

OPERATIONAL SERVICES COMMITTEE

Meeting held in the Conference Room, Operational Services Area, Level One of Civic Centre,
10 Watson Terrace, Mount Gambier, on Tuesday 10th November 2015 at 7.30 a.m.

MINUTES

- PRESENT: Cr I Von Stanke (Presiding Member)
Crs P Richardson, F Morello and D Mutton
- APOLOGIES: Cr Mutton moved the apology received from Mayor A Lee and
Cr C Greco be accepted.
Cr Richardson seconded Carried
- COUNCIL OFFICERS: Chief Executive Officer, Mark McShane
Director Operational Services, Daryl Sexton
Engineering Manager, Daryl Morgan
Manager Business & Strategic Planning, Tracy Tzioutziouklaris
Administration Officer - Operational Services, Sarah Moretti
- COUNCIL MEMBERS
AS OBSERVERS: Nil

WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR INDIGENOUS PEOPLES HAVE WITH THIS LAND.

- MINUTES: Cr Morello moved the minutes of the previous meeting held on
Tuesday, 13th October 2015 be taken as read and confirmed.
Cr Mutton seconded Carried

- QUESTIONS: (a) With Notice -

Question - Cr Persello

- In light of the recent changes to road legislation regarding shared use of footpaths and roads to improve safety for cyclists, what are the implications for our community?
- Does this pose new safety concerns - e.g pedestrians on footpaths?
- What does this mean for the bike lanes that have recently been installed?
- Do the changes apply to all roads, e.g. busy and congested roads such as Commercial Street.

Answer - Director Operational Services

Information with regard to the new laws is still being examined by the LGA (refer attached Circular 44.5).

The LGA have raised concerns regarding:

- Bicycle speed
- Footpath width
- Footpath suitability
- Need for Council to "declare" where footpaths are not suitable (which could be a significant issue)

One issue the LGA does not appear to have raised as yet is to where there are driveways (e.g. where there are front fences and gates to a

property) and the blind spots created at the junction of the footpath and fence line.

In my view, and given my limited understanding of the legislation, there are safety issues with the new legislation (and also some benefits) and only time will tell if the new laws are a "success".

The attached circular "suggests" that footpaths can be used by cyclists "when there is no safe alternative" - I take this to mean that if dedicated bicycle paths are available then they are to be used (again my interpretation could be incorrect).

With regard to say Commercial Street, I believe Council will have to declare this area prohibited to footpath bicycle traffic and sign post accordingly. The attached circular suggests that this prohibition can then only be managed by Police.

As with any new legislation, it will take time to "bed in" and for all stakeholders to fully understand the full implications.

(b) Without Notice - nil received.

1. COMMITTEES - Internal - Operational Services Committee - re Projects to be undertaken by the Operational Services Department, Engineering Division, during month - Ref. AF11/866

The Presiding Member reported the following works are to be undertaken/are currently being undertaken by the Operational Services Department, Engineering Division, during the month:

<u>Commenced Tasks</u>	<u>% Completed</u>
• Caroline Landfill Cell 1 & 2 capping	75%
• Lake Terrace East road reconstruction	15%
• Holder Street road reconstruction	30%
• Eagle Court drainage improvements	10%
• Playground construction Lui Ave	50%
• Eglington Terrace road reconstruction (kerbing works)	5%

Completed Tasks

- Railway Lands Paving Works
- Commercial Street West road reconstruction (kerbing works)
- Footpath resurfacing program
- Aquatic centre wood chip storage shed

Cr Von Stanke moved the report be received.

