $Nil)

PROPOSAL

To inform Council on the organisation's financial performance to the end of October 2019.

BACKGROUND

Council has responsibility under the Local Government Financial Management Regulations 2011 and S123 (13) of the Local Government Act 1999 to consider financial reports on the Council's financial performance and budget position.

Council currently receives three financial performance reports throughout the year in the form of budget reviews which provides an update to the budgeted year-end forecast position. This new monthly report is in addition to the budget reviews and will provide Council with a more regular update on the budgeted year-end forecast position.

Furthermore, Council will also receive quarterly updates on the status of capital and operating projects, all part of additional reporting functionality available within the TechnologyOne corporate system.

Attachments:

A. Monthly Financial Report - October 2019

STRATEGIC OBJECTIVES

Goal 5 Continuous Organisation Improvement Strategy

Objective 5.3 Efficient and Effective Organisation with a culture of positive change, process improvement and productivity gains.

DISCUSSION

On 9 July 2019 Council adopted the 2019/20 Annual Business Plan and Budget, which included an underlying operating surplus of $1.017M ($1.19 million headline) and a Net Capital budget of $24.8 million.

A Revised Budget was adopted by Council on 8 October 2019 following the First Review of Budget Priorities. There was a decrease in the underlying operating surplus of $38,000, taking the underlying operating surplus to $979,000 ($583,000 headline).
The Net Capital budget increased by $4.8 million to $29.67 million primarily as a result of carryovers for works not completed last financial year.

**Operating Budget**

Year to date results to 31 October 2019 see operating Income of $58.8 million, which is anticipated to be $64.4 million at year end, an increase of $193,000 on the approved annual budget (Budget Review 1). Operating expenditure year to date of $19.2 million incurred to 31 October 2019, which is anticipated to be $63.7 million at year end, an increase of $108,000 on the approved annual budget (Budget Review 1).

The combined effect is an anticipated year end *headline* surplus of $667,000 an increase of $85,000.

**Capital Budget**

$3.7 million (9%) of the $32.6 million capital expenditure budget has been incurred up to 31 October 2019.

Further detail in relation to this Monthly Financial Report can be found in Attachment A.

**Community Implications**

Nil

**Environmental / Heritage Implications**

Nil

**Cost Shifting Implications / Legislative Cost Imposts**

Nil

**Impact on Budget including Lifecycle Costing**

Nil

**Risk Management / WHS Assessment**

Nil

**Legal / Policy Implications**

Nil

**Engagement**

Nil
CONCLUSION

It is currently anticipated that the operating year end *headline* surplus will increase by $85,000 and $3.7 million (9%) of the $32.6 million capital expenditure budget has been incurred up to 31 October 2019.

RECOMMENDATION – ITEM 12.1

That the report be received for information only.
12.2 LEGISLATIVE POLICY REVIEW

Report Author/Manager: Deb Horton
General Manager: Kate O’Neill
(Meeting Date: 26 November 2019)
(Location: Council Wide)
(Consultant Used: $Nil)

PROPOSAL

To provide the Elected Members with an update on the status of City of Mitcham legal obligations regarding policies.

BACKGROUND

Council at its meeting on 25 June 2019, endorsed a set of Key Performance Indicators (KPIs) for the Chief Executive Officer (CEO) for the 2019/20 financial year. Included in the CEO KPIs was the following in relation to policies:

Administration report to Council twice a year on the status of legislatively required policies and an action plan to achieve compliance.

This report is scheduled to be provided to Council in November and May annually in addition to the organisational policy reviews which are scheduled throughout the year.

There are 18 legislative provisions across three Acts that require Council to have policies these include:

1. Code of Practice – Access to Meetings and Documents
2. Code of Practice – Meeting Procedures
3. Caretaker
4. Complaint Handling
5. Council Members Allowance and Benefits
6. Disposal of Land and Assets
7. Internal Controls
8. Informal Gatherings
9. Internal Review of Council’s Decision
10. Order Making
11. Procurement
12. Prudential Management
13. Public Consultation
14. Public Interest Disclosure
15. Rating
16. Request for Services
17. Road and Public Place Naming
18. Training and Development

Attachments:

A. Revised Internal Controls Policy
STRATEGIC OBJECTIVES

Goal 5 Continuous Organisation Improvement Strategy

Objective 5.3 Efficient and Effective Organisation with a culture of positive change, process improvement and productivity gains.

