

# Council Meeting Minutes

**5 October 2021**

## **Our Vision**

*A City which values its heritage, cultural diversity,  
sense of place and natural environment.*

*A progressive City which is prosperous, sustainable  
and socially cohesive, with a strong community spirit.*

---

City of Norwood Payneham & St Peters  
175 The Parade, Norwood SA 5067

Telephone 8366 4555  
Facsimile 8332 6338  
Email [townhall@npsp.sa.gov.au](mailto:townhall@npsp.sa.gov.au)  
Website [www.npsp.sa.gov.au](http://www.npsp.sa.gov.au)



City of  
Norwood  
Payneham  
& St Peters

1.	KAURNA ACKNOWLEDGEMENT .....	1
2.	OPENING PRAYER .....	1
3.	CONFIRMATION OF THE MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 27 SEPTEMBER 2021	1
4.	MAYOR'S COMMUNICATION.....	2
5.	DELEGATES COMMUNICATION .....	3
6.	QUESTIONS WITHOUT NOTICE.....	3
7.	QUESTIONS WITH NOTICE .....	3
8.	DEPUTATIONS .....	3
	8.1 DEPUTATION – FELIXSTOW RESERVE – USE OF BASKETBALL EQUIPMENT.....	4
	8.2 DEPUTATION – FELIXSTOW RESERVE – USE OF BASKETBALL EQUIPMENT.....	5
	8.3 DEPUTATION – FELIXSTOW RESERVE – USE OF BASKETBALL EQUIPMENT.....	6
9.	PETITIONS.....	7
10.	WRITTEN NOTICES OF MOTION .....	7
	10.1 FUTURE HERITAGE CODE AMENDMENTS – SUBMITTED BY MAYOR ROBERT BRIA .....	8
	10.2 2021-2022 AUDIT COMMITTEE WORK PROGRAM – SUBMITTED BY CR FAY PATTERSON.....	10
	10.3 WRITTEN NOTICES OF MOTION – CONFIDENTIAL ITEM - COUNCIL RELATED MATTER .....	11
11.	STAFF REPORTS .....	12
	<b>Section 1 – Strategy &amp; Policy.....</b>	<b>13</b>
	11.1 REVISED WASTE MANAGEMENT POLICY.....	14
	<b>Section 2 – Corporate &amp; Finance.....</b>	<b>37</b>
	11.2 MONTHLY FINANCIAL REPORT – AUGUST 2021 .....	38
	<b>Section 3 – Governance &amp; General.....</b>	<b>41</b>
	11.3 19-29 GLYNBURN ROAD GLYNDE CODE AMENDMENT .....	42
	11.4 COUNCIL ASSESSMENT PANEL REVIEW .....	55
	11.5 BUILDING FIRE SAFETY COMMITTEE REVIEW .....	65
	11.6 2021 CHRISTMAS EVENTS .....	71
12.	ADOPTION OF COMMITTEE MINUTES.....	75
13.	OTHER BUSINESS .....	76
	13.1 FELIXSTOW RESERVE – USE OF BASKETBALL EQUIPMENT.....	76
	13.2 CONFIDENTIAL MATTER - EAST WASTE.....	76
14.	CONFIDENTIAL REPORTS .....	77
	14.1 WRITTEN NOTICES OF MOTION – CONFIDENTIAL ITEM – COUNCIL RELATED MATTER .....	78
	14.2 COUNCIL RELATED MATTER .....	79
	14.3 COUNCIL RELATED MATTER .....	80
	14.4 STAFF RELATED MATTER .....	81
15.	CLOSURE.....	82

**VENUE** Council Chambers, Norwood Town Hall

**HOUR** 7.00pm

**PRESENT**

**Council Members** Mayor Robert Bria  
Cr Kester Moorhouse  
Cr Evonne Moore  
Cr Garry Knoblauch  
Cr John Minney  
Cr Carlo Dottore  
Cr Kevin Duke  
Cr Connie Granozio  
Cr Mike Stock  
Cr Scott Sims  
Cr Fay Patterson  
Cr Sue Whittington  
Cr Christel Mex

**Staff** Mario Barone (Chief Executive Officer)  
Peter Perilli (General Manager, Urban Services)  
Carlos Buzzetti (General Manager, Urban Planning & Environment)  
Lisa Mara (General Manager, Governance & Community Affairs)  
Eleanor Walters (Manager, Urban Planning & Sustainability)  
Naomi Doolette (Sustainability Officer, Urban Planning & Environment)  
Keke Michalos (Manager, Economic Development & Strategic Projects)  
Jared Barnes (Project Manager, Urban Design & Special Projects)  
Emily McLuskey (Senior Urban Planner)  
Chris McDermott (Manager, City Services)  
Marina Fischetti (Executive Assistant, Urban Services)

**APOLOGIES** Cr John Callisto

**ABSENT** Nil

**1. KAURNA ACKNOWLEDGEMENT**

**2. OPENING PRAYER**

The Opening Prayer was read by Cr Evonne Moore.

**3. CONFIRMATION OF THE MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 27 SEPTEMBER 2021**

*Cr Knoblauch moved that the minutes of the Special Council meeting held on 27 September 2021 be taken as read and confirmed. Seconded by Cr Whittington and carried unanimously.*

#### 4. MAYOR'S COMMUNICATION

---

Monday, 6 September	<ul style="list-style-type: none"><li>• Presided over a Council meeting, Council Chamber, Norwood Town Hall.</li></ul>
Saturday, 11 September	<ul style="list-style-type: none"><li>• Attended the Adelaide Football League Division 1 Grand Final: Payneham Norwood Union versus Prince Alfred Old Collegians, Richmond Oval, Richmond.</li></ul>
Thursday, 9 September	<ul style="list-style-type: none"><li>• Radio interview with Jules Schiller, ABC 891.</li></ul>
Monday, 13 September	<ul style="list-style-type: none"><li>• Presided over a Citizenship Ceremony, Norwood Town Hall.</li></ul>
Monday, 13 September	<ul style="list-style-type: none"><li>• Presided over a meeting of the Chief Executive Officer's Performance Review Committee, Mayor's Office, Norwood Town Hall.</li></ul>
Tuesday, 14 September	<ul style="list-style-type: none"><li>• Attended a meeting with the Chief Executive Officer, Mr Mario Boscaini and Hon Frank Pangallo MLC, Parliament House, Adelaide.</li></ul>
Tuesday, 14 September	<ul style="list-style-type: none"><li>• Presided over a meeting of the Norwood Parade Precinct Committee, Mayor's Parlour, Norwood Town Hall.</li></ul>
Monday, 20 September	<ul style="list-style-type: none"><li>• Welcomed attendees at the Active Living Coalition meeting, Mayor's Parlour, Norwood Town Hall.</li></ul>
Monday, 20 September	<ul style="list-style-type: none"><li>• Attended a meeting with Mr Michael Dunn, Vision Australia Radio, Mayor's Office, Norwood Town Hall.</li></ul>
Monday, 20 September	<ul style="list-style-type: none"><li>• Welcomed Work Experience students from Mary MacKillop College, Wilderness College and Marryatville High School, Norwood Town Hall.</li></ul>
Tuesday, 21 September	<ul style="list-style-type: none"><li>• Attended a dinner with the Chief Executive Officer and Mr Theo Maras OAM, Martini's Ristorante, Norwood.</li></ul>
Thursday, 23 September	<ul style="list-style-type: none"><li>• Attended a meeting with the General Manager, Governance &amp; Community Affairs and the Communications Officer, Mayor's Parlour, Norwood Town Hall.</li></ul>
Friday, 24 September	<ul style="list-style-type: none"><li>• Attended the official opening of AFM, 42 Fullarton Road, Norwood.</li></ul>
Saturday, 25 September	<ul style="list-style-type: none"><li>• Pre-recorded radio interview with Mr Michael Dunn, Vision Australia Radio, Mile End.</li></ul>
Monday, 27 September	<ul style="list-style-type: none"><li>• Presided over a Special Council meeting, Council Chamber, Norwood Town Hall.</li></ul>
Thursday, 30 September	<ul style="list-style-type: none"><li>• Judging for the 2021 Mayor's Christmas Card Competition, Norwood Town Hall.</li></ul>
Friday, 1 October	<ul style="list-style-type: none"><li>• Attended a Breakfast meeting for ERA Mayors, Luigi Delicatessen, Adelaide.</li></ul>
Sunday, 3 October	<ul style="list-style-type: none"><li>• Attended the SANFL Grand Final, Woodville/West Torrens versus Glenelg, Adelaide Oval.</li></ul>

---

**5. DELEGATES COMMUNICATION**

- Cr Whittington advised that on Wednesday 8 September 2021, she and Cr Knoblauch attended a meeting of the Eastern Health Authority Board.
- Cr Knoblauch advised that on Monday 20 September 2021, he attended the Marden Senior College Governing Council's monthly meeting.
- Cr Stock advised that on Thursday 30 September 2021, he attended a meeting of the East Waste Board of Management.
- Cr Minney advised that on Thursday 23 September 2021, he attended a meeting of the ERA Water Board.

**6. QUESTIONS WITHOUT NOTICE**

Nil

**7. QUESTIONS WITH NOTICE**

Nil

**8. DEPUTATIONS**

## 8.1 DEPUTATION – FELIXSTOW RESERVE – USE OF BASKETBALL EQUIPMENT

---

**REPORT AUTHOR:** General Manager, Governance & Community Affairs  
**GENERAL MANAGER:** Not Applicable  
**CONTACT NUMBER:** 8366 4542  
**FILE REFERENCE:** qA1041 qA1326  
**ATTACHMENTS:** Nil

---

### **SPEAKER/S**

Ms Mary Graham

### **ORGANISATION/GROUP REPRESENTED BY SPEAKER/S**

Not Applicable.

### **COMMENTS**

Ms Mary Graham has written to the Council requesting that she be permitted to address the Council in relation to the use of the basketball equipment at Felixstow Reserve.

In accordance with the *Local Government (Procedures at Meetings) Regulations 2013*, Ms Mary Graham has been given approval to address the Council.

---

Ms Mary Graham addressed the Council in relation to this matter.

## 8.2 DEPUTATION – FELIXSTOW RESERVE – USE OF BASKETBALL EQUIPMENT

---

**REPORT AUTHOR:** General Manager, Governance & Community Affairs  
**GENERAL MANAGER:** Not Applicable  
**CONTACT NUMBER:** 8366 4542  
**FILE REFERENCE:** qA1041 qA1326  
**ATTACHMENTS:** Nil

---

### **SPEAKER/S**

Mr Mark Heyward

### **ORGANISATION/GROUP REPRESENTED BY SPEAKER/S**

Not Applicable.

### **COMMENTS**

Mr Mark Heyward has written to the Council requesting that he be permitted to address the Council in relation to the use of the basketball equipment at Felixstow Reserve.

In accordance with the *Local Government (Procedures at Meetings) Regulations 2013*, Mr Mark Heyward has been given approval to address the Council.

---

Mr Mark Heyward addressed the Council in relation to this matter.

### 8.3 DEPUTATION – FELIXSTOW RESERVE – USE OF BASKETBALL EQUIPMENT

---

**REPORT AUTHOR:** General Manager, Governance & Community Affairs  
**GENERAL MANAGER:** Not Applicable  
**CONTACT NUMBER:** 8366 4542  
**FILE REFERENCE:** qA1041 qA1326  
**ATTACHMENTS:** Nil

---

#### **SPEAKER/S**

Ms Tania Crawford

#### **ORGANISATION/GROUP REPRESENTED BY SPEAKER/S**

Not Applicable.

#### **COMMENTS**

Ms Tania Crawford has written to the Council requesting that she be permitted to address the Council in relation to the use of the basketball equipment at Felixstow Reserve.

In accordance with the *Local Government (Procedures at Meetings) Regulations 2013*, Ms Tania Crawford has been given approval to address the Council.

---

Ms Tania Crawford addressed the Council in relation to this matter.



**9. PETITIONS**  
Nil

**10. WRITTEN NOTICES OF MOTION**

## 10.1 FUTURE HERITAGE CODE AMENDMENTS – SUBMITTED BY MAYOR ROBERT BRIA

---

**NOTICE OF MOTION:** Future Heritage Code Amendments  
**SUBMITTED BY:** Mayor Robert Bria  
**FILE REFERENCE:** qA1039  
**ATTACHMENTS:** Nil

---

Pursuant to Regulation 12(1) of the *Local Government (Procedures at Meetings) Regulations 2013*, the following Notice of Motion has been submitted by Mayor Robert Bria.

### NOTICE OF MOTION

That staff prepare a report identifying key risks and opportunities for the City of Norwood Payneham & St Peters in regard to its unprotected built heritage and, where appropriate, make recommendations to the Council regarding any action the Council should consider taking to increase protection for such buildings.

### REASONS IN SUPPORT OF MOTION

As Members are aware, the new Planning and Design Code has resulted in a number of changes to the way heritage is documented, compared to Council's previous Development Plan.

For example, the fight to have Contributory Items transitioned from being a policy construct to being codified in legislation was difficult and faced significant opposition from the former Chair of the Planning Commission. Members will also recall that this Council lead the charge in that endeavour.

The lobbying included two separate presentations (9 September 2019 and 17 February 2020) to the Environment Resources and Development Committee of State Parliament, as well as a meeting with Hon Vickie Chapman MP, Minister for Planning. In late October 2020, Minister Chapman announced that Contributory Items will be transitioned into the Planning and Design Code and would be known as 'Representative Buildings.'

Despite this 'win', it is clear that the fight for greater protection of heritage buildings is not over.

It is therefore appropriate that the Council consider its current position and identify risks and opportunities in regards to the future of our built heritage in Norwood Payneham & St Peters.

As part of this process, it is worth Council reflecting on the extensive feedback received from hundreds of owners of Contributory Items (CI) who overwhelmingly want protection of CI's to remain the same or be strengthened. While this data is more two years old, I believe it still holds currency in terms of understanding local community sentiment in regards to heritage.

The recent community reaction regarding the proposed demolition of properties located at 73 and 75 William Street, Norwood suggest this sentiment is shared by wider community. Even though these two properties were not heritage listed, as they did not meet the criteria, the threat of their demolition piqued the interest of the Norwood community and beyond regarding the increasing loss of unprotected heritage buildings. While these buildings will not be demolished, the potential loss of these dwellings re-ignited public debate regarding the issue of adequate heritage protection.

This scope of this motion is deliberately broad so as not to limit Council staff in their analysis of the situation and if considered appropriate, their recommendations to the Council. In other words, the analysis should not be confined to particular suburbs or building styles/ periods. Rather, at this early stage of the process, all relevant issues should be explored and 'put on the table' for the Council's consideration before decides whether it wants to narrow its focus on a specific matter. It will be at this point that the need for extra resources e.g. a budget bid for 2022-2023 may be required.

If supported, this work will be another example of the leadership that the City of Norwood Payneham & St Peters has shown over many years in regards to heritage and that it will continue to advocate for greater protection where possible and where appropriate.

**STAFF COMMENT**  
**PREPARED BY MANAGER, URBAN PLANNING & SUSTAINABILITY**

A report, as requested, will be provided to the Council.

---

Cr Sims left the meeting at 7.40pm  
Cr Sims returned to the meeting at 7.41pm

*Cr Whittington moved:*

*That staff prepare a report identifying key risks and opportunities for the City of Norwood Payneham & St Peters in regard to its unprotected built heritage and, where appropriate, make recommendations to the Council regarding any action the Council should consider taking to increase protection for such buildings.*

*Seconded by Cr Mex and carried unanimously.*

## 10.2 2021-2022 AUDIT COMMITTEE WORK PROGRAM – SUBMITTED BY CR FAY PATTERSON

---

**NOTICE OF MOTION:** 2021-2022 Audit Committee Work Program  
**SUBMITTED BY:** Cr Fay Patterson  
**FILE REFERENCE:** qA1039 qA75186  
**ATTACHMENTS:** Nil

---

Pursuant to Regulation 12(1) of the *Local Government (Procedures at Meetings) Regulations 2013*, the following Notice of Motion has been submitted by Cr Fay Patterson.

### NOTICE OF MOTION

The Work Program for Council's Audit Committee be amended to include a review of unoccupied staff positions that:

- are funded in the 2021-22 financial year;
- were also funded in the 2020-21 financial year; and
- have not been advertised for a period of 12 months or more,

with respect to the continued relevance of unoccupied staff positions, the filling of such positions and related budgetary impacts.

### REASONS IN SUPPORT OF MOTION

Over time, some staff positions have become unoccupied but are retained for reasons linked to Council policies or strategies. The impact of these on the Council budget is reported as a variance to wages in quarterly reporting.

This Motion is intended to ensure oversight of such positions at the Council level and enable Council to consider what actions might be appropriate regarding such positions.

### STAFF COMMENT PREPARED BY GENERAL MANAGER, CORPORATE SERVICES

The review, as requested in the Motion, can be included as part of the Audit Committee's 2021-2022 Work Program.

---

*Cr Patterson moved:*

*The Work Program for Council's Audit Committee be amended to include a review of unoccupied staff positions that:*

- *are funded in the 2021-22 financial year;*
- *were also funded in the 2020-21 financial year; and*
- *have not been advertised for a period of 12 months or more,*

*with respect to the continued relevance of unoccupied staff positions, the filling of such positions and related budgetary impacts.*

*Seconded by Cr Sims and carried unanimously.*

**10.3 WRITTEN NOTICES OF MOTION – CONFIDENTIAL ITEM - COUNCIL RELATED MATTER**

---

Refer to Confidential Item 14.1 of these Minutes.

**11. STAFF REPORTS**

## **Section 1 – Strategy & Policy**

### **Reports**

## 11.1 REVISED WASTE MANAGEMENT POLICY

---

**REPORT AUTHOR:** General Manager, Urban Services  
Manager, Urban Planning & Sustainability  
**GENERAL MANAGER:** Chief Executive Officer  
**CONTACT NUMBER:** 8366 4523  
**FILE REFERENCE:** qA62563  
**ATTACHMENTS:** A - J

---

### PURPOSE OF REPORT

The purpose of this report is to advise the Council of the outcome of a review of the *Integrated Waste Service Policy* and to provide for the Council's consideration, a revised policy, the *Waste Management Policy*, for endorsement.

### BACKGROUND

At its meeting held on 6 September 2010, the Council adopted the existing Integrated Waste Services Policy (the Policy).

A copy of the existing Policy is contained in **Attachment A**.

The Council's *Integrated Waste Services Policy* sets out the kerbside waste collection services which are provided to residential, commercial and "other" types of properties within the City. Whilst this Policy has served the Council well, with the emergence of new waste and recycling issues a review of the Policy is considered appropriate and necessary.

In addition, the wording of the existing Policy as well as its implementation, has raised a range of issues that need to be addressed. For example, the current Policy is specific in its intent for the waste service to be provided for collection of "domestic" waste only, from both residential and non-residential properties, but the Policy does not include a definition of what constitutes "domestic" waste. Entitlement of additional bin permits set out in the Policy no longer align with the objective of minimising waste to landfill and the current Policy does not make provision for tailored non-standard service arrangements to cater for multiple dwellings and apartments.

In addition, the current Policy does not outline service provision for kitchen organics (including baskets and supply of compostable bags), which commenced in 2012 or an 'at call' hard waste and electronic waste collection service which commenced in 2017. The current Policy is also silent on compliance and enforcement measures.

Pursuant to the current Policy, the Council provides the following waste service for each separately occupied tenancy, regardless of whether it is a residential, commercial or "other" type of property (including not for profit organisations):

- landfill waste collection (collected weekly at the kerbside from a 140 litre red lid bin);
- recyclable collection (collected fortnightly at the kerbside from a 240 litre yellow lid bin); and
- green organics collection (collected fortnightly at the kerbside from a 240 litre green lid bin).

