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19 January 2017

NOTICE OF MEETING

NOTICE IS HEREBY GIVEN in accordance with Section 83 of the *Local Government Act 1999* that an **Ordinary Meeting of Council** of the City of Onkaparinga will be held on **Tuesday 24 January 2017** at the Council Chamber at the Civic Centre, Ramsay Place, Noarlunga Centre at 7pm for the purpose of considering the items included on the attached agenda.

We recognise that the land on which we meet has considerable natural and cultural heritage, including thousands of years of traditional ownership by Kurna.

A handwritten signature in blue ink, appearing to read "Alison Hancock".

Alison Hancock
Chief Executive Officer (Acting)

Disclaimer: Please note that the contents of the Council Agendas have yet to be considered by Council and recommendations contained herein may be altered or changed by the Council in the process of formally making decisions of Council.



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City of Onkaparinga
Agenda for the Council meeting
to be held on 24 January 2017

Venue: Council Chamber, Civic Centre
Ramsay Place, Noarlunga Centre

Meeting commenced:

Present:

Apologies:

Leave of absence:

Absent:

Pledge:

We recognise this City's considerable natural and cultural heritage, including thousands of years of traditional ownership by Kurna, and the more recent contribution from people either born here or who have migrated here. As we meet together, we build on this heritage by respecting and listening to each other, thinking clearly, being receptive to new ideas, speaking honestly, and deciding wisely for the current and future well-being of those we serve.

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1. Opening of meeting

2. Confirmation of minutes of the Council meeting held on 13 December 2016

3. Adjourned business

4. Leave of absence

Nil.

5. Mayor's Communication

5.1 Mayor's Report 24 January 2017

Please find at attachment 1 the Local Government Association's President's Report.

**Elected member representation
8 December 2016 – 15 January 2017**

Thank you to the following elected members who represented me over this period:

- Cr Darryl Parslow, Cherry Christmas Carols, 21 December 2016
- Cr Brian Nankivell, Aberfoyle Park Baptist Church Carols in the Park, 21 December 2016

Mayor's calendar

My activities from 9 December 2016 to 15 January 2017 are reflected in attachment 2.

Thank you.



Lorraine Rosenberg

Mayor

Recommendation

That Council note the 24 January 2017 Mayor's report.

3.1 Report from the LGA President

Small bars

The State Government's refusal to extend small bars outside of the Adelaide CBD is a missed opportunity, both for Adelaide's suburbs and the State's regional areas. Following on from our AGM in October - where councils asked the LGA to lobby the Government to deregulate small bar licensing - we've now written to the Minister proposing a voluntary pilot of small bars outside of Adelaide's CBD. We have offered to work with the Government on this pilot, which would measure the impact of small bars in an area, ahead of a formal review, however the Minister has declined this offer.

Building Better Regions Fund

I wrote to Senator Nash, Minister for Local Government and Regional Development this month about the Building Better Regions Fund. The first issue is that large areas within South Australia's peri-urban councils such as Adelaide Hills and Mt Barker are ineligible to access the fund, while heavily populated and urbanised areas such as Geelong and Ballarat in Victoria and the Gold Coast and Sunshine Coast in Queensland remain eligible. It's also concerning that metropolitan councils are excluded from applying for the Building Better Regions Fund, and it's currently not clear whether other funding opportunities, such as the City Deals investment program and the \$50 million Smart Cities and Suburbs Program, will benefit metropolitan councils in the same way as the National Stronger Regions Fund grants did. South Australian councils already receive an unfair share of federal funding, and we need to ensure we make the most of opportunities to access new funding programs.

Why local government matters in SA

Why Local Government Matters in SA - a new survey commissioned by the LGA and delivered by the Centre for Local Government at the University of Technology Sydney was released last month. Based on an online survey of around 1,000 participants as well as four focus groups, it demonstrates communities want more than "roads, rates and rubbish" – they also expect their councils to plan for the future (81% of respondents), contribute to emergency and disaster management (79%), and help drive economic development (71%). The report also showed focus group respondents were cynical about the benefits of council amalgamations, and concerned about the potential for inequality in distribution of services, and loss of local representation.

Resilience Australia win for i-Responda program

It was tremendous to see the i-Responda program receive formal recognition at the Resilience Australia Awards late last year, where it won a State Award. This program continues to grow, with 60 councils now involved, and 2,500 staff trained to date. Also in the emergency response field, the LGA recently provided a submission to the Government's

Burns Review which was initiated in response to the storms and associated blackouts last September.

NRM Levy Amendment Bill

As an outcome of LGA advocacy the Hon Robert Brokenshire MLC introduced a bill into Parliament in November which would have made the State Government – rather than councils – responsible for collecting the NRM Levy. Disappointingly, this was ruled to be a “money bill” by the President of the Legislative Council, and subsequently withdrawn. The LGA remains opposed to the current arrangements which require councils to collect the levy for the State, and we will continue to advocate for change. We appreciate the support from Robert for councils and communities on this issue.

Congratulations Mayor O’Loughlin

Since the last MLGG meeting Prospect Mayor David O’Loughlin was elected as the President of the Australian Local Government Association. Mayor O’Loughlin’s appointment is a fantastic opportunity for our sector to raise issues at a Federal level, including the unfair share of funding received by South Australian councils, and the impact freezes to Financial Assistance Grant indexation are having on communities.

Farewell David Hitchcock

Please note that our Director of Infrastructure David Hitchcock announced his retirement late last year, and finished at the LGA on 23 December. David has made a significant contribution to the LGA over the past thirteen years, as well as the sector as a whole over the past four decades. An internal recruitment process is now being run to fill a revised “Director Policy” position. I know David will be missed, and I wish him all the best with his future plans.

Attachment 2

Meeting and events attended by the Mayor 9 December 2016 to 15 January 2017	
December 2016	
9	ABW16 lunch and Awards Ceremony at Tatachilla Lutheran College
10	Book launch : Willunga Almonds
11	Ann Rhode Public Art opening
	Panther Club Southern Community Christmas Carols
12	Mayor's Christmas Light Display Competition judging
	Onkaparinga Northern Community Forum
13	Media segment Pitch Fork Project
	Meeting of Council
15	Elected member/staff breakfast
	Meeting of Metropolitan Local Government Group Executive
	Community Carols Ramsay Place
16	Wirreanda High School STEM Project presentation
	Elizabeth House Volunteers Christmas lunch
17	Air Force Cadets 619 Squadron end of year parade
	Meal of Blessing
18	Tugra Shan Martial Arts End of Year lunch
	Tiljilbruke celebration and afternoon tea
19	Christie Downs Community House Volunteer Christmas lunch
20	Aldinga Community Centre Annual General Meeting
21	Meeting of Civic Awards Committee
	Presentation to recipients of Mayor's Christmas Light Display Competition
23	Elected members/staff breakfast
	Willunga District Community Bus morning tea
January 2017	
11	World Tennis Challenge
12	Harvest Festival Gala Dinner
14	Harvest Festival Celebrity Bottling Challenge
	Love Velo Seaside

6. Presentation

6.1 City of Onkaparinga highlights and achievements video

To be presented by Alison Hancock, Acting Chief Executive Officer.

6.2 Certificate of Appreciation from Pride of the South

To be presented by Cr Holtham.

7. Deputation

7.1 Witton Bluff Base Trail – Gail Pounsett and Katrine Hildyard MP

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8. Presentation by Committee Chairpersons and reports to Council by Council Committees.

8.1 Strategic Directions Committee minutes

This is a regular or standard report.

Manager: Desma Morris, Manager Governance

Report Author: Sue Hammond, Governance Officer

Contact Number: 8384 0747

Attachments: 1. Minutes of the Strategic Directions Committee meeting held
17 January 2017 (6 pages)

A meeting of the Strategic Directions Committee was held on 17 January 2017.

The following items require a resolution of Council.

Recommendations

1. Re 7.1 Terms of Reference for the Strategic Directions Committee

That Council approve the following change to the Strategic Directions Committee Terms of Reference:

Under 4. Membership:

Replace the words "The Chairperson of the Committee shall be the current Deputy Mayor" with:

"That the role of Chairperson shall be offered to the current Deputy Mayor in the first instance. If the role of Chairperson is not accepted by the Deputy Mayor, a preferential ballot of the Elected Members be held to determine the Chairperson and consequently the Deputy Chairperson."

2. That Council note the minutes of the Strategic Directions Committee meeting held on 17 January 2017 as attached to the agenda report.

City of Onkaparinga
Minutes of the Strategic Directions Committee meeting
held on 17 January 2017

Venue: Council Chamber, Civic Centre
Ramsay Place, Noarlunga Centre

Meeting commenced: 7pm

Present: Mayor L F Rosenberg
Deputy Mayor R Holtham (Chair)
Cr M Bray
Cr S Brown
Cr D Chapman (left 7.32pm)
Cr J Deakin
Cr H Greaves (7.05pm)
Cr J Gunn
Cr G Hennessy
Cr W Jamieson
Cr G Kilby (left 7.32pm)
Cr H Merritt
Cr B Nankivell
Cr L Nicholls
Cr G Olbrich
Cr W Olsen (7.03pm)
Cr D Parslow
Cr P Schulze (left 7.32pm)
Cr N Swann
Cr M Themeliotis
Cr H Wainwright

Apologies: Nil

Leave of absence: Nil

Absent: Nil

Minutes of the Strategic Directions Committee meeting held on 17 January 2017

1. Opening of meeting

Deputy Mayor Holtham officially declared the meeting open at 7pm.

2. Confirmation of minutes

Cr Deakin MOVED that the minutes of the proceedings of the Strategic Directions Committee meeting held on 6 December 2016 be received and confirmed as an accurate record of those proceedings.

Seconded by Cr Themeliotis.

CARRIED

3. Adjourned business

Nil.

4. Chairperson's report

Nil.

5. Presentation

Nil.

6. Deputation

Nil.

7. Reports of officers

7.1 Terms of Reference for the Strategic Directions Committee

Cr Jamieson left his seat in the Chamber at 7.03pm.

Cr Olsen entered the meeting at 7.03pm.

MOVED Cr Parslow.

- 1. That the Strategic Directions Committee endorse the Terms of Reference approved by Council on 13 December 2016, as attached to the agenda report.*
- 2. That the Strategic Directions Committee recommend to Council the following change to the Terms of Reference for adoption:*

Under 4. Membership:

Replace the words "The Chairperson of the Committee shall be the current Deputy Mayor" with:

"That the role of Chairperson shall be offered to the current Deputy Mayor in the first instance. If the role of Chairperson is not accepted by the Deputy Mayor, a preferential ballot of the Elected Members be held to determine the Chairperson and consequently the Deputy Chairperson."

Seconded by Cr Merritt.

Minutes of the Strategic Directions Committee meeting held on 17 January 2017

Cr Jamieson resumed his seat in the Chamber at 7.04pm.

Cr Greaves entered the meeting at 7.05pm.

Cr Bray left his seat in the Chamber at 7.17pm.

Cr Bray resumed his seat in the Chamber at 7.18pm.

CARRIED

7.2 Updated Work Program

MOVED Cr Greaves,

That the Strategic Directions Committee notes the agenda report and Reporting Schedule (attachment 1 to the agenda report).

Seconded by Cr Chapman.

CARRIED

8. Questions on notice

Nil.

9. Motions

Nil.

10. Petitions

Nil.

11. Urgent business

Nil.

12. Confidential items

12.1 Public Lighting update

Mayor Rosenberg declared a perceived conflict of interest as President of the Local Government Association. Mayor Rosenberg stated that as President there is a need to be impartial and represent the full membership of local government, not just one council. Mayor Rosenberg stated that she would receive no benefit or detriment, direct or indirect, personal or pecuniary from considering and voting on this matter and chose to remain in the meeting.

MOVED Cr Greaves,

1. That:

- a. under the provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public, with the exception of staff on duty, be excluded from attendance at the meeting in order to consider this item in confidence.*

Minutes of the Strategic Directions Committee meeting held on 17 January 2017

- b. *the Strategic Directions Committee is satisfied that it is necessary that the public, with the exception of staff on duty, be excluded to enable the Committee to receive the information at the meeting on the following grounds:*
- Section 90(3)(d) commercial information of a confidential nature (not being a trade secret) the disclosure of which -*
- (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and*
- (ii) would, on balance, be contrary to the public interest.*
- c. *accordingly, on this basis the principle that meetings of the Strategic Directions Committee should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential.*

Seconded by Cr Olbrich.

CARRIED

Mayor Rosenberg voted for the motion.

The majority of members entitled to vote at the meeting voted for the motion.

Cr Bray left his seat in the Chamber at 7.25pm.

Cr Bray resumed his seat in the Chamber at 7.27pm.

At 7.27pm Cr Parslow MOVED that the meeting be adjourned for the purpose of an elected member session.

Seconded by Cr Jamieson.

CARRIED

Deputy Mayor Holtham reconvened the meeting in the Chamber at 7.31pm with all members present that were present before the adjournment.

13. Urgent Business - Health Issues

MOVED Mayor Rosenberg.

1. *That:*

- a. *under the provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public, with the exception of staff on duty, be excluded from attendance at the meeting in order to consider this item in confidence.*
- b. *the Strategic Directions Committee is satisfied that it is necessary that the public, with the exception of staff on duty, be excluded to enable the Committee to receive the information at the meeting on the following grounds:*
- Section 90(3)(a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);*
- c. *accordingly, on this basis the principle that meetings of the Strategic Directions Committee should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential.*

Minutes of the Strategic Directions Committee meeting held on 17 January 2017

Seconded by Cr Hennessy.

CARRIED

At 7.32pm Deputy Mayor Holtham sought and was granted leave of the meeting to suspend proceedings in order to facilitate informal discussions in this matter.

Deputy Mayor Holtham reconvened the meeting in the Chamber at 8.49pm with all members present that were present before the adjournment with the exception of Cr Greaves, Cr Olsen, Cr Jamieson, Cr Wainwright, Cr Brown, Cr Nankivell and Cr Bray. Cr Schulze, Cr Chapman and Cr Kilby left the meeting during the suspension.

MOVED Cr Greaves.