Cr Mutton seconded

Carried

2. ENVIRONMENTAL MANAGEMENT - Closure of Crater Lakes - High Risk Fire Days - Ref. AF11/393

Goal: Building Communities

Strategic Objective: (i) the identified needs of the community are met, through implementing Long Term Asset Management Plans and Infrastructure

The Presiding Member reported:

- (a) Council has been approached by the Emergency Services (SAPOL and MFS, with the support of the CFS), requesting consideration to the closure of the Crater Lakes area on days of “extreme” and “catastrophic” fire risk. Such days are typically very hot with very strong winds and occurring at times when the understorey areas are very dry. Evacuation of these areas, together with getting fire fighting appliances to the area via single roadways has been identified as a major risk;
- (b) Fire ban days are divided into a number of categories, and the days of highest wild fire potential are “extreme” and “catastrophic”. For the past four years the occurrence of these days have been as indicated below:

2011 - 2012 1 x Extreme
2012 - 2013 2 x Extreme, 1 x Catastrophic
2013 - 2014 2 x Extreme, 2 x Catastrophic
2014 - 2015 1 x Extreme, 1 x Catastrophic
- (c) the upcoming fire season is set to become one of above average risk with many people suggesting that current conditions are similar to, or worse than in 1983 when the Ash Wednesday fire occurred (refer information bulletin - attached to the agenda);
- (d) the proposed closure would include Leg of Mutton Lake, Valley Lakes and Marist Park and restricting vehicular access is easy - simply do not open the gates and place a sign on the gate advising of the above;
- (e) preventing pedestrians/cyclists using the area is more difficult and will require community education and support from the emergency services to ensure the message is clearly understood;
- (f) if Council supports the suggestions outlined in this report to close the Crater Lakes on designated days, Council will need to prepare a community strategy utilising media, social media, Council website etc.

Cr Von Stanke moved it be recommended:

- (a) The report be received;**
- (b) Council support the closure of the Crater Lakes area on declared days of “Extreme” and “Catastrophic” fire days (as declared by the CFS), effective immediately;**
- (c) Council administration to prepare an appropriate communication strategy in partnership with SAPOL, MFS and CFS to inform the community of the closures and reasons using all forms of media and the Council website.**

Cr Morello seconded

Carried

3. INFRASTRUCTURE - Street Tree Planting Program 2016 - Ref. AF15/431

Goal: Environment

*Strategic Objective: (i) Support initiatives that value and preserve our unique environment and contribute to environmental sustainability
(ii) Support the preservation and enhancement of the City's unique natural and built heritage for future generations*

The Presiding Member reported:

- (a) Council at its meeting held on Tuesday, 18th August 2015 resolved to adopt the 2016 Street Tree Program;
- (b) Council on the 25th September 2015 notified SA Power Networks, SA Water, Telstra Corporation and the APA Group of the proposed 2016 Street Tree Program, with all comments relating to the program being received up to and including Friday, 23rd October 2015;
- (c) Council did not receive any correspondence from any of the above mentioned utilities in regards to the program, and therefore it can be reasonably assumed, that there are no objections by these authorities for the proposed species of trees selected for planting;
- (d) it is also Council's policy to give notification of a tree planting program to all property owners affected by the proposal, with all comments to be received up to three weeks from the date of issue. The responses received are summarised below;
- (e) from the correspondence sent out to all residents affected by the proposed tree plantings, there were a total of twenty one (21) residents who made comment upon;
- (f) it should firstly be noted that five (5) of the twenty one (21) residents that responded to Council expressed their support for the upcoming street tree program. These responses were from 13 Ellwood Court, 8 Kyrenia Court, 12 Gardiner Terrace, 12 Mayflower Court, and finally 2 Derwent Court;
- (g) fifteen (15) of the remaining sixteen (16) residents that made comment upon wrote to Council specifically asking that a tree not be planted adjacent to their property for various reasons. These properties include 2 & 10 Kyrenia Court, 8 & 9 Gardiner Terrace, 1 Derwent Court, 3, 12 & 19 Ellwood Court, 13 & 18 Ramsay Avenue, 1A Werona Street, 3 Aramanta Drive, 27 Mayflower Court, 6 Macquarie Court and 3 Eyre Court. It is therefore recommended that a tree not be planted adjacent to the above listed properties;
- (h) finally, the resident from 1 Phillip Street specifically asked for no street tree, and requested that the existing Melaleuca tree be removed adjacent to her property. Given the tree is not the same as the proposed species of tree for the 2016 planting, there is no reason why the tree can't be removed so street uniformity is maintained;
- (i) Council has not received any other correspondence in regards to the program from any other residencies as set out in the 2016 Street Tree Program proposal; hence it can be reasonably assumed that there are no objections by the remainder of residents in regards to the program.