The existing Policy allows for one (1) additional service (1 extra bin collection) for each separate tenancy and each waste stream for an annual fee. The fee is set annually by the Council, as set out in the *Fees and Charges Schedule* which is adopted by the Council each year (currently \$133 for a landfill bin and \$66 for green organics or recycling bin).

The waste-to-landfill (red lid) and recycling (yellow lid) mobile garbage bins (MGBs), which have previously been supplied to all separately owned tenancies, remain the property of the Council. That is, the property owner has not been charged for the bins and the bin must remain with the property in the event the property is sold.



There are some green lid bins that remain the property of the owners, as those owners purchased these bins prior to the Council resolving to supply organics (green lid) bins in 2010, as part of the introduction of the kitchen organics collection service. The percentage of privately owned green bins has however dramatically reduced since that time, due to this change in policy.

## RELEVANT STRATEGIC DIRECTIONS & POLICIES

The relevant section of the Council's Strategic Management Plan *CityPlan 2030* are:

### Outcome 4: Environmental Sustainability

#### Objectives

#### 1. *Sustainable and efficient management of water, waste, energy and other resources.*

1.2 Investigate and implement innovative waste reduction initiatives.

## FINANCIAL AND BUDGET IMPLICATIONS

The adoption of the new *Waste Management Policy* is unlikely to result in additional costs for the Council to administer waste management via its kerbside collection services, other than for the provision of new bin stock, which is discussed in this report.

In recent years, the Council has absorbed rising waste disposal costs due to the State Government's Solid Waste Levy which has risen exponentially. The Solid Waste Levy is charged as a "gate" fee for the disposal of landfill waste, from the red bin collections and hard waste truck loads when items cannot be extracted for recycling.

For the 2017-2018 financial year, \$741,000 was paid to the State Government's Solid Waste Levy based on 7,410 tonnes collected (note –a further \$80,000 is paid per annum for the Solid Waste Levy charged on hard waste disposal). This Levy was increased in two (2) stages for the 2019-2020 financial year from \$103 per tonne and \$110 per tonne as from July 2019 and to \$140 per tonne as from 1 January 2020. This was an increase of 7% and 29% resulting in two increases in that year alone of an additional \$26,000 and then a further \$110,000.

For the 2020-2021 financial year, the Levy, has been set at \$143 per tonne. For kerbside domestic waste collected (excluding hard waste) this results in an additional \$247,500 Levy fees and total disposal costs of approximately \$1.1m for an estimated 7, 5000 tonnes of waste. This is an approximate increase of \$359,000 since the 2017-2018 financial year, representing a total increase of 48% since that time.

The exponential rises in the State Government's Solid Waste Levy highlights from a financial perspective requires the need for the Council's *Waste Management Policy* to discourage households and businesses from sending waste to landfill and instead encourage all property owners and tenants to appropriately sort, separate and store waste materials into their appropriate collection streams, resulting in considerable financial savings and importantly environmental benefits.

The Council allocates \$68,000 per annum for bin replacement and repairs. This includes bins that have reached the end of their life and those bins that are damaged or repaired. Approximately 320 bins are replaced annually.

If the Council resolves to adopt the recommended draft Policy with respect to non-standard services for multiple dwellings and units to provide customised waste collection services, subject to an agreement being reached between the Council, East Waste and the body corporate for these sites, the draft Policy requires this to have no additional cost implication for the Council.

## **EXTERNAL ECONOMIC IMPLICATIONS**

The new Policy seeks to address the issues associated with the over allocation of bins and collection from commercial premises and schools. This will have economic implications for some businesses and schools which may have to make alternative arrangements to service their own operational waste needs and in turn for some businesses, this may be seen as a disincentive to invest in this Council area and could result in some resistance to the revised policy.

## **SOCIAL ISSUES**

It is important that policies such as the new *Waste Management Policy* are based upon the principles of equity, fairness and transparency.

## **CULTURAL ISSUES**

Not Applicable.

## **ENVIRONMENTAL ISSUES**

The impacts of waste on the environment include impacts arising from physical disposal and inefficient resource use. Waste recycling is an important strategy to help preserve and utilise these finite resources that may become 'waste', by redistributing used products from one industrial, commercial or residential sector to another, where it may be reused as a resource.

Reducing the amount of waste which is sent to landfill, has numerous environmental benefits. When in landfill, organic matter breaks down without oxygen and produces unwanted leachates (liquid that drains from a landfill) that can contaminate groundwater and also creates methane gas.

The Council's kerbside waste collection services provide the opportunity for the community to sort their waste to assist with reducing the amount of waste sent to landfill. With increasing landfill costs, it could be assumed that commercial properties are seeking more recycling solutions to dispose of their waste. It is important therefore that the Council provides an opportunity for the commercial sector to participate in its waste management service for volumes of waste that are reasonable and not commercial quantities.

## **RESOURCE ISSUES**

The proposed changes contained in the new *Waste Collection Services Policy* are not expected to require additional staff resources to administer.

East Waste is the Council's contractor for the collection and disposal of all waste streams. If the provision of additional collection services is substantial, it would likely impact on East Waste, which may need to employ additional staff and collection vehicles to carry out the kerbside waste collection program. These additional costs would be reflected in additional costs allocated to and payable by the Council (i.e. the community).

## **RISK MANAGEMENT**

There are risks associated with the proposed new Policy which sets out the relevant bin entitlements and seeks to redress the current over-servicing of waste collections for those properties that, for whatever reason, have additional MGBs beyond their entitlement.

The new Policy seeks to address extra bin servicing which is currently utilised by some commercial premises and schools. This could be met with objections and will be managed by developing an awareness raising strategy following the adoption of the new Policy and liaising with those entities identified in this report as having excess waste servicing, to explain the new provisions and to work through any issues in their transition to the standard bin entitlements.

Another risk is that the new Policy could be considered inequitable. For example not offering commercial premises a second landfill bin. This risk will be managed through the communications materials developed to support the implementation, which will provide clear information about the Council's principles of waste management services including the objective of reducing waste to landfill.

A possible financial risk may also be that the new non-standard service agreements (such as for apartment complexes) could be perceived as increasing overall waste collection costs. The Policy has been drafted to consider the cost of service provision, with non-standard service agreements only able to be entered into, via formal Agreement, following assessment of a number of matters, including cost estimates from East Waste, that the non-standard servicing will incur no greater cost to Council than the standard provision.

## COVID-19 IMPLICATIONS

Nil.

## CONSULTATION

- **Elected Members**

This matter was presented to Elected Members at Information Briefings held on 14 September 2020 and 23 August 2021.

- **Community**

Nil.

- **Staff**

Chief Executive Officer  
General Manager, Urban Planning & Environment  
Manager, City Services  
Manager, Development Assessment  
Sustainability Officer

- **Other Agencies**

East Waste

## DISCUSSION

### Legislative Requirements

With respect to the Council's legislative obligations regarding waste collection services, Clause 10(2) of the *Environment Protection (Waste Resources) Policy 2010*, places an obligation on all metropolitan councils to provide a weekly general kerbside waste collection service (other than for recyclables waste or vegetative matter).

The effect of this obligation is that the Council:

- a. is only legally obliged to provide waste collection services for residential premises and does not have a statutory obligation to provide waste collection services for other types of tenancies, (for example, commercial properties, not-for-profit organisations and schools); and
- b. can however, choose to provide waste collection services to commercial and other properties (i.e. over and above the Council's legal obligations under the Policy where it considers this appropriate). In this case, Section 7(b) of the *Local Government Act 1999* (the Act), authorises the Council to do so where it considers this appropriate. This is the case if the Council considers the service will provide a benefit to its area, ratepayers, residents etc.

Section 7(b) of the Act provides that the "*function of the Council includes to provide services and facilities that benefit its area, its ratepayers and residents, and visitors to its area.*"

Whilst this provision makes reference to various examples of services and facilities to be provided by the Council (i.e. which includes waste collection and disposal services) it does not operate to mandate the Council to provide all the services referred to in the legislation. Rather, the Council has discretion to determine, based on its revenue, legislative obligations and the needs of the community, what services are to be provided for the benefits of its area, ratepayers etc. and the manner in which those services are provided. If additional services are provided by the Council, it would be prudent to incorporate these services in the new Policy.

Prior to addressing the existing Policy, it is important to establish the key principles that should be used as a guide to the new *Waste Management Policy*.

One of the key aspirational outcomes of the Council's *CityPlan 2030* is '*Environmental Sustainability* – and for the Council to be a leader in environmental sustainability'.

It is recognised that the provision of a kerbside waste collection program which provides for the maximum possible diversion of waste from landfill will assist in the achievement of this outcome.

The key principles which have been used to guide the preparation of the new Policy are:

- the Council will provide a standard level of service which will be available to all separately rated tenancies, with the exception of industrial premises. The usage may be residential, commercial or not-for-profit organisation, with the exception of hard waste and electronic waste collection services, which will be limited to residential and not-for-profit properties only;
- the standard level of service encourages diversion of waste from landfill through the provision of separate collections for dry recyclables and food and green organic waste in addition to residual domestic waste (waste to landfill);
- to set a limit on the number of additional services for each property type and the various waste streams for a fee set by the Council; and
- to set out compliance actions to be taken where the Policy is breached.

Taking into account the abovementioned principles and following the review which has been undertaken of the existing Policy, there are a number of issues that have been identified and which require resolution. These issues are outlined and discussed below:

#### 1. Additional Services

With respect to the issue of additional services the existing Policy provides that all tenancies that are residential, commercial and "other" types of properties (including not-for-profit organisations) are all entitled to one (1) additional service for kitchen organic waste, dry recyclables and green waste. Additional services are available to these tenancies upon payment of a fee which is adopted annually by the Council.

A tenancy means a whole or a part of a property which is separately tenanted through a formal lease or usage agreement.

Table 1 below details the current number of additional bins, for which a permit has been sought and obtained and that are collected by East Waste.

**TABLE 1: CURRENT ANNUAL NUMBER OF ADDITIONAL BINS (WITH PERMITS) COLLECTED**

Service	Residential	Commercial & Not For Profit	Total
General Waste Bins (Red Lid)	42	35	77
Dry Recyclables (Yellow Lid)	18	33	51
Green Organics (Green Lid)	207	7	214
<b>TOTAL</b>	<b>267</b>	<b>75</b>	<b>342</b>

The numbers shown in Table 1 above are estimates only and are considered to be a significant under-recording of the additional bins that are placed out by property owners and occupiers each week for collection. It is known that beyond those current additional bin licences listed above, many more bins are placed out for collection. Due to difficulties in determining "legitimate" bins, all bins which are placed on the kerbside are generally emptied by East Waste.

An audit of unauthorised bin collections conducted by East Waste in 2017, estimated that between 1-4% of residential properties and between 6-8% of commercial properties, place unauthorised bins on the kerbside for collection without permits.

This has historically been difficult to enforce due to the inability, without geographic identifiers such as Radio Frequency Identification Devices (RFID) being installed on bins, to link bins to specific properties. The Cities of Burnside and Prospect have RFID-fitted bins, enabling full compliance with the eligible number of bins for each property. This is discussed in more detail under the heading of *Collection of Unauthorised Bins*.

The information set out in Table 1, shows that of the recorded additional bin permits, permits for green organics bins are the most commonly applied for. Of the recorded bin permits, 1.5% of residential properties seek additional permits, while 3.7% of commercial properties seek additional bin permits.






























































In addition:

1. additional green organic bins issued are almost three (3) times the number of additional general waste bins issued. This is encouraging as it assists in minimising the amount of waste entering landfill sites;
2. total additional services issued (342) equates to 1.75% of all properties (17,500 residential and 2,000 commercial);
3. proportionally less residential households (1.5%) seeking additional bin permits than commercial properties (3.7%);
4. of those households seeking an additional bin permit, most residential households (60%) are generally seeking additional green bins, while most commercial operators (46%) are seeking additional red (landfill) bins;
5. the number of additional services issued for all properties is not considered high; and
6. an average of seventeen (17) additional bin permits are issued per annum for residential households since the introduction of the three (3) bin system in 2003.

In examining the best practice approach for the allocation of bins (and additional bin permits for each property type), other Councils were surveyed to ascertain how they deal with the issue of additional services for the various property types that exist in their Council areas. Results have been obtained from the Cities of Prospect, Holdfast Bay, Adelaide, Campbelltown, Burnside and Unley.

The results of this survey are shown in Table 2 below.

**TABLE 2 – ADDITIONAL BIN POLICY IN OTHER COUNCILS BY PROPERTY TYPE**

Council	Residential			Commercial			Not for Profit/Council Leased Properties			Schools		
	General Waste	Recycling	Green Organic	General Waste	Recycling	Green Organic	General Waste	Recycling	Green Organic	General Waste	Recycling	Green Organic
City of Prospect				-	-	-				-	-	-
City of Holdfast Bay				-	-	-	-	-	-	-	-	-
City of Unley				-	-	-						
Adelaide City Council										-	-	-
Campbelltown City Council										-	  	-
City of Burnside		 	 	-								
City of Norwood Payneham & St Peters										Not specifically provided for within current Policy		

The data in Table 2 shows:

- all six (6) Councils that were surveyed allow up to a maximum of one (1) additional service for all residential properties for general waste.
- the City of Burnside allows an additional two (2) services for green organics and recyclables for residential properties.
- two (2) Councils allow up to a maximum of one (1) additional service per commercial property for all waste streams.
- the City of Burnside will allow up to one (1) additional service for commercial properties for kerbside recyclables and green organics only.
- the Cities of Holdfast Bay, Prospect and Unley, do not allow any additional services for commercial properties.
- only the City of Holdfast Bay does not allow any additional services for not-for-profit organisations and Council leased buildings.

This Council's existing Policy is silent on the number of bins which are issued to schools, which are treated as the "other type" category and therefore entitled to one set of three (3) additional bins. Schools are considered separately further in this report.

### **Options for Additional Services for Residential Properties**

It should be noted that the Council's legislated obligation is to provide a weekly waste-to-landfill collection service for households.

It is considered reasonable and equitable to provide residential, commercial and not-for-profit organisations with a standard set of three (3) bins, as a starting point for service provision. The consideration of whether properties should be able to pay for a second (or potentially third) bin of each stream is addressed below.

The following options are available to the Council in respect to the issue of additional services. In general, all additional services will be issued at a fee determined by the Council (currently \$133 per annum per landfill waste bin and \$66 per annum per recyclables or green organics bin).

#### **Option 1 – Status Quo**

Retain existing service levels as per the existing Policy (one of each type of bin with an option to pay an annual permit fee for a second bin of each collection stream).

This option does not encourage greater levels of recycling.

#### **Option 2 – Additional Landfill Bin (*extenuating circumstances*) and Additional Green Organics and Recyclables Bin**

This option would provide one additional service for the landfill waste stream, but only where *extenuating circumstances* can be demonstrated, to the satisfaction of the Council. For the purposes of this option, *extenuating circumstances* is defined as circumstances where residents have relevant medical conditions or large families with six (6) or more persons occupying the dwelling. The new Policy requires this to be made upon request to the Council. This is the approach taken by the Cities of Burnside and Prospect which only enable an additional landfill bin permit where *exceptional circumstances* apply.

This option also includes retention of the allowance for additional bins associated with green organics and recyclable materials, however these should be limited to one additional service of each, upon payment of the fee by the owner/ tenancy. This is the option which is used by all of the Councils surveyed, except the City of Burnside, which offers two (2) additional bins upon payment of fees, for the green organics and recyclables.

### **Option 3 – Additional Service for Green Organics and Recyclables Streams Only**

Issue additional services for green organics and dry recyclables only, up to a maximum of one (1) additional service for these waste streams (this is the best option for increased waste diversion but is not the recommended option). Option 2 is preferred as it provides greater flexibility for residential households to access an additional general waste stream bin, where extenuating circumstances can be demonstrated.

Whilst the Council should consider all of the options as set out above – or a variation thereof, Table 1 demonstrates that the highest residential demand is for additional bin permits for green organics bins (60% of additional bin permits) compared to landfill bin (12% of permits).

There is a strong financial and environmental incentive to encourage greater use of recyclables and green organics bins to reduce the amount of costly residual waste going to landfill.

### **Preferred Option**

It is recommended that Option 2 be adopted which allows up to a maximum of one (1) additional recyclables and green organics bins for all residential properties, with an additional landfill waste bin only being approved, upon application, subject to extenuating circumstances being demonstrated, such as large families with six (6) or more members or a medical condition.

The difference between this Option 2 and Option 1, is the fact that constraints are put in place before an additional landfill bin service is automatically granted. This provides staff with the opportunity to discuss the issue with the person requesting the additional bin, to determine if other waste reduction or waste sorting behaviours can be adopted in the household to reduce landfill waste. This is considered to be a responsible and equitable position and is therefore the recommended option for additional services for residential properties.

### **Options for Non Standard Service Options for Multiple Dwellings and Apartments**

The collection of waste services for multiple dwellings and apartments, can involve the consideration of some unique constraints when compared to the standard level of kerbside waste collection services that is offered by the Council. The issue to be considered is *does the Council want to provide a more customised waste management service (on a case by case basis) for large multiple dwelling developments and apartments, where the standard collection services is not practical?*

When the Council determined to provide waste collection services for all tenancies as set out in the current Policy, whether the tenancy is residential or commercial, it implied that it would do so in a consistent manner for all residential and commercial properties. That is, the Council cannot, without good reason, choose to provide waste collection services to some tenancies of the same type but not others, without being clear about the reasons why it would offer services of differing standards. The Council may however impose service conditions, where necessary to facilitate the service being provided at particular premises taking into account any practical constraints and logistical considerations.

The starting point is that the Council may, as the provider of waste collection services, determine the terms and conditions upon which the service will be provided for a multiple unit development, unless the Council can deliver its standard kerbside collection service. To that end, there is scope for the Council to determine waste volume entitlements, the terms regarding the requirements for the bins and the locations where bins are required to be kept for collection. Any determination regarding conditions that attach to this service should be set out within the Council's *Waste Management Policy*.

The developer or Body Corporate of a multiple unit development, may alternatively opt to undertake their own waste commercial management service where their waste volumes or storage areas dictate a different arrangement to that which can be serviced by East Waste.

It should be noted that:

1. For new Development Applications, the *Planning and Design Code* limits the maximum number of bins that can be placed on a kerb for collection to ten (10) MGB's in total (eg 5 dwellings with a weekly presentation of two bins each). However, it must be noted that this is not a mandatory requirement, unless it is imposed as a condition of a planning consent for a new multiple dwelling or apartment development.
2. A guide has been prepared by the State Government to provide guidance on the design and planning of higher density and mixed use developments - the *South Australia Better Practice Guide Waste Management for Residential and Mixed Use Developments* (2014). A copy is contained in in **Attachment B**.
3. East Waste, has also developed a guide setting out conditions, taking into a consideration the requirements of the *Better Practice Guide for Waste Management Development Applications*. The *East Waste – Waste Management and Services Guide for Multi Unit Dwellings* (May 2021) is contained in in **Attachment C**.

The new Policy has been prepared on the basis that a developer (as part of a Development Application) or a Body Corporate (at any subsequent time), may request the Council to consider an application for undertaking their waste management services in a way that is different to the standard kerbside collection.

Where multiple residential dwellings (located within a multi-dwelling complex) apply for a non-standard waste service, this will be assessed on a case-by-case basis and may include the provision of larger capacity bins, on-site collection and increased frequency of recyclables and organic waste collection (to a maximum of one collection per week).