2. *That the matter of Urgent business – Health Issues having been considered by the Strategic Directions Committee in confidence under sections 90(2) and 90(3)(a) of the Local Government Act 1999 that an order be made under the provisions of sections 91(7) and (9) of the Local Government Act 1999 that the Urgent Business – Health Issues and the discussion and presentation of the subject matter be kept confidential until there is no further need for confidentiality.*
3. *That, pursuant to section 91(9)(a) of the Local Government Act 1999, the Strategic Directions Committee delegates the duty to conduct an annual review of the confidentiality order to the Chief Executive Officer, or their sub-delegate.*
4. *That, pursuant to section 91(9)(c) of the Local Government Act 1999, the Strategic Directions Committee delegates the power to revoke the confidentiality order to the Chief Executive Officer, or their sub-delegate.*

Seconded by Cr Themeliotis.

CARRIED

Cr Nankivell resumed his seat in the Chamber at 8.49pm.

Cr Greaves resumed her seat in the Chamber at 8.49pm.

12.1 Public lighting update

Cr Jamieson resumed his seat in the Chamber at 8.50pm.

Deputy Mayor Holtham noted that Mayor Rosenberg had previously declared a perceived conflict of interest in this matter as President of the Local Government Association.

MOVED Cr Hennessy.

1. *That:*
 - a. *under the provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public, with the exception of staff on duty, be excluded from attendance at the meeting in order to consider this item in confidence.*
 - b. *the Strategic Directions Committee is satisfied that it is necessary that the public, with the exception of staff on duty, be excluded to enable the Committee to receive the information at the meeting on the following grounds:*
Section 90(3)(d) commercial information of a confidential nature (not being a trade secret) the disclosure of which -

Minutes of the Strategic Directions Committee meeting held on 17 January 2017

- (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and*
 - (ii) would, on balance, be contrary to the public interest.*
 - c. accordingly, on this basis the principle that meetings of the Strategic Directions Committee should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential.*

Seconded by Cr Merritt.

CARRIED

Mayor Rosenberg voted for the motion.

The majority of members entitled to vote at the meeting voted for the motion.

MOVED Cr Hennessy.

- 6. That the matter of Public Lighting Update having been considered by the Strategic Directions Committee in confidence under sections 90(2) and 90(3)(d) of the Local Government Act 1999 that an order be made under the provisions of sections 91(7) and (9) of the Local Government Act 1999 that the Public Lighting Update and the minutes and the report of the Strategic Directions Committee relating to discussion of the subject matter be kept confidential until Council has entered into a contractual agreement with SA Power Networks, with the exception of attachments 2, 3 and 5 which are to be kept confidential until the Local Government Association has concluded its negotiations with SA Power Networks for a Facilities Access Agreement.*
- 7. That, pursuant to section 91(9)(a) of the Local Government Act 1999, the Strategic Directions Committee delegates the duty to conduct an annual review of the confidentiality order to the Chief Executive Officer, or their sub-delegate.*
- 8. That, pursuant to section 91(9)(c) of the Local Government Act 1999, the Strategic Directions Committee delegates the power to revoke the confidentiality order to the Chief Executive Officer, or their sub-delegate.*

Seconded by Cr Merritt.

CARRIED

Mayor Rosenberg voted for the motion.

The majority of members entitled to vote at the meeting voted for the motion.

14. Closure

Deputy Mayor Holtham officially declared the meeting closed at 9.41pm.

Certified CorrectChair

/ /2017

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9. Reports of officers

9.1 Delegation Updates

This is a regular or standard report.

Manager: Desma Morris, Manager Governance

Report Author: Kathryn Brown, Team Leader Corporate Governance

Contact Number: 8384 0760

Attachments:

1. Delegations under the *Local Nuisance and Litter Control Act 2016* (8 pages)
2. Delegation updates to the *Water Industry Act 2012* (2 pages)

1. Purpose

This report provides delegations for new legislation under the *Local Nuisance and Litter Control Act 2016*, commencing 1 February 2017, and seeks delegation of these powers and functions from Council to the Chief Executive Officer. Additional powers under the *Water Industry Act 2012* are also provided for delegation.

2. Recommendation

That, in accordance with section 44(6) of the *Local Government Act 1999*, Council hereby delegates this day 24 January 2017 to the person occupying the office of Chief Executive Officer ('the Delegate') and to any person acting in that office, subject to the conditions and or limitations specified herein or in the Schedule of Conditions in each Instrument of Delegation, the powers and functions under the following Acts, as attached to the agenda:

- ***Local Nuisance and Litter Control Act 2016* (attachment 1 to the agenda report)**
- **Sections 86A–86ZR of the *Water Industry Act 2012* (attachment 2 to the agenda report).**

3. Background

Section 44 of the *Local Government Act 1999* (the Act) allows a Council to delegate, with conditions or exemptions, its powers and functions to a Council committee, a Council subsidiary, the Chief Executive Officer (CEO) or an authorised person. Delegations allow the use of legislated powers for purposes of conducting governing, regulatory and service activities efficiently and effectively.

The *Local Nuisance and Litter Control Act 2016* was passed by Parliament in May 2016 and will be implemented in stages throughout 2017. The first sections of this Act come into force on 1 February 2017.

Additional legislation for the *Water Industry Act 2012* was passed by Parliament in October 2016 and relates to the operators of water infrastructure or sewerage infrastructure.

4. Financial Implications

There are no financial implications outside of existing budgets.

5. Risk and Opportunity Management

Risk	
Identify	Mitigation
Failure to fulfil legislative obligations leading to risk of prosecution, Ombudsman enquiry and or loss of reputation	Staff expertise or specialisation in different legislative requirements. Inclusion of powers and functions in Delegations Register.
Opportunity	
Identify	Maximising the opportunity
Increased efficiencies	It is not practical or efficient for the Council to perform the many operational activities required in the day to day administration of council. The delegation of powers and functions to the CEO which may then be sub-delegated to appropriate staff contributes to increased efficiencies in operational activities.

6. Additional information

Input was sought from relevant Managers and Directors to confirm the requirement for delegated powers under the new legislation, and guidance as to whether certain powers should not be delegated and therefore remain with Council.

Table 1. Summary of changes

Legislation	Change	Summary
<i>Local Nuisance and Litter Control Act 2016</i> Attachment 1	New legislation	The sections of the <i>Local Nuisance and Litter Control Act 2016</i> coming into effect on 1 February 2017 provide powers for the authorisation of officers and general powers concerning: <ul style="list-style-type: none"> • Vehicle owners • Seizure of goods • Notices, expiations and court actions • Notifications to the EPA
Sections 86A – 86ZR of the <i>Water Industry Act 2012</i> Attachment 2	Additional legislation	Sections 86A – 86ZR are additions to apply in relation to operators of water infrastructure or sewerage infrastructure, and infrastructure services, to the extent that it is declared by proclamation to apply.

Attachment 1

Local Nuisance and Litter Control Act 2016



Section	Item Delegated / Authorisation	Delegate
s12(3)	Authorised Officers The power pursuant to Section 12(3) of the Local Nuisance and Litter Control Act 2016 (the Act), to appoint: specified officers or employees of the Council; or a specified class of officers or employees of the Council, to be authorised officers for the purposes of the Act.	CEO
s12(4)	Authorised Officers The power pursuant to Section 12(4) of the Act to make an appointment subject to conditions specified in the instrument of appointment.	CEO
s12(6)	Authorised Officers The power pursuant to Section 12(6) of the Act to, at any time, revoke an appointment, or vary or revoke a condition specified in the instrument of an appointment or impose a further such condition.	CEO
s13(2)	Identity Cards The duty pursuant to Section 13(2) of the Act where the Minister has not designated a card issued by the Council to an authorised officer appointed by the Council as an identity card for the purposes of the Act, to issue an authorised officer appointed under the Act, with an identity card in a form approved by the Minister: containing the person's name and a recent photograph of the person; and stating that the person is an authorised officer for the purposes of the Act; and specifying the name of the Council.	CEO
s13(3)	Identity Cards The duty pursuant to Section 13(3) of the Act to issue an identity card as soon as is reasonably practicable after the appointment is made.	CEO
s15(a)	Limit of Area of Authorised Officers Appointed by Councils The power pursuant to Section 15(a) of the Act to agree in writing to an authorised officer appointed by another council exercising powers under the Act in the Council's area.	CEO
s16(1)(a)	Provisions Relating to Seizure The duty pursuant to Section 16(1)(a) of the Act if a substance, material or thing has been seized under Division 3 of the Act, to hold the substance, material or thing seized pending proceedings for an offence against the Act.	CEO
s16(1)(a)	Provisions Relating to Seizure The power pursuant to Section 16(1)(a) of the Act, on application, authorise the release of the substance, material or thing seized to the person from whom it was seized, or to any person who had legal title to it at the time of its seizure, subject to such conditions as the delegate thinks fit.	CEO
s16(1)(e)	Provisions Relating to Seizure The power pursuant to Section 16(1)(e) of the Act if a person is, under section 16 of the Act, entitled to recover any substance, material or thing, to request the person do so.	CEO
s16(1)(f)	Provisions Relating to Seizure The power pursuant to Section 16(1)(f) of the Act to direct that any substance, material or thing forfeited under Section 16 of the Act be disposed of.	CEO
s19(1)	Exemptions from Application of Section 18 The power pursuant to Section 19(1) of the Act to declare by notice in writing in accordance with Section 19 of the Act that a person is exempt from the application of Section 18 of the Act in respect of a specified activity to be carried on in the Council's area.	CEO

Local Nuisance and Litter Control Act 2016



Section	Item Delegated / Authorisation	Delegate
s19(2)	Exemptions from Application of Section 18 The power pursuant to Section 19(2) of the Act to require an application for a declaration under Section 19 of the Act made to the Council to be accompanied by any other information in connection with the application that the delegate may require.	CEO
s19(3)	Exemptions from Application of Section 18 The duty pursuant to Section 19(3) of the Act to not make a declaration under Section 19 of the Act unless the delegate is satisfied that: there are exceptional circumstances that justify the making of the declaration; and the applicant's nuisance management plan adequately sets out the measures that the person will take to prevent, minimise or address any anticipated adverse effects from the specified activity on the amenity value of the area concerned.	CEO
s19(4)	Exemptions from Application of Section 18 The power pursuant to Section 19(4) of the Act to make a declaration unconditional or subject to conditions, including (but not limited to) conditions relating to: the permitted times or periods of time for carrying on the activity; or the manner of carrying on the activity.	CEO
s19(5)	Exemptions from Application of Section 18 The power pursuant to Section 19(5) of the Act to, by further notice in writing, vary or revoke a declaration under Section 19 of the Act.	CEO
s19(7)	Exemptions from Application of Section 18 The power pursuant to Section 19(7) of the Act to determine the website for publishing a declaration made under Section 19 of the Act and any variations of the declaration; and duty pursuant to Section 19(7) of the Act to publish a declaration made under Section 19 of the Act and any variations of the declaration, on a website determined by the Council or the delegate.	CEO
s22(3)(a)(ii)	Disposing of Litter The power pursuant to Section 22(3)(a)(ii) of the Act to approve or authorise the manner of the disposal of litter in the Council's area.	CEO
s26(3)	Liability of Vehicle Owners The duty pursuant to Section 26(3) of the Act, to accompany an expiation notice or expiation reminder notice given under the Expiation of Offences Act 1996 to the owner of a vehicle for an alleged offence against Section 26 of the Act involving the vehicle with a notice inviting the owner, if he or she was not the alleged principal offender, to provide the Council or officer specified in the notice, within the period specified in the notice, with a statutory declaration: setting out the name and address of the person who the owner believes to have been the alleged principal offender; or if he or she had transferred ownership of the vehicle to another prior to the time of the alleged principal offence and has complied with the Motor Vehicles Act 1959 or the Harbors and Navigation Act 1993 (as the case may require) in respect of the transfer – setting out details of the transfer (including the name and address of the transferee).	CEO
s26(4)	Liability of Vehicle Owners The power pursuant to Section 26(4) of the Act, to bring a prosecution for an offence against Section 26 of the Act against one of the owners or against some or all of the owners jointly as co-defendants.	CEO

Local Nuisance and Litter Control Act 2016



Section	Item Delegated / Authorisation	Delegate
s26(5)	Liability of Vehicle Owners The duty pursuant to Section 26(5) of the Act, before proceedings are commenced against the owner of a vehicle for an offence against Section 26 of the Act to send the owner a notice: setting out particulars of the alleged principal offence; and inviting the owner, if he or she was not the alleged principal offender or the owner of the vehicle at the time of the alleged principal offence, to provide the Council, within 21 days of the date of the notice, with a statutory declaration setting out any matters referred to in subsection 3(a) and (b).	CEO
s26(9)	Liability of Vehicle Owners The duty pursuant to Section 26(9) of the Act, if: an expiation notice is given to a person named as the alleged principal offender in a statutory declaration under Section 26, or proceedings are commenced against such a person, to accompany the notice or summons, as the case may be, with a notice setting out particulars of the statutory declaration that named the person as the alleged principal offender.	CEO
s26(10)	Liability of Vehicle Owners The duty pursuant to Section 26(10) of the Act to not include in the particulars of the statutory declaration provided to the alleged principal offender the address of the person who provided the statutory declaration.	CEO
s29	Notification of EPA of Serious or Material Environmental Harm The duty pursuant to Section 29 of the Act, if the delegate has reason to believe that an offence committed under Sections 18 or 22 of the Act has, or may have, resulted in material environmental harm, or serious environmental harm, within the meaning of the Environment Protection Act 1993, to, as soon as practicable, notify the Environment Protection Authority of that belief.	CEO
s30(1)(a)	Nuisance and Litter Abatement Notices The power pursuant to Section 30(1)(a) of the Act to issue a nuisance abatement notice for or in connection with securing compliance with Part 4 Division 1 of the Act.	CEO
s30(1)(b)	Nuisance and Litter Abatement Notices The power pursuant to Section 30(1)(b) of the Act to issue a litter abatement notice for or in connection with securing compliance with Part 4 Division 2 of the Act.	CEO
s30(2)	Nuisance and Litter Abatement Notices The duty pursuant to Section 30(2) of the Act in relation to a notice under Section 30 of the Act to ensure it: is in the form of a written notice served on the person to whom it is issued; and specifies the person to whom it is issued (by name or by a description sufficient to identify the person); and specifies the purpose for which it is issued; and power pursuant to Section 30(2) of the Act, in relation to a notice under Section 30 of the Act, to: direct two or more persons to do something specified in the notice jointly; and impose a requirement that the person do one or more of the following:	CEO
s30(3)	Nuisance and Litter Abatement Notices The power pursuant to Section 30(3) of the Act to issue a notice under Section 30 of the Act jointly with one or more other councils to prevent the person contravening a provision of the Act in those council areas.	CEO