Cr Richardson moved it be recommended;

- (a) The report be received;**
- (b) Council remove the Melaleuca tree adjacent to 1 Philip Street as requested;**
- (c) Council, having considered all submissions in relation to the proposed Street Tree Program for 2016 hereby adopts the following tree planting schedule with the exception of 2 & 10 Kyrenia Court, 8 & 9 Gardiner Terrace,**

1 Derwent Court, 3, 12 & 19 Ellwood Court, 13 & 18 Ramsay Avenue, 1A Werona Street, 3 Aramanta Drive, 27 Mayflower Court, 6 Macquarie Court, 3 Eyre Court and 1 Phillip Street.

COMMON NAME	BOTANICAL NAME	STREET NAME	TREES BEING RETAINED	PROPOSED REMOVALS	PROPOSED PLANTINGS	NET GAIN
Blackwood	Acacia melanoxylon	Wireless Road East	0	0	15	15
Callery Pear	Pyrus calleryana "Glensform" Chanticleer	Kyrenia Court	0	0	7	7
Callery Pear	Pyrus calleryana "Glensform" Chanticleer	Ellwood Court	0	0	18	18
Common Hornbeam	Carpinus betulus 'Frans Fontaine'	Macquarie Court	0	0	20	20
Common Hornbeam	Carpinus betulus 'Frans Fontaine'	Eyre Court	0	0	8	8
Euky Dwarf	Eucalyptus leucoxylon subsp. 'Euky Dwarf'	Honan Street	2	0	19	19
Euky Dwarf	Eucalyptus leucoxylon subsp. 'Euky Dwarf'	Phillip Street	1	8	23	15
Euky Dwarf	Eucalyptus leucoxylon subsp. 'Euky Dwarf'	Werona Street (West Side)	0	0	18	18
Gawler Hybrid Bottlebrush	Callistemon viminalis 'Harkness'	Werona Street (East Side)	1	0	19	19
Gawler Hybrid Bottlebrush	Callistemon viminalis 'Harkness'	Gardiner Terrace	2	0	30	30
Gawler Hybrid Bottlebrush	Callistemon viminalis 'Harkness'	Lawson Street	0	0	28	28
Southworth Dancer Pear	Pyrus betulaefolia 'Southworth' Dancer	Aramanta Drive	0	0	32	32
Southworth Dancer Pear	Pyrus betulaefolia 'Southworth' Dancer	Mayflower Court	0	0	23	23
Southworth Dancer Pear	Pyrus betulaefolia 'Southworth' Dancer	Ramsay Avenue	0	6	44	38
Willow Leaf Pear	Pyrus salicifolia 'Pendula'	Ramsay Avenue (Section of Powerlines)	0	0	10	10
			6	14	314	300

Cr Mutton seconded

Carried

4. PROPERTY MANAGEMENT - Funding - Penola Road/Wireless Road Traffic Lights - Rail Trail Project - Ref. AF13/348, AF15/343

Goal: Building Communities

Strategic Objective:

- (i) *Strive for an increase in services and facilities to ensure the community has equitable access and that the identified needs of the community are met*
- (ii) *Encourage the development of community facilities and infrastructure, community events, and active and safe community spaces through direct support, seeking funding, facilitation etc*

The Presiding Member reported:

- (a) Council is aware of a number of infrastructure projects that have been mooted, but not included in the roadworks budget for 2015/2016, including Penola Road/Wireless Road traffic lights and the Rail Trail project. Council has also received an additional allocation of \$242,391 under the Roads to Recovery Program (due to the imposition of the fuel exercise) and this funding has not yet been allocated to projects;
- (b) Council has received formal notification from the State Minister of Transport (Hon Stephen Mullighan MP) that the traffic lights at the intersection at Penola Road and Wireless Road are to proceed, with the expectation of a "modest contribution" from

Council. Discussion with DPTI staff indicates that Council may be required/requested to contribute \$50,000 to \$60,000 to the project;

- (c) the Rail Trail project will provide a shared footway/bicycle path from White Avenue to Pick Avenue and link with the Railway Lands redevelopment. The total estimated cost of the project is \$500,000, of which \$400,000 has now been secured (\$300,000 from the State Government and \$100,000 in Council's current budget). Council has also secured the required lease of the land and now needs an additional \$100,000 to fully fund the project in the current financial year;
- (d) the additional Roads to Recovery allocation provides an opportunity for Council to make a series of budget adjustments to fund the above projects and to also undertake some major enhancements to the roundabout at the intersection of Suttontown Road and Wireless Road East (B-doubles have "cut out" all the vegetation behind the kerb);
- (e) In order to advance all of the above, the following is recommended.