Following a request from a Body Corporate associated with a large apartment complex to commence a new collection service, East Waste has determined that it is able to service these properties utilising bulk bins (1100L capacity). Due to limited onsite capacity for storage, a weekly collection of recyclables and green organics is able to be collected from the bulk bins at a cost of \$8,000 per annum, which is \$6,500 less than the cost of a standard kerbside collection of bins from each apartment. While an apartment complex currently may not utilise Council (East Waste) collection services, it is entitled to do so. Therefore the cost of the service provision is less than it would be for collection of several hundred individual bins from the site.

For new developments or a new non-standard waste service, a written application will be required from the property owner or Community/ Strata Corporation to the Council accompanied by a Waste Management Plan and must be prepared by a suitably qualified Waste Management Consultant.

The Waste Management Plan would be required to address the following:

- a commitment to waste reduction and waste separation across all three streams (recyclables, food and garden organics and landfill) together with additional waste streams (eg. e-waste, hard waste);
- consideration of the requirements of the *East Waste – Waste Management and Services Guide for Multi Unit Dwellings* (May 2021)
- waste generation and storage volumes (not exceeding the rates contained in Table C.2 of the *South Australia Better Practice Guide Waste Management for Residential and Mixed Use Developments* (2014));
- suitable collection and storage infrastructure available (bin sizes, bin chutes, common storage areas/ enclosures etc);
- designation of the person(s) responsible for the management of bins (including any securing, emptying and moving of bins on site);and
- access arrangements including manoeuvring areas, height clearances, site gradients, security etc;
- noise attenuation, ventilation and other amenity measures for occupants of the building/ complex; and
- any other issues relevant to the storage and collection of waste materials on the site or other reasonable requirements of the Council.



It is proposed that applications for a non-standard waste service will be assessed by Council staff, in consultation with East Waste and will be progressed where there are demonstrated cost and resource efficiencies compared to undertaking multiple bin lifts through the standard kerbside waste service. Upon advice from East Waste, if the cost of collecting materials from larger bins is akin to the cost of the standard kerbside service than would otherwise need to be provided to all eligible properties on the site, there will be no additional charge for the non-standard service. Where the cost of servicing dwellings through a non-standard waste service would exceed the standard service which is provided by the Council, this will only be considered entirely at the Council's discretion and if approved, would be subject to a commensurate fee-for-service to be agreed to by the Council and East Waste (i.e. this additional cost will not be subsidised by the Council).

The assessment of applications for a non-standard waste service will also be based upon the guidelines (including as amended from time to time) contained within:

- *East Waste – Waste Management and Services Guide for Multi Unit Dwellings (2021)*; and
- *South Australia Better Practice Guide Waste management for Residential and Mixed Use Developments (2014)*.

Where an application for a non-standard waste service is approved by the Council, a *Waste Collection Service Agreement* (or similar) will be required to be entered into between the Council, East Waste and the property owner or the Strata / Community Corporation (where relevant).

The *Waste Collection Service Agreement* will include the agreed specifications of the waste collection service to be provided by the Council (including the provision of MGBs, waste volumes, collection frequency and applicable fees) and will outline the responsibilities of each party. In addition, the Agreement will ensure that appropriate indemnities are provided by the property owner or the Strata / Community Corporation to the Council and East Waste in relation to the provision of the waste collection service on the property. The *Waste Management Plan* for the property will also be attached to the Agreement once approved by the Council and East Waste.

A *Waste Collection Service Agreement* for the provision of a non-standard waste service may be entered into with the Council and East Waste for up to a period of five (5) years.

A sample of the draft Agreement is contained in **Attachment D**.

It should be noted that multi-unit developments can either be approved by the State Commission Assessment Panel (SCAP), the Council Assessment Panel or the Council's Assessment Manager. With respect to those approved by the SCAP, the Council can lodge a submission requesting that the proposal takes into consideration a WMP. In any event, as the *South Australian Better Practice Guide Waste Management* was developed jointly by the Property Council of Australia, Renewal SA and Zero Waste SA, SCAP should therefore take into account the elements of a *Waste Management Plan* (WMP) as required by the Guide when it is assessing these type of developments.

The Council has recently considered a WMP for the new development which has been approved at the Hackney Hotel property. For this development, the type of land uses and likely waste volumes were analysed and an agreement has been negotiated between the developer and the Council via East Waste, which includes a hybrid of both the Council and private contractors collecting waste from the various components of the development.

The Council has also recently been approached by the Body Corporate of a large apartment development, requesting consideration for replacement of its commercially provided waste collection service, with a Council provided service. The new *Waste Management Policy* will be used to guide the provision of these bespoke, non-standard collection services, which will necessitate entering into a *Waste Collection Service Agreement*.

Any determination regarding conditions that are attached to waste management services associated with multiple dwellings, have been included in the new *Waste Management Policy*.

In November 2020, the City of Burnside resolved that owners of dwellings in apartment buildings will receive a rate rebate from the Council for the collection of waste, where those apartment buildings do not or cannot access the Council's standard kerbside collection service.

The reasons given by the City of Burnside in adopting this position are:

- it is hoped the new scheme will also encourage more recycling of green waste.
- that owners in apartment blocks have been paying the same rates as any other homeowner, but not receiving the waste collection services undertaken by the Council; and
- this has resulted in residents effectively subsidising the rest of the Council's rubbish collection, while paying extra to have their own waste taken away.

Under the new system endorsed by the City of Burnside, owners of apartment buildings that implement a green waste collection service would receive a 4.5% rebate on their Council rates and places where green waste is not collected separately will receive a 2.25% rebate.

This position is not supported or recommended by Council staff for the following reasons:

- the approach taken by the City of Burnside is too simplistic. All residents pay rates for the provision of services including waste collection and management. Residents who live in apartments attend local shops, services and events and may from time to time, dispose of their waste in bins in the public realm, which a Council must fund;
- likewise, the rates paid by residents contribute to pools, libraries etc. that not all residents throughout the City access, but are still important services and facilities to provide to the community; and
- these apartment complexes or Multi Unit Developments (MUDs) where requests have been made to the Council to provide the waste management service, must make allowance for the appropriate infrastructure to allow access to the Council's contractor for the collection of waste services on their grounds. This infrastructure arrangement will incur a significant cost to the complex and in turn to the owners who purchased units in the complex. This is an upfront cost, which could be significantly lower than the rebates being offered by the City of Burnside.

With respect to increasing the recycling of green waste, this would be difficult to achieve in those complexes that have their waste collection services undertaken by a private contractor. East Waste has advised that there is only one high rise complex in the metropolitan area where this has been achieved. In that instance, chutes are provided on each floor to separate the general waste, green organic material and recyclable material. East Waste has also advised that there is a high risk of contamination associated with this method, as the bags can split before they hit the waste receptacle and spill into another bin.

The best approach to increase the recycling of green waste is to allow the Council's contractor access onto the site and remove green waste from the correct receptacle either on a weekly fortnightly basis (subject to cost).

A user only pays system for charging rates and providing rebates is a 'very slippery slope' and should not be adopted.

The new Policy sets out the ability for consideration of non-standard waste service collection agreement, including the possibility of weekly collection from bulk bins, subject to this being no greater cost to East Waste than the standard kerbside service.

## Options for Additional Services for Commercial Properties

There is no legal obligation for the Council to provide waste management services for all streams for these tenancy types.

The current Policy allows for commercial properties, “other” properties and properties tenanted by not-for-profit organisations and Council leased buildings, entitlement of one (1) additional service for each waste stream. An additional service is available upon the payment of a fee to the Council. In other words, all property types (residential, commercial, not for profits) are all treated equally under the existing Policy.

It should be noted that Child Care Centres are included as Commercial Properties.

It is a long standing practice for commercial properties to be responsible for the disposal of commercial quantities and types of waste from their respective premises.

The Council’s current Policy states “*Commercial and industrial waste will not be collected by the Council*”, which has caused some ambiguity in its interpretation. The availability of a second bin of each type was included in the current Policy when adopted by the Council in 2010. Prior to that date, the previous Policy did not allow any additional services for green organics and recyclable materials for commercial properties.

In the case of large commercial or industrial premises, the disposal of waste is an operational matter, which is best handled by the business. Generally, businesses generate more waste (usually in the form of packaging), which is greater than the capacity of the kerbside mobile garbage bins (MGBs) or domestic scale waste.

Some businesses (particularly small tenancies) do not have the space to store additional MGBs on their premises and would not seek to purchase a second landfill waste, recycling or green organics service, even if it was available to them.

The following options are available to the Council for the provision of additional services to tenants of commercial properties.

- **Option 1 – Status Quo**

Retain existing service levels - that is, allow one (1) additional bin permit per property for each waste stream, upon payment of the required fee.

This provides flexibility where it may be difficult for commercial operators to have the space required to have all waste streams collected by a commercial operator such as where there are single fronted and narrow tenancies on arterial roads, with no provision at the rear of the property to engage a commercial collection. If this option is preferred, then prior to additional services being provided, an assessment of the available kerb space would need to be undertaken to ensure the space available could accommodate the additional bins.

- **Option 2 – Additional Service for Green Organics and Recyclables Streams Only**

Issue additional services for green organics and dry recyclables only - up to a maximum of one (1) additional service for each (to encourage waste diversion). While the Council has no obligation to collect any waste from commercial properties, this option would be consistent with the principles for second service options proposed in the new Policy for residential properties, whereby only second recyclables and organics bins are the standard offer. Extenuating circumstances for households (large number of household members and medical grounds) is not an equivalent test that can be applied for commercial properties.

This option is the best option to facilitate increased waste diversion and takes into account that if a commercial business has greater landfill waste volume than can be accommodated in a single bin, then this exceeds the test of an equivalent “domestic” volume of waste generation.

In these circumstances a commercial waste disposal operator would need to be privately engaged by the business owner to cater for these additional waste volumes. Due to waste minimisation objectives and equity with residential second bin entitlement, this option is recommended.

- **Option 3 – No Additional Service Offered**

Do not provide any additional waste management services for all waste streams for these property types over and above the standard entitlement of one landfill bin, one recyclables bin and one green organics bin. This is the position taken by the Cities of Unley, Prospect and Holdfast Bay. .

This option is not recommended due to the equity of service provision when compared with residential properties- whereby increased organics diversion and recycling are supported through the ability to pay for one (1) additional service of these waste streams.

### **Preferred Option**

Option 2 is the recommended option for the supply of additional services for commercial properties, providing the option of purchasing a second bin permit only for recyclables and organics collection and not available from the Council for landfill bins.

As previously identified in this report, East Waste has estimated that between 6-8% of commercial properties are over-serviced with unauthorised bins being presented and collected by East Waste, representing significant lost cost-recovery for the Council.

To address this, it is recommended that all commercial properties will be transitioned across to full compliance with the new Policy over a three (3) year period. This will include:

- addressing The Parade as the highest priority first (provide traders on The Parade with new bins with RFID chips fitted within 12 months (by October 2022));
- additional commercial locations (Magill Road, Payneham Road, shopping centres) to be addressed following The Parade; and
- all commercial properties issued with RFID-fitted bins within three (3) years.

### **Options for Providing Additional Services for Schools**



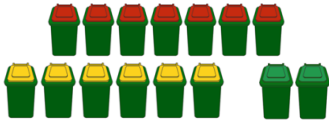

As advised previously, the provision of waste collection services for schools (public or private) is over and above the services that the Council is legally obligated to provide.

The Council's existing Policy does not identify schools as entitled to any specific additional bin licenses. Under the current Policy, schools therefore default into the "*other types of properties*" which enables an entitlement (upon application and payment of a fee), a second set of each of the 3 (three) bins.

No schools in the City of Norwood Payneham & St Peters currently have a valid second bin permit for any additional bins and as identified in an audit undertaken in 2019, over time, many schools have acquired additional bins which are presented at the kerb and collected by East Waste.

A summary of the number of MGBs for each waste stream presented at the kerbside by schools in the Council area is shown in Table 3 below.

**TABLE 3: BINS PRESENTED FOR COLLECTION BY SCHOOLS WITHIN THE CITY  
(AUDIT SNAPSHOT MAY 2019)**

SCHOOL	BINS VISIBLE ON SCHOOL SITE (not at kerbside)	BINS PRESENTED FOR COLLECTION
<b>PUBLIC SCHOOLS</b>		
Norwood Primary School	5 x general waste	0
Trinity Gardens Primary School	0	0
Marryatville High School	6 x general waste	0
Marryatville Primary School	0	
Marden Senior College	0	0
East Adelaide School	0	0
Felixstow Community School	0	0
<b>PRIVATE SCHOOLS</b>		
Loreto College	2 x general waste	0
Prince Alfred College	0	0
Pembroke School	0	0
St Peters College	0	0
St Ignatius Junior College	0	0
Mary MacKillop College	0	0
St Joseph's Memorial School - Kensington	0	17 total 
St Joseph's Memorial School - Norwood	0	15 total 
St Joseph's Primary School Payneham	17 x general waste	17 general waste 
<b>TOTAL</b>	<b>30 total (note: some or all may be commercially collected)</b>	<b>55 total (presented for Council collection) from 4 schools</b>

The data presented in Table 3 shows the variability that exists regarding the additional services being utilised by private and public schools. One school has 17 bins allocated for domestic waste whilst some schools have none. Waste is routinely collected from these schools by East Waste on behalf of the Council at no cost.

The results of the audit are summarised below:

- of the 16 schools located in the City, 12 schools did not present any bins for collection;
- there are three (3) private schools which present fifteen (15) or more bins for collection of the various waste streams;
- four schools accounted for the total of 55 bins presented for collection;
- of the three (3) private schools, one school presents 17 general waste bins for collection across two (2) campuses; and
- some schools have MGBs on the school property (as shown in Column 1) but during the period of the audit did not present these bins at the kerbside for collection (these may be serviced commercially).

It is unclear how many of the additional bins (over and above the two (2) of each bin type) have been issued by the Council or East Waste.

Many schools are proactive in encouraging education, waste minimisation, recycling and responsible organic waste disposal. Over the last decade, the Council, in conjunction with its waste education providers East Waste and KESAB, has successfully organised many waste education programs in the City's schools.

It is important that schools, like any other organisation, has suitable infrastructure that allows for the appropriate separation of waste streams and on site storage. The provision of bins for types and volumes of waste that are beyond the capacity of kerbside collection, should however be the responsibility of the school.

In the case where the additional bins have been acquired by public schools and the additional bins are being placed at the kerb for collection, the Council is in effect bearing a cost which should be borne by another level of government, particularly in the light of the significant waste levies placed onto Local Government by the State Government. It is understood that the Department for Education will be arranging for all public schools under a whole of Department waste management contract commencing 1 July 2022. Therefore, East Waste's collection of bins, will no longer be an issue for public schools.

Similarly, the additional bins collected from private schools, beyond their entitlement, is an operational responsibility and cost of the school.

Some private schools have small campuses where it may be difficult to store larger bins to be collected by a private contractor, with convenience in accessing the Council weekly or fortnightly kerbside collection system. However, if this practice is to be retained, then it should be undertaken with the full cost to be borne by the schools without subsidisation. It is important to note that under the *Local Government Act 1999* public and private schools are entitled to a 75% rate rebate.

In the case of the school which presents 17 landfill waste bins for collection, if these had been accepted and recorded through the second bin permit system, the applicable charges (at \$135 per bin per annum) would have resulted in total fee-for-service for that school of \$2,295 per annum.

If the new Policy is endorsed by the Council, to eliminate the risk to the Council that a similar level of service could be expected by other organisations, it is recommended that the Council needs to undertake negotiations with these schools to ensure they are scaled back into line with other schools and in accordance with the Council's new Policy regarding schools, or are asked to pay for any additional services for all streams beyond those available to schools as described within the new Policy.

### **Options for Schools**

Again, as stated previously, there is no legal obligation for the Council to provide waste management services of all streams for schools.

The current Policy is not specific about the collection of waste from schools, but enables "other" types of properties to apply for one (1) additional bin collection for each waste stream, over and above the first set of three bins.

In considering options for the new Waste Management Policy, Table 3 shows that the Cities of Unley and Burnside allow schools to have one (1) additional service for all waste streams beyond the three (3) bin system. The Campbelltown City Council allows schools to have an additional three (3) services but only for recycling collection.

Following consideration of the issue of services for the various waste streams for schools the following options are available to the Council:

- **Option 1 – Status Quo**

Provide each school with a standard service for each of the three (3) bin waste streams and in addition, offer a second set of bins to be collected, with the number of additional services limited to one (1) for each type of service and that the cost of each additional service be paid for by the school. (This would result in a maximum total of 6 bins for each school).

This option is generally consistent with what is proposed for residential and commercial properties, although it is more generous in offering a second landfill bin. Based on the information identified in the audit undertaken in 2019 (provided in Table 3), the majority of schools do not present any bins for collection. Four (4) schools are accessing services well over and above that available if Option 1 is adopted.

Providing a maximum of two bins of each stream would not be sufficient to meet the overall waste management needs of each school and is therefore not a practical option.

- **Option 2 – No Additional Bin Permits**

Provide each school with a standard service for each of the three (3) bin waste streams, primarily as an educative support tool for the students and provide the kerbside collection service for these bins. In this option, no further additional bins would be provided for any of the waste streams (resulting in a maximum total of 3 bins).

This is considered the most practical and equitable option as schools will need to engage a commercial contractor to service their overall waste needs but still be able to demonstrate sustainable rubbish separation and recycling practices as an educative tool and this option doesn't require ratepayers to subsidise collection services for schools.

- **Option 3 – Additional Service for Green Organics and Recyclables Streams Only**

Provide each school with one (1) service for each waste stream and one (1) additional service for kerbside recycling and green organics only, with the cost of these additional two (2) bin collections to be paid for by the schools. (This would result in a maximum total of 5 bins per school).

This option provides greater capacity for waste diversion. However, like Option 1, this hybrid option is unlikely to be a workable model for schools due to the large volumes of waste which is generated.

- **Option 4 – No Bin Supply or Collection at all**

Do not supply any services to schools, on the basis that the collection of waste for all streams is the responsibility of the schools. This option has been adopted by three (3) of the six (6) Councils which have been surveyed. (e.g. no bins are provided). For public schools, this would be consistent from 1 July 2022, with all public schools coming under a single commercial waste collection contract, paid for by the Department for Education.

This option does not provide any service for the collection and disposal of waste for schools. Whilst this option can be justified, it isolates schools from all other users. On that basis it is not recommended.

In summary, Option 2 is recommended.

If Option 2 is supported by the Council, it will result in several schools having bin collections which far exceed their entitlement (as shown in Table 3).

Only one public school was identified as having bins at the kerbside, for collection. This will be addressed through the Department for Education bringing all public schools under a single managed contract for collection of waste from 1 July 2022. This will result in no public schools presenting bins for collection by East Waste.

As such, if the Policy is adopted as recommended for the remaining private schools with an over-allocation of bins, it is recommended that a transition process be enacted with the schools. This will involve staff discussing the Council's new *Waste Management Policy* and how the school can transition to the new arrangements. Each of these schools will be offered a Bin Assessment Service, delivered by KESAB, to examine their on-site waste management and consider best practice alternatives for waste minimisation, separation and collection.

Ultimately, if bin requirements exceed what is allowed for in the new Policy, the Council will seek to remove any over-allocated Council MGBs which require the school to purchase any additional required bins from a commercial provider. These discussions will be held with the schools over a twelve (12) month period from the adoption of the new Policy, to ensure consistent compliance and a fair and equitable service provision. However, in the event that an agreement cannot be reached with an individual school that has an over-allocation of bins, a report will be presented to Council for consideration.

In addition, over the next twelve months, East Waste will be tasked with contacting all private schools to offer a collection service to all private school as a fee-for-service model. East Waste will be offering all private schools the option, instead of paying collection fees to a commercial provider where this is possible. This will include the ability to service private schools with larger capacity bulk bins. This will assist the schools in achieving better environmental outcomes, in conjunction with the advice of KESAB through the Bin Assessment Service. Ultimately, schools generate large quantities of waste which needs to be better managed.