DISCUSSION

Of the 18 legislatively required policies:

- 10 are current
- Seven are not current
- One is new (to be endorsed by Council in a separate report to this Agenda).

As at November 2019, the following table identifies the legislative policies that are due for review with an action plan in place:

<table>
<thead>
<tr>
<th>Policy</th>
<th>Action Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disposal of Land Assets</td>
<td>This policy review has commenced and is scheduled to be brought back to Council May 2020 if not earlier.</td>
</tr>
<tr>
<td>Internal Controls</td>
<td>Review had been completed and is scheduled to be presented to the Audit Committee at their December 2019 meeting for feedback / recommendation to Council for endorsement. Draft is included (Attachment A) of this report.</td>
</tr>
<tr>
<td>Internal Review of a Council Decision</td>
<td>Review had been completed and is scheduled for a report for discussion in this Council Agenda (26 November 2019) and decision 10 December 2019.</td>
</tr>
<tr>
<td>Order Making</td>
<td>This policy review has commenced and is scheduled to be brought back to Council May 2020 if not earlier.</td>
</tr>
<tr>
<td>Procurement</td>
<td>This policy review has commenced and is scheduled to be brought back to Council May 2020 if not earlier.</td>
</tr>
<tr>
<td>Public Consultation</td>
<td>This policy review has commenced and is scheduled to be brought back to Council May 2020 if not earlier.</td>
</tr>
<tr>
<td>Request for Services (NEW)</td>
<td>Policy has been written and is scheduled for Discussion in this Council Agenda (26 November 2019) and decision 10 December 2019.</td>
</tr>
<tr>
<td>Road and Public Place Naming</td>
<td>This policy review has commenced and is scheduled to be brought back to Council May 2020 if not earlier.</td>
</tr>
</tbody>
</table>

It is noted that the City of Mitcham - Code of Practice Meeting Procedures is presented as a separate report to this Agenda (26 November 2019).
CONCLUSION
This report identifies the policies required legislatively and their status to give effect to a Council resolution.

RECOMMENDATION – ITEM 12.2
That the report be received for information only.
12.3 LINE MARKING SERVICE REVIEW

Report Author/Manager: Isabella Stocco Bradley / Wayne Hutchinson
General Manager: Daniel Baker

(Meeting Date: 26 November 2019)
(Location: Council Wide)
(Consultant Used: $Nil)

PROPOSAL

To confirm Council of the findings of a further review of Council’s line marking service responding to Council resolution of 14 November 2017.

BACKGROUND

A Line Marking Service Review was initiated by the Executive Leadership group in July 2016 based on a resolution of Council. The following objectives of the review were identified.

- Define service level
- Benchmark efficiency
- Identify line marking best practice
- Improve customer focus and responsiveness
- Ensure program delivers best service outcome for acceptable cost

Line marking is an essential service provided by the City of Mitcham. There are approximately 460km of sealed roads within the City which require a comprehensive network of pavement marking to deliver against critical objectives such as traffic management, road and pedestrian safety.

Line marking is the generic term that refers to works such as painting of centre and edge lines on roads, painting traffic devices such as roundabouts, stop signs, painted medians, pedestrian crossings, along with road markings such as bike lanes, railway crossings and road speed signs. Line marking also includes installation of raised bars (rumble bars) and related painted traffic islands.

Mitcham provides line marking services for sealed roads under its care and control (i.e. non-arterial public roads) plus line marking for Council owned carparks. Council also provides line marking for parking bays on arterial roads, however the remainder of line marking on arterial roads is provided and maintained by the Department for Planning, Transport and Infrastructure (DPTI).