Local Nuisance and Litter Control Act 2016



Section	Item Delegated / Authorisation	Delegate
s30(4)	Nuisance and Litter Abatement Notices The power pursuant to Section 30(4) of the Act to issue a notice under Section 30 of the Act that relates to an activity or conditions on premises to: the owner or occupier of the premises; or a person who has the management or control of the premises; or a person who is the trustee of a person referred to in paragraph (a) or (b) or Section 30(4) of the Act, or is managing the affairs of such a person on some other basis.	CEO
s30(6)	Nuisance and Litter Abatement Notices The duty pursuant to Section 30(6) of the Act, if an emergency notice issued orally, to advise forthwith the person to whom the notice is issued of the person's right to appeal against the notice to the Environment, Resources and Development court.	CEO
s30(8)	Nuisance and Litter Abatement Notices The power pursuant to Section 30(8) of the Act, to, by written notice served on a person to whom a notice under section 30 of the Act has been issued by the Council, vary or revoke the notice.	CEO
s31	Action on Non-compliance with Notice The power pursuant to Section 31 of the Act, if the requirements of a nuisance abatement notice or litter abatement notice issued by Council are not complied with, to take any action required by the notice.	CEO
s31(2)	Action on Non-compliance with Notice The power pursuant to Section 31(2) of the Act to authorise a person to take action under section 31(1) of the Act on behalf of the Council.	CEO
s30(3)	Action on Non-compliance with Notice The duty pursuant to Section 30(3) of the Act, if the delegate authorises a person to take action under section 31(2) of the Act to issue the person with an instrument of authority.	CEO
s31(5)	Action on Non-compliance with Notice The power pursuant to Section 31(5) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 31 of the Act as a debt from the person who failed to comply with the requirements of the notice.	CEO
s31(6)	Action on Non-compliance with Notice The power pursuant to Section 31(6) of the Act, if an amount is recoverable from a person under Section 31 of the Act, to by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person, and, if the amount is not paid by the person within that period, the person is liable to pay interest charged at the prescribed rate per annum on the amount unpaid.	CEO

Local Nuisance and Litter Control Act 2016



Section	Item Delegated / Authorisation	Delegate
s33(1)(6)	<p>Civil Remedies</p> <p>The power pursuant to Sections 33(1) and (6) of the Act to apply to the Environment, Resources and Development court for one or more of the following orders:</p> <p>if a person has engaged, is engaging or is proposing to engage in conduct in contravention of the Act – an order restraining the person from engaging in the conduct and, if the court considers it appropriate to do so, requiring the person to take any specified action;</p> <p>if a person has refused or failed, is refusing or failing or is proposing to refuse or fail to take any action required by the Act – an order requiring the person to take that action;</p> <p>if a person has caused damage to property by a contravention of the Act – an order requiring the person to take specified action to make good the damage and, if appropriate, to take specified action to prevent or mitigate further damage;</p> <p>if the Council has incurred costs or expenses in taking action to prevent or mitigate damage caused by a contravention of the Act, or to make good resulting damage – an order against the person who committed the contravention for payment of the reasonable costs and expenses incurred in taking that action;</p> <p>if the Council has suffered injury or loss or damage to property as a result of a contravention of the Act, or incurred costs and expenses in taking action to prevent or mitigate such injury, loss or damage – an order against the person who committed the contravention for payment of compensation for the injury, loss or damage, or for payment of the reasonable costs and expenses incurred in taking that action;</p> <p>if the court considers it appropriate to do so, an order against a person who has contravened the Act for payment to the Council.</p>	CEO
s33(6)	<p>Civil Remedies</p> <p>The power pursuant to Section 33(6) of the Act to make an application under Section 33 of the Act.</p>	CEO
s33(8)	<p>Civil Remedies</p> <p>The power pursuant to Section 33(8) of the Act to serve a copy of the application on the Minister within three days after filing the application with the court.</p>	CEO
s33(9)	<p>Civil Remedies</p> <p>The power pursuant to Section 33(9) of the Act to apply to the court for the Council to be joined as a party to the proceedings.</p>	CEO
s33(10)	<p>Civil Remedies</p> <p>The power pursuant to Section 33(10) of the Act to make an application under Section 33 of the Act in a representative capacity (provided the consent of all persons on whose behalf the application is made is obtained).</p>	CEO
s33(11)	<p>Civil Remedies</p> <p>The power pursuant to Section 33(11) of the Act to make an application without notice to any person.</p>	CEO
s33(14)	<p>Civil Remedies</p> <p>The power pursuant to Section 33(14) of the Act to apply for an interim order without notice to any person.</p>	CEO

Local Nuisance and Litter Control Act 2016



Section	Item Delegated / Authorisation	Delegate
s33(19)	Civil Remedies The power pursuant to Section 33(19) of the Act to apply to the court to vary or revoke an order previously made under Section 33 of the Act.	CEO
s34(1)	Minister or Council May Recover Civil Penalty in Respect of Contravention The power pursuant to Section 34(1) of the Act, subject to Section 34 of the Act, if the delegate is satisfied that a person has committed an offence by contravening a provision of the Act, to, as an alternative to criminal proceedings, recover, by negotiation or by application to the Environment, Resources and Development court an amount as a civil penalty in respect of the contravention.	CEO
s34(2)	Minister or Council May Recover Civil Penalty in Respect of Contravention The duty pursuant to Section 34(2) of the Act to not recover an amount under Section 34 of the Act, in respect of a contravention if the relevant offence requires proof of intention or some other state of mind, and to, in respect of any other contravention, determine whether to initiate proceedings for an offence or take action under Section 34 of the Act, having regard to the seriousness of the contravention, the previous record of the offender and any other relevant factors.	CEO
s34(3)	Minister or Council May Recover Civil Penalty in Respect of Contravention The duty pursuant to Section 34(3) of the Act to not make an application to the court under Section 34 of the Act to recover an amount from a person as a civil penalty in respect of a contravention; unless the Council or the delegate has served on the person a notice in the prescribed form advising the person that the person may, by written notice to the Council, elect to be prosecuted for the contravention and the person has been allowed not less than 21 days after service of the notice to make such an election; or if the person serves written notice on the Council, before the making of such an application, that the person elects to be prosecuted for the contravention.	CEO
s34(4)	Minister or Council May Recover Civil Penalty in Respect of Contravention The power pursuant to Section 34(4) of the Act to recover by negotiation as a civil penalty in respect of a contravention a maximum amount being the sum of the amount specified by the Act as the criminal penalty in relation to that contravention and the amount of any economic benefit acquired by the person, or accrued or accruing to the person, as a result of the contravention.	CEO
s34(5)	Minister or Council May Recover Civil Penalty in Respect of Contravention The power pursuant to Section 34(5) of the Act to apply to the Environment, Resources and Development court for an order the person pay to the Council an amount as a civil penalty (but not exceeding the sum of the amount specified by the Act as the criminal penalty in relation to that contravention and the amount of any economic benefit acquired by the person, or accrued or accruing to the person, as a result of the contravention).	CEO
s34(8)	Minister or Council May Recover Civil Penalty in Respect of Contravention The power pursuant to Section 34(8) of the Act, if conduct of a person constitutes a contravention of two or more provisions of the Act, to recover an amount from the person under Section 34 of the Act in relation to the contravention of one or more of those provisions (provided that the person is not liable to pay more than one amount as a civil penalty in respect of the same conduct).	CEO
s34(13)	Minister or Council May Recover Civil Penalty in Respect of Contravention The power pursuant to Section 34(13) of the Act to apply to the Attorney General for authorisation to commence proceedings for an order under Section 34 of the Act more than three years and within 10 years after the date of the alleged contravention.	CEO

Local Nuisance and Litter Control Act 2016



Section	Item Delegated / Authorisation	Delegate
s40	Statutory Declaration The power pursuant to Section 40 of the Act if a person is required by or under the Act to provide information to the Council, to require that the information be verified by statutory declaration and, in that event, the person will not be taken to have provided the information as required unless it has been so verified.	CEO
s45(1)	Orders in Respect of Contraventions The power pursuant to Section 45(1) of the Act, if, in proceedings under the Act, the court finds that the defendant contravened the Act and the contravention has resulted in injury to the Council or loss or damage to property, to apply to the court, in addition to any penalty it may impose, one or more of the following: an order the person to take specified action to make good any damage and, if appropriate, to take specified action to prevent or mitigate further damage; an order the person to take specified action to publicise the contravention and its consequences and any other orders made against the person; an order the person pay to the Council if the Council has incurred costs or expenses in taking action to prevent or mitigate or make good any damage (including, in the case of litter, taking action to remove or clean up, and lawfully dispose of the litter); the reasonable costs and expenses so incurred, or compensation for the injury, loss or damage so suffered, as the case may be, in such a manner as is determined by the Court.	CEO
s45(2)	Orders in Respect of Contraventions The power pursuant to Section 45(2) of the Act if a person is found by a court to have contravened the Act, to apply to the court, for, in addition to any penalty it may impose, an order the person to pay to the Council an amount not exceeding the court's estimation of the amount of the economic benefit acquired by the person, or accrued or accruing to the person, as a result of the contravention.	CEO
s45(5)	Orders in Respect of Contraventions The power pursuant to Section 45(5) of the Act to apply to the court for an order under Section 45 of the Act, fixing a period for compliance and imposing any other requirements the court considers necessary or expedient for enforcement of the order.	CEO
s48(1)	Recovery of Administrative and Technical Costs Associated with Contraventions The power pursuant to Section 48(1) of the Act, if a person has contravened this Act and the Council: has taken action to investigate the contravention; or issue a nuisance abatement notice or litter abatement notice in respect of the contravention; or ensure that the person has complied with requirements imposed in relation to the contravention by a nuisance abatement notice or litter abatement notice or by an order of a court under the Act; or has, in taking such action, incurred costs and expenses in taking samples or in conducting tests, examinations, monitoring or analyses, to, by notice in writing served on the person, require the person to pay to the Council the reasonable costs and expenses incurred by the Council in taking such action.	CEO
s48(2)	Recovery of Administrative and Technical Costs Associated with Contraventions The power pursuant to Section 48(2) of the Act to specify in the notice the period within which an amount payable to the Council in accordance with a notice under Section 48 of the Act must be paid.	CEO
s48(3)	Recovery of Administrative and Technical Costs Associated with Contraventions The power pursuant to Section 48(3) of the Act, on application by a person who has been served a notice under Section 48 of the Act to, by notice in writing: extend the time for payment of an amount payable in accordance with the notice; or waive payment of such an amount or reduce the amount payable.	CEO

Local Nuisance and Litter Control Act 2016



Section	Item Delegated / Authorisation	Delegate
s48(6)	Recovery of Administrative and Technical Costs Associated with Contraventions The power pursuant to Section 48(6) of the Act, if an amount payable to the Council is not paid in accordance with Section 48 of the Act to recover the amount as a debt.	CEO
s49	Assessment of Reasonable Costs and Expenses The duty pursuant to Section 49 of the Act, to for the purposes of the Act, assess the reasonable costs and expenses that have been or would be incurred by the Council or some other person or body in taking any action by reference to the reasonable costs and expenses that would have been or would be incurred in having the action taken by independent contractors engaged for that purpose.	CEO
s50(4)	Evidentiary Provisions The power pursuant to Section 50(4) of the Act to execute a certificate certifying as to the matter relating to: the appointment or non-appointment of a person as an authorised officer under the Act; or a delegation or authority under the Act; or a notice, requirement or direction of the Council or an authorised officer under the Act; or the receipt or non-receipt by the Council or an authorised officer of a notification, report or information given or required to be given or furnished to the Council or authorised officer under the Act.	CEO
s50(5)	Evidentiary Provisions The power pursuant to Section 50(5) of the act to execute a certificate detailing the costs and expenses incurred by the Council and the purpose for which they were incurred.	CEO

Water Industry Act 2012



Section	Item Delegated / Authorisation	Delegate
Third Party Access Regime Sections 86A – 86ZR apply in relation to operators of water infrastructure or sewerage infrastructure, and infrastructure services, to the extent that it is declared by proclamation to apply.		
86(F)1	Information brochure The power pursuant to Section 86F(1) of the Act to determine: the terms and conditions on which the Council is prepared to make the Council's regulated infrastructure available for use by others; and the procedures that the Council will apply in determining a proposal for access to any regulated infrastructure and infrastructure services; and the prices and costs associated with gaining access to (and using) regulated infrastructure and infrastructure services; and the standard access arrangement used by the Council.	CEO
86G(1)(c)	Specific information to assist proponent to formulate proposal The power pursuant to Section 86G(1)(c) of the Act, on the application of a person with a proper interest in making an access proposal to the Council, agree or refuse to provide access to regulated infrastructure and infrastructure services of a specified description and determine the general terms and conditions (including the likely price) on which the Council would be prepared to provide access.	CEO
86G(2)	Specific information to assist proponent to formulate proposal The power pursuant to Section 86G(2) of the Act to make a reasonable charge (to be determined after taking into account any provision made by the regulations for the purposes of Section 86G(2) of the Act for providing information under Section 86G(2) of the Act.	CEO
86I(3)	Access proposal The power pursuant to Section 86I(3) of the Act to require a proponent to provide further information about the proponent's proposal that the delegate reasonably requires in order to assess and respond to the proposal.	CEO
86I(4)	Access proposal The power pursuant to Section 86I(4)(b) of the Act to, within 1 month after the relevant day determine, and give the proponent a preliminary indication about, whether the Council is prepared to provide access to the regulated infrastructure and infrastructure services and, if so, on what terms and conditions; and if some alteration of, or addition to, existing infrastructure would be necessary to provide for access, whether the Council would agree to the alteration or addition and, if so, on what terms.	CEO
86I(6)	Access proposal The power pursuant to Section 86I(6) of the Act to give notice of an access proposal to affected third parties by publishing a notice in a newspaper circulating generally in the State stating: the name of the proponent and an address at which the proponent may be contacted; and the name of the operator and an address at which the regulated operator may be contacted; and the general nature of the access proposal.	CEO
86I(7)	Access proposal The power pursuant to Section 86I(7) of the Act to recover the reasonable costs of giving notice under Section 86I of the Act, as a debt, from the proponent.	CEO