The Council will also continue to support all schools through the provision of education programs (delivered through East Waste and KESAB) and through the supply of classroom kitchen organics caddies and rolls of compostable bags as set out in the new Policy.

A summary of the proposed bin entitlements of all types is contained in **Attachment E**.

### **Options for Providing Additional Services for Community and Not-for-Profit Organisations**

Not-for-profit organisations include churches, community centres, nursing homes, sporting clubs, etc. Pursuant to the existing Policy, these premises are entitled to a full three (3) bin collection service (landfill waste, recycling and green organics).

In reviewing the Policy, the option of a free set of second bins was considered on the basis these organisations are not-for-profit. However, the policy prior to the adoption of the current Policy (2010), enabled a not-for-profit organisation to apply for free additional bins, taking into account their particular circumstances. This aspect of the Policy proved difficult to administer in a consistent way, as it requires a subjective assessment to be made. Some organisations argue their case for additional free services more strongly or adamantly than others, while some are quite prepared to engage commercial waste collection companies at their own cost.

Some membership based organisations, which, while they are "not-for-profit," would be expected to cover their operational costs through appropriate membership fees, rather than through the provision of additional free waste collection services.

There are difficulties and inconsistencies in the ability to determine whether a "community" organisation is entitled to free additional services.

The options for Community and Not-for-Profit organisations include:

- **Option 1 – Status Quo**

This involves continuing the current Policy of enabling one additional bin permit of each of the three (3) streams to be paid for each year.



- **Option 2 – No Additional Bin Permits**

On the basis that these organisations generally already are subject to Council rate exemptions, an option could be for no additional bin entitlements, beyond the first set of three (3) bins.

- **Option 3 – Additional Service for Green Organics and Recyclables Streams Only (As per the Commercial Properties)**

For consistency with the services which are made available to Commercial and Residential properties, it is recommended that the Policy includes allowance for Community and Not-for-Profit Organisations to pay for additional bin permits for recyclables and green organics bins.

This would incentivise waste reduction by not providing an additional landfill collection. As with commercial entities, if an organisation has more landfill waste than can be accommodated with single weekly collection, this would need to be organised through a separate commercial collection arrangement.

This is the recommended option.

### **Collection of Unauthorised Bins**

At its meeting held on 6 February 2017, the Council resolved that a letter be forwarded to the General Manager, East Waste, recommending that the Board consider undertaking an audit of “unauthorised bins” collected by East Waste. A copy of that letter is contained in **Attachment F**.

An “unauthorised bin” is a bin that has been purchased or obtained by the property owner, without sourcing an additional bin permit from the Council for the collection of waste. It may be a landfill, recycling or green organics bin.

In making this request the Council recommended that East Waste undertake an audit of unauthorised bins being collected across all of the Constituent Councils. This matter was considered by the Board of East Waste at its meeting held on 27 April 2017 and at which time resolved:

*“That the report be received and noted and the Board will review the results of the City of Norwood Payneham & St Peters audit process”.*

It should be noted that the Board resolved not to survey the other Constituent Councils for unauthorised bins as requested by the Council.

The outcome of the review and the results are summarised in a letter from East Waste dated 30 May 2017, as contained in **Attachment G**.

East Waste commenced the audit in March 2017, but at that time it became obvious that the auditing of bins in circulation is a complex issue for the following reasons:

- bin representation – not all residents place each bin out for collection on the nominated collection day/week (i.e. organics and recycling bins are not always presented);
- difficulties in determining ownership of bins, especially difficult in laneways and adjacent commercial properties;
- East Waste driver participation – due to the constant changes in drivers servicing the Council, the instruction to complete the unauthorised bin audit was met with intermittent resistance;
- the bin stocks did not contain the Radio Frequency Identification Device (RFID) chips.

The results of the audit and survey are clearly outlined in the correspondence received from East Waste as contained in **Attachment H**.

Based on the results of the audit, East Waste provided the following summary:

- it became clear during the audit that the number of unauthorised waste bins is less than previously thought and provides an over servicing cost of approximately \$16,500 - \$33,000 per annum. The initial estimate was thought to be between \$100,000 - \$150,000. It must be stressed that this is an estimate only, however it is still a reasonable sum which could be saved; and
- there was a trend in some circumstances of 'double dipping' in laneways and unauthorised waste containers issued at some commercial properties.

In summary, following the audit and survey, East Waste made the following recommendations for Council to consider:

1. *All future stolen, missing or irreparable bins be replaced with a MGB inclusive of an RFID Chip. RFID chips are approximately \$1.50 to \$2.00 and all East Waste vehicles are equipped with technology to read the chips. Whilst this is a long term approach to solve the problem with unauthorised bins, it is the most logical and economical way.*
2. *Should a Council wide bin replacement eventuate, then all bins are to contain RFID chips and the supplier contractor is to manage an accurate roll out database which is handed over to East Waste at the completion of the roll out.*
3. *If the Council resolves to replace all bins at the same time, then the bin replacement program is only to replace legitimate bins at any Service Entitlement Premises (that is, do not replace bin for bin, but rather replace entitled bins, unless the resident has applied to the Council and legitimately given approval for an additional bin in accordance with the Policy).*
4. *Opt into East Waste's MGB Supply Contract to realise savings in ongoing bin supply, replacement and repair. This contract is available for any East Waste Member Council that wishes to take up this option.*

Since that time the Council has opted for the option, whereby all MGBs are purchased by East Waste, but are owned by the Council. Similarly, all future bins which are purchased will have an RFID chip. This practice has been in place for three (3) years. East Waste charges the Council direct for the purchase of the bins.

There are two (2) other options available to the Council regarding the replacement of all new bins with an RFID chip system. These are:

- a. retrofit the existing bins with a RFID chip. There are 19,561 rateable properties within the City, however not all rateable properties have three (3) bins allocated to them (e.g. commercial properties). Based on this number of rateable properties, there could be as many as 50,000 bins which will be required to be fitted with an RFID chip fitted. The cost to the Council to undertake this option is approximately \$250,000 to \$400,000 at any one time. This option is not recommended at this stage; and
- b. replace all bins at one time with RFID chips. Based on the cost for retrofitting and together with the cost of a new bin, this option is not financially viable. The average cost of a new bin is approximately \$40 per bin and therefore based on 50,000 bins, including the RFID chips, the estimated cost to undertake this option will be between \$2.0M and \$2.1M.

The average number of bins which have been replaced by the Council over the last five (5) years, (from 2014-2015 to 2018-2019 inclusive) is approximately 1,155 bins per year (this is approximately 2.3% of the total bin stock). Based on this scenario, the average cost per annum to replace existing bins with RFID chips is approximately \$10,000 per annum or approximately \$50,000 over the five (5) year period. It should be noted that since the introduction of the three (3) bin system in 2003, a number of existing bins are approximately 16 years old and will need to be replaced at some stage. However it is difficult to estimate the lifecycle of a bin. This depends on many factors, but primarily on how the owner of the premises treats the bins. Some of the green bins, which were in use before the three (3) bin system was introduced, have lasted for well over twenty (20) years.

Based on an assessment of the options, the costs and practicalities of each option, it is recommended that the current practice of replacing all stolen, missing or irreparable bins being replaced with an MGB inclusive of RFID chip, continue.

Notwithstanding this, the Council can consider replacing all bin types for commercial tenancies along The Parade, from Fullarton Road to Portrush Road, with bins for each waste stream fitted with an RFID chip.

This approach would address a key finding of the audit which was undertaken by East Waste which indicated that the majority of unauthorised bins being presented are located on The Parade, Norwood from Fullarton Road to Portrush Road.

Based on approximately 135 general waste bins, 85 recycle bins and 43 green organics bins which are placed out weekly and fortnightly for collection, the cost to the Council to undertake this option is approximately \$11,000. It is recommended that the replacement of bins which are allocated to commercial properties along The Parade, between Fullarton Road and Portrush Road, occur during the 2021-22 Financial Year. The cost to replace bin infrastructure can be undertaken within the recurrent Waste Budget.

If this option is adopted by the Council, then a public awareness campaign must be undertaken with those affected and as part of this, staff will be required to liaise with the property owner and tenants regarding the change-over of bins.

It is recommended that following the replacement of bins along The Parade, all bins allocated to commercial properties across the City, be addressed through a program to remove existing bins and replace these with RFID-fitted bins, over a three (3) year period.

Following the changeover of all commercial bins to RFID fitted bins, a strategy will be prepared for the Council's consideration for a co-ordinated implementation program for residential properties, taking into account the estimated remaining life of the existing bin stock.

### **Lost and Stolen Bins**

In 2004, as part of the new three bin system, the Council purchased and supplied all residential properties and some commercial properties with new landfill waste (red lid) and recycling (yellow lid) bins. The new bins which were paid for by the Council, were stamped with the Council's logo and were imprinted with a serial number. A register was kept and has been maintained to date, which links the serial number of each bin to the property to which it was allocated. At that time, notwithstanding the fact that the bins were supplied by the Council and branded with its logo, it was the responsibility of the owner or tenant to replace lost, stolen or damaged bins at their cost and that new bin(s) would also to become the property of the Council.

Property owners were required to purchase a bin of the correct size and with the correct coloured lid, but were free to purchase the bin from a supplier of their choosing. Essentially the Policy at the time, required the resident to replace the Council's property, even if the loss of the bin was not their fault.

The Council was challenged on this approach at the time, on the basis that a person should not be forced to replace Council property if the loss of the property is outside their control.

This situation was reconsidered by the Council when the Policy was reviewed at its meeting held on 6 September 2010, at which time the Council resolved that it will replace lost, stolen bins and vandalised bins (outside the control of, and not due to the negligence of the property owner or tenant) as well as due to fair wear and tear, manufacturing defect or damage caused by a waste collection vehicle. Under the current Policy, a Statutory Declaration may be required as part of this consideration for lost and stolen bins.

This part of the Policy is proposed to be retained, with a change to remove the requirement for Statutory Declaration to be provided and replace this with a requirement for property owners to complete a Missing/Vandalised Bin Form.

Since the three bin system was introduced in 2004, the Council has replaced a total of 1935 MGBs, which comprises 1,167 landfill MGBs (140 litre) and 768 MGBs (240 litre). On average, this equates to 322 MGB's replaced annually over the six (6) year period.

## **Hard Rubbish Collection**

In 2017, the Council introduced an 'At Call' Hard Waste Collection Service, replacing the annual collection service which was undertaken on a suburb-by-suburb basis.

The 'At Call' Hard Waste Service was only offered to residential properties. This service provides two (2) free booked collections per annum, with two (2) additional services offered (at cost to the resident).

Options for the Council in respect to this service include increasing or decreasing the two (2) collections offered and extending the service to other types of tenancies (non-residential).

In this respect, from time-to-time the Council receives requests and/or enquiries from businesses and not-for-profit organisations wanting to access the service. It is not intended to offer businesses a free disposal service of large waste items, which should be met as part of their business operations. For many businesses, the limit of 2 cubic metres collection size would, in a practical sense, limit the suitability of a collection service for their larger items. For this reason, it is not recommended the service be extended to non-residential properties.

Not-for-profit organisations however, could be assisted by enabling an entitlement to the service, equivalent to residential properties of two (2) collections per annum. Given the charitable or not-for-profit nature of these entities, it is recommended that these organisations be included in the Hard Rubbish Collection entitlements.

The offer of two (2) collections per annum for households compares favourably with other metropolitan collection services and any additional (3<sup>rd</sup> and 4<sup>th</sup> collection) at a minimal cost is generally well received by those seeking multiple collections. It is recommended that no change be made to the services.

The new entitlements for the At Call Hard Waste Collection Service have been included in the new *Waste Management Policy*.

## **Baskets and Bio-Bags**

In 2013, the Council introduced the *Kitchen Organics Collection Service*, with the supply to all households of educational materials, an 8L kitchen organics caddy and supply of compostable bags (150 bags).

Since that time, the Council has offered an annual supply of compostable bags, available for households to collect from the Council's Principal Office and Libraries, free of charge. Beyond annual supply, residents are able to purchase an additional roll of 75 bags at the cost price of \$4.50 per roll.

Approximately 20% of all households come to the Council to collect an annual supply of bags from the Council. The availability of this service is widely promoted through multiple communication channels.

The annual supply of bags and replacement caddies (as residents move into new properties or misplace the kitchen caddies) is approximately \$15,000 per annum. The Council has received various Green Industries SA grants to support funding of this service.

The Council commenced the *Reinvigorate the Food Composting Project* in October 2019, utilising funding from Green Industries SA (GISA). This project targeted those households where the occupancy had changed or where kitchen caddies were no longer available following the initial roll-out.

The project involved a media campaign, delivery to residents, collection from the Council's Libraries and Principal Office and "giveaways" at Council events. The caddies purchased for the project, were procured with either 90% or 25% of recycled plastic content depending on colour chosen.

To date, approximately 3,270 caddies have been provided to households. Of those 1,226 caddies have been delivered and 2,044 were given out at events or collected from the Council. The distribution of these new kitchen caddies will assist in reducing costs for the Council in diverting organic waste volumes from landfill.

The entitlements for the kitchen caddies and compostable bio-bags has been included in the new *Waste Management Policy*.

## **OPTIONS**

Various options have been presented within the body of the report for each component of the new Policy.

## CONCLUSION

The draft *Waste Management Policy*, reflects the Council's commitment to reducing the amount of waste sent to landfill, a strategy which is based upon both financial and environmental objectives. It also provides for the fair and equitable provision of waste collection services for all sectors of the community.

An important inclusion in the draft Policy, relates to multiple dwellings and apartments and how they will be dealt with by the Council. The Policy provides for more tailored collections from these types of developments if the cost does not exceed that of the standard level of service and where an appropriate agreement between the Body Corporate, East Waste and the Council can be agreed upon.

The draft Policy incorporating all of the recommendations of this report is contained in **Attachment I**.

A comparison of the old Policy to the new Policy is contained in **Attachment J**.

## COMMENTS

Nil.

## RECOMMENDATION

1. That the draft *Waste Management Policy*, as contained in **Attachment I**, be adopted.
2. That East Waste be advised of the Council's new *Waste Management Policy* and that, as part of the process of renewing annual additional bin permits, all permit holders be advised of the new Policy and where applicable, the need to relinquish bins where the number of bins exceed the number allowable under the new *Waste Management Policy*.
3. That during the 2021-22 Financial Year, all existing waste bins which have been allocated to commercial properties fronting The Parade, Norwood, between Fullarton Road and Portrush Road, be removed and replaced with a new set of 3 (three) bins, each installed with a Radio Frequency Identification Device (RFID).
4. That staff liaise with those affected property and business owners along The Parade from Fullarton Road to Portrush Road, to discuss the requirements of the new *Waste Management Policy* and of the supply of new RFID fitted bins prior to the removal of existing bins.
5. That following the supply of RFID chipped bins to commercial properties along The Parade, Norwood, the replacement of existing waste bins for all commercial properties within the City be implemented over a three (3) year period.
6. That Council staff together with East Waste liaise with all private schools which have unauthorised mobile garbage bins to discuss their particular school waste operations and issues to advise the schools of the revised *Waste Management Policy* and its implications to conform with the bin entitlement set out in the Policy.
7. That following the implementation of the above measures to achieve consistency and compliance with additional bin services for commercial properties and schools, a strategy be developed and presented to the Council, for the fitting of all residential bins with RFID chips, taking into account the remaining life of the bin stock.
8. The Council notes that following the discussions outlined in point 6 above, a report be prepared for the Council should an agreement not be able to be reached with any of the schools.
9. That staff and East Waste liaise with all private schools with the offer of providing a quotation, on a fee for service basis, for East Waste to provide for the collection and disposal of all waste streams.
10. That a promotional campaign be implemented to raise awareness in the community regarding the implementation of the new *Waste Management Policy*.

Mayor Bria declared a conflict of interest in this matter as his daughter attends one of the schools referred to in this report and left the meeting at 7.57pm.

Appointment of Acting Mayor

At 7.58pm Cr Sims moved:

*That Cr John Minney be appointed Acting Mayor for this item.*

*Seconded by Cr Granozio and carried unanimously.*

Cr Minney assumed the Chair.

Cr Sims moved:

- 1. That the draft Waste Management Policy, as contained in **Attachment I**, be adopted.*
- 2. That East Waste be advised of the Council's new Waste Management Policy and that, as part of the process of renewing annual additional bin permits, all permit holders be advised of the new Policy and where applicable, the need to relinquish bins where the number of bins exceed the number allowable under the new Waste Management Policy.*
- 3. That during the 2021-22 Financial Year, all existing waste bins which have been allocated to commercial properties fronting The Parade, Norwood, between Fullarton Road and Portrush Road, be removed and replaced with a new set of 3 (three) bins, each installed with a Radio Frequency Identification Device (RFID) and on each of those bins be branded in accordance with the City of Norwood Payneham & St Peters branding (and The Parade, if feasible).*
- 4. That staff liaise with those affected property and business owners along The Parade from Fullarton Road to Portrush Road, to discuss the requirements of the new Waste Management Policy and of the supply of new RFID fitted bins prior to the removal of existing bins.*
- 5. That following the supply of RFID chipped bins to commercial properties along The Parade, Norwood, the replacement of existing waste bins for all commercial properties within the City be implemented over a three (3) year period.*
- 6. That Council staff together with East Waste liaise with all private schools which have unauthorised mobile garbage bins to discuss their particular school waste operations and issues to advise the schools of the revised Waste Management Policy and its implications to conform with the bin entitlement set out in the Policy.*
- 7. That following the implementation of the above measures to achieve consistency and compliance with additional bin services for commercial properties and schools, a strategy be developed and presented to the Council, for the fitting of all residential bins with RFID chips, taking into account the remaining life of the bin stock.*
- 8. The Council notes that following the discussions outlined in point 6 above, a report be prepared for the Council should an agreement not be able to be reached with any of the schools.*
- 9. That staff and East Waste liaise with all private schools with the offer of providing a quotation, on a fee for service basis, for East Waste to provide for the collection and disposal of all waste streams.*
- 10. That a promotional campaign be implemented to raise awareness in the community regarding the implementation of the new Waste Management Policy.*

*Seconded by Cr Granozio and carried unanimously.*

Resumption of Chair

Mayor Bria returned to the meeting at 8.19pm and resumed the Chair.

**Section 2 – Corporate & Finance**  
**Reports**

## 11.2 MONTHLY FINANCIAL REPORT – AUGUST 2021

---

**REPORT AUTHOR:** Financial Services Manager  
**GENERAL MANAGER:** General Manager, Corporate Services  
**CONTACT NUMBER:** 8366 4585  
**FILE REFERENCE:** qA78171  
**ATTACHMENTS:** A

---

### **PURPOSE OF REPORT**

The purpose of this report is to provide the Council with information regarding its financial performance for the year ended August 2021.

### **BACKGROUND**

Section 59 of the *Local Government Act 1999* (the Act), requires the Council to keep its resource allocation, expenditure and activities and the efficiency and effectiveness of its service delivery, under review. To assist the Council in complying with these legislative requirements and the principles of good corporate financial governance, the Council is provided with monthly financial reports detailing its financial performance compared to its Budget.

### **RELEVANT STRATEGIC DIRECTIONS AND POLICIES**

Nil

### **FINANCIAL AND BUDGET IMPLICATIONS**

Financial sustainability is as an ongoing high priority for the Council. The Council adopted a Budget which forecasts an Operating Surplus of \$471,000 for the 2021-2022 Financial Year.

For the period ended August 2021, the Council's Operating Surplus is \$2.340 million against a budgeted Operating Surplus of \$2.025 million, resulting in a favourable variance of \$315,000.

### **EXTERNAL ECONOMIC IMPLICATIONS**

Not Applicable.