This Line Marking Service Review was undertaken in 2017 with a report subsequently presented to Council for its consideration on 14 November 2017. At this meeting Council resolved as follows:


(2) That Council supports Administration’s proposal to undertake the 2017/18 painting program using a hybrid delivery model (a blend of contract and in-house delivery).
(3) That Administration undertake a further review of line marking costs and service outcomes at the end of the 2017/18 financial year and provide a further report and recommendations addressing longer term proposals.

This report is now being presented to provide information to Council of the further review undertaken in 2019, in specific relation to item 3 of the above Council resolution.

The previous Council Report and Line Marking Service Review are available in Council’s Agenda dated 14 November 2017. At the following link:


Attachments:

Nil

STRATEGIC OBJECTIVES

Goal 1 Accessible & Connected Community

Objective 1.1 Our community is connected to places through a people friendly transport, cycling and pedestrian network which offers accessible, integrated and efficient transport options.

DISCUSSION

Since Council's resolution in November 2017, a significant component of the 2017 Service Review recommendations has been implemented.

The Line Marking Service is currently operating under a hybrid service delivery model although certain aspects have been maintained in-house due to an increase in internal capacity and greater overall efficiency under this model. These aspects have been identified with an asterisk (*) in Table 1 below.

The hybrid model implemented following the 2017 Service Review is as identified in the following table:

<table>
<thead>
<tr>
<th>Current Hybrid Line Marking Service Operating Model</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Internal Service Delivery (City Operations)</strong></td>
</tr>
<tr>
<td>o All low volume local streets</td>
</tr>
<tr>
<td>o Yellow lines</td>
</tr>
<tr>
<td>o Council owned car parks</td>
</tr>
<tr>
<td>o School crossings</td>
</tr>
<tr>
<td>o * Collectors, distributors and high-volume local streets</td>
</tr>
<tr>
<td>o * Pedestrian crossings</td>
</tr>
<tr>
<td>o * Arterial parking controls</td>
</tr>
</tbody>
</table>
External Service Delivery (Service Provider)

- Capital Road renewal projects
- Limited high complexity Collector roads

<table>
<thead>
<tr>
<th>Table 1 - Hybrid Line marking Operating Model</th>
</tr>
</thead>
<tbody>
<tr>
<td>* Refers to service aspect maintained in-house compared to the hybrid model identified in the 2017.</td>
</tr>
</tbody>
</table>

Line marking associated with capital renewal projects have been transitioned to external service delivery, this improves the delivery model associated with capital projects, e.g. road rehabilitation projects, and limits Council’s liability during the duration of construction.

The delivery of operational maintenance activities has been maintained in-house with City Operations staff through improved management and coordination of resources associated with the service.

Data capture associated with the line marking service is still being fully developed, planned works are all captured through Council TechnologyOne works system however reactive works generated via customer requests are currently not captured; the process for this type of work is being developed currently and will be assisted through the renewal and update of Council’s line marking plant. Based on the 2/4-year maintenance program established as part of the 2017 Service Review, Administration consider that an annual key performance indicator of 100kms per annum would be appropriate as an annual metric for productivity. A review of 2018/19 shows that Council completed approximately 107 kilometres of planned line marking. Additionally, 152 Line Marking Customer Requests were also received and actioned (although total kms delivered is not available for these works at this time for reasons described above).

The total operational maintenance cost of delivering Council’s Line Marking Service in 2018/19 was $158,010.

The Full Time Employee (FTE) count for Council’s in-house delivered line marking service is currently 1.5 FTEs per annum. Typically, this includes staff to run the line marking equipment as well as manage traffic control.

The service typically runs for approximately 6 months of the year through the warmer months with staff engaged undertaking other service delivery roles during the period when weather conditions are such that line marking is not practical or efficient.

Due to the nature of this service, the line marking function also provides effective rehabilitation duties and assists with the distribution and rotation of duties and tasks for the outdoor workforce. This provides a useful option for staff on Return to Work Programs or with personal physical restrictions.