Water Industry Act 2012



86J(1)	Duty to negotiate in good faith The power pursuant to Section 86J(1) of the Act to negotiate in good faith with the proponent with a view to reaching agreement on whether the proponent's requirements as set out in the access proposal (or some agreed modification of the requirements) could reasonably be met, and, if so, the terms and conditions for the provision of access for the proponent.	CEO
86K(2)	Existence of Dispute The power pursuant to Section 86K(2) of the Act to refer a dispute to the regulator.	CEO
86N(3)	Power to refer dispute to arbitration The power pursuant to Section 86N(3) of the Act to make submissions to the regulator about the selection of the arbitrator.	CEO
86Z(2)	Confidentiality of information The power pursuant to Section 86Z(2) of the Act to make representations to the arbitrator regarding access to, or disclosure of, information or documentary material.	CEO
86ZD(1)	Formal requirements related to awards The power pursuant to Section 86ZD(1) of the Act to make representations to the arbitrator on the proposed award.	CEO
86ZE	Consent awards The power pursuant to Section 86ZE of the Act to consent to a proposed award.	CEO
86ZG(1)	Termination of variation of award The power pursuant to Section 86ZG(1) of the Act to agree to terminate or vary an award.	CEO
86ZG(3)	Termination of variation of award The power pursuant to Section 86ZG(3) of the Act, if a material change in circumstances occurs, to propose termination or variation of the award.	CEO
86ZJ	Appeal on question of law The power pursuant to Section 86ZJ of the Act to appeal to the Supreme Court from an award, or a decision not to make an award, on a question of law.	CEO
86ZK(5)	Injunctive remedies The power pursuant to Section 86ZK(5) of the Act to apply for an injunction under Section 38ZK of the Act.	CEO
86ZK(6)	Injunctive remedies The power pursuant to Section 86ZK(6) of the Act to consent to an injunction.	CEO
86ZK(8)	Injunctive remedies The power pursuant to Section 86ZK(8) of the Act to apply to the Court to discharge or vary an injunction.	CEO
86ZL(1)	Compensation 38M.1 The power pursuant to Section 86ZL(1) of the Act, if a person contravenes an award, to apply to the Supreme Court for compensation for loss or damage suffered as a result of the contravention.	CEO
86ZM(7)	Confidential information The power pursuant to Section 86ZM(7) of the Act to, in connection with the operation of Section 86ZM of the Act, develop and maintain a policy to ensure that confidential information obtained by the Council is not disclosed or used except as authorised by Section 86ZM of the Act.	CEO
86ZN	Access by agreement The power pursuant to Section 86ZN of the Act to enter into an access contract with another person on terms and conditions agreed between the parties.	CEO
86ZR(2)	Review of Part The power pursuant to Section 86ZR(2) of the Act to make written submissions to the regulator on the matters under review.	CEO

9.2 Draft Food Regulations 2017

This is a new proposal, concept or issue.

Manager: Ian Hawkins, Manager Community Safety
Report Author: Nicole Moore, Team Leader Community Health
Contact Number: 8384 0608
Attachments: 1. Draft Council submission in response to SA Health consultation on the Draft *Food Regulations 2017* (2 pages)

1. Purpose

This report provides information in response to SA Health's consultation on their draft *Food Regulations 2017*.

2. Recommendation

That Council endorse the attached draft submission in response to SA Health's consultation on the draft *Food Regulations 2017* as contained in attachment 1 to the agenda report.

3. Background

The *Food Regulations 2002* (the Regulations) under the *Food Act 2001* legally adopt the provisions of the Australia New Zealand Food Standards Code to ensure that the same composition and labelling laws apply to food sold in South Australia as well as nationally.

The Regulations also set out other specific requirements for South Australia including notification of food businesses and kilojoule labelling in fast food restaurants.

As a consequence of normal legislative processes, the Regulations under the *Food Act 2001* must be remade by 1 September 2017. As part of the review of the Regulations, two operational changes are proposed, along with technical and consequential amendments that have no impact on the operation of the Regulations.

The changes being proposed include:

Amendment to the maximum Inspection Fee (Regulation 11)

Regulation 11 enables local councils to impose an inspection fee to carry out food safety inspections to ensure businesses comply with the food safety requirements set out in the Australia New Zealand Food Standards Code. The Regulations outline the maximum fee that can be charged for these inspections.

In 2002, the Regulations set the maximum inspection fee that may be charged at \$80 for small businesses (less than 20 FTE employees handling food) and \$200 for large food businesses.

Normal CPI indexing was not applied to these fees until 2014, while other similar regulatory fees were indexed, resulting in 12 years of missed gradual increases.

The draft Regulations propose to increase these fees to reflect this missed annual indexing.

Food Regulations	2002	2017
	Current maximum fee	Proposed new maximum fee
Small business (20 > FTE)	\$85.50	\$118
Large business	\$214	\$294

Council determines the fee it will charge annually, via our fees and charges. 2016-17 fees and charges set a food business inspection fee of \$84 for small businesses and \$209 for large businesses.

Definition of game meat (Regulation 12)

Regulation 12 defines what meat products may be sold for human consumption. Currently South Australia legally defines game meat in a way that is inconsistent with the bi-national definition in the Australia New Zealand Food Standards Code (the Code). In order to simplify business operations across state boundaries it is proposed to change the definition of game meat to align with the definition in the Code.

Current definition SA Food Regulations game meat	Proposed new definition The Food Standards Code game meat definition (Standard 1.6.2: section 7)
Goat, rabbit, hare, kangaroo, wallaby or bird that has not been confined or husbanded in any way. Meat is defined as the flesh of an animal.	The whole or part of the carcass of any bird, buffalo, camel, deer, donkey, goat, hare, horse, kangaroo, rabbit, pig, possum or wallaby that has been slaughtered in the wild state, but does not include avian eggs, foetuses, parts of foetuses or pouch young.

Administrative amendments

A number of minor administrative changes have also been made to the Regulations which do not have any impact on Council.

4. Financial Implications

The changes to the Regulations provide council with the opportunity to increase food business inspection fees beyond the current maximum fees set by the *Food Regulations 2002*. Any increase in fees would be made through the annual fees and charges process in line with the cost incurred by Council to inspect food businesses.

5. Risk and Opportunity Management

Risk	
Identify	Mitigation
Communication to Food Businesses in relation to the increase in fees. Food Business owners may become frustrated with the Environmental Health Officer during the inspection.	The increase in fees will be gradual process and information in relation to this must be managed.

Opportunity	
Identify	Maximising the opportunity
Financial	Food Inspection fees are able to be increased in line with the cost incurred by the council to inspect food businesses.

Attachment 1

City of Onkaparinga's submission in response to SA Health consultation on the draft Food Regulations 2017

The following submission sets out our Council's position in relation to the draft Regulations.

The *Food Regulations 2002* (the Regulations) under the *Food Act 2001* (the Act) must be reviewed and remade by 1 September, 2017. As part of the review of the Regulations, two operational changes are proposed, along with technical and consequential amendments that have no impact to the council on the operation of the Regulations.

Regulation 11 – Inspection fee

Council supports the changes to Regulation 11 (Regulation 13 of the draft 2017 Regulations)

Regulation 11 has increased the maximum inspection fee from \$85.50 to \$118 for small businesses (less than 20 FTE employees handling food) and from \$214 to \$295 for other business.

	Current (2016/17) maximum fee	Proposed new fee
Small business (20 < FTE)	\$85.50	\$118
Large business	\$214	\$294

In 2002, the Regulations set the maximum inspection fee that may be charged at \$80 for small businesses (less than 20 FTE employees handling food) and \$200 for other food businesses. Normal CPI indexing was not applied to these fees until 2014, while other similar regulatory fees were indexed, resulting in 12 years of 'missed' gradual increases. It is therefore proposed to increase these fees through amendment of the Regulations to reflect this missed annual indexing.

Currently, the City of Onkaparinga charges \$84 for small businesses and \$209 for larger businesses. The changes to the Regulations, means that we can now continue to apply CPI indexation each year to the inspection fee until the proposed maximum is reached.

We also understand that the new fee will be indexed annually in the same way that other statutory fees and charges are amended ie. *SA Public Health (Wastewater) Regulations 2013*.

Regulation 12 – Specific provision in relation to meat

Council supports the changes to Regulation 12 (Regulation 14 of the draft 2017 Regulations)

Regulation 12 defines what meat products may be sold for human consumption. Currently South Australia legally defines game meat in a way that is inconsistent with

the bi-national definition in the Australia New Zealand Food Standards Code (the Code). In order to simplify business operations across state boundaries it is proposed to change the definition of game meat to align with the definition in the Code.

Current definition SA Food Regulations game meat	Proposed new definition The Food Standards Code game meat definition (Standard 1.6.2: section 7)
Goat, rabbit, hare, kangaroo, wallaby or bird that has not been confined or husbanded in any way. Meat is defined as the flesh of an animal.	the whole or part of the carcass of any bird, buffalo, camel, deer, donkey, goat, hare, horse, kangaroo, rabbit, pig, possum or wallaby that has been slaughtered in the wild state, but does not include avian eggs, fetuses, parts of fetuses or pouch young.

Removal of Transitional Provisions

These regulations provided information for food businesses in regards to the transition to the *Food Act 2001*, which was introduced in 2003. These transitional provisions are now out-dated and hence are no longer required within the Regulations.

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9.3 Representation Review 2016

This is a regular or standard report.

Manager: Desma Morris, Manager Governance
Report Author: Therese Brunotte, Senior Governance Officer
Contact Number: 8301 7228
Attachments: 1. Representation Review Supplementary Options Paper (17 pages)

1. Purpose

The report provides the Representation Review Supplementary Options Paper, which will be the subject of a three (3) week public consultation, for Council consideration and adoption.

2. Recommendation

That the draft Representation Review Supplementary Options Paper included as attachment 1 to the agenda report, be approved for public consultation.

3. Background

A Representation Review is held to examine all aspects of a Council's composition and ward structure. It is a formal process that is closely regulated by the *Local Government Act 1999 (Act)* and is required to be conducted at least every eight years.

In accordance with the Act a Representation Options Paper was developed for the first phase of community consultation, which outlined the issues to be considered as part of the review and provided information about the advantages and disadvantages of those options.

At the conclusion of the six week consultation period we had received 197 submissions from the public and these were considered at the Special Council meeting on 4 October 2016, where it was resolved in part:

'2. That Council determine the proposal to be developed for the second phase of consultation be:

5 wards / 3 elected members per ward structure with the names of the wards to be determined and popularly elected mayor.'

At Council's meeting of 18 October 2016 the resolution of 4 October 2016 was rescinded and the following was resolved:

2. That Council determine the proposal to be developed for the second phase of consultation be:

6 wards / 2 elected members per ward structure with the names of the wards to be determined and popularly elected mayor.'

The draft Representation Review 2016 Proposal developed from the resolution of 18 October 2016 was considered at the Council meeting of 8 November 2016, and

again at the Council meeting of 29 November 2016 (adjourned from 8 November). Council resolved not to go ahead with the Representation Review 2016 Proposal at this stage and resolved the following action:

2. *That Council conduct a further three weeks of consultation to determine the proposal to be developed for the second phase of consultation from the following two options:*

6 wards / 2 elected members per ward structure with the names of the wards to be determined and popularly elected mayor.

and

5 wards / 3 elected members per ward structure with the names of the wards to be determined and popularly elected mayor.

4. Financial Implications

Funding of \$50,000 for consultant fees and advertising has been allocated in the budget for 2016-17 financial year.

Additional costs have been incurred as a result of the supplementary work required **outside of the consultant's original project brief** and for an additional round of consultation. The estimated additional costs of \$7,000 are not expected to exceed the allocated budget.

5. Risk and Opportunity Management

Risk	
Identify	Mitigation
<p>Legislative Compliance</p> <p>Section 12(19) of the <i>Local Government Act 1999</i> allows for a fine to be imposed (maximum of \$2,500) if a council fails to complete a review within the time specified by the State Electoral Commission. In addition Section 12(20) affords the Electoral Commissioner the power to give effect to a proposal that could have been carried into effect by the Council should the specified deadlines not be met. This effectively means that another party (such as the Minister) has the power to make the decision on the future composition of the City of Onkaparinga that would apply for the 2018 election cycle.</p>	<p>The Acting Electoral Commissioner has been verbally advised of Council's decision to consult on a supplementary options paper.</p> <p>Council requested that a supplementary options paper be prepared for an additional round of community consultation as there was no definitive support for either of the two options preferred by Council:</p> <ul style="list-style-type: none"> • six wards/two councillors per ward – total of 12 ward councillors or • or five wards/three councillors per ward – total of 15 ward councillors. <p>Council considers that it is important and prudent to further consult with the local community regarding the future composition and structure of Council, with the view to ascertaining the level of community support for the options being considered by Council.</p>

<p>If statutory requirements are not met certification by the electoral commissioner of Council's final proposal may be put at risk.</p>	<p>Continue to ensure legislative requirements are met, such as:</p> <ul style="list-style-type: none"> • Proper consideration of representation principles and matters outlined in the <i>Local Government Act 1999</i>. • Preparation of a Representation Options Paper and Representation Review Report. • Timely placement of public notices.
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Opportunity	
Identify	Maximising the opportunity
<p>Promote community confidence in Council's awareness of the importance of fair and equitable community representation.</p>	<p>Undertaking a comprehensive review taking into account principles set out in the <i>Local Government Act 1999</i> in particular:</p> <ul style="list-style-type: none"> • Changes should benefit ratepayers • Arrangement should reflect communities of interest, values and aspirations, and avoid significant dislocations within the community. • Community members should be able to participate effectively in decisions about local matters. <p>Other matters taken into consideration are:</p> <ul style="list-style-type: none"> • There is an appropriate level of elector representation within the wards and across the council area • That there are sufficient elected members available to manage the affairs of Council • A diversity in members experience, expertise, opinions and backgrounds is maintained, where possible • A reduction in numbers will result in cost savings • A reduction in numbers could serve to expedite the decision making process in Council.
<p>Promote the opportunity for the community to provide feedback during consultation periods.</p>	<ul style="list-style-type: none"> • Public notices in the Government Gazette and Messenger Newspapers • Information provided via Onkaparinga News and standalone advertisements in Messenger Newspapers • Notice to community groups, community forums, resident groups, boards of

	<p>community centres and business associations</p> <ul style="list-style-type: none"> • Web site • Facebook and twitter • On-hold messages • Community Centres/Libraries/Council office posters • Roadside banners in four key locations throughout the city. • Copies of the Representation Review Options Paper and feedback form available online or in hard copy at all our council offices • Representation Review Supplementary Options paper and feedback available to elected members for promotion and distribution within their communities.
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6. Additional information

The draft Representation Review Supplementary Paper will be subject to a (3) week public consultation period which is proposed to occur from 9 February 2017 to 3 March 2017.