### **SOCIAL ISSUES**

Not Applicable.

### **CULTURAL ISSUES**

Not Applicable.

### **ENVIRONMENTAL ISSUES**

Not Applicable.

### **RESOURCE ISSUES**

Not Applicable.

### **RISK MANAGEMENT**

Not Applicable.



## CONSULTATION

- **Elected Members**  
Not Applicable.
- **Community**  
Not Applicable.
- **Staff**  
Responsible Officers and General Managers.
- **Other Agencies**  
Not Applicable.

## DISCUSSION

For the period ended August 2021, the Council's Operating Surplus is \$2.340 million against a budgeted Operating Surplus of \$2.025 million, resulting in a favourable variance of \$315,000.

Employee expenses are \$280,000 to the Adopted Budget which is the result of the following:

- vacancies anticipated to be filled in the Adopted Budget which have not yet been filled (\$80,000);
- vacancies anticipated to be filled in the Adopted Budget which are being back filled (\$6,000);
- cancelation of events at the Norwood Concert Hall as a result of COVID-19 restrictions resulted in reduction in the hours casual staff were engaged (\$23,000); and,
- favourable variance related to the timing of leave actually being taken compared to budget expectations.

User Charges are \$44,000 unfavourable to the Adopted Budget which primarily is the result of the cancellation and deferral of events at the Norwood Concert Hall as a result of COVID-19 restrictions.

Legal expenses are \$102,000 unfavourable to the Adopted Budget which is the result of the continuation of the legal proceedings associated with the George Street Scramble Crossing.

The residual variance to Budget is primarily due to expenditure timings compared to actual expenditure which is not uncommon for the beginning of the Financial Year. There are no individually significant variances.

The Monthly Financial report is contained in **Attachment A**.

## OPTIONS

Nil

## CONCLUSION

Nil

## COMMENTS

Nil

## RECOMMENDATION

That the August 2021 Monthly Financial Report be received and noted.

---

Cr Whittington left the meeting at 8.19pm.  
Cr Whittington returned to the meeting at 8.20pm

*Cr Minney moved:*

*That the August 2021 Monthly Financial Report be received and noted.*

*Seconded by Cr Patterson and carried unanimously.*

## **Section 3 – Governance & General Reports**

### 11.3 19-29 GLYNBURN ROAD GLYNDE CODE AMENDMENT

---

**REPORT AUTHOR:** Senior Urban Planner  
**GENERAL MANAGER:** General Manager, Urban Planning & Environment  
**CONTACT NUMBER:** 8366 4561  
**FILE REFERENCE:** qA58634  
**ATTACHMENTS:** A - F

---

#### PURPOSE OF REPORT

The purpose of this report is to provide information to the Council regarding a private Code Amendment by *ALDI Stores* proposing to rezone 19-29 Glynburn Road, Glynde, which is currently on consultation and to seek the Council's endorsement of a draft submission on the proposed rezoning.

#### BACKGROUND

In October 2020, Nielsen Architects on behalf of *ALDI Stores*, submitted a Development Application under the *Development Act 1993* for the construction of a supermarket with associated site works at 19-29 Glynburn Road Glynde. The application was assessed by the State Planning Commission, rather than the Council. Under the Development Plan, the property was located partially within the *Light Industry Zone* and partially within the *Residential Zone*, neither of which anticipated a shop of the scale proposed and as such, the Application was designated as a non-complying application requiring Category 3 public notification. The application was subsequently refused by the State Commission Assessment Panel (SCAP) in May 2021, on the basis that the proposed supermarket was inconsistent with the nature of land uses envisaged in the Development Plan for that property.

In March 2021, the Development Plan was replaced by the *Planning & Design Code*. Pursuant to the Code, the site is now partially in the *Employment Zone* (which anticipates a range of commercial uses) and partially in the *Housing Diversity Neighbourhood Zone* (which primarily anticipates residential uses). A map showing the current zoning is contained in **Attachment A**.

As was the case under the Development Plan, neither of these Code zones anticipate a shop of the scale which was previously proposed by *ALDI Stores*. As such, the prospects of obtaining a Development Approval are not significantly improved under the current zoning, compared to the previous Development Application which was assessed against the Development Plan.

The *Planning Development and Infrastructure Act 2016*, enables a person who has an interest in land to propose an amendment to the *Planning & Design Code*. For the purposes of this process, an 'interest' is taken to be a financial or legal interest, such as a property owner or a party to a contract for sale of land. As the *Planning & Design Code* is a State-wide document, there are limitations on the extent of change which can be proposed by a private party. A land owner can propose to rezone their property to an alternative zone but they cannot propose to rezone other properties or to change standard policy wording. For example, a private proponent cannot propose to change the policy wording in the *Employment Zone* because this could affect thousands of other properties across the State.

Through the private Code Amendment process, *ALDI Stores* is proposing to rezone the properties located at 19-29 Glynburn Road, Glynde, from the *Housing Diversity Neighbourhood Zone* and *Employment Zone* to the *Suburban Activity Centre Zone*. The *Suburban Activity Centre Zone* generally anticipates the following:

*Active retail precincts that include neighbourhood-scale shopping, business, entertainment and recreation facilities. It is a focus for business and community life and provides for most daily and weekly shopping needs of the community.*

A copy of the *19-29 Glynburn Road, Glynde Code Amendment* document is contained in **Attachment B** and a copy of a fact sheet summarising the proposal is contained in **Attachment C**. A range of consultant reports have also been provided in support of the Code Amendment. Due to the size of these reports they have not been included as attachments, however web links are provided in the relevant discussion sections of this report.

The Code Amendment is on consultation for a period of six (6) weeks from 6 September 2021 to 18 October 2021. The proponent undertaking a Code Amendment (rezoning) is able to determine how the consultation process will be conducted, as enabled by the Community Engagement Charter. Through this consultation process, the Council has an opportunity to provide a submission on the proposed rezoning.

It is worth noting that Bunnings Group Limited has lodged a Development Application for a bulky goods outlet approximately 50 metres to the south of the affected area between Penna Avenue and Provident Avenue. As part of the Bunnings development, the applicant is proposing new traffic signals at the intersection of Penna Avenue and Glynburn Road. While the Council should be cognisant of this proposal, as the application is yet to be determined, it should not form part of the Council's considerations in relation to the *ALDI Stores Code Amendment*.

## **RELEVANT STRATEGIC DIRECTIONS & POLICIES**

### **Outcome 1: Social Equity**

*An inclusive, connected, accessible and friendly community*

#### **Objective:**

*Convenient and accessible services, information and facilities*

### **Outcome 2: Cultural Vitality**

*A culturally rich and diverse city, with a strong identity, history and sense of place*

#### **Objective:**

*2.4 Pleasant, well designed, and sustainable urban environments*

### **Outcome 3: Economic Prosperity**

*A dynamic and thriving centre for business and services*

#### **Objective:**

*3.1 A diverse range of businesses and services.*

*3.2 Cosmopolitan business precincts contributing to the prosperity of the City.*

*3.5 A local economy supporting and supported by its community.*

## **FINANCIAL AND BUDGET IMPLICATIONS**

Nil

## **EXTERNAL ECONOMIC IMPLICATIONS**

If approved, the *19-29 Glynburn Road, Glynde Code Amendment* is likely to have economic implications relating to the value of land and economic returns on development. If development opportunities are realised, the impacts on the local economy may include increased employment opportunities and attracting new customers to the local area, as well as potentially increasing competition between existing and new businesses.

## **SOCIAL ISSUES**

The Code Amendment has the potential to result in additional retail services being provided to the surrounding area, however there is also potential for adverse impacts on the amenity of the local area resulting from increased activity on the property.

## **CULTURAL ISSUES**

Nil

## ENVIRONMENTAL ISSUES

The *Planning and Design Code* contains a range of policies encouraging sustainable development outcomes. However, due to the functionality of the Code there are some limitations on which policies can be applied during the assessment of a Development Application. The relevant environmental policies are addressed in further detail in the discussion of this report.

## RESOURCE ISSUES

Nil

## RISK MANAGEMENT

There is a risk that the proposed rezoning and associated potential development outcomes, such as increased traffic in local streets, will not be supported by the local community residing or working in and around the affected site. The Council can provide its views on the proposed rezoning proposals, but ultimately the risk of not achieving full community support is a matter for the State Planning Commission and Minister for Planning and Local Government to consider.

## COVID-19 IMPLICATIONS

Nil

## CONSULTATION

- **Elected Members**  
Information regarding the proposed Code Amendment was provided to Elected Members on 6 September 2021.
- **Community**  
Planning consultant URPS, on behalf of the proponent, is conducting consultation for a period of six (6) weeks and includes the distribution of information to properties within 500m of the site and door-knocking of properties within 100m of the site. A copy of the Engagement Plan is contained in **Attachment D**.
- **Staff**  
General Manager, Urban Planning & Environment  
Manager, Urban Planning & Sustainability  
Manager, Development Assessment  
Manager, Traffic & Integrated Transport
- **Other Agencies**  
A range of agencies and organisations to be consulted are identified in the Engagement Plan prepared by URPS.

## DISCUSSION

The Proposal

The Code Amendment proposes to amend the *Planning & Design Code* (the Code) by rezoning a group of six (6) land parcels located on Glynburn Road, between Lewis Road and Penna Avenue. The affected area is in the order of 7400m<sup>2</sup> and currently comprises a number of commercial buildings including 'L&H Electrical Supplies', an office in a former dwelling occupied by 'Mind Australia' and a collection of commercial tenancies with a shared parking area including a Korean Supermarket and warehouses.

The affected area currently falls within two (2) Code Zones: the *Employment Zone* and the *Housing Diversity Neighbourhood Zone*. While both the *Employment Zone* and the *Housing Diversity Neighbourhood Zone* include 'shop' as an anticipated land use, the policies in each zone seek to limit the floor area and location of shops within the zone, as outlined in Table 1.

**TABLE 1: EMPLOYMENT ZONE AND HOUSING DIVERSITY NEIGHBOURHOOD ZONE POLICIES RELATING TO SHOPS IN THE AFFECTED AREA**

<b>Employment Zone</b>	
<b>Anticipated Development</b>	<p>PO 1.2</p> <p>Shops provide convenient day-to-day services and amenities to local businesses and workers, support the sale of products manufactured on-site and otherwise complement the role of Activity Centres.</p> <p>DTS/DPF 1.2</p> <p>Shop where one of the following applies:</p> <ul style="list-style-type: none"> <li>a) with a gross leasable floor area up to 100m<sup>2</sup></li> <li>b) is a bulky goods outlet</li> <li>c) is a restaurant</li> <li>d) is ancillary to and located on the same allotment as an industry and primarily involves the sale by retail of goods manufactured by the industry.</li> </ul>
<b>Restricted Development</b> (assessed by the State Planning Commission)	<p>Shop is restricted <i>other than</i> a:</p> <ul style="list-style-type: none"> <li>a) shop with a gross leasable floor area less than 1000m<sup>2</sup></li> <li>b) shop that is a bulky goods outlet</li> <li>c) shop that is ancillary to a light industry on the same allotment</li> </ul>
<b>Housing Diversity Neighbourhood Zone</b>	
<b>Anticipated Development</b>	<p>PO 1.2</p> <p>Commercial activities improve community access to services are of a scale and type to maintain residential amenity.</p> <p>DTS/DPF 1.2</p> <p>A shop, consulting room or office (or any combination thereof) satisfies any one of the following:</p> <ul style="list-style-type: none"> <li>a) it is located on the same allotment and in conjunction with a dwelling where all the following are satisfied: <ul style="list-style-type: none"> <li>i) does not exceed 50m<sup>2</sup> gross leasable floor area</li> <li>ii) does not involve the display of goods in a window or about the dwelling or its curtilage</li> </ul> </li> <li>b) it reinstates a former shop, consulting room or office in an existing building (or portion of a building) and satisfies one of the following: <ul style="list-style-type: none"> <li>i) the building is a State or Local Heritage Place</li> <li>ii) is in conjunction with a dwelling and there is no increase in the gross leasable floor area previously used for non-residential purposes</li> </ul> </li> </ul>
<b>Restricted Development</b> (assessed by the State Planning Commission)	<p>Shop is restricted <i>other than</i> a:</p> <ul style="list-style-type: none"> <li>a) shop with a gross leasable floor area less than 1000m<sup>2</sup></li> <li>b) shop that is a restaurant</li> </ul>

As illustrated in Table 1 above, the Code policies as they currently apply to this location, do not encourage the construction of a new retail shop exceeding 100m<sup>2</sup>. Additionally, a retail shop greater than 1000m<sup>2</sup> would be restricted requiring an assessment by the State Planning Commission and would include public notification and appeal rights to third parties. It is worth noting that a bulky goods outlet (e.g. furniture or hardware) does not have the same policy restriction as a retail shop (e.g. a supermarket).

ALDI Stores is proposing to rezone the affected area to the *Suburban Activity Centre Zone*, which anticipates shops of a range of sizes as well as offices, entertainment, health and recreation related uses. A summary of some of the key Suburban Activity Centre Zone policies as they are proposed to apply to the affected area are outlined in Table 2 below.

**TABLE 2: SUBURBAN ACTIVITY CENTRE ZONE: KEY POLICIES APPLICABLE TO AFFECTED AREA**

<b>Anticipated Land Uses</b>	<p>PO 1.1 Shops, office, entertainment, health and recreation related uses and other businesses that provide a range of goods and services to the surrounding neighbourhood and district.</p> <p>DTS/DPF 1.1 Development comprises one or more of the following:</p> <ul style="list-style-type: none"> <li>a) Advertisement</li> <li>b) Cinema</li> <li>c) Community facility</li> <li>d) Consulting room</li> <li>e) Dwelling</li> <li>f) Educational establishment</li> <li>g) Emergency services facility</li> <li>h) Hospital</li> <li>i) Hotel</li> <li>j) Indoor recreation facility</li> <li>k) Library</li> <li>l) Office</li> <li>m) Place of worship</li> <li>n) Pre-school</li> <li>o) Recreation area</li> <li>p) Residential flat building</li> <li>q) Retail fuel outlet</li> <li>r) Retirement Facility</li> <li>s) Shop</li> <li>t) Supported Accommodation</li> <li>u) Tourist accommodation.</li> </ul>
<b>Building Design</b>	<p>PO 2.1 Development complements adjacent development within the zone, and mitigates interface impacts on adjoining residential uses in neighbourhood-type zones through appropriate building siting, scale and design.</p> <p>PO 2.2 Buildings are sited and designed to create pedestrian, vehicular, open space and visual linkages between the various built-form elements within the zone and adjoining main roads and thoroughfares.</p>
<b>Maximum Building Height</b>	Two (2) levels
<b>Building Height Interface</b>	Buildings designed with a 45° building envelope where adjacent to residential type zones

While the proposed rezoning does not determine what future development may be proposed for the property, the preliminary investigations undertaken in support of the Code Amendment have largely been based on an approximate 2000m<sup>2</sup> supermarket, which is consistent with a typical ALDI shop format.

#### Scope of the Code Amendment

As outlined above, a private proponent can only seek to amend the Code as it applies to their property. A private Code Amendment cannot seek to change or add standard Code policies which apply more broadly across the State. The wording of Code policies is also typically more generic and less detailed and instructive than the former Development Plan policies.



The Council's former Development Plan contained a range of bespoke, locational policy tailored to specific areas or sites, such as:

*District Centre (Norwood) Zone PDC 4*

*Development should create further spacious pedestrian malls linking The Parade frontage and car parking areas at the rear.*

*District Centre (Norwood) Zone Desired Character Zone*

*The creation of new vehicle access points from The Parade is not desired and where possible, vehicle access should be from side streets and rear access lanes.*

*Urban Corridor Zone - Retail Core Policy Area Desired Character Statement*

*... There will be no additional vehicle access points created along this section of Edward Street, in order to minimise disruption to pedestrian and vehicle movements.*

*Mixed Use Historic (Conservation) Zone PDC 17*

*Car parking and service areas in basements, part-basements or at-grade beneath occupied areas of buildings should not be included in development on allotments with frontages to Dequetteville Terrace, Fullarton Road (except at the Rundle Street corner), Payneham Road, Portrush Road or The Parade...*

The Development Plan also contained a range of concept plans which provided specific guidance for the redevelopment of key properties, such as vehicle access points, co-ordinated carparking and landscaping areas and pedestrian linkages between the private and public realm. Despite multiple requests for these to be retained, only one Concept Plan from the City of Norwood Payneham & St Peters Development Plan (for the Adelaide Caravan Park) was transitioned to the Code. The proposed ALDI Code Amendment and associated future development assessment for the property, would benefit from site-specific policies or at least more instructive general policies to manage some of the site constraints. Unfortunately this level of specificity is unlikely to be adopted, should the Code Amendment be approved. Nevertheless, these policies deficiencies and opportunities for improvement are discussed further in this report.

It is worth noting that the Code contains 'Assessment Tables' which specify the policies which should be used to assess certain development types in certain zones. Relevantly, the *Suburban Activity Centre Zone* specifies the policies which can be used to assess a shop in this zone. Even if the relevant authority considers other policies are relevant and necessary to assess a proposed development, the assessing planner cannot take this policy into account or require an applicant to address this matter. For example, if a Code policy relevant to landscaping or stormwater is not included in the 'Assessment Table', it cannot be used in the assessment. As the 'Assessment Tables' are consistent across the State where that zone applies, a private Code Amendment cannot seek to amend which policies can be included in the 'Assessment Table'.

## Strategic Impact of Rezoning

### *Regional Plans*

The *Planning Development and Infrastructure Act 2016* (PDI Act), requires the preparation of Regional Plans which provide a long-term strategic plan for the different planning regions across the State. A key role of a Regional Plan is to provide recommendations about the application of the *Planning and Design Code*. The transitional provisions in the PDI Act allow the existing Regional Plans, including the *30 Year Plan for Greater Adelaide*, to continue to apply until new regional plans under the PDI Act are developed. Ideally these should have been prepared prior to writing the Code and prior to the ability for private proponents to initiate their own Code Amendments, so that Code Amendments could be assessed for strategic alignment or support. Based on the State Planning Commission's current schedule for the preparation of Regional Plans, it is expected that the new Greater Adelaide Regional Plan will not be developed until the deadline of 2023.

The PDI Act also anticipates that a sub-region can be established within a planning region. For example, a sub-region consisting of Eastern Region Alliance group of councils (or any other configuration). This would facilitate a sub-regional plan to be developed to provide a greater level of detail and guidance for future zone and policy changes. Sub-regional plans are unlikely to be pursued until after the new regional plan for Greater Adelaide has been established.

As previously advised, it is disappointing that the planning reform program resulted in the Code being developed prior to the completion of Regional Plans. The *30 Year Plan for Greater Adelaide* does not provide a sufficient level of detail to guide how the Code should be applied, particularly in respect to requests for 'spot zoning' from private proponents. In previous submissions to the Commission, the Council recommended that private proponent Code Amendments not be enabled until Regional Plans were completed, however this has not occurred (for reasons best known to the Commission).

#### *Spot Rezoning*

Predictably, the introduction of private Code Amendments under the *Planning Development and Infrastructure Act 2016*, has commenced a series of 'spot rezonings', with ten private Code Amendments already underway. More comprehensive, co-ordinated land use and development outcomes are unable to be pursued, as a private property cannot propose to rezone properties they do not own. If a private proponent wanted to also capture land in other ownership as part of the rezoning, they could approach the Council or Attorney-General's Department to undertake the Code Amendment on their behalf. While this may result in a more comprehensive and strategic rezoning, many private proponents may prefer to maintain control over the Code Amendment process or avoid additional complications to their rezoning proposal. This Council's preferred approach is for rezoning to be considered on a precinct or nodal basis under the guidance of regional plans, rather than 'spot rezoning' of isolated and unconnected sites. However, on this occasion a private Code Amendment has been put forward and endorsed by the Minister to proceed and consideration should therefore be given to the context and potential impacts of this specific site being rezoned.