Cr Richardson moved it be recommended:

- (a) **The report be received;**
- (b) **Council delete the upgrade of Wehl Street North (Boothey Street to Bailey Street) from Account 7300-3999 and transfer the project (valued at \$158,000) to the Roads to Recovery Program;**
- (c) **The \$158,000 revenue (from part (b) above) be redirected as follows:**
 - **\$100,000 to the Rail Trail Project**
 - **\$58,000 to the Penola Road / Wireless Road Traffic Lights**
- (d) **the Supplementary Roads to Recovery Program (\$242,391) includes:**

• Wehl Street North (Boothey Street to Bailey Street)	\$158,000
• Upgrade to Roundabout at intersection of Suttontown Road / Wireless Road	\$35,000
• Hotmix Roundabout at Wehl Street / Yeates Street	\$20,000
• Pavement strengthening Suttontown Road (adjacent McDonnell's Mill)	\$29,391
Total:	<u>\$242,391</u>

Cr Mutton seconded

Carried

5. PROPERTY MANAGEMENT - Maintenance - Lake Terrace Cemetery - Request for Memorial Plaque (J Galpin) - Ref. AF11/1496

The Presiding Member reported:

- (a) Council has received a request from Mr Jim Galpin (as attached to the Operational Services Committee agenda) requesting the placement of a memorial plaque within the Lake Terrace Cemetery grounds in memory of his late wife, Pat Galpin;
- (b) for Member's information, Pat Galpin provided significant ongoing contributions to the Lake Terrace Cemetery over a long period of time, and this report will recommend the placement of a memorial plaque to acknowledge this;

- (c) Mr Galpin also requested the Children's Memorial be attended to (cleaning of limestone, general tidying) and this has been completed by Council staff.

Cr Morello moved it be recommended:

- (a) The report be received;
- (b) Council arrange a memorial plaque to be appropriately placed at the Sexton's Cottage within the Lake Terrace Cemetery grounds (including costs of same) with wording of the plaque to be determined between the Director Operational Services and Mr Jim Galpin.

Cr Mutton seconded

Carried

6. COMMITTEES - Environmental Sustainability Sub-Committee - Minutes of Meeting held 3rd November 2015 - Ref. AF12/377

Goal: Governance

Strategic Objective: (i) Demonstrate innovative and responsible organisational governance

Cr Von Stanke moved to be recommended:

- (a) Minutes of the Environmental Sustainability Sub-Committee held on Tuesday, 3rd November 2015 be received;
- (b) the following recommendations (number 1 to 4) of the Environmental Sustainability Sub-Committee be adopted by Council:

1. LGA - DIRECT ACTION PLAN

- The report be received.
- Council write to the LGA thanking them for commission the review of the Federal Government's Direct Action Plan, and request that they consider playing a role in aggregating projects across Councils for consideration under the Emissions Reduction Fund.

2. SALVAGE YARD - EXPRESSIONS OF INTEREST

- The report be received and contents noted.
- The formal Request for Expression of Interest process be abandoned, and the single respondent be notified accordingly.
- The Chief Executive Officer be authorised to negotiate with targeted waste industry participants and other organisations with resourcing and experience considered suitable for the operation of a salvage yard in conjunction with the Eucalypt Drive Waste Transfer Station.
- A further report be presented to Council to consider any salvage yard or similar business proposal arising from the negotiations authorised in resolution (c).

3. LIBRARY SOLAR UPDATE

- The report be received.

4. REPORTS FOR INFORMATION

- (a) Environmental Sustainability Program 2015 - Project Progress

- The report be received;
- item (a) as above be received and noted for information.