Following the consultation period Council will be required to prepare a report which responds to the submissions and sets out the details of the proposal that the Council considers should be carried into effect. This report will be subject to a further three (3) weeks public consultation as required by legislation.

Following this consultation period members of the public who have responded will be invited to address a Special Council meeting in support of their submissions.

Taking all of the information into consideration, the Council will make a decision about the future elector representation for the City of Onkaparinga and a report will then be prepared for the State Electoral Office for certification.

Schedule

A revised timetable for the Representation Review process is set out below.

Action	Date
Consultation period 3 weeks.	February 2017
Elected member session/Special Council Meeting to present and consider options and issues and any public submissions to determine what proposal is to be developed for the second phase of public consultation.	March 2017
Council to adopt Representation Review Report.	April 2017
Consultation period (Local Government Act requires minimum of 3 weeks)	April/May 2017
Members briefing on public consultation and submission hearings at Special Council Meeting.	June 2017

Consultant to finalise report informed by public consultation and submission hearings ensuring all of the prescribed statutory requirements have been met.	June 2017
Council Meeting - Council adopts final proposal for future composition and structure. Council approval to submit Report to Electoral Commissioner.	July 2017
Submit Representation Review Report to Electoral Commission for certification.	July/August 2017

ELECTOR REPRESENTATION REVIEW • JANUARY
2017

Supplementary Options Paper



Prepared for the City of Onkaparinga by C L Rowe and Associates Pty Ltd, January 2017 (Version 1)

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1. Introduction

Section 12(4) of the *Local Government Act 1999* (the Act) requires each council to undertake a review of all aspects of its composition and the division (or potential division) of the council area into wards.

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

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

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

Council has conducted its current review in accordance with the process prescribed under Section 12 of the Act, and to date the elected members have agreed, in principle, that the principal member of Council continue to be a mayor elected by the community; and that the number of elected members be reduced. However, the elected members have reached an impasse in respect to the future composition and ward structure of Council. The support of the elected members is evenly divided between a structure comprising the elected mayor, twelve ward councillors and a ward structure with six wards (i.e. two ward councillors per ward), and an alternative structure comprising the elected mayor, fifteen ward councillors and a ward structure with five wards (i.e. three ward councillors per ward).

The purpose of this additional consultation stage and Supplementary Options Paper is to present details of the two options currently being considered by the elected members, and to seek input from the eligible electors as to their preferred future ward structure/composition option.

It should be noted that once Council identifies its preferred future composition and structure (by a majority vote of the elected members), a Representation Review Report will be prepared in accordance with the requirements of Section 12(8a) of the Act. This report will be presented to the community, for consideration and comment, during the second of the prescribed public consultation stages. It will:

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

2. Background

Council currently comprises an elected mayor and twenty ward councillors; and the council area is divided into five wards, with each of the wards being represented by four ward councillors. This structure, which was adopted by Council during the elector representation review which was undertaken in 2008-2009, came into effect at the 2010 local government elections.

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

Table 1: Elector data per ward and variance to quota

Ward	Councillors	H of A Roll	Council Roll	Electors	Ratio	% Variance
Wine Coast	4	23,155	69	23,224	1:5,806	- 3.1
Mid South Coast	4	25,301	17	25,318	1:6,330	+ 5.6
Knox	4	22,997	14	23,011	1:5,753	- 4.0
Pimpala	4	23,942	7	23,949	1:5,987	- 0.1
Thalassa	4	24,368	15	24,383	1:6,096	+ 1.7
Total	20	119,763	122	119,885		
Average					1:5,994	

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

Council commenced its elector representation review in March 2016 and completed the initial six (6) week public consultation period on Friday 16 September 2016. In total 197 individual submissions were received.

Of the submissions received:

- 152 of 190 (80.0%) favoured the retention of an elected mayor
- 160 of 191 (83.8%) favoured the retention of a ward structure
- 62 of 152 (40.8%) favoured a ward structure comprising five wards, 46 (30.3%) favoured four wards and 30 (19.7%) favoured six wards
- 156 of 190 (82.1%) favoured a reduction in the number of councillors, with 80 (42.1%) specifically favouring a reduction to twelve councillors, 26 (13.7%) favoured ten councillors and 22 (11.6%) favoured fifteen councillors.

At a special meeting held on the 4 October 2016 Council resolved (nine votes for/eight votes against, with three members being absent) as follows.

1. That Council note the submissions provided by members of the public in response to the first phase of consultation of the Representation Review 2016 which are summarised in attachment A to the Submissions Report (attachment 1 to the agenda report).
2. That Council determine the proposal to be developed for the second phase of consultation be: 5 wards / 3 elected members per ward structure with the names of the wards to be determined and popularly elected mayor.

3. *That a further report be provided to the Council at the meeting to be held on 8 November 2016 which includes the proposal document that will be the subject of the second phase of consultation in accordance with Section 12 (9) of the Local Government Act 1999.*

At its meeting on the 18 October 2016, Council formally resolved to rescind the resolution made on the 4 October 2016. This vote of the elected members was initially tied (nine votes for/nine votes against, with two members being absent), however, the motion was carried on the casting vote of the Mayor. At the same meeting Council resolved as follows.

1. *That Council note the submissions provided by members of the public in response to the first phase of consultation of the Representation Review 2016 which are summarised in attachment A to the Submissions Report (attachment 1 to the agenda report).*
2. *That Council determine the proposal to be developed for the second phase of consultation be:
6 wards / 2 elected members per ward structure with the names of the wards to be determined and popularly elected mayor.*
3. *That a further report be provided to the Council at the meeting to be held on 8 November 2016 which includes the proposal document that will be the subject of the second phase of consultation in accordance with Section 12 (9) of the Local Government Act 1999.*

The elector representation review was listed for further discussion at the Council meeting held on the 8 November 2016; however, the matter was adjourned.

On the 29 November 2016 Council considered a draft of the Representation Review Report, this being a report to be presented to the community during the second of the prescribed public consultation stages of the review process. The purpose of the report is to provide information pertaining to the initial public consultation undertaken and Council's response to the issues raised; set out the proposal that Council considers should be carried into effect; and present an analysis of how Council's proposal relates to the relevant provisions and principles of the Act.

The majority of elected members were of the opinion that the document did not truly reflect the fact that there was no definitive support for either of the two options preferred by the elected members, these being six wards/two councillors per ward (i.e. a total of twelve ward councillors) and five wards/three councillors per ward (i.e. a total of fifteen ward councillors). The elected members also considered that it was important and prudent to further engage and consult with the local community over the issue of the future composition and structure of Council, with the view to ascertaining the level of community support for the options being considered by Council. Accordingly, a motion to endorse the draft Representation Review Report for public consultation was lost (nine votes for/eleven votes against). Further, a motion to rescind the aforementioned motion of the 18 October 2016 was carried (eleven votes for/seven votes against, with two members being absent); and the following alternative motion was carried (eleven votes for/seven votes against, with two members being absent).

1. *That Council note the submissions provided by members of the public in response to the first phase of consultation of the Representation Review 2016 which are summarised in attachment A to the Submissions Report (attachment 1 to the 8 November 2016 agenda report).*
2. *That Council conduct a further three weeks of consultation to determine the proposal to be developed for the second phase of consultation from the following two options:
6 wards / 2 elected members per ward structure with the names of the wards to be determined and popularly elected mayor.
and
5 wards / 3 elected members per ward structure with the names of the wards to be determined and popularly elected mayor.*

This document has been prepared in accordance with the Council resolution of the 29 November 2016.

It should be noted that Council is, at this time, only seeking feedback from the local community in respect to the two options presented herein. Other relevant issues, such as the principal member (i.e. an elected mayor or selected chairperson); area councillors in addition to ward councillors; and ward identification/titles, will be further considered by Council at the next stage of the review process.

3. Composition and Ward Structure Options

The City of Onkaparinga has the second highest number of elected members of all councils in the nation, behind only the Brisbane City Council which covers approximately 1,367 km²; comprises 26 councillors; is divided into 26 single-councillor wards; and exhibits an elector ratio of approximately 1:28,650 (as at March 2016).

The current composition of Council is a legacy of the creation of the City of Onkaparinga in 1997 through the amalgamation of the then City of Noarlunga, City of Happy Valley and District Council of Willunga. Collectively, at the time of amalgamation these councils incorporated 17 wards and comprised 38 elected members and 92,178 electors (as per the House of Assembly Roll only). When the City of Onkaparinga came into effect on the 1 July 1997, Council comprised an elected mayor and 20 ward councillors; and the Council area was divided into nine (9) wards.

The City of Onkaparinga still comprises an elected mayor and 20 ward councillors; exhibits an elector ratio of approximately 1:5,994; and is divided into five wards, with each ward being represented by four ward councillors

Of the submissions received during the initial public consultation, 156 (82.1%) favoured a reduction in the number of councillors. Of these 80 (42.1%) favoured a reduction to 12 councillors, 26 (13.7%) favoured a reduction to 10 councillors, and 22 (11.6%) favoured a reduction to 15 councillors.

Further, of the submissions received which specifically indicated a preference for a particular number of wards, 62 (40.8%) favoured five wards, 46 (30.3%) favoured four wards and 30 (19.7%) favoured six wards. The latter two options, which account for 76 submissions (50%), favoured a ward structure which could accommodate 12 councillors with equal representation within the proposed wards.

It should also be noted that:

- Section 33(1)(f) of the Act indicates: *"the need to ensure adequate and fair representation while at the same time avoiding over-representation in comparison to other councils of a similar size and type (at least in the longer term)";*
- Section 26(1)(xi) of the Act states *"residents should receive adequate and fair representation within the local government system, while over-representation in comparison with councils of a similar size and type should be avoided (at least in the longer term)"; and*
- Section 12(6)(a) of the Act requires that where a council is constituted of more than twelve (12) members, the question of whether the number of members should be reduced must be examined.

Based on the submissions received; the aforementioned requirements of the Act; and the information and advice provided, Council has agreed (in principle) to retain wards but reduce the number of councillors. However, the elected members of Council cannot reach consensus at this time over the number of elected members required to provide fair and adequate representation to the community, and this in turn impedes the identification of an appropriate ward structure. Notwithstanding this

situation, Council has narrowed its preference to two composition/ward structure options which are presented hereinafter for consideration and comment.

In its assessment of these options Council took into account a number of factors including:

- the stated preferences of the community
- the character and topography of the area
- the likely impacts upon existing communities of interest
- the preferred level of ward representation and the total number of elected members
- future anticipated population/elector growth
- the need for an equitable distribution of electors between wards
- the requirement that the elector ratios within all of the proposed wards (i.e. the average number of electors represented by a councillor) will have to lay within the specified quota tolerance limits.

Council was also aware that:

- of the South Australian metropolitan councils, the City of Onkaparinga currently has the highest number of elected members (i.e. 20 ward councillors) and electors (119,885); covers the largest area (518km²); and has the second highest elector ratio (1:5,994); and
- by contrast, the interstate councils which are of a similar size (in terms of elector numbers) to the City of Onkaparinga have significantly fewer elected members (i.e. nine to twelve councillors), generally cover similar or smaller areas, and exhibit elector ratios which are in the range of 1:10,000 – 1:12,600.

The task now before Council and the local community is to determine an acceptable level of elector representation and to identify an appropriate ward structure which best suits the proposed number of councillors and the community of the City of Onkaparinga.

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

- sufficient elected members are available to manage the affairs of Council
- the elected member's workloads do not become excessive
- there is an appropriate level of elector representation within the wards and across the Council area
- a diversity in member's skill sets, experience, expertise, opinions and backgrounds is maintained (where possible) to ensure robust discussion amongst the elected members
- adequate lines of communication continue to exist between a growing community and Council.

Further, it should also be noted that:

- a reduction in the number of elected members will result in considerable cost savings (e.g. elected members' allowances alone are \$21,500 per annum per councillor), with any resulting savings being available for redirection to community projects and/or programs
- a reduction in the number of elected members could serve to expedite the decision making process in Council, given the potential for fewer participants in discussions and/or a reduction in the incidence of similar opinions and/or points of view being expressed
- enhanced communication and information technology may reduce difficulties previously experienced by elected members in respect to their day to day tasks and communication with both Council and the community, however, being more accessible to the community can also serve to increase the workloads of the elected members.

Whilst Council believes that it is important to maintain the quality of representation that has long been experienced and expected by the local community, it is confident that this can be achieved by a reduced number of elected members (to be determined) with resultant significant and on-going financial benefits to the community.

The following ward structure/composition options are presented to the community for consideration and comment. It should be noted that these are only examples of how the Council area can be divided into wards based on a total of 12 and 15 ward councillors. Council's final preferred ward structure (with amended elector numbers where relevant) will be presented in the upcoming Representation Review Report.