The 2017 Service Review presented 4 key recommendation areas, these areas provided in the table below along with an update on the action/outcome presented to each sub-element of the relevant recommendation area.
## 2017 Line Marking Service Review – Recommendations & Actions

### 1. Planning - To better meet customer needs by:

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Action by Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>Changing the existing precinct maintenance model to a cyclic maintenance model based on road hierarchy and pavement marking performance (retro-reflectivity)</td>
<td>The 2/4 Year Cyclic Program as detailed in the 2017 review is in effect.</td>
</tr>
<tr>
<td>Using and updating the pavement marking database (GIS) developed as part of this review to guide planning and customer response</td>
<td>The traffic team commenced a Line Marking &amp; Signage Audit in August 2019 which is anticipated to take 8-10 months to complete. Once completed, the information gathered will be used to update the pavement marking database.</td>
</tr>
<tr>
<td>Reviewing pavement marking performance and cyclic maintenance frequencies after two (2) and four (4) years</td>
<td>The cyclic maintenance program is in effect as per above, however this is continually reviewed in collaboration with Council traffic teams to review the effectiveness and appropriateness of service frequencies.</td>
</tr>
<tr>
<td>Improve customer response by establishing service standards and key performance indicators</td>
<td>Initial KPIs have been established for productivity and usage rates per machine also able to be monitored. These KPIs are designed to ensure that both the delivery kms envisaged in the 2017 review are reached however also that Council line marking plant is being utilised to its maximum efficiency. Updated machinery will allow KPI tracking &amp; reporting.</td>
</tr>
</tbody>
</table>

### 2. Painting Process & Materials - Focus moving Council toward the use of best practice pavement marking materials and installation processes by:

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Action by Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>Moving toward an Australian Paint Approval Scheme (APAS) accredited paint</td>
<td>An APAS accredited paint for both yellow and white Line Marking is now being applied.</td>
</tr>
<tr>
<td>Introduce Department of Planning, Transport and Infrastructure (DPTI) standard application methods</td>
<td>DPTI application methods are being followed.</td>
</tr>
<tr>
<td>Access pavement marking plant that meets the capability, calibration and maintenance requirements of the nationally recognised Painting Contractor Certification Program (PCCP)</td>
<td>Renewal of line marking plant has been on hold pending this further review. Replacement, more modern plant, will allow Council to meet PCCP standards.</td>
</tr>
<tr>
<td>Introduce pavement marking materials such as quartz (stiky resistance), beads (reflectivity) as per DPTI standards</td>
<td>The use of pavement marking materials as per DPTI standards has been implemented.</td>
</tr>
<tr>
<td>Discontinue the use of black paint and other temporary line marking removal techniques (except for emergencies) and use hydro blasting until another more effective removal method is available in South Australia.</td>
<td>Alternative options to the use of black paint to remove line markings are continually being investigated in conjunction with other Councils. Operations occasionally use black paint in emergency situations or where lines are being marked over temporally as part of ongoing work in that area.</td>
</tr>
</tbody>
</table>
### Ongoing Service Delivery

In order to maintain any service delivery capacity, City Operations requires a critical mass of skilled staff combined with Equipment. As such, continuation of the hybrid delivery model currently in effect (as outlined in Table 1 above), is deemed most efficient, effective and appropriate taking account of the many aspects contributing to Council’s City Operations service delivery functions.

### Table 3: Delivery – ensure that service delivery model provides best service outcome for acceptable cost by:

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Action by Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trial hybrid delivery for one (1) painting season in 2017/18.</td>
<td>Hybrid system was trialled and has been implemented as described earlier in this report.</td>
</tr>
<tr>
<td>Review costs and service outcomes of current season prior to making long term strategic decision prior to 2018/19.</td>
<td>Costs have been reviewed. Service is being delivered within current operating budgets.</td>
</tr>
<tr>
<td>Continued postponement of hand-operated line marking machine (due Nov 17) and secondary line marking machine (due June 18) indefinitely.</td>
<td>Replacement of line marking machine was postponed however line marking plant is intended to be renewed in line with asset management requirements following presentation of this further review Council acknowledgement of this Information Report.</td>
</tr>
<tr>
<td>A contract manager with knowledge of pavement marking practices and materials should be responsible for ensuring best practice contract requirements are enforced.</td>
<td>All contracted line marking work is being overseen by a member of Council’s traffic team.</td>
</tr>
</tbody>
</table>