Cr Mutton seconded

Carried

7. **COMMITTEES - Council Development Assessment Panel - Minutes of Meeting held 15th October 2015 - Ref. AF14/354**

Goal: Governance

Strategic Objective: (i) Demonstrate innovative and responsible organisational governance

Cr Von Stanke moved it be recommended:

- (a) Minutes of the Council Development Assessment Panel meeting held on Thursday, 15th October 2015 be received;
- (b) the decisions made by the Council Development Assessment Panel be noted.

Cr Morello seconded

Carried

8. **OPERATIONAL SERVICES REPORT NO. 20/2015 - Governance - Committees - Election of Operational Services Standing Committee Presiding Member - Ref. AF11/858**

Goal: Governance

Strategic Objective: (i) Demonstrate innovative and responsive organisational governance

Cr Von Stanke nominated Cr Mutton to be appointed Presiding Member of the Operational Services Committee.

Cr Von Stanke moved it be recommended:

- (a) Operational Services Report No. 20/2015 be received;
- (b) Cr Mutton be Presiding Member of the Operational Services Committee on and from 20th January 2016.

Cr Morello seconded

Carried

MOTIONS WITHOUT NOTICE - Nil

9. **CONSIDERATION FOR EXCLUSION OF PUBLIC**

Cr Richardson moved that the following item be received, discussed and considered in confidence by excluding the public pursuant to Section 90 (2) of the Local Government Act 1999, and an order be made that the public (with the exception of other Council Members and Council Officers now present) be excluded from the meeting in order for the items to be considered in confidence as the Council is satisfied that the item is a matter that can be considered in confidence pursuant to the grounds referenced in Section 90 (3) of the said Act as follows:

- S.90(3)(m) - information relating to a proposed amendment to a Development Plan under the Development Act 1993 before a Development Plan Amendment

proposal relating to the amendment is released for public consultation under that Act.

The Council is satisfied that the information to be received, discussed or considered in relation to this item is information relating to an amendment under the *Development Act 1993* that should be considered in confidence so as to prevent land and development speculation before a Development Plan Amendment report relating to the amendment is released for public consultation under that Act.

<u>Item No.</u>	<u>Subject Matter</u>	<u>S90 (3) Grounds</u>
10.	<u>OPERATIONAL SERVICES REPORT NO. 21/2015</u> - Development Control - Regulating - Section 29 Amendment and Proposed Industry (Timber Mill) Zone Development Plan Amendment - City of Mount Gambier Development Plan - Ref. AF11/295	(m)

Cr Von Stanke seconded

Carried

The meeting closed at 7:53 a.m.

AF11/866
SW

CONFIRMED THIS

DAY OF

2015.

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PRESIDING MEMBER



Cycling on footpaths - Circular 44.5

To	Chief Executive Officer Community Services Staff Corporate Services Staff Customer Service - Reception Staff Elected Members Emergency and Risk Management Staff Environment Staff Environmental Health Staff Information - Engineering Staff Marketing and Public Relations Staff Parks and Recreation Staff	Date	28 October 2015
Contact	David Hitchcock Email: david.hitchcock@lga.sa.gov.au		
Response Required	No		
Summary	This circular provides a further update on recent State Government legislation to introduce cycling on all footpaths.		

The State Government has implemented changes to introduce cycling on all footpaths by simply repealing clause 33 of the Regulations that limited cycling on footpaths to children under 12 and adults who accompanied them.

In doing so, the Government addressed almost none of the issues or concerns raised by Local Government. The LGA is of the view that this has left the public exposed to unnecessary risks and Councils in a state of uncertainty over their legal rights and obligations.

The new laws came into effect on October 25.

Background

The LGA was provided with an opportunity to comment on the new cycling proposals put forward by the Citizens' Jury recommendations and did so in November 2014.

The key points made in the submission included:

- concern that allowing cyclists on footpaths would require additional infrastructure improvements which would be cost prohibitive for ratepayers;
- the need for Councils to have discretion to prohibit cyclists on footpaths where they were deemed inappropriate for cycling;
- concern that any issues of liability be addressed to ensure that Councils are not liable for cyclists on footpaths;
- concern that the phrase 'when there is no safe alternative' was too ambiguous and open to interpretation; and
- concern that the implementation of the recommendations should be undertaken with significant consultation with Councils.