3.1 Option A – Six wards/two councillors per ward (Twelve ward councillors)

3.1.1 Description

Ward 1: Comprising the suburbs of Reynella, Lonsdale, O'Sullivan Beach, Christies Beach, Christie Downs, Noarlunga Centre, Port Noarlunga, Noarlunga Downs, Port Noarlunga South and Seaford Meadows.

Ward 2: Comprising the suburbs of Old Reynella and Morphett Vale.

Ward 3: Comprising the suburbs of Woodcroft, Reynella East, Happy Valley, O'Halloran Hill and Darlington.

Ward 4: Comprising the suburbs of Flagstaff Hill, Coromandel Valley, Coromandel East, Ironbank, Cherry Gardens, Aberfoyle Park, Chandlers Hill, Clarendon and Dorset Vale.

Ward 5: Comprising the suburbs of Kangarilla, Kuitpo, Onkaparinga Hills, Hackham West, Huntfield Heights, Hackham, Blewitt Springs, Old Noarlunga, Seaford Heights, McLaren Vale, McLaren Flat, The Range, Tatachilla, Willunga, Willunga South, Whites Valley and Sellicks Hill; and part of the suburb of Aldinga to the east of Main South Road.

Ward 6: Comprising the suburbs of Seaford, Seaford Rise, Moana, Maslin Beach, Port Willunga, Aldinga Beach and Sellicks Beach; and part of the suburb of Aldinga to the west of Main South Road.

3.1.2 Ward Representation

Ward	Councillors	Electors	Ratio	% Variance
Ward 1	2	21,343	1:10,672	+ 6.82
Ward 2	2	19,393	1:9,697	- 2.94
Ward 3	2	20,164	1:10,082	+ 0.92
Ward 4	2	19,769	1:9,885	- 1.06
Ward 5	2	19,027	1:9,514	- 4.77
Ward 6	2	20,189	1:10,095	+ 1.04
Total	12	119,885		
Average			1:9,990	

3.1.3 Comments

Two councillors per ward is a conventional elector representation arrangement; allows for the sharing of duties and responsibilities between the ward councillors; lessens the likelihood of ward parochialism; and affords continuous representation should one ward councillor be absent.

The reduction to 12 councillors could be considered to be extreme, but nearly half the current members believe that, based on their practical experiences as a councillor, Council could operate and perform effectively and efficiently with considerably less members.

The proposed reduction in the number of councillors to 12 will result in the elector ratio increasing to approximately 1:9,990. Whilst this will easily be the highest elector ratio in local government in South Australia (ahead of the City of Tea Tree Gully which currently exhibits an elector ratio of approximately

1:6,070), it will still be low in comparison to the elector ratios exhibited by similar sized (elector numbers) interstate councils.

The elected members are aware that there are numerous councils located in the capital cities of the other states which exhibit similar or greater numbers of electors than the City of Onkaparinga, yet operate with 12 or less elected members. Whilst it is acknowledged that no two council areas are the same, in terms of size (elector numbers and/or area), population, topography, communities of interest, character and/or predominant land uses, the following demonstrates that metropolitan councils in Melbourne, Perth and Sydney which are significant elector numbers seeming can function successfully with 12 or less councillors.

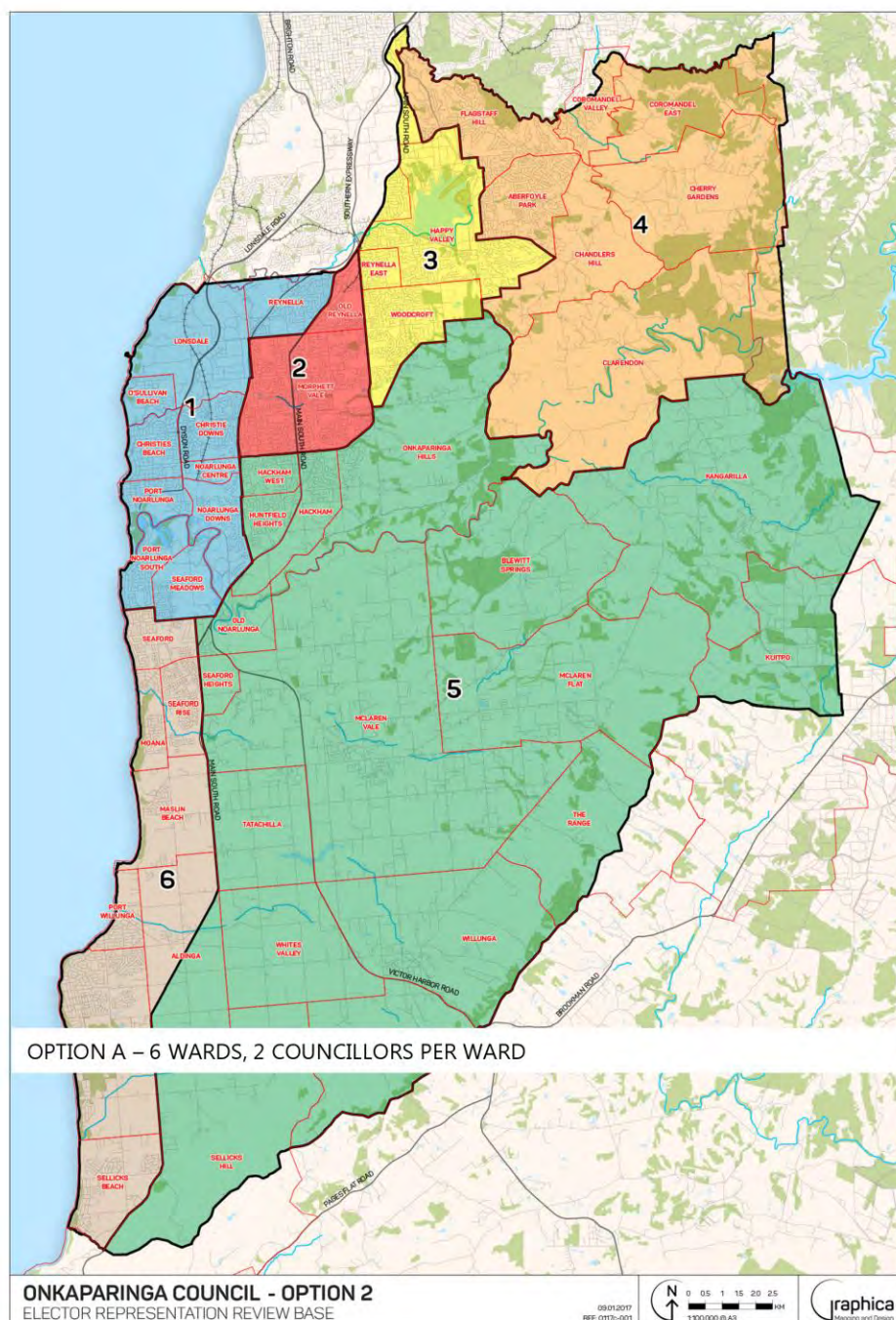
Table 1: Elector representation arrangements, various interstate councils (2016)

Council	Councillors	Electors	Ratio
Joondalup (WA – 99km ²)	12	107,681	1:8,973
Onkaparinga (518km²)	12*	119,885	1:9,990
The Hills Shire (NSW – 401km ²)	12	129,378	1:10,782
Fairfield (NSW – 102km ²)	12	132,414	1:11,035
Monash (Vic – 82km ²)	11	124,194	1:11,290
Moreland (Vic – 51km ²)	11	126,435	1:11,494
Glen Eira (Vic – 39km ²)	9	104,265	1:11,585
Whitehorse (Vic – 64km ²)	10	115,868	1:11,587
Frankston (Vic – 131km ²)	9	106,203	1:11,800
Hume (Vic – 503km ²)	11	134,257	1:12,205
Brimbank (Vic – 133km ²)	11	134,592	1:12,236
Darebin (Vic – 53km ²)	9	111,669	1:12,408
Boroondara (Vic – 60km ²)	10	125,742	1:12,574
Whittlesea (Vic – 490km ²)	11	140,236	1:12,749
Wyndham (Vic – 542km ²)	11	141,010	1:12,819
Knox (Vic – 114km ²)	9	116,335	1:12,926
Kingston (Vic – 91km ²)	9	118,354	1:13,150
Liverpool (NSW – 306km ²)	10	131,524	1:13,152
Sydney (NSW – 25km ²)	9	118,719	1:13,191
Melbourne (Vic – 37km ²)	9	133,801	1:14,867
Casey (Vic – 410km ²)	11	164,305	1:14,937

- Denotes proposed number of councillors. Source: NSW Electoral Commission (March 2016) Victorian Electoral Commission (2016 Election Results)

Apart from the suburb of Aldinga Beach, all other suburbs are contained (in their entirety) within a proposed ward; and all of the proposed ward boundaries align with long existing suburb boundaries and/or Main South Road.

Whilst the elector ratio exhibited in proposed Ward 1 is within the specified quota tolerance limit (as per the requirements of Section 33(2) of the Act), it is tending towards the upper prescribed limit. This being the case, proposed Ward 1 may not be capable of sustaining a significant increase in elector numbers over the coming years. This situation should improve if growth slows in the suburb of Seaford Meadows and/or increases in other parts of the council area. Alternatively, the proposed ward boundaries can be adjusted slightly so as to achieve a more equitable distribution of elector between the proposed wards.



3.2 Option B – Five wards/three councillors per ward (Fifteen ward councillors)

3.2.1 Description

Ward 1: The existing Knox Ward.

Ward 2: The existing Pimpala Ward.

Ward 3: The existing Thalassa Ward.

Ward 4: The existing Mid South Coast Ward.

Ward 5: The existing Wine Coast Ward.

3.2.2 Ward Representation

Ward	Councillors	Electors	Ratio	% Variance
Ward 1	3	23,224	1:7,441	- 3.1
Ward 2	3	25,318	1:8,439	+ 5.6
Ward 3	3	23,011	1:7,670	- 4.0
Ward 4	3	23,949	1:7,983	- 0.1
Ward 5	3	24,383	1:8,128	+ 1.7
Total	15	119,885		
Average			1:7,992	

3.2.3 Comments

Option B seeks to retain the existing ward structure but reduce the level of representation in each ward to three ward councillors. This level of ward representation still affords adequate lines of communication between the ward councillors and their ward constituents; easily covers the absenteeism of a ward councillor; provides greater flexibility in regards to accommodating any future fluctuations in elector numbers; should maintain elected member workloads at an acceptable level; and creates an arrangement which will allow a clear consensus of opinion to be reached amongst the three councillors in each ward.

Importantly, a reduction to 15 councillors will still result in considerable financial savings to Council and the community, but will enable a greater level of representation than that proposed under Option A.

In addition, the retention of the existing ward structure could be perceived as a sign of stability within Council, and the structure should be familiar to the local community.

The proposed reduction in the number of councillors to 15 will result in the elector ratio increasing to approximately 1:7,992. Like Option A, this will be the highest elector ratio in local government in South Australia. Notwithstanding this, Council is aware that there are a number of councils in Greater Metropolitan Sydney that are of a similar size or larger (in terms of elector numbers) to the City of Onkaparinga which seemingly function adequately with the same level of representation as that being proposed (i.e. 15 councillors), even with significantly high elector ratios. Details of these councils are provided in the following table.

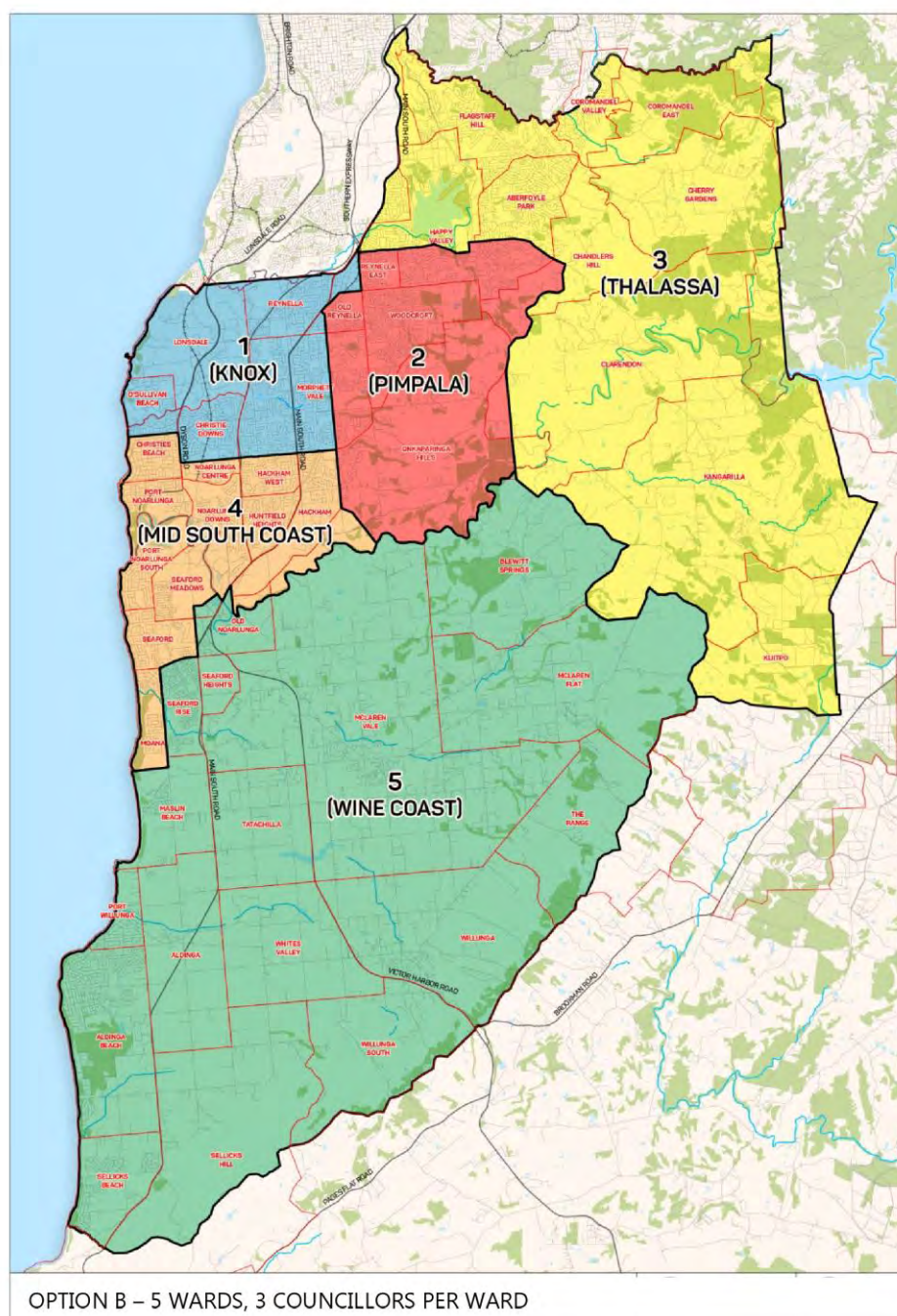
Table 2: Various councils within Greater Metropolitan Sydney comprising 15 councillors.