The close proximity of the affected area to the adjacent *Suburban Activity Centre Zone* on and around the 'Glynde Corner' intersection of Payneham and Glynburn Road (separated by the Glynde Lutheran Church) and the location on an arterial road, is more favourable for new retail as compared to, for example, a site located in the centre of the existing Glynde light industrial precinct. In this respect, the proposed rezoning is not considered fundamentally at odds with a logical centre zone extension, creeping further down Glynburn Road. Preliminary documentation for the ALDI Code Amendment indicated the rezoning would include the Glynde Lutheran Church at 15-17 Glynburn Road, on the north-western corner of Glynburn Road and Lewis Road, which is currently within the *Housing Diversity Neighbourhood Zone*. This would have resulted in a non-interrupted continuation of the existing *Suburban Activity Centre Zone*. It is not clear why the Glynde Lutheran Church site has now been excluded in the Code Amendment, however it is likely because this property is under separate ownership and not part of the future development site. As a result, if the ALDI Stores Code Amendment is approved the Glynde Lutheran Church would represent an anomaly in zoning in properties on the western side of Glynburn Road in the immediate area. This is illustrated in the proposed rezoning map contained in **Attachment E**. The Council may wish to consider a more comprehensive and strategic zoning review of properties within the local area, particularly the properties fronting Glynburn Road, at a later date.

#### *Reduction of Light Industrial Land*

The City of Norwood Payneham & St Peters has two key light industry precincts; namely Glynde (including part of the affected area) and Stepney. The former Schweppes and Otto's Timber Mill properties were also previously zoned through a Ministerial rezoning to *Urban Corridor Zones*. The availability of light industry zoned land within the inner eastern region is an important strategic factor in maintaining a diverse economic environment and ensuring a range of services are available to local residents. Therefore, careful consideration should be given to proposals which seek to reduce this availability, which has an impact on industry diversity, supply chains and transportation of goods.

Deep End Services has prepared a *Land Use & Economic Investigations* report in support of the proposed rezoning, a copy of which can be accessed via the following web link:

[https://plan.sa.gov.au/\\_data/assets/pdf\\_file/0007/894193/19-29\\_Glynburn\\_Road\\_Glynde\\_Code\\_Amendment\\_-\\_Land\\_Use\\_and\\_Economic\\_Investigations.pdf](https://plan.sa.gov.au/_data/assets/pdf_file/0007/894193/19-29_Glynburn_Road_Glynde_Code_Amendment_-_Land_Use_and_Economic_Investigations.pdf)

In terms of the use of the subject land, the report highlights that a combination of the site conditions (such as size, configuration and location) are not conducive to the types of land uses typically anticipated in the *Employment Zone*. The assessment undertaken by Deep End has also determined that the land which is proposed to be rezoned is approximately 4000m<sup>2</sup> or 2.5% of the total *Employment Zone* land in Glynde. While careful consideration should be given to the potential negative impacts in incremental changes in zoning, on balance the removal of this portion of the site from the fringe of the *Employment Zone* is not considered unreasonable and or likely to have a meaningful impact on the availability of light industrial land within the local area.

### *Retail Demand and Supply*

In the interests of orderly and economic development, it is relevant to consider the broader strategic and economic impact of expanding or introducing new retail zoned land. In particular, it is important to consider whether the proposed rezoning has the potential to create an oversupply of retail land, undermine nearby retail centres and associated economic structure. The *Land Use & Economic Investigations* prepared by Deep End Services, includes an analysis of the total existing supermarket floor area per capita within the trade catchment of the affected area and compared this figure with the metropolitan average. The report concludes that although a future supermarket development on the property would slightly increase the supermarket floors pace per capita (from 0.32m<sup>2</sup> to 0.36m<sup>2</sup>) it would remain slightly less than the figure for the broader Adelaide metropolitan area, suggesting this would not create an oversupply of supermarket floor space. Notwithstanding this assessment, it is recommended that the Council's submission requests that the State Planning Commission undertakes its own independent economic investigations to ensure it is satisfied that the proposed rezoning will not compromise or undermine existing surrounding centre zones. This would be a more prudent approach than simply adopting or accepting the findings put forward by Deep End Services.

### Potential Impacts of Future Development

The specific impacts of future development on the subject site will be assessed as part of a formal development application at a later date, whereby the Council's Assessment Manager is likely to be the relevant authority. However, the Code Amendment will determine the Code policies used in the future assessment and therefore consideration should be given to the quality and content of policy proposed to be applied as part of this Code Amendment.

### *Built Form Outcomes*

The proposed rezoning has the potential to result in poor built form outcomes on the property if the Code policies do not provide sufficient or appropriate guidance in terms of design. The three (3) primary considerations in potential built form impact include adjacent residents in Lewis Road, the Glynburn Road streetscape and the adjacent Local Heritage listed former fire station building at 31-33 Glynburn Road (Pasta Deli).

The *Suburban Activity Centre Zone* contains a range of policies relating to the siting and design of new buildings, including:

#### *PO 2.1*

*Development complements adjacent development within the zone, and mitigates interface impacts on adjoining residential uses in neighbourhood-type zones through appropriate building siting, scale and design.*

#### *PO 2.2*

*Buildings are sited and designed to create pedestrian, vehicular, open space and visual linkages between the various built-form elements within the zone and adjoining main roads and thoroughfares.*

#### *DTS/DPF 3.1*

*...Maximum building height is 2 levels (proposed for this site)*

#### *PO 3.2*

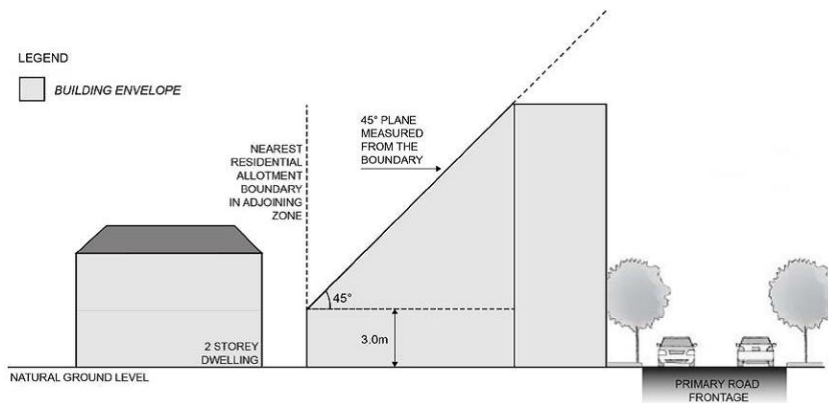
*Buildings mitigate visual impacts of building massing on residential development within a neighbourhood-type zone.*

#### *DTS/DPF 3.2*

##### *Interface Height*

*Buildings constructed within a building envelope provided by a:*

- a) *45 degree plane measured from a height of 3 metres above natural ground level at the boundary of an allotment used for residential purposes within a neighbourhood-type zone as shown in the following diagram (except where this boundary is a southern boundary):*



- b) *in relation to a southern boundary, 30 degree plane grading north, measured from a height of 3m above natural ground at the boundary of an allotment used for residential purposes within a neighbourhood-type zone as shown in the following diagram:*

OR

*Buildings constructed within a building envelope provided by a 30 degree plane measured from a height of 3m above natural ground level at the boundary of an allotment used for residential purposes within a neighbourhood-type zone as shown in the following diagram*

The proposed two-storey maximum building height for the affected area is consistent with several buildings in the immediate locality, the existing maximum height in the *Employment Zone* and is less than the existing three-storey maximum height in the *Housing Diversity Neighbourhood Zone* (as it applies to 19-25 Glynburn Road). Although the *Suburban Activity Centre Zone* does not contain any quantitative ground level setback policies, DPF 3.2 does anticipate that any portions of walls exceeding three (3) metres high will be setback from the boundaries of residential properties consistent with a 45° or 30° building envelope, as determined by a local variation and/or the orientation of the site. In the *Urban Corridor Zone*, where there is also a local variation for the building envelope, the City of Norwood Payneham & St Peters was successful in advocating for the lower 30° policy, consistent with the former Development Plan. The Council's draft submission on this Code Amendment, contained in **Attachment F**, requests that a 30° building envelope be adopted for this site, due to the close proximity of adjacent residential properties.

In terms of overshadowing, these impacts are likely to be limited to the residential property located at 111 Lewis Road, immediately to the west of 19-21 Glynburn Road. The General Development Policies in the Code relating to access to sunlight will apply to the assessment of a future development. Further qualitative design guidance relating to impacts on neighbours is also provided by PO 2.1 and PO 3.2.

With respect to impacts on the streetscape, this portion of Glynburn Road contains a moderate level of amenity due to a mix of building styles and ages, including a large proportion of commercial buildings. Policies such as *Suburban Activity Centre* PO 2.1 and PO 2.2, in conjunction with General Development Policies, are generally considered adequate for assessing streetscape impacts as part of a future development application.

The affected area is adjacent to a local heritage listed building at 31-33 Glynburn Road which is now operating as Pasta Deli cafe. There is some potential for a new development to impact upon the heritage value of the adjacent Local Heritage Place, however the original portion of the building is separated from the affected area by the modern addition to the building and the surrounding car parking area. In any case, the Heritage Adjacency Overlay applies to the affected area which provides the following policy applicable to a future shop development:

*Heritage Adjacency Overlay PO 1.1*

*Development adjacent to a State or Local Heritage Place does not dominate, encroach or unduly impact on the setting of the Place.*

This Policy is not particularly strong or specific, but in these particular circumstances the Code is considered to provide sufficient guidance for a future development to not unduly impact the heritage value of the adjacent Local Heritage Place.

### *Noise and Amenity*

Acoustic consultants, Sonus, have prepared a brief report in support of the proposed Code Amendment, outlining some relevant Code policies and providing commentary on the likely noise impacts of a future supermarket at the subject site. A copy of the report is available at the following weblink:

[https://plan.sa.gov.au/\\_data/assets/pdf\\_file/0006/894192/19-29\\_Glynburn\\_Road\\_Glynde\\_Code\\_Amendment\\_-\\_Acoustic\\_Assessment.pdf](https://plan.sa.gov.au/_data/assets/pdf_file/0006/894192/19-29_Glynburn_Road_Glynde_Code_Amendment_-_Acoustic_Assessment.pdf)

The authors of the Sonus report are satisfied that potential noise impacts from a future development can be adequately mitigated to achieve compliance with the relevant acoustic standards, via measures such as acoustic fencing at the boundary with the residential properties, location and screening of noise sources such as mechanical plant, and restricting rubbish collection to the least sensitive period of the day. It is worth noting that one of the policies referenced in the report is not actually applicable to a shop development in the Suburban Activity Centre Zone (as determined by administrative tables in the Code), however the other policies relating to noise impacts which are applicable are considered generally adequate to facilitate an assessment of a future development.

### *Traffic Impacts*

A future development on the property has the potential to impact upon both traffic volumes and movements on Glynburn Road and the local traffic network in and around Glynde. Due to its location on Glynburn Road, the affected area is covered by two Code Overlays which seek to manage impacts on arterial roads - Traffic Generating Development and Urban Transport Routes Overlays. The policies contained in these Overlays in conjunction with a likely referral to the Department of Infrastructure and Transport are considered reasonable in managing potential impacts on Glynburn Road. However, potential impacts on the local traffic network are of concern.

Stantec (formerly GTA Consultants) have prepared a Transport Impact Assessment in support of the proposed Code Amendment. A copy of this report is available at the following web link:

[https://plan.sa.gov.au/\\_data/assets/pdf\\_file/0011/894197/19-29\\_Glynburn\\_Road\\_Glynde\\_Code\\_Amendment\\_-\\_Transport\\_Impact\\_Assessment.pdf](https://plan.sa.gov.au/_data/assets/pdf_file/0011/894197/19-29_Glynburn_Road_Glynde_Code_Amendment_-_Transport_Impact_Assessment.pdf)

The Stantec report notes that Lewis Road currently carries approximately 1685 vehicles per day but with a future supermarket of approximately 2000m<sup>2</sup>, this may increase to 1890 vehicles per day. This is based on an assumption that a total of 10% of vehicle movements would use a Lewis Road access. It is difficult to predict what volume of users would access or egress the property via Lewis Road, particularly without assessing a proposed development layout, however it is considered that the 10% estimate is conservative. As such, if this is the case it is possible that the resultant number of vehicles per day in Lewis Road may increase above 1890. This is particularly close to the typical local road residential amenity threshold of 2000 vehicles per day. Put another way, if the development results in traffic on Lewis Road exceeding 2000 vehicles per day, then this may be the point at which local residents experience adverse amenity impacts, due to the volume of daily traffic using the local street.

The potential traffic impacts of a future development will be considered as part of a Development Application, however it is important to consider what Code policies will be applied to this assessment. Although the applicable Code policies address issues such as vehicle access point design and location, there are no policies which specifically address the broader impacts of a development on traffic volumes in the surrounding local street network. By comparison, the Council's former Development Plan contained policies such as:

*City Wide Objective 33*

*Control of the movement of traffic according to a defined hierarchy of roads which seeks to improve safety and to limit the speed and volume of traffic in local residential streets without unreasonably restricting access opportunities.*

*City Wide Principle of Development Control 102*

*Development should be designed to discourage commercial and industrial vehicle movements through residential streets and adjacent other sensitive land uses.*

This is a significant gap in the policy regime in the Code, and this is raised as a key concern in the draft submission in response to the Code Amendment, contained in **Attachment F**. With the previously stated limitations on Code Amendments not being able to alter policy, one potential solution may be to introduce a Concept Plan which discourages access from Lewis Road, which is put forward as a recommendation in Council's submission. It is also recommended that the State Planning Commission obtain its own independent advice regarding the potential impacts on the local traffic network.

#### *Stormwater Management*

One of the positive aspects of the Code is the inclusion of policies which encourage a high level of onsite stormwater retention and limit hard paved stormwater catchment areas. However, most of these policies only apply to residential development in certain zones, creating a significant gap in the policy regime for non-residential developments and reducing the standard of requirement as compared to the Development Plan. The stormwater policies applicable to a shop in the *Suburban Activity Centre Zone*, primarily relate to the quality and the quantity (in terms of peak flows) of stormwater outputs however the policy wording is general and is open to interpretation. There are no applicable policies which specify minimum stormwater retention and reuse. By comparison, the Development Plan contained a range of policies, including:

*City Wide Objective 42*

*Development sited and designed to maximise the harvest and use of stormwater and reduce run-off.*

*City Wide Objective 43*

*Development sited and designed to minimise demand on reticulated water supplies.*

*City Wide Principle of Development Control 147*

*Development should be designed to maximise conservation, minimise consumption and encourage re-use of water resources.*

*City Wide Principles of Development Control 151*

*Stormwater management systems should:*

- (a) maximise the potential for stormwater harvesting and re-use, either on-site or as close as practicable to the source; and*
- (b) utilise, but not be limited to, one or more of the following harvesting methods:*
  - (i) the collection of roof water in tanks;*
  - (ii) the controlled discharge to open space, landscaping or garden areas, including strips adjacent to car parks;*
  - (iii) the incorporation of detention and retention facilities; or*
  - (iv) aquifer storage and recovery*

On such a significant sized property (7400m<sup>2</sup>), with potentially large future roof areas and carparking, it is concerning that the policy applicable to a shop under the Code, does not contain any policy to require stormwater capture and re-use on site. This gap in the policy regime is of concern and has been raised in the draft submission contained in **Attachment F**.

FMG Engineering has provided a *Stormwater Infrastructure Assessment* report which indicates that the existing public stormwater infrastructure will be sufficient to accommodate a future development of the property, particularly as the development is likely to decrease the impervious area on the site (which is currently 95%). The assessment does not provide guidance on stormwater retention and reuse. The FMG report can be accessed via the following web link:

[https://plan.sa.gov.au/\\_data/assets/pdf\\_file/0010/894196/19-29\\_Glynburn\\_Road\\_Glynde\\_Code\\_Amendment\\_-\\_Stormwater\\_Infrastructure\\_Assessment.pdf](https://plan.sa.gov.au/_data/assets/pdf_file/0010/894196/19-29_Glynburn_Road_Glynde_Code_Amendment_-_Stormwater_Infrastructure_Assessment.pdf)

The affected area falls within the *Hazards Flooding (General) Overlay* due to a minor flood risk affecting the property. The Overlay policies are considered to provide adequate guidance to assess a future development which is appropriately mitigated for potential flood risk.



### Public Notification of Future Development

The Code zones each contain a procedural table that determines which development applications should be subject to public notification. The public notification process involves a sign being placed on the site, letters being sent to adjacent properties, and publication on the PlanSA website. A future development application for a shop on the subject site would only trigger public notification where the development:

- would exceed two (2) storeys in height; or
- would be outside of the 45<sup>0</sup> building envelope (in relation to the adjacent residential properties in Lewis Road)

As such, if the development application did not exceed the building height or building envelope parameters, the application would not require public notification. In this case, the opportunity for interested or affected parties (e.g. owners and occupiers of adjoining property) to provide comment on future developments on the site will be limited to this Code Amendment. This outcome is consistent with one of the early principles of the new planning system which was to involve the community 'early and upfront' in setting the Code policy rather than at the development application stage.

### **OPTIONS**

The Council has the following options with respect to how it responds to the proposed 19-29 Glynburn Road Glynde Code Amendment.

#### **Option 1**

Following consideration of the 19-29 Glynburn Road Glynde Code Amendment, the Council can resolve to endorse the attached draft submission contained in **Attachment F**, with or without minor amendments, as being suitable for submitting to the Code Amendment Proponent.

This option is recommended.

#### **Option 2**

The Council can resolve to make more significant changes to the submission beyond the discussion in this report.

This option is not recommended, due to timing deadlines imposed by the consultation period.

#### **Option 3**

The Council can resolve to not make a submission in response to the consultation, however this would result in a missed opportunity to raise important policy issues of concern.

### **CONCLUSION**

The *19-29 Glynburn Road Glynde Code Amendment* to rezone the affected area to *Suburban Activity Centre Zone*, if approved, would result in a significant change in the development potential of the property. The Code Amendment documentation suggests that the proponent, *ALDI Stores*, intends to develop the property as a supermarket in the order of 2000m<sup>2</sup> however a Code Amendment cannot determine what future development may occur and a range of uses are envisaged in the *Suburban Activity Centre Zone*. That said, the supermarket development scenario which has been used in the reports and assessments supporting the Code Amendment, provides a useful indication of the level of activity and impact which could occur on the property.

Although spot rezoning is not typically orderly and strategic, particularly in the absence of a more refined Regional Plan, in this instance, the affected area is closely linked to the existing *Suburban Activity Centre Zone* to the north. The rezoning, if approved, would reduce the availability of 'Employment' zoned land, however the affected area is on the fringe of the *Employment Zone* fronting an arterial road and represents a small percentage of the Glynde commercial precinct. The supporting documentation indicates that there is capacity for additional retail floor area in the trade catchment surrounding the site. On this basis, staff support the proposed re-zoning.

The scope of private Code Amendments is limited to how the Code applies to the affected area, and as such, there is little opportunity to introduce site specific or bespoke policies addressing issues which are likely to be relevant in a future assessment. The Code Amendment, as proposed, is considered to provide a likely suitable range of policies to address built form outcomes and noise impacts as part of a future development application. However, there are gaps in the policy regime with respect to local traffic impacts and integrated stormwater management which are raised in the attached draft submission.