In March 2015, the LGA further commented on the State Government's proposal to implement the recommendation by way of repealing regulation 33 of the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014* (the Regulations).

The consultation period was extremely short, see LGA Circular 13.3 dated 19 March 2015

However, based on councils' feedback Local Government expressed the following views:

- the speed of cycling on footpaths should be 'walking pace';

- cycling on footpaths should only be permitted where the footpath is paved and where it is greater than 1.5 metres wide;
- surface requirements of footpaths should be taken into account before cycling is permitted;
- the need to implement signage at multiple locations and to balance that with the need for visual amenity;
- the need for a risk assessment process for inclusion or exclusion of a footpath for any specific reasons;
- the need for a risk assessment process to eliminate or minimise (at identified) impact points due to roadside furniture and/or vegetation;
- resource requirements and application for liability issues arising from a number of significant activities on a 'footpath';
- the need for exclusion zones for high use footpaths;
- the need to consider the impact on the disabled; and
- the uncertainty for Councils around enforcement issues.

Current Issues

The LGA and Councils generally support the State Government's move to increase options for cycling and to make cycling safer. However the manner of the implementation of the new legal framework has left many unanswered questions. The LGA has sought preliminary legal advice on some of these questions, including the following.

1. The width of footpaths used for cycling

The need to ensure pedestrian safety and safety for those with mobility issues means that a footpath needs to be wide enough and the topography suitable to accommodate the different uses. The LGA asked the Government to mandate a width of 1.5 metres (although the Australian Human Rights Commission recommends 1.8 metres). The *AustRoad Guide to Traffic Engineering Practice (Part 13)* indicates that the minimum general width of a footpath should be 1.2 metres and the absolute minimum should be 900 mm. Many footpaths do not meet the recommended cleared width.

The failure of the new legislated cycling arrangements to deal with this issue means that Councils will need to carry out a labour intensive and costly exercise to determine what footpaths should be closed to bicycle travel, in the public interest, on a case-by-case basis.

2. Speed limits on footpaths

Local Government believes that the issue of the speed of bicycles on footpaths has not been adequately dealt with and may carry considerable risks to pedestrians. Legal advice indicates that it is currently unclear what, if any, speed limits apply on footpaths and this remains a contentious issue.

3. Power to install signage to prohibit bicycles on some footpaths

Regulation 252 of the Australian Road Rules (ARR) makes it an offence for a rider of a bicycle to ride on a length of road or footpath to which a 'no bicycles' sign, or a 'no bicycles' road marking, applies. The types of signs that may be installed are prescribed.

The 'zone' in which a sign operates is prescribed as the length of road or footpath beginning at the sign or marking and ending at the nearest of the following:

- (a) a bicycle path sign or bicycle path road marking;
- (b) a bicycle lane sign;
- (c) a separated footpath sign or separated footpath road marking;
- (d) a shared path sign;
- (e) an end no bicycles sign;
- (f) the next intersection.

If councils have the power to install these signs on footpaths, it could mean that signs need to be placed frequently along footpaths (depending on the configuration of the road and footpath). However, given the definitions of a 'road' and a 'footpath' in the *Road Traffic Act* and ARR, legal advice indicates that a more detailed analysis of regulation 252 and section 17 of the *Road Traffic Act* (and other relevant provisions) would be required to provide a definitive view on whether councils have authority to install signage for the purpose of regulation 252.

4. Enforcement

The issue of who can enforce the regulatory regime that now applies to bicycles on footpaths also creates confusion. While Councils may be able to install signage to prohibit bicycles on some footpaths, enforcement of this prohibition and of other dangerous actions by bicycles, such as riding with excessive speed, can only be done by police.

Conclusion

The LGA is not seeking to scuttle the State Government's proposals to introduce more extensive arrangements to ride bicycles on footpaths. Rather, the LGA is currently seeking to work with the State Government to address a number of key policy and legal technical issues that are required to be resolved in order to adequately support the new arrangements and overcome deficiencies in the practical application of the new laws.



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