### Table 4: Future Delivery Options – subject to outcome of the 2017/18 hybrid delivery trial, then the further service review is likely to suggest that:

#### (a) If in-house delivery is comparable to contracted delivery, then:

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Action by Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council to retain a substantive line marking capability, with contract providers delivering some capital and other projects as required.</td>
<td>It is intended that Council will retain a substantive line marking capability. Delivery model as identified in Table 1 of this report.</td>
</tr>
<tr>
<td>Improvements be implemented so that the Line Marking team can obtain accreditation under the PCCP program.</td>
<td>Improvements are now being investigated, including modern plant, to gain accreditation under the PCCP (Painting Contractor Certification Program) program.</td>
</tr>
</tbody>
</table>

#### (b) If in-house delivery is determined to be uneconomic and/or deliver a lesser service outcome than contract delivery, then:

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Action by Council</th>
</tr>
</thead>
</table>
| Engage external contractors (to be PCCP accredited) to undertake the majority of pavement marking works including cyclic maintenance, capital projects and new pavement marking works. | In-house delivery determined to be appropriate as outlined in this report.  
Therefore, Not Applicable. |
| Com to receive one and a half (1.5) affected FTE's to be transitioned into precinct maintenance. | In-house delivery determined to be appropriate as outlined in this report.  
Therefore, Not Applicable. |
| Com to retain its latest model pavement marking machine for a minimum of six (6) months to provide a rapid response capability and a safety net should contractors be unable to meet all requirements. | In-house delivery determined to be appropriate as outlined in this report.  
Therefore, Not Applicable. |
The internal line marking service allows Council to maintain a skills base in house allowing for a more flexible and cost effective approach to delivery of a range of smaller works and service aspects.

Line marking provides an opportunity to fully utilise workers with restrictions or on ‘returning to work’ duties. This is due to the physical nature of the workload being less strenuous than other field based activities (e.g. provision of traffic control). Further, recent improvements to Line Marking plant increases the suitability for an employee on 'light' or 'returning to work' duties as modern Line Marking equipment requires less physical strength to operate.

Additionally, line marking predominantly occurs for 6 months of the year. This allows the staff to be reallocated across alternate duties outside of the line marking season and maximise total efficiency. Typically, Council’s line marking staff are also utilised across the following duties/service areas:

- Signage
- Park furniture
- Street furniture
- Fencing

The 2017 Service Review showed cost estimates of fully internal, hybrid and fully external delivery and illustrated potential significant savings for externally contracted work. These contract cost estimates, however, were based on a potential cost per metre rate and do not take into consideration more expensive Line Marking work such as turning arrows and transverse markings. Costs from recent contract works demonstrate that work of this nature can attract a significant premium.

Maintaining internal delivery capacity also provides for a more responsive service to the community, ultimately allowing Council to respond flexibly to priority or reactive requests with direct control over the resources. Staff can be allocated for high priority works more dynamically and with certainty of costs, especially for smaller, more specialised jobs.

City Operations will have capacity to meet the required Line Marking distances proposed in the Hierarchy Based, 2/4 year Maintenance Program in the 2017 Service Review, subject to the renewal of the plant and equipment. This can be achieved without the need for additional operating budget for city maintenance and can be achieved without compromising overall critical capacity.

KPIs will be monitored and reported on an annual basis.
Plant & Equipment

Council currently has 2 ride-on Line Marking machines and one hand-operated machine.