## COMMENTS

Nil

## RECOMMENDATION

1. That the draft submission contained in **Attachment F**, in response to the proposed *19-29 Glynburn Road Glynde Code Amendment*, be endorsed and the submission be forwarded to the State Planning Commission and the proponent.
  2. That the Chief Executive Officer be authorised to make any minor editorial/grammatical changes to the submission prior to the submission being lodged.
- 

Cr Sims left the meeting at 8.43pm

*Cr Duke moved:*

1. *That the draft submission contained in **Attachment F**, in response to the proposed 19-29 Glynburn Road Glynde Code Amendment, be endorsed and the submission be forwarded to the State Planning Commission and the proponent.*
2. *That the Chief Executive Officer be authorised to make any minor editorial/grammatical changes to the submission prior to the submission being lodged.*

Cr Sims returned to the meeting at 8.46pm.

*Seconded by Cr Dottore and carried unanimously.*



## 11.4 COUNCIL ASSESSMENT PANEL REVIEW

---

**REPORT AUTHOR:** Manager, Development Assessment  
**GENERAL MANAGER:** General Manager, Urban Planning & Environment  
**CONTACT NUMBER:** 8366 4567  
**FILE REFERENCE:** qA1741  
**ATTACHMENTS:** Nil

---

### PURPOSE OF REPORT

The purpose of this report is to review the Membership of the Council Assessment Panel (CAP) and to provide general commentary on the Panel's activities and performance.

### BACKGROUND

On 1 August 2017, the provisions of the *Planning, Development and Infrastructure Act (PDI Act) 2018* relating to Council Assessment Panels commenced operation. As a result, all Councils were required to replace their former Development Assessment Panels comprising nine (9) Members (five (5) Specialist Independent Members and four (4) Elected Members) with Council Assessment Panels comprising up to five Members, one (1) of which may be an Elected Member.

The Council Assessment Panel was established by the Council at its meeting held on 4 September 2017. With respect to Membership of the Panel, the Council resolved the following:

- *That Cr John Minney be and is hereby appointed to the City of Norwood Payneham & St Peters Council Assessment Panel for a period commencing on 1 October 2017 until 31 October 2018.*
- *That the following persons be and are hereby appointed as Specialist External Members to the City of Norwood Payneham & St Peters Council Assessment Panel, for a period commencing on 1 October 2017 until 1 October 2019, or until extended or removed from membership of the Council Assessment Panel by resolution of the Council:*
  - *Mr Terry Mosel;*
  - *Mr Phil Smith;*
  - *Ms Fleur Bowden; and*
  - *Ms Jenny Newman.*
- *That Mr Terry Mosel be and is hereby appointed as Presiding Member to the City of Norwood Payneham & St Peters Council Assessment Panel, for a period commencing on 1 October 2017 until 1 October 2019, or until extended or removed from membership of the Council Assessment Panel by resolution of the Council.*

Following the initial two (2) year appointment of the Members to the Council Assessment Panel on 4 September 2017, the Council re-appointed all Members at the Council meeting held on 8 October 2019, for a further two years, expiring on 1 October 2021.

Clause 2.20 of the Council Assessment Panel Terms of Reference states:

*A CAP Member whose term of office has expired may nevertheless continue to act as a Member until the vacancy is filled or for a period of six months from the expiry of the Member's term of office, whichever occurs first.*

As the term of appointment for all of the CAP Members expires in October 2021, it is necessary for the Council to consider membership of the CAP.

## RELEVANT STRATEGIC DIRECTIONS & POLICIES

The following Goals contained in *CityPlan 2030, Shaping Our Future*, have been identified as relevant to core business of the Council Assessment Panel.

### **Outcome 2: Cultural Vitality**

#### **Objectives:**

2.4 *Pleasant, well designed and sustainable urban environments.*

### **Outcome 3: Economic Prosperity**

#### **Objectives:**

3.1 *A diverse range of businesses and services.*

3.2 *Cosmopolitan business precincts contributing to the prosperity of the City.*

### **Outcome 4: Environmental Sustainability**

#### **Objectives:**

4.1 *Sustainable and efficient management of resources.*

4.2 *Sustainable streets and open spaces.*

Forming a Panel in accordance with the relevant legislation, is both a statutory requirement and good governance and provides the community with the confidence that the Council's processes, procedures and delegations, are robust - all of which allows the Council to focus on strategic planning. In addition, appointing a Panel comprised of persons with a suitable mix of qualifications and experience, ensures that objectives (often competing) relating to economic development, environmental sustainability and visual amenity, are appropriately balanced in the development assessment process.

## FINANCIAL AND BUDGET IMPLICATIONS

At its meeting held on 3 June 2019, the Council resolved the following:

*That the sitting fee for each Independent Council Assessment Panel Member be increased by \$50 per meeting to assist in offsetting the cost of accreditation and Continuing Professional Development requirements prescribed for Independent CAP Members under the Planning, Development & Infrastructure Act 2016.*

Specialist External Members of the Panel have subsequently been remunerated at a rate of \$450 per scheduled Panel meeting and the Presiding Member has received a sitting fee of \$550 per meeting. Although the Council has resolved that Elected Members appointed to the Panel will receive a sitting fee of \$450, Cr Minney has requested not to receive a sitting fee.

In this context, the cost of providing sitting fees to Panel Members is currently \$1,900 per meeting, although if the Elected Member appointed to the Panel chose to accept a sitting fee, the cost would be \$2,350 per meeting.

No further changes to the current sitting fees are recommended.

## EXTERNAL ECONOMIC IMPLICATIONS

Nil

## SOCIAL ISSUES

Not Applicable.

## CULTURAL ISSUES

Not Applicable.

## ENVIRONMENTAL ISSUES

Not Applicable.

## RESOURCE ISSUES

Nil

## RISK MANAGEMENT

A *Code of Conduct for CAP Members* commenced operation on 1 October 2017. The Code of Conduct imposes Conflict of Interest provisions which are similar to those which existed previously under the *Development Act 1993*. To this end, in summary the new Code of Conduct continues to prohibit Panel Members from:

1. engaging in consultation outside of the panel process with any party on a proposed Development Application that is likely to be heard by the panel;
2. giving advice to an Applicant or other third party on a Development Application after it has been lodged outside of a panel meeting;
3. speaking at a public meeting for or against a proposal where the purpose of the meeting is to discuss either a proposed development or a Development Application unless required by the Act;
4. expressing an opinion on a Development Application or a proposed development outside of a panel meeting; and
5. engaging in any other act or omission which may give rise to a reasonable presumption that they have prejudged a development proposal or Application.

All Code of Conduct complaints concerning CAP Members are required to be made to and addressed by, the State Planning Commission. Unlike the previous requirement under the *Development Act 1993*, Councils are not required to have a Public Officer for their CAP.

## COVID-19 IMPLICATIONS

Nil.

## CONSULTATION

- **Elected Members**  
Not Applicable.
- **Community**  
Not Applicable.
- **Staff**  
General Manager, Urban Planning & Environment  
Development Assessment Planners
- **Other**  
Not Applicable.

## DISCUSSION

### The Panel's Activities and Performance

The Panel met on twenty three (23) occasions between October 2019 and September 2021. Two (2) scheduled Ordinary Meetings (January 2020 and July 2021), were cancelled due to there being no agenda items and a Special Meeting was held on 10 February 2021, to resolve matters in readiness for the commencement of the *Planning & Design Code* on 19 March 2021.

During the twenty four (24) month reporting period from October 2019 to September 2021, 1910 Development Applications were determined by the City of Norwood Payneham & St Peters; representing an average of just under 1000 applications per year.

Of the 1910 Development Applications which were determined by the Council during the reporting period, the Panel considered 73 Development Applications, which equates to approximately 3.8% of all Development Applications which were received, assessed and determined by the Council. All other Development Applications were determined by staff acting under delegated authority.

The Panel considered thirteen (13) Development Applications for new dwellings in Historic (Conservation) Zones, all of which were granted approval in accordance with the recommendation of staff. The Panel also considered thirteen (13) Development Applications involving more than two (2) dwellings, eighteen (18) Development Applications involving commercial developments and a range of other Applications, including fourteen (14) Land Division Applications.

Some of the larger scale and/or more complex development applications which were considered by the Panel during the reporting period included:

- twelve (12) dwellings within two residential flat buildings on Payneham Road, Felixstow;
- sixteen (16) dwellings on Beulah Road, Norwood;
- two (2) child care centres; one on Portrush Road and one on Kensington Road;
- two (2) service stations; one on Payneham Road and one on Portrush road;
- a three storey mixed-use development on Beulah Road, Norwood; and
- a three storey residential development on Stephen Street, Norwood.

Of the 73 Development Applications which were considered by the Panel during the reporting period, sixteen (16) Applications (22%) were refused by the Panel. Of the sixteen (16) Applications which were refused, nine (9) were recommended to be refused by staff.

Of the fifty seven (57) Applications which were approved by the Panel, fifty six (56) were determined in accordance with the recommendations made by staff. Overall, eleven per cent (11%) of decisions made by the Panel were contrary to staff recommendations. Accordingly, the vast majority of decisions made by the Panel are consistent with staff recommendations, which demonstrates a close alignment between the way in which staff and the Panel are interpreting and applying the provisions of the Development Plan (and more recently, the *Planning and Design Code*).

Four (4) of the decisions that were made by the Panel during the reporting period, were appealed to the Environment Resources and Development (ERD) Court, either by the applicant or a third party. Two (2) of those appeals have been resolved via a compromise, without proceeding to a Full Hearing. The remaining two (2) appeals have not yet been finalised.

On 21 September 2021, the Council received notification of an appeal of a decision of the Council's Assessment Manager, which is now allowed for under the new planning system which came into effect in March 2021. This is the first appeal that has been lodged with the CAP. The appeal is against a decision of one of the Council's planning staff (acting as a delegate of the Council's Assessment Manager) to refuse a proposal to construct a two storey dwelling in Norwood.

The Applicant has paid the appeal fee of \$521 and the processing of the appeal has commenced. The first step in the process, involves the CAP Presiding Member receiving the application for review of decision and then notifying the Council's Assessment Manager within five (5) business days. As at the time of writing this report, the appeal has only progressed to this stage.

Once the Council's Assessment Manager receives notification of the appeal, the Assessment Manager will collate all relevant documents for a review hearing to be undertaken by the CAP. The role of the CAP will be to review the Assessment Manager's decision. The CAP has adopted a policy which sets out the considerations that the CAP must apply in reviewing the decision.

## Review of Delegations

The most recent review of delegations was undertaken by the Council Assessment Panel at its meeting held on 10 February 2021. Contrary to the regime which was established under the *Development Act 1993*, whereby the Council determined which Application types would be determined by the CAP versus staff, the *Planning, Development and Infrastructure Act 2016*, establishes that all Applications are determined by the Assessment Manager, other than those which are the subject of public notification.

The Council Assessment Panel is able to delegate authority to determine certain types of Applications which are the subject of public notification. In this respect, the CAP determined to delegate authority to the Assessment Manager, to determine applications which are the subject of public notification, where no representations have been received in opposition to the Application.

## Procedural Issues and Meeting Efficiency

There were no new procedures introduced into the operations of the Panel during the reporting period and all existing procedures continued to provide for generally efficient and effective meetings.

## Planning Policy Issues / Trends

One of the Panel's key roles in addition to determining certain types of Development Applications on behalf of the Council, is to provide advice and reports to the Council on trends, issues and other matters relating to planning or development that have become apparent or arisen through the Panel's assessment of Development Applications.

The *Planning and Design Code* (the Code) commenced operation, replacing the Development Plan, on 19 March 2021. To date, only two (2) Development Applications have been considered by the CAP which were lodged after 19 March 2021 and therefore were assessed against the Code. Accordingly, it is too early for the CAP to provide any meaningful comments on the Code and its efficacy in shaping development outcomes.

## Specialist External Panel Members

The four (4) Specialist External Members who have been appointed to the Panel, have varied professional backgrounds and are highly regarded in their respective fields of expertise:

- Mr Mosel is a qualified and experienced Town Planner and former ERD Court Commissioner;
- Ms Jenny Newman is a qualified architect with heritage conservation experience;
- Mr Smith is a qualified and experienced Town Planner; and
- Ms Bowden is a qualified and experienced Landscape Architect.

Assessing the performance of Panel Members is very difficult as the core business of the Panel involves Members undertaking objective assessments of Development Applications which are often complex and not clear-cut. As such, opinions will vary on each matter considered by the Panel. In addition, Panel Members prepare for meetings by themselves (ie. undertaking site inspections, reading Agenda reports and seeking clarification of issues from staff prior to meetings), therefore the amount of time that Panel Members invest in preparing for Panel meetings is difficult to gauge. That said, even if the amount of preparation time was known, it is not considered to be a strong indicator of their individual performance, because each Member would prepare for Panel meetings differently.

Overall, it is considered that all Panel Members have discharged their responsibilities appropriately and in doing so, have performed well. The meeting attendance rate is high, with an average of less than one (1) absentee per month during the reporting period.

All Members have contributed to discussions on Agenda Items in a robust manner, sought advice and clarification from staff at various times throughout the year, asked questions of representors, Applicants and staff at Panel meetings, identified planning trends of concern and it is evident from observing the meetings that all Members have prepared thoroughly for each meeting. The quality of decision making is considered to be of a high and robust standard and is acknowledged in the sector as such.

Mr Mosel has performed well in the role of Presiding Member, providing a high level of professional expertise and control over meetings in a range of situations. Intervention and guidance is provided by the Presiding Member when required, resulting in good efficiency and public perception of the Panel.

With the exception of Ms Newman, all Specialist External Members have sat on the CAP for over six (6) years, having been appointed by the Council on 7 April 2015. Ms Newman has sat on the Panel for nearly ten (10) years, having been appointed by the Council on 7 November 2011.

Mr Mosel and Mr Smith have advised that they do not wish to continue sitting on the CAP, and whilst they would be willing to continue for up to twelve (12) months, would prefer to only continue for six (6) months. In order to continue to sit for twelve months, they would need to be reappointed by the Council for that period of time. Alternatively, the Council could simply not re-appoint Mr Mosel and Mr Smith and they would be able to continue to sit on the CAP for up to six (6) months, pursuant to Clause 2.20 of the Terms of Reference.

Ms Newman and Ms Bowden have advised that they wish to continue sitting on the CAP. They have also advised they would be prepared to continue to sit on the CAP for up to six (6) months until reappointed or successors are appointed (if the Council determines to call for expressions of interest).

Given that Mr Mosel and Mr Smith have advised that they only wish to continue to sit on the Panel for up to twelve months and the length of time which Ms Newman and Ms Bowden have been sitting Members, the Council may determine to call for expressions of interest in the Specialist External Member positions. With six (6) years having elapsed since the last call for expressions of interest, there may be any number of 'new' well credentialed candidates who have an interest in sitting on the Panel and may be worthy of consideration. This approach is therefore recommended.

Members, other than Elected Members, will need to be accredited as Planning Level 2 Accredited Professionals under the Accredited Professionals Scheme. To achieve this level of accreditation, Specialist External Members will need to have qualifications and experience in accordance with at least one (1) of the below options:

1. relevant planning qualification and a minimum 2 years full time or equivalent experience considered appropriate by the Accreditation Authority and covering at least 6 months experience in at least three of the technical skills applying to a Level 1: Assessment Manager;

or

2. qualification in a planning related field (e.g. architecture, engineering, environmental management, law, construction management, land surveyor) and membership of an allied industry body to the satisfaction of the Accreditation Authority together with 2 years full time or equivalent experience considered appropriate by the Accreditation Authority and covering at least 6 months experience in at least three of the following technical skills:
  - Planning or planning related policy development, review and/or policy interpretation and Communication, negotiation and/or mediation for planning or planning related outcomes with stakeholders.
  - Designing and/or delivering community engagement of planning or planning related matters.
  - Administration and/or leadership of urban and regional governance.
  - Project management of planning or planning related matters.

It is considered preferable that the Presiding Member who is appointed to the Panel, have planning qualifications and experience, in accordance with option 1 above.

### **Number of Panel Members**

The new CAPs are required to have a maximum of five (5) members, one of which may be an Elected Member of the Council.

It is recommended that the Council Assessment Panel continue to comprise five (5) Members, including one (1) Elected Member.

### **Deputy Panel Members**

The Council may also appoint Deputy Members to the CAP. Deputy Members can attend meetings in the place of absent CAP Members on an 'as-needs' basis. The appointment of Deputy Members may assist the CAP in avoiding quorum issues.

Cr Carlo Dottore is currently appointed to the position of Deputy Member, to sit on the Panel when Cr Minney is unable to attend a meeting. Where an Elected Member is appointed as a Deputy Member, that person may not act as a deputy for any other CAP Member.

The Council has previously determined not to appoint a specialist external Deputy Member. The absence of a specialist external Deputy Member has not hindered the operations of the CAP over the past three (3) years, with the exception of the meeting held in August 2019. In that instance, two Specialist External Members were apologies for the meeting, leaving two specialist external members and Cr Minney. Whilst this achieved a quorum for most items on the agenda, one of the Specialist External Members declared a conflict of interest for an item, resulting in a quorum being unable to be achieved and the agenda item being unable to be considered until the following month.

The Council could determine to call for expressions of interest for a specialist external Deputy Member, who would be able to attend in situations when one or more specialist external members are unable to attend a meeting. Given how infrequently the lack of a specialist external Deputy Member has been problematic, this is not recommended.

### **Panel Members Term of Engagement**

The PDI Act does not prescribe a maximum term for CAP Members appointed by the Council. Most recently, the Council appointed CAP Members for a two (2) year term, whereas previously they had been appointed for one (1) year at a time.

Given the safeguards in the Terms of Reference to remove a Member at the discretion of the Council at any time and historical absence of any operational concerns, it is recommended that if the Council determines to re-appoint any of the existing Members, they be appointed two (2) years, other than Mr Mosel and Mr Smith, who have advised that they wish to sit on the CAP for no longer than one (1) year.

### **OPTIONS**

The Council could determine to re-appoint all specialist external members of the CAP, or alternatively could determine not to appoint one or more Members and instead call for expressions of interest for new Members. For the reasons set out in this report, it is recommended that all Specialist External Member positions not be reappointed and that expressions of interest be sought for membership of the CAP.

The Council could also determine to seek expressions of interest for a specialist external Deputy Member, to attend meetings of the CAP when other specialist external members are unable to attend. As the absence of a specialist external Deputy Member has rarely been problematic in the past, this is not recommended.

Given that the term of the current Council concludes in November 2022, the Council may wish to re-appoint all existing members to the Panel, to align with the end of current term of Council. This would bring consideration of membership of the CAP into line with other Council committees, which are established immediately following the outcome of the South Australian Local Government elections. This approach would be dependent on all existing Members being willing to serve for another year. It would be prudent however, to appoint an Elected Member to the CAP for not more than twelve (12) months to align with the conclusion of the current term of the Council.

## CONCLUSION

The Council Assessment Panel has discharged its responsibilities extremely well, between October 2019 and September 2021, with meetings running efficiently and with a high degree of professionalism.

The Panel determined 89% of Development Applications in accordance with the staff recommendation, reflecting a continued high degree of consistency between staff and Panel assessment approaches, recommendations and final decisions.

Overall, the Council can be justifiably satisfied with the results which have been achieved and the Panel's operation during the period between October 2019 and September 2021.

Given that six (6) years have passed since expressions of interest were sought for membership of the CAP and two specialist external members have advised that they only wish to continue for up to twelve (12) months, it is considered appropriate to call for expressions of interest at this time.

## COMMENTS

Given that the term of the current council concludes in November 2022, it is considered prudent for the Council to appoint an Elected Member to the Panel for one year, to align with the end of current term of Council.