Council	Councillors	Electors	Ratio
Campbelltown (NSW – 312km ²)	15	105,844	1:7,059
Parramatta (NSW – 82km ²)	15	109,525	1:7,302
Onkaparinga (518km²)	15*	119,885	1:7,992
Penrith (NSW – 405km ²)	15	135,338	1:9,023
Sutherland (NSW – 370km ²)	15	164,705	1:10,947
Blacktown (NSW – 247km ²)	15	212,694	1:14,180

- Denotes proposed number of councillors

Source: NSW Electoral Commission (March 2016)

The elector numbers in proposed Ward 2 are a little high and, as such, the ward may not be capable of sustaining significant elector growth. As is the case with the ward structure depicted as Option A, the elector ratio within proposed Ward 2 may decrease as elector numbers increase elsewhere across the Council area; and/or a slight adjustment can be made to the proposed ward boundary so as to achieve a better distribution of electors between the proposed wards.



4. Review Process

The next stage of the review process, as specified under Section 12(8a) of the Act, involves Council preparing a Representation Review Report which will:

- provide information regarding the initial public consultation undertaken and Council's response to the issues arising from the submissions received
- set out the proposal that Council considers should be carried into effect
- present evidence of how the proposal relates to the provisions of Sections 26 and 33 of the Act.

Once completed, the report has to be presented to the community for consideration and comment, in accordance with the provisions of Section 12(9) and (10) of the Act. This second public consultation stage must:

- extend for a minimum period of three (3) weeks;
- provide copies of the report for public inspection
- afford all interested persons the opportunity to make a written submission to Council.

Any person who makes a written submission will be given the opportunity to address Council, either in person or by way of a representative, in support of his/her submission.

Upon completion of the second public consultation, and after due consideration of all submissions received in response thereto, Council will be in a position to make final decisions regarding its future composition and structure. The final stage of the review process is the presentation of a formal report to the Electoral Commissioner, for consideration and certification.

5. Current Public Consultation

Interested persons are invited to make a written submission to Council in respect to this report, and more specifically the two options which Council is currently considering in respect to its future composition and structure.

Submissions will be accepted until 5.00pm on the (Insert date) 2017 and should be addressed to the Chief Executive Officer, PO Box 1, Noarlunga Centre 5168 or emailed to mail@onkaparinga.sa.gov.au.

Further information regarding the elector representation review can be obtained by contacting Therese Brunotte, Senior Governance Officer, on telephone 8384 0666 or emailing mail@onkaparinga.sa.gov.au.

10. Nominations to external bodies

10.1 Nomination for local government member on the State Records Council

This is a regular or standard report.

Manager: Desma Morris, Manager Governance

Report Author: Sue Hammond, Governance Officer

Contact Number: 8384 0747

Attachments: 1. LGA circular 1.4 – Nominations sought for the State Records Council (3 pages)

1. Purpose

This report seeks Council to nominate Cr Heather Merritt to the Local Government Association as a candidate for a local government member on the State Records Council.

2. Recommendations

That Council nominate Cr Merritt to the Local Government Association as a candidate for a local government member on the State Records Council.

3. Background

The Local Government Association (LGA) have called for nominations for a local government member on the State Records Council for a term commencing immediately and expiring on 22 November 2019.

An article was placed in Weekly News on 6 January 2017 advising members that nominations were being sought via LGA Circular 1.4 (attachment 1).

Cr Merritt has expressed an interest in being nominated as a candidate.

Nominations from Councils must be forwarded to the LGA by close of business on 14 February 2017.

4. Financial Implications

There are no financial obligations for council associated with the nomination.

5. Risk and Opportunity Management

Opportunity	
Identify	Maximising the opportunity
Increased exchange of information between the City of Onkaparinga and the State Records Council.	If an elected member from the City of Onkaparinga is elected to the State Records Council, they would be well positioned to facilitate the exchange of information and ideas between the two organisations.

6. Additional information

Established under the *State Records Act 1997* the State Records Council has the functions of providing advice to the Minister or Director of State Records with respect to policies relating to record management or access to official records as well as to approve determinations made by the director of State Records relating to the disposal of official records.

Appointment is for a term of just under three years, commencing immediately and expiring 22 November 2019. The LGA was most recently represented by Ms Jane Fetherstonhaugh (District Council of Grant) whose term expired on 22 November 2016.

The current approved fee structure for payment to members is \$206 per session (2-4 hours duration) plus \$51.50 per hour for every hour of preparation time beyond the third hour.

The State Records Council meets every two months on a Tuesday at State Records, Pirie Street, Adelaide.

Circulars



Nominations sought for the State Records Council - Circular 1.4

To

**Chief Executive Officer
Corporate Services Staff
Elected Members
Governance Officers**

Date

4 January 2017

Contact

Jacqui Kelleher
Email: jacqui.kelleher@lga.sa.gov.au

Response Required

No

Summary

State Records of SA has written to the LGA requesting nominations for a local government member on the State Records Council for a term commencing immediately. Nominations must be forwarded to the LGA by COB 14 February 2017.

The State Records Council is pursuant to the [State Records Act 1997](#).

The role of the State Records Council is to provide advice to the Minister or Director of State Records with respect to policies relating to record management or access to official records as well as to approve determinations made by the Director of State Records relating to the disposal of official records. The terms of reference are set out in Part 4 of the Act.

The appointment to the State Records Council will be for a period of just under three years, commencing immediately and expiring 22 November 2019. The LGA was most recently represented by Ms Jane Fetherstonhaugh (District Council of Grant) whose term expired on 22 November 2016.

The current approved fee structure for payment to members is a fee of \$206 per session (2-4 hours duration) plus \$51.50 per hour for every hour of preparation time beyond the third hour.

The State Records Council meets every two months on a Tuesday. Meetings will be held at State Records, Pirie Street, Adelaide.

LGA nominations on outside bodies will, unless determined otherwise by the LGA Board or Executive Committee be currently serving council members or council staff. To view the LGA Nominations to Outside Bodies Policy [click here](#).

Nominations addressing the Selection Criteria provided in [Part A](#) for the State Records Council must be forwarded by councils to lgasa@lga.sa.gov.au using the attached [Part B](#) by close of business, Tuesday 14 February 2017. In addition to the Part B, the Department of Premier & Cabinet requires up to date fulsome CV's of candidates. Councils must provide these at the time of submitting nominations.

<http://www.lga.sa.gov.au/page.aspx?u=6736&t=uList&ulistId=0&c=74833>

17/01/2017

Circulars

Page 2 of 2

The LGA Executive Committee will consider nominations received at its meeting on Thursday 23 February 2017.

Nominations to Outside Bodies – Part A



Name of Body	State Records Council
Legal Status of Body	Council established under the State Records Act 1997
Summary Statement	The Council has the functions of: (a) approving determinations under the State Records Act 1997 relating to the disposal of official records; and (b) providing advice to the Minister or the Director, either on its initiative or at the request of the Minister or the Director, with respect to policies relating to record management or access to official records.
<p align="center"><u>SELECTION CRITERIA FOR MEMBERSHIP ON OUTSIDE BODIES</u> The following selection criteria must be addressed when completing Part B</p>	
Qualifications Required <i>(formal qualifications relevant to the appointment)</i>	No formal qualifications required.
Industry Experience	Relevant knowledge of records management issues as they impact on local government.
Board / Committee Experience	Relevant experience serving on high level intergovernmental boards or committees is highly desirable.
Key Expertise <i>(other relevant experience i.e. those requirements established for a Board/Committee under an Act)</i>	<ul style="list-style-type: none"> • Practical knowledge of and experience in local government, including processes, community consultation and the law as it applies to local government. • Experience in the administration of legislation, particularly the State Records Act 1997. • Knowledge of policies as they relate to matters of records management and access to official records.
<p align="center"><u>LIABILITY AND INDEMNITY COVER</u> The LGA requires that representatives on outside bodies be appropriately insured throughout the period of their appointment and seeks to collect details of the insurances provided by that organisation (on an annual basis)</p>	
Insurance information (Certificates of Currencies or equivalent) supplied by the Outside Body	Yes
Insurance Policies are Valid & Current	Yes

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11. Questions on notice

Nil.

12. Motions

12.1 Notice of Motion - Cr Jamieson - Witton Bluff Base Trail

Background

Port Noarlunga and Christies Beach were declared activity nodes within the Adelaide Metropolitan Coastal Park and it is clear from the Agenda of the 20th of April 2004 Council Policy Committee agenda that Council understood the importance of linking the two nodes together and were at that time responding to petitions from the residents.

Quote from the Agenda of the 24th April 2004 Council Policy Committee Meeting

"The development of stage 1 concept Plan will consider the findings of the significant community consultation work undertaken to date including two traffic studies, an urban design project, the Kurna contextual analysis, the Christies Beach Foreshore Redevelopment, Witton Bluff Cliff Stability Works and the Port Noarlunga Master plan. The project is also cognisant of relevant petitions presented to Council."

The basis of the base trail was started in 1984 with the Construction of the revetment wall that was built to protect Witton Bluff from the effects of the sea.

The distance from Christies Beach to Port Noarlunga is 1200m and with 900m of the trail (Beach Road to Anderson Ave) completed. That leaves only 300m that needs to be completed to reach Port Noarlunga.

In 2007 S.A. Planning at its Public Space Advisory Committee Meeting approved the funding for the remaining 300m.

Future Opportunities

One of the missing links in our Tourism strategy is the promotion of our magnificent Coastline. Our beaches, reefs and the Onkaparinga River are a key reason that individuals and families visit the City to partake in the aquatic activities and relax and enjoy the ambience.

The Witton Bluff Base trail linking Beach Road and Port Noarlunga will improve the accessibility of the two coastal activity centres further strengthening the attraction to backpackers and other tourists, increasing the vibrancy of the two major growth areas of the City of Onkaparinga and therefore creating the opportunity for small businesses to thrive year round. The sustainable economic growth in the two nodes will increase the number of Job opportunities for residents of the City of Onkaparinga

Witton Bluff Base Trail FAP stage1

In 2004 extensive public consultation was held as part of the planning for the Adelaide Metropolitan Coastal Park, Foreshore Action Plan stage 1 (FAP stage1) which was a planned to travel from Christie Creek to Beach Road Christies Beach and around Witton Bluff to the Witton Centre Port Noarlunga.

The results of that consultation were 92% of the respondents agreed to the necessary upgrades to connect Christies Beach and Port Noarlunga and 91% of

respondents endorsed the option to continue along with the base trail around Witton Bluff.

The completion of the Witton Bluff Base Trail was one of the top ten issues raised by the over 6,000 visitors to the Pop Up shop on Beach Road Christies Beach.

A petition tabled at the 24th of January 2017 signed by over 1,000 petitioners has called on the City of Onkaparinga to re-prioritise this **valued community Project** from the present low priority and bring forward the planning and designing of the Witton Bluff Base Trail from 2020+ and into the 2017/18 financial year.

Motion

That a report be presented to Council on the planning, design and construction of the Witton Bluff Base Trail and the completion of the Foreshore Access Plan Stage 1. The report should also address:

- **Bringing the time table of the planning and design of the Witton Bluff base trail forward to the 2017/18 budget**

That the report be presented to Council at the 21 March 2017 Council meeting.

13. Petitions

13.1 Witton Bluff Base Trail petition report

This is a receiving report for a petition.

Manager: Adam Mrotek, Manager Projects and Development Policy
Report Author: Matt Buckell, Team Leader Projects
Contact Number: 8384 0629
Attachments: 1. Petition (first 2 pages only)
2. Witton Bluff Base Trail City Wide Concept Map (1 page)

1. Purpose

A petition containing one thousand and eighty nine (1089) signatures has been received seeking reprioritisation of funding into 2016-17 for the completion of the Witton Bluff Base Trail between Christies Beach and Port Noarlunga.

2. Recommendations

- 1. That the petition be received.**
- 2. That the Witton Bluff Base Trail project be considered as part of Council's deliberations of item 12.1 of tonight's agenda.**
- 3. That the head petitioner be notified of Council's decision.**

3. Background

Witton Bluff Base Trail

The Witton Bluff Base Trail forms part of the State Government's Coast Park initiative and City of Onkaparinga's Foreshore Access Plan. The section around the base of Witton Bluff from Christies Beach to Port Noarlunga is approximately 1.37km long.

There is an existing unsealed trail along the cliff base for the majority of this section that does not currently meet Coast Park standards. A further approximately 350m section of coast has no trail and considerable design constraints to providing a shared-use path connection. There is an existing footpath connection along the Esplanade along the top of the cliff in this section, with the southern 300m being to Coast Park standards.

Foreshore Access Plan - Citywide Concept

The City of Onkaparinga's Foreshore Access Plan Citywide Concept reinforces the aims of the state government's Coast Park vision to enhance open space linkages, provide appropriately for both traffic and parking and ensure safe and convenient access for vehicles, pedestrians and cyclists. The Citywide Concept identifies and prioritises nine segments along the City of Onkaparinga's coast and has been progressively implemented since its inception in 2003.