All Line Marking equipment, however, is programmed for renewal as part of Council’s asset renewal program built into the Long Term Financial Plan under standard budgeting processes. This affords the opportunity to renew better fit for purpose equipment when the opportunity arises. The current line marking equipment is due for renewal this financial year and next.

Current machines

The current ride-on line marking machines are inefficient and outdated. Both machines require flushing at the depot before a different colour paint can be used, limiting efficiency and agility. Additionally, they have to be used in a direction against the flow of traffic due to the orientation of their single paint gun. This presents an added safety hazard for mitigation, decreases efficiency requiring the use of more signage and traffic control.

Proposed replacement machines

There have been significant improvements in the operation and cost of Line Marking machines, since the 2017 Service Review.

Line Marking machines now available on the market allow:

1. greater distances to be covered in shorter periods of time
2. use less paint per meter with beads distributed evenly through guns in an automated fashion,
3. increase quality of the finished line marking product applied,
4. improve operational efficiency and safety with the ability to apply paint in the same direction of traffic flow, improving safety and efficiency of traffic management.
5. electronically recording line marking activity, specifically line marking distances applied (Measurable KPI).  

Item 5 above specifically allows for an increase in our operational monitoring and measurement of productivity and efficiency. To this end an initial KPI of 100 kms of line marking per season will be set with usage rates per machine also able to be monitored. It is intended that these operational KPIs will be monitored operationally and reported annually. These KPIs are designed to ensure that both the delivery kms envisaged in the 2017 Service Review are reached however also that Council's line marking plant is being utilised to its maximum efficiency.

Significantly they are also lighter to operate making them suitable for workers with some physical limitations. This provides greater opportunity to manage staff with some physical limitation by providing meaningful employment for a significant portion of the year.
In addition, it is noted that City Operations is currently using reflectivity drop on beads as per DPTI standards. The proposed new equipment will allow us to trial the use of large beads on major collector roads to provide increased reflectivity and visibility during wet weather. This would exceed the standards and increase safety on collector and higher volume local roads.

**Community Implications**

It is anticipated that the proposed service delivery model, materials and Line Marking plant will improve consistency of the service delivered. In addition, the alignment to best practice and industry standards will provide community benefit through service consistency, accountability and ability to respond to customer requests.

**Environmental / Heritage Implications**

Nil

**Cost Shifting Implications / Legislative Cost Imposts**

Nil

**Impact on Budget including Lifecycle Costing**

The current hybrid model can be delivered within current budget allocation, subject to the recommended Plant & Equipment renewal.

**Risk Management / WHS Assessment**

New more modern line marking equipment will further reduce risks associated with this service function.

**Legal / Policy Implications**

Any road within Council boundaries must be compliant with the Road Traffic Act 1961. This overarching legislation specifically requires Council to:

- Comply with nationally endorsed road rules
- Install, use and maintain approved traffic control devices (including Line Marking)
- Follow Australian design standards and enforce Australian road laws

Other Relevant regulations and guidelines include:

- Australian Road Rules (under the Road Traffic Act 1961)
- Pavement Marking Manual (DPTI, 2015)

**Engagement**

Council staff including operators have been engaged in the further review of the service.
CONCLUSION

A Line Marking Service Review was initiated by the Executive Leadership Group in July 2016 based on a resolution of Council. This Line Marking Service Review was undertaken in 2017 with a report subsequently presented to Council for its consideration on 14 November 2017.

A further review was required as an outcome of Council’s decision 14 November 2017.

This report presents the outcomes of this further review and provides the intended approach to the delivery of this service.

Many aspects of the 2017 Service Review have been implemented and found to be effective. A hybrid delivery model is operating efficiently and effectively with the introduction of new paint materials and approaches to align to industry standards and requirements.

Renewal of Council’s line marking plant and equipment will be undertaken as part of Council’s asset renewal program built into the Long Term Financial Plan under standard budgeting processes. Through this process new line marking machines will allow for an increase in efficiency and effectiveness of a number of aspects associated with the service, as detailed within this report.

KPIs associated with the line marking service will be monitored and reported on an annual basis.

RECOMMENDATION – ITEM 12.3

That the report be received for information only.
12.4 CORRESPONDENCE FOR INFORMATION ONLY  
(Meeting Date: 26 November 2019)  
(Location: Council Wide)

PROPOSAL
To provide correspondence sent/received for information.

BACKGROUND
At its full council meeting on the 9 April 2019 Council unanimously resolved that; ‘Letters sent on behalf of the City of Mitcham as a result of an Elected Member motion shall be published in the next relevant Full Council Agenda under ‘Correspondence’ unless confidential, in the interests of transparency’.

The above is provided in addition to general correspondence sent/received for information.

Attachments:
A. Response to SA Productivity Commission Inquiry into Local Government Costs
B. Response from Minister Knoll regarding the condition of Belair Road, between Springbank Road and Main Road

STRATEGIC OBJECTIVES
Goal 1 Accessible & Connected Community
Objective 1.6 Our community is actively encouraged and supported to have a voice and to participate in a meaningful way in shaping our City.

DISCUSSION
Outgoing Correspondence
Attachment A – Response to SA Productivity Commission Inquiry to Local Government Costs

Incoming Correspondence
Attachment B – Response from Minister Stephan Knoll MP regarding the condition of Belair Road, between Springbank Road and Main Road

RECOMMENDATION – ITEM 12.4
That the report be received for information only.
13. **RECOMMENDATIONS FROM COMMITTEES**

Nil

14. **COUNCIL ASSESSMENT PANEL**

Nil

15. **REPORTS FROM REGIONAL SUBSIDIARIES**

Nil
16. NOTICES OF MOTION

16.1 CR LINDY TAEUBER - INFORMAL GATHERINGS MEETING SCHEDULE

I hereby give notice that I intend to move:

That Council:

1. Rescinds Decision 2 of Item 8.3 of 28 May 2019 in relation to Informal Gatherings Meeting Schedule, being:

   That Council does not endorse the inclusion of an additional informal gathering to be included in the meeting schedule, during the 2019/2020 financial year.

2. Adds an additional informal gathering to the Informal Gathering Meeting Schedule, ongoing as required, on the first Tuesday of the month.

3. That the Chief Executive Officer be delegated authority to amend the Informal Gathering meeting schedule in consultation with the Mayor.

REASON:

Council has a very considerable number of significant projects and issues to discuss and receive information about – waste strategy, Federal Election promises, Local Government Representative Review, Boundary Reform, Strategic Management Plan amongst others.

Some of this information can be delivered electronically while some is best delivered face to face at a briefing to enable discussion and the ability to listen to a range of ideas and opinions.

This motion seeks for Elected Members to plan to devote most Tuesday nights to Council business, with briefings finishing around 9.30pm.
16.2 MAYOR HEATHER HOLMES-ROSS: RECONCILIATION ACTION PLAN

I hereby give notice that I intend to move:

1. That Council supports reconciliation within the City of Mitcham and notes the Blackwood Reconciliation Group Information Forum motion, being:

   The Blackwood Reconciliation Group Community Forum call for:

   1. A voice to power in the Mitcham Council as is called for in the “Uluru Statement from the Heart”.


2. That Administration bring back a report to Council by 30 March 2020 on the development, implications and resourcing required for a City of Mitcham Reconciliation Action Plan enabling it to be considered as part of the 2020/21 Annual Business Plan and Budget.

REASON:

As outlined in the Business Raised by the Mayor report included at Item 20.1 of the Full Council Agenda on Tuesday, 12 November 2019, I attended and as honoured to be invited to speak at the Blackwood Reconciliation Group Community Information Forum on the “Uluru Statement from the Heart” was held at the Blackwood Community Centre on the evening of 9 October 2019.

The intent of the forum was to raise awareness of the Uluru Statement and the importance of Indigenous voice for our Nation. The statement is seeking important constitutional reform through a referendum for Indigenous sovereignty.