FAP City Wide Review - 2013

On 2 April 2013 the FAP Citywide Concept review was presented to Council's Strategic Directions Committee. Due to the complexities with delivering a shared-use pathway at the base of Witton Bluff, this segment was identified as a low priority in the FAP Citywide Concept, which identified it for review and further consideration in 2020+. Council resolved on 9 April 2013 to approve the Foreshore Access Plan 2013 report and recommendations.

The Foreshore Access Plan Citywide Concept is reviewed every five years, with the next review scheduled for 2018. This timing was reconfirmed during an Elected member session on 9 August 2016.

4. Financial Implications

The FAP City Wide Concept identifies an estimated project cost of \$5,300,000 to develop the segment shown in attachment 2. This funding is currently identified as part of the Major Project Fund budget for Foreshore Access Plan Future Stages from 2020+. This allowance is based on the 2009 preliminary cost estimate of \$3.1 million, increased by 5% per annum to reflect increased construction costs to 2020. This budget allowance consists of \$2,650,000 Council funding, with \$2,650,000 matching income from external grant funding.

There is limited capacity in the Major Projects Fund and existing projects have already required retiming to reflect this. A decision to proceed with this project would require commencement of a considerable detailed design and technical investigation process preventing construction work (and associated expenditure) taking place in 2016-2017 as requested by the Petition.

5. Risk and Opportunity Management

Petitions provide a way of the public informing Council of their needs and concerns and/or to provide information that may assist or influence Council's decision.

Petition

To the Mayor and Councillors of the City of Onkaparinga

CITY OF ONKAPARINGA

16 JAN 2017

NOARLUNGA

Petition contact person: Jeanette Howell
Telephone: 0407 706 776
Address: P.O. Box 200 Port Noarlunga South Australia 5167
Email: waterfront@chariot.net.au
Date: 16th January 2017

The petition of: *(identify the individuals or group, eg 'residents of the City of Onkaparinga')*

Christies Beach Business and Tourism Association & Port Noarlunga Business and Tourism Association along with the residents of the City of Onkaparinga

Draws attention of the Council: *(identify the circumstances of the case)*

Witton Bluff Base Trail - Coast walk Petition

The petitioners therefore request that the Council: *(outline the action that the Council should or should not take)*

To reprioritize this valued Community Project to be funded through the Major Project Fund and include in the 2016 - 2017 works program for the completion of the Witton Bluff Base Trail between Christies Beach and Port Noarlunga

Name	Address	Signature

Once submitted to Council this petition will become a public document and may be published in a Council or Committee agenda

1

Doc:4408018

Witton Bluff Base Trail - Coastal Walk Petition

16 JAN 2017

Please sign this petition.

NOARLUNGA

The following signatures hereby petition the City of Onkaparinga to reprioritise this valued Community Project to be funded through the Mayor Projects Fund and include in the 2016- 2017 works program.

Enquiries to: Head Petitioners Jeanette Howell contact@waterfrontgroupstay.com

[illegible]

The City of Onkaparinga will respect the above details and apply the principles of the Privacy Act and not divulge any private information.

Return Completed Petition Sheets and pick up new ones from
MV2 Skate Shop 36 Beach Road Christies Beach SA 5165
Port Noarlunga Post Office 23 Gawler Street Port Noarlunga SA 5167

Enquiries to: Head Petitioner Jeanette Howell
contact@waterfrontgroupstay.com

Attachment 2

Map 3
 Witton Bluff base trail

Foreshore Access Plan Review 2013



CITY OF ONKAPARINGA

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- Existing shared use path (Coast Park)
- - - Future Coast Park shared use path (possible alignment)
- - - Possible on-beach pedestrian link
- Coast Park node (principal)
- Coast Park node (major)
- Coast Park node (local)
- Suburb Boundary

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14. Urgent business

15. Confidential items

Confidential Clause

If Council so determines items 15.1 to 15.4 may be considered in confidence under Section 90(2) of the *Local Government Act 1999* on grounds contained in the Recommendations below.



Alison Hancock
Chief Executive Officer (Acting)

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15.1 Notice of Motion - Cr Jamieson - Code of Conduct Investigation

1. That:

a. under the provisions of Section 90(2) of the *Local Government Act 1999* an order be made that the public, with the exception of staff on duty, be excluded from attendance at the meeting in order to consider this item in confidence.

b. the Council is satisfied that it is necessary that the public, with the exception of staff on duty, be excluded to enable the Council to consider the matter at the meeting on the following grounds:

Section 90(3)(a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);

Section 90(3)(g) matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;

Section 90(3)(h) legal advice;

Section 90(3)(i) information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council;

c. accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential.

3. That the matter of Notice of Motion – Cr Jamieson – Code of Conduct Investigation having been considered by the Council in confidence under sections 90(2) and 90(3)(a)(g)(h)and(i) of the *Local Government Act 1999* that an order be made under the provisions of sections 91(7)and (9) of the *Local Government Act 1999* that the Notice of Motion – Cr Jamieson – Code of Conduct Investigation and the minutes and the discussion of the Council and all documents related to the subject matter be kept confidential until the matter has been considered by Council.

4. That, pursuant to section 91(9)(a) of the *Local Government Act 1999*, Council delegates the duty to conduct an annual review of the confidentiality order to the Chief Executive Officer, or their sub-delegate.

5. That, pursuant to section 91(9)(c) of the *Local Government Act 1999*, Council delegates the power to revoke the confidentiality order to the Chief Executive Officer, or their sub-delegate.

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15.2 Tier 1 Event

1. That:

- a. under the provisions of Section 90(2) of the *Local Government Act 1999* an order be made that the public, with the exception of staff on duty, be excluded from attendance at the meeting in order to consider this item in confidence.**
- b. the Council is satisfied that it is necessary that the public, with the exception of staff on duty, be excluded to enable the Council to consider the report at the meeting on the following grounds:**

Section 90(3)(j) information the disclosure of which -

- (i) would divulge information provided on a confidential basis by or to Events South Australia in that information between the Council and Events South Australia relating to this Tier 1 event is requested by Events South Australia to remain confidential; and**
 - (ii) in addition, the disclosure of this information would, on balance, be contrary to the public interest;**
 - c. accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential.**
- 3. That the matter of Tier 1 Event having been considered by the Council in confidence under sections 90(2) and 90(3)(j) of the *Local Government Act 1999* that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* that the Tier 1 Event and the minutes and the report of the Council relating to discussion of the subject matter be kept confidential until 31 July 2017.**
 - 4. That, pursuant to section 91(9)(a) of the *Local Government Act 1999*, Council delegates the duty to conduct an annual review of the confidentiality order to the Chief Executive Officer, or their sub-delegate.**
 - 5. That, pursuant to section 91(9)(c) of the *Local Government Act 1999*, Council delegates the power to revoke the confidentiality order to the Chief Executive Officer, or their sub-delegate.**

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15.3 Audit, Risk, Value and Efficiency Committee meeting confidential minutes

1. That:

- a. under the provisions of Section 90(2) of the *Local Government Act 1999* an order be made that the public, with the exception of staff on duty, be excluded from attendance at the meeting in order to consider this item in confidence.
- b. the Council is satisfied that it is necessary that the public, with the exception of staff on duty, be excluded to enable the Council to consider the report at the meeting on the following grounds:

Section 90(3)(d) commercial information of a confidential nature (not being a trade secret) the disclosure of which:

- (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
- (ii) would, on balance, be contrary to the public interest;

- c. accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential.

3. That the matter of the Audit, Risk, Value and Efficiency Committee confidential minutes having been considered by the Council in confidence under sections 90(2) and (d) of the *Local Government Act 1999* that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* that the Audit, Risk, Value and Efficiency Committee confidential minutes and the minutes and the report of the Council relating to discussion of the subject matter be kept confidential until such time as with regard to:
 - a. information associated with the operational and financial performance of the Water Services Scheme, the Audit, Risk, Value and Efficiency Committee has concluded its consideration of this report
 - b. information associated with commercial arrangements for the Water Services Scheme presented in Section 6 of this report, until such time as commercial negotiations are finalised and agreements are executed.
4. That, pursuant to section 91(9)(a) of the *Local Government Act 1999*, Council delegates the duty to conduct an annual review of the confidentiality order to the Chief Executive Officer, or their sub-delegate.
5. That, pursuant to section 91(9)(c) of the *Local Government Act 1999*, Council delegates the power to revoke the confidentiality order to the Chief Executive Officer, or their sub-delegate.

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15.4 Strategic Directions Committee meeting confidential minutes

1. That:

- a. under the provisions of Section 90(2) of the *Local Government Act 1999* an order be made that the public, with the exception of staff on duty, be excluded from attendance at the meeting in order to consider this item in confidence.
- b. the Council is satisfied that it is necessary that the public, with the exception of staff on duty, be excluded to enable the Council to receive the information at the meeting on the following grounds:

Section 90(3)(d) commercial information of a confidential nature (not being a trade secret) the disclosure of which -
 - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
 - (ii) would, on balance, be contrary to the public interest.
- c. accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential.

3. That the matter of Strategic Directions Committee Confidential Minutes having been considered by the Council in confidence under sections 90(2) and 90(3)(d) of the *Local Government Act 1999* that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* that the Strategic Directions Committee Confidential Minutes and the minutes and the report of the Council relating to discussion of the subject matter be kept confidential until council has entered into a contractual agreement with SA Power Networks, with the exception of attachments 2, 3 and 5 to the Strategic Directions Committee meeting agenda report which are to be kept confidential until the Local Government Association has concluded its negotiations with SA Power Networks for a Facilities Access Agreement.
4. That, pursuant to section 91(9)(a) of the *Local Government Act 1999*, the Council delegates the duty to conduct an annual review of the confidentiality order to the Chief Executive Officer, or their sub-delegate.
5. That, pursuant to section 91(9)(c) of the *Local Government Act 1999*, the Council delegates the power to revoke the confidentiality order to the Chief Executive Officer, or their sub-delegate.

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16. Closure

Conflict of Interest Disclosure Form

CONFLICTS MUST BE DECLARED VERBALLY DURING MEETINGS

Councillor:

Date:

Meeting name:

Agenda item no:

1. I have identified a conflict of interest as:

MATERIAL ☐

ACTUAL ☐

PERCEIVED ☐

MATERIAL: Conflict arises when a councillor or a nominated person will gain a benefit or suffer a loss (whether directly or indirectly and whether pecuniary or personal) if the matter is decided in a particular manner. If declaring a material conflict of interest, Councillors must declare the conflict and leave the meeting at any time the item is discussed.

ACTUAL: Conflict arises when there is a conflict between a councillor's interests (whether direct or indirect, personal or pecuniary) and the public interest, which might lead to decision that, is contrary to the public interest.

PERCEIVED: Conflict arises in relation to a matter to be discussed at a meeting of council, if a councillor could reasonably be taken, from the perspective of an impartial, fair-minded person, to have a conflict of interest in the matter – whether or not this is in fact the case.

2. The nature of my conflict of interest is as follows:

(Describe the nature of the interest, including whether the interest is direct or indirect and personal or pecuniary)

3. I intend to deal with my conflict of interest in the following transparent and accountable way:

☐ I intend to **leave** the meeting

OR

☐ I intend to **stay** in the meeting *(complete part 4)*

4. The reason I intend to stay in the meeting and consider this matter is as follows:

(This section must be filled in. Ensure sufficient detail is recorded of the specific circumstances of your interest.)

and that I will receive no benefit or detriment direct or indirect, personal or pecuniary from considering and voting on this matter.

CONFLICTS MUST ALSO BE DECLARED VERBALLY DURING MEETINGS

Governance use only: Member voted FOR/AGAINST the motion.

Ordinary Business Matters

A **material, actual** or **perceived** Conflict of Interest does not apply to a matter of ordinary business of the council of a kind prescribed by regulation.

The following ordinary business matters are prescribed under Regulation 8AAA of the *Local Government (General) Regulations 2013*.

- (a) *the preparation, discussion, conduct, consideration or determination of a review under section 12 of the Act*
 - (b) *the preparation, discussion, adoption or revision of a policy relating to allowances and benefits payable to members if the policy relates to allowances and benefits payable equally to each member (rather than allowances and benefits payable to particular members or particular office holders)*
 - (c) *the preparation, discussion, adoption or alteration of a training and development policy under section 80A of the Act*
 - (d) *the preparation, discussion, adoption or amendment of a strategic management plan under section 122 of the Act*
 - (e) *the adoption or revision of an annual business plan*
 - (f) *the adoption or revision of a budget*
 - (g) *the declaration of rates (other than a separate rate) or a charge with the character of a rate, and any preparation or discussion in relation to such a declaration*
 - (h) *a discussion or decision of a matter at a meeting of a council if the matter—*
 - (i) *relates to a matter that was discussed before a meeting of a subsidiary or committee of the council*
 - (ii) *the relevant interest in the matter is the interest of the council that established the committee or which appointed, or nominated for appointment, a member of the board of management of the council subsidiary or regional subsidiary.*
- (2) ***For the purposes of section 75(3)(b) of the Act, a member of a council who is a member, officer or employee of an agency or instrumentality of the Crown (within the meaning of section 73(4) of the Act) will not be regarded as having an interest in a matter before the council by virtue of being a member, officer or employee.***

Engagement and membership with groups and organisations exemption

A member will not be regarded as having a conflict of interest **actual** or **perceived** in a matter to be discussed at a meeting of council **by reason only of**:

- an engagement with a community group, sporting club or similar organisation undertaken by the member in his or her capacity as a member; or membership of a political party
- membership of a community group, sporting club or similar organisation (as long as the member **is not** an office holder for the group, club or organisation)
- the member having been a student of a particular school or his or her involvement with a school as parent of a student at the school
- a nomination or appointment as a member of a board of a corporation or other association, if the member was nominated for appointment by a Council.

However, the member will still be required to give careful consideration to the nature of their association with the above bodies. Refer Conflict of Interest Guidelines.

For example: If your **only** involvement with a group is in your role as a Council appointed liaison as outlined in the Council appointed liaison policy, you will not be regarded as having a conflict of interest actual or perceived in a matter, and are NOT required to declare your interest.