At this meeting I committed to bring their motion to Full Council for consideration as I believe it is important that our community is aware of the Uluru Statement and understands the importance of establishing our first nation’s people in the Constitution.

This motion enables Council to demonstrate its support for this important matter and progress investigations to enable Council to make an informed decision on how to progress and embed reconciliation into the City of Mitcham.
16.3 CR KAREN HOCKLEY - CATASTROPHIC FIRE DAYS

I hereby give notice that I intend to move:

That Administration report to Council on the best way to open a Community Centre / Public place for residents and their domestic pets on Catastrophic Fire Days.
17. MOTIONS WITHOUT NOTICE

*Motions Without Notice must be supplied to the Minute Secretary in writing.*
18. QUESTIONS ON NOTICE

18.1 CR JANE BANGE - MEMBERSHIP OF THE CITIES POWER PARTNERSHIP - 12 NOVEMBER 2019

QUESTION

Is there a timeframe for when the report on membership of the Cities Power Partnership will come before Council?

ANSWER

The report will be presented during the meeting on the 26 November 2019 for discussion.
18.2 CR STEPHEN FISHER - HILLVIEW RESERVE, COLONEL LIGHT
GARDENS 22 OCTOBER 2019

QUESTION

1. What are the garden Suburb design elements applicable to the use of this type of Community Land (Hillview Reserve) to ensure that the requirements of the Heritage Places Act are met?

2. Have Administration reviewed the applicable Community Land Management Plan (required by the Local Government Act) to ensure that the performance measures relating to the Garden Suburb design elements are fully identified? Full regard is to be made to the judgement in COASTAL ECOLOGY PROTECTION GROUP INC & ORS v CITY OF CHARLES STURT [2017] SASC 136 (21 September 2017)

3. Have Administration identified if the applicable Community Land Management Plan is fully consistent with the provisions of the Development Plan (particularly the Objectives) applying to the land (Hillview Reserve) in accordance with the Local Government Act 196(5)(b) to ensure that there is no uncertainty to require consideration under 196(6)?

4. Can Administration provide the records detailed in The Australia ICOMOS Charter for Places of Cultural Significance, The Burra Charter, 2013, Article 28?

5. Can Administration identify which category of the Principle of Developmental Control 26 applying to the land is envisaged to apply in respect of the existing structure (toilet block)?

6. Can Administration provide photographs of structures built at children’s playgrounds including those at the display playground at the First Town Planning and Housing Conference and Exhibition (1917), Glover Playground (South Terrace) (1918), West Playground (1919), Lefevre Terrace North Adelaide (1920), Glover Playground (East Terrace and Wakefield Street)(1925), Hillview Reserve, Colonel Light Gardens (1927) and at Mortlock Park, Colonel Light Gardens (1928)?

ANSWER

As per Attachment A

CEO COMMENT

These Questions on Notice were originally included in the Agenda of the Full Council Meeting on Tuesday, 8 October 2019 as a Notice of Motion. At this meeting the Notice of Motion was withdrawn by Councillor Fisher and he requested that they be included as Questions on Notice in the Agenda for Council on Tuesday, 22 October 2019.
During the Questions without Notice section of the Agenda of Tuesday, 8 October 2019, Councillor Fisher raised these questions and the following answer was given.

“The work required to undertake a comprehensive report addressing each of the points in detail would need to be scoped and costed out. The work is not prioritised within existing resources which are dedicated to progressing planning policy and heritage work, namely the Special Character Development Plan Amendment, the Growth Precincts DPA and reviewing the Planning and Design Code that has been released for consultation. It would necessitate engaging external resources in research and report preparation.”

It is noted that Councillor Fisher has now provided answers. Administration has not reviewed these answers.

Attachments:
A. Answers as provided by Cr Stephen Fisher→
19. **QUESTIONS WITHOUT NOTICE**

   *Questions Without Notice must be supplied to the Minute Secretary in writing.*

20. **MAYORAL BUSINESS**

   Nil

21. **WRITTEN REPORTS BY ELECTED MEMBERS**

   Nil

CLOSE