## RECOMMENDATION

### Appointment of Elected Member

1. That \_\_\_\_\_ be and is hereby appointed to the City of Norwood Payneham & St Peters Council Assessment Panel for a period commencing on 18 October 2021 until 31 October 2022.
2. That \_\_\_\_\_ be and is hereby appointed as a Deputy Member to the City of Norwood Payneham & St Peters Council Assessment Panel for a period commencing on 18 October 2021 until 31 October 2022.

### Appointment of Specialist External Members

3. That expressions of interest be called for four (4) Specialist External Members of the Council Development Assessment Panel, including the position of Presiding Member.
4. That the current Specialist External Members on the Council Assessment Panel be thanked for their outstanding contributions serving on the Council Assessment Panel and for their willingness to continue to act as Members until the vacancies are filled or for a period of six months from the expiry of the Member's term of office, whichever occurs first.
5. That a Selection Panel be established to short-list and interview candidates for the vacant Specialist External Member positions of the Council Assessment Panel.
6. That the Selection Panel comprise of two (2) Elected Members and the General Manager, Urban Planning & Environment and the Manager, Development Assessment.
7. That the following Elected Members be appointed to the Selection Panel:
  - Cr \_\_\_\_\_; and
  - Cr \_\_\_\_\_.
8. That following the Selection Panel's short-listing and interviewing of candidates, a report be prepared for the Council's consideration to finalise the appointment of Specialist External Members to the City of Norwood Payneham & St Peters Development Assessment Panel.



### **Sitting Fees**

9. That all Members of the City of Norwood Payneham & St Peters Council Assessment Panel receive a sitting fee of \$450 per meeting, other than the Presiding Member, who shall receive a sitting fee of \$550 per meeting.
- 

### ***Appointment of Elected Member***

#### Call for Nominations for Appointment of an Elected Member to the City of Norwood Payneham & St Peters Council Assessment Panel

The Mayor called for nominations for appointment of an Elected Member to the City of Norwood Payneham & St Peters Council Assessment Panel.

The following nominations were received:

- Cr Carlo Dottore; and
- Cr John Minney.

Cr Dottore and Cr Minney declared an actual conflict of interest in the matter as they had been nominated for appointment to the City of Norwood Payneham & St Peters Council Assessment Panel and left the meeting at 8.50pm.

#### Voting by Secret Ballot

A secret ballot was conducted and the General Manager, Governance & Community Affairs was appointed as Returning Officer for the counting of votes.

#### Completion of Counting of Votes by Secret Ballot

The votes were counted and the results were declared to the Council as follows:

- Cr John Minney (6 votes)
- Cr Carlo Dottore (4 votes).

*Cr Stock moved:*

*That Cr John Minney be and is hereby appointed to the City of Norwood Payneham & St Peters Council Assessment Panel for a period commencing on 18 October 2021 until 31 October 2022.*

*Seconded by Cr Knoblauch and carried unanimously.*

Cr Dottore and Cr Minney returned to the meeting at 8.54pm.

### ***Appointment of Deputy Member***

*Cr Stock moved:*

*That Cr Carlo Dottore be and is hereby appointed as a Deputy Member to the City of Norwood Payneham & St Peters Council Assessment Panel for a period commencing on 18 October 2021 until 31 October 2022.*

*Seconded by Cr Duke and carried unanimously.*

### **Appointment of Specialist External Members**

Cr Moore moved:

1. *That expressions of interest be called for four (4) Specialist External Members of the Council Development Assessment Panel, including the position of Presiding Member.*
2. *That the current Specialist External Members on the Council Assessment Panel be thanked for their outstanding contributions serving on the Council Assessment Panel and for their willingness to continue to act as Members until the vacancies are filled or for a period of six months from the expiry of the Member's term of office, whichever occurs first.*
3. *That a Selection Panel be established to short-list and interview candidates for the vacant Specialist External Member positions of the Council Assessment Panel.*
4. *That the Selection Panel comprise of two (2) Elected Members and the General Manager, Urban Planning & Environment and the Manager, Development Assessment.*

Seconded by Cr Moorhouse and carried unanimously.

Cr Patterson moved:

*That the following Elected Members be appointed to the Selection Panel:*

- *Cr Carlo Dottore; and*
- *Cr Evonne Moore.*

Seconded by Cr Minney and carried.

Cr Moore moved:

1. *That following the Selection Panel's short-listing and interviewing of candidates, a report be prepared for the Council's consideration to finalise the appointment of Specialist External Members to the City of Norwood Payneham & St Peters Development Assessment Panel.*
2. *That all Members of the City of Norwood Payneham & St Peters Council Assessment Panel receive a sitting fee of \$450 per meeting, other than the Presiding Member, who shall receive a sitting fee of \$550 per meeting.*

Seconded by Cr Dottore.

Cr Dottore withdrew as the seconder of the motion.

Cr Dottore and Cr Minney declared an actual conflict of interest in the matter as they have been appointed to the City of Norwood Payneham & St Peters Council Assessment Panel and left the meeting at 8.59pm.

Cr Moore moved:

1. *That following the Selection Panel's short-listing and interviewing of candidates, a report be prepared for the Council's consideration to finalise the appointment of Specialist External Members to the City of Norwood Payneham & St Peters Development Assessment Panel.*
2. *That all Members of the City of Norwood Payneham & St Peters Council Assessment Panel receive a sitting fee of \$450 per meeting, other than the Presiding Member, who shall receive a sitting fee of \$550 per meeting.*

Seconded by Cr Duke and carried unanimously.

Cr Dottore and Cr Minney returned to the meeting at 9.01pm.

## 11.5 BUILDING FIRE SAFETY COMMITTEE REVIEW

---

**REPORT AUTHOR:** Senior Development Officer, Building  
**GENERAL MANAGER:** General Manager, Urban Planning & Environment  
**CONTACT NUMBER:** 8366 4526  
**FILE REFERENCE:** qA1795  
**ATTACHMENTS:** Nil

---

### PURPOSE OF REPORT

The purpose of this report is to provide for the Council's information, the outcomes of the operations of the Building Fire Safety Committee, for the period September 2020 to September 2021.

### BACKGROUND

Local Government plays an important role in protecting the ongoing safety of building occupiers and users, through the provisions of the *Development Act 1993*.

Section 71 of the *Development Act 1993*, specifically places obligations upon an "Appropriate Authority" in relation to Building Fire Safety. Specifically, it provides powers for "Authorised Officers" to investigate whether or not building owners are maintaining proper levels of fire safety in their buildings for the protection of all occupiers, whether they be residents or workers who use the buildings regularly, or clients and visitors who use the buildings occasionally.

For the purposes of Section 71 of the *Development Act 1993* and Section 157 of the *Planning, Development and Infrastructure Act 2016*, an *Appropriate Authority* is a body established by a council, or by two or more councils and designated by the council or councils, as an appropriate authority. In the case of the City of Norwood Payneham & St Peters, the Council has established the *Building Fire Safety Committee* as the *Appropriate Authority*.

If a building is not considered to be adequate from a building fire safety perspective, Sections 71 and 157 of the respective Acts, provide powers for the Building Fire Safety Committee to require remedial action to rectify any problems associated with the building.

At its meeting held on 18 January 2021, the Council resolved, amongst other things the following:

1. *That the City of Norwood Payneham & St Peters Building Fire Safety Committee be established pursuant to Section 157(17) of the Planning, Development and Infrastructure Act 2016 effective from the day on which the Council's Development Plan is revoked by the Minister by notice in the Gazette pursuant to Clause 9(7) of Schedule 8 of the Planning, Development and Infrastructure Act 2016.*
2. *That the City of Norwood Payneham & St Peters Building Fire Safety Committee Terms of Reference as contained in Attachment C, be adopted.*
3. *That the following persons be appointed to the City of Norwood Payneham & St Peters Building Fire Safety Committee for a period of three (3) years, from the day on which the Council's Development Plan is revoked by the Minister by notice in the Gazette pursuant to Clause 9(7) of Schedule 8 of the Planning, Development and Infrastructure Act 2016:*
  - *Mr Troy Olds as a Presiding member of the Committee and a person with expertise in fire safety;*
  - *Mr Demetrius Poupoulas as a member of the Committee;*
  - *A primary person nominated by the Chief Officer (CO) of the SAMFS;*
  - *An alternate person (proxy) nominated by the Chief Officer (CO) of SAMFS; and*
  - *Mr Mario Hlavati as a person with qualifications in Building Surveying.*

Accordingly, this report sets out the outcomes of the Committee's operations during the period September 2020 to September 2021 in accordance with the current Terms of Reference.

## RELEVANT POLICIES & STRATEGIC DIRECTIONS

The Building Fire Safety Committee is required to be established by legislation. The following goals contained in *City Plan 2030*, have been identified as relevant to the appointment and operation of the Council's *Building Fire Safety Committee*:

### **Outcome 2: Cultural Vitality**

A culturally rich and diverse city, with a strong identity, history and sense of place.

*Objective 2.4 Pleasant, well designed and sustainable urban environments.*

The *Building Fire Safety Committee* is responsible for ensuring that building occupants are adequately protected against fire. The inclusion of appropriate fire evacuation paths and firefighting equipment is an important consideration in the design and maintenance of buildings throughout the City.

## FINANCIAL AND BUDGET IMPLICATIONS

The Building Fire Safety Committee has no specific budget allocation. Funds required to deal with enforcement matters are drawn from General Planning and Building Legal and Contractor Budgets (as required). Costs associated with the engagement of Mr Troy Olds and Mr Demetrius Poupoulas are also allocated from General Planning and Building Legal and Contractor Budgets (as required).

The approximate annual cost of investigating building fire safety matters, taking into account the professional fees of Mr Olds and Mr Poupoulas, is \$4,500.

## EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable

## SOCIAL ISSUES

A properly constituted and functioning *Building Fire Safety Committee* will result in increased awareness of building fire safety issues and obligations amongst the community and will maximise the prospect of safe buildings.

The community expects standards in respect to building fire safety to be achieved and maintained.

## CULTURAL ISSUES

Not Applicable

## ENVIRONMENTAL ISSUES

Not Applicable

## RESOURCE ISSUES

Presently, the Committee meets four (4) times a year in accordance with the Terms of Reference. It should also be noted that whilst the Committee meets quarterly, the Members have been dealing with matters between meetings, in respect to either inspecting or discussing 'at risk' premises where issues have arisen, or to deal with matters which required immediate response from the Committee.

All of the administrative tasks including drafting of correspondence and notices are undertaken in-house by the Senior Development Officer, Building and distributed to the Committee members electronically for review. It is estimated that the Council's Senior Development Officer, Building contributes approximately twenty five (25) hours per month to facilitate the operation and administration of the Committee, including inspections and follow up actions arising from Committee meetings and liaising incoming and outgoing correspondence with stakeholders.

## RISK MANAGEMENT

The establishment and operation of the *Building Fire Safety Committee* is necessary and required to ensure that the Council fulfils its statutory obligations under the *Development Act 1993 and Planning, Development and Infrastructure Act 2016*, with respect to building fire safety. A properly functioning Committee is necessary to enable the Council to undertake the roles and fulfil the responsibilities of an Appropriate Authority, pursuant to Sections 71 and 157 of the respective Acts.

As Elected Members are aware, the *Building Fire Safety Committee* has developed a risk assessment process which is intended to identify and select buildings of interest, based on a risk assessment criteria contained in the Risk Assessment Process, which forms part of the Committee's Terms of Reference. The Risk Assessment Process specifies which buildings are of the highest risk, based on building classification, size and use.

The application of a Risk Assessment Process is important to ensure that the Council's Building Fire Safety Committee performs its duties under the *Development Act 1993* and now the *Planning, Development and Infrastructure Act 2016*, by prioritising matters based on an assessment of relative risk, rather than via random selection of buildings to review without defined reasoning for its investigations or prioritisation.

The Risk Assessment Process contained within the Terms of Reference, was endorsed by the Council at its meeting held on 5 August 2019.

## CONSULTATION

- **Elected Members**  
The Council considered and endorsed the current Terms of Reference at its meeting held 5 August 2019.
- **Community**  
Not Applicable
- **Staff**  
General Manager, Urban Planning & Environment
- **Other Agencies**  
Not Applicable

## COVID-19 IMPLICATIONS

There are no COVID-19 implications associated with this matter.

## DISCUSSION

### *Objects and Role of the Committee*

The Committee essentially has an administrative function, established as a requirement pursuant to the *Development Act 1993 and now the Planning, Development and Infrastructure Act 2016*, to administer building fire safety and acts as a compliance body in terms of enforcing the building fire safety provisions of the Act.

The focus of the *Building Fire Safety Committee* is to ensure that buildings and its occupants are adequately protected against fire. The Committee's activities are prioritised to ensure that firstly, there is a reasonable standard of safety for the occupiers of buildings. Secondly, the Committee seeks to ensure that appropriate controls are in place so that there is a minimal spread of fire and smoke within buildings. Thirdly, the Committee seeks to ensure that there is an acceptable fire-fighting environment provided within buildings.

The Committee applies a Risk Assessment Process (included in Terms of Reference) to identify the types of buildings that require inspections in order of priority. The Risk Assessment Process specifies which buildings are of the highest risk, based on building classification, size, and use having regard to industry best practice, the Building Code of Australia (BCA) and the experience of the Committee Members in dealing with building fire safety issues.

*Review of the Committee’s Activities for the period September 2020 to September 2021*

In accordance with Part 3.10 of the Terms of Reference, an outline of the Committee’s activities is provided in this report.

The Council’s *Building Fire Safety Committee* met on five (5) occasions between September 2020 and September 2021. All Members attended all meetings of the Committee.

Between September 2020 to September 2021, twelve (12) buildings were subjected to fire safety investigations within the City. Of these, two (2) fire safety matters were resolved and four (4) buildings are currently subject to an Aluminium Composite Panel Cladding audit. In total, six (6) inspections were undertaken by the Committee for the period of September 2020 and September 2021.

Table 1 below contains specific details on the number of inspections undertaken of each building type during the reporting period. It must be noted that some buildings required more than one inspection during the reporting period but they have not been reported separately.

**TABLE 1: TYPES OF BUILDINGS INSPECTED DURING 2020-2021**

Building Type	Number of Inspections September 2020 – September 2021
Supported Residential Facilities	1
Accommodation Buildings	4
Office Buildings	1
Hotels	0
Assembly Buildings	0
Other	0
<b>TOTAL</b>	<b>6</b>

A summary of the key statistics of the operation of the building Fire Safety Committee during the period commencing September 2020 to September 2021 is set out below:

- the Committee has met on five (5) occasions;
- currently there are ten (10) outstanding matters on the Committee’s agenda, excluding ACP cladding audit matters;
- there have been two (2) matters resolved in this reporting period;
- there were eight (8) outstanding matters in the previous reporting period; and
- there are four (4) buildings currently under investigation as a result of State wide Aluminium Composite Panel Cladding Audit.

Building inspections during the reporting period, focussed primarily on the environment (nature of the building use, floor layout, number of occupants, number of and distance to exits etc.) and equipment provided within the buildings to facilitate the safe evacuation of occupants in the event of an emergency. Aspects such as fire and smoke compartmentalisation, exit provisions, smoke detection and alarm systems, emergency lighting and sprinkler protection systems were reviewed.

Currently, the Committee is dealing with fire safety matters associated with six (6) accommodation/residential buildings, two (2) mixed use (office, residential, shop etc) buildings, a nursing home facility and a warehouse building. Two (2) fire safety matters were resolved during the reporting period, without the need to take legal action. One (1) Fire Safety Defect Notice was issued in this reporting period under Section 71 of *Development Act 1993* and two (2) Fire Safety Defect Notices were issued under Section 157 of *Planning, Development and Infrastructure Act 2016*. One (1) notice issued required a report be provided to the Committee in respect to the fire safety deficiencies on the subject property. Two (2) notices required specific works to be undertaken and completed by owner/s to ensure that the required level of fire safety is achieved and maintained in the subject buildings. Four (4) enforcement notices were issued as a result of presence of Aluminium Composite Cladding ‘ACP’ panelling on buildings. Three (3) buildings containing ACP cladding are currently being remediated, with the remaining building currently pending further investigation.

A brief summary of some of the outstanding compliance matters currently being investigated by the Committee is set out below:

- multi-storey mixed use building that requires upgrades to stair pressurisation, confirmation of building's air handling system for smoke control, upgrade to exit and emergency lighting, upgrade to smoke detection system, clarification of designated fire rated doors;
- 2 storey accommodation building requiring extensive upgrades to all aspects of fire safety – currently vacant and being closely monitored by the Committee;
- 4 storey student accommodation building requiring upgrades to firefighting provisions, and egress provisions;
- 2 storey residential unit complex requiring fire separation and egress provisions upgraded;
- 4 storey residential unit complex requiring upgrades to unit entry door, opening fire separation, emergency and exit lighting, firefighting provisions, and implementation of maintenance regime;
- 2 storey accommodation building requiring alarm monitoring and fire separation in roof space;
- single storey warehouse/retail building requiring installation of extensive fire safety provisions throughout as a result of development approval;
- 2 storey office and shop building subject to extensive fire safety upgrades relating to smoke separation, egress and firefighting provisions;
- 4 storey residential building requiring maintenance of fire safety provisions an evidence of adequate water supply for firefighting purposes; and
- A nursing home requiring upgrades to egress and separation.

The legislative requirement that allows a person two (2) months within which to provide a written response to the Committee regarding any Compliance Notices issued by the Committee, often makes it difficult to resolve issues in a short timeframe. Despite this limitation, the Committee continues to progress all enforcement matters with reasonable expediency.

In accordance with the 'Audit Methodology' contained within the current Terms of Reference, the Council's *Building Fire Safety Committee*, with the assistance and advice of qualified Council Staff, is required to undertake an annual audit of buildings by systematically auditing one (1) suburb per annum. All buildings within that suburb which are identified as warranting investigation due to potential fire safety deficiencies, are required to be listed and investigated by the Committee following the audit. The investigations are required to be prioritised in accordance with risk analysis and identification as determined during the audit. In the reporting period 2020-2021, the Council has chosen Payneham as the suburb for this reporting period. A four (4) storey residential building was selected and is currently under investigation. The subject building was selected based on its risk being a residential four storey building which has been constructed in the 1970's.

#### *Other Activities*

Other than the responsibilities set out in Section 71 of the Act, the Committee has also been responsible for the recent audit of the buildings which contain a designated building product known as ACP (Aluminium Composite Panel). The audit, as initiated by the State Government Department of Planning, Transport & Infrastructure ("DPTI"), has been primarily undertaken by the Senior Development Officer, Building and presented to the Committee for actioning.

By way of background, buildings of concern within the City of Norwood Payneham & St Peters were audited between June 2018 and June 2019 and in total, seven (7) buildings were flagged and reported to the Committee for actioning. Of those seven (7) buildings, two (2) buildings have returned a High or High-Extreme SALSA rating. Two (2) buildings with High or High-Extreme rating are currently being dealt with through Council's Building Fire Safety Committee in relation to presence of the flammable cladding, and two (2) buildings are currently under investigation by the Committee due to the extent and condition of flammable cladding even though this building returned a 'Low' and 'Moderate' SALSA risk.

The respective owners of all buildings which have been the subject of the Aluminium Composite Panel Cladding Audit have been written to and advised of the audit and its outcomes. To date, the Committee is liaising with DPTI regarding the progress of the audit and its outcomes. It is anticipated that all actions arising from the audit will be completed by the end of November 2021.

## **OPTIONS**

This report is to provide information only on the activities of the *Building Fire Safety Committee*.

## **CONCLUSION**

The activities of the *Building Fire Safety Committee* have been constructive and proactive. Whilst only two (2) outstanding matters were resolved, the Committee was very efficient and effective in diligently actioning a range of on-going and complex enforcement matters.

A methodical risk assessment based approach has been applied by the Committee for several years and this has ensured that building fire safety risks have been afforded an appropriate level of attention. Whilst such risks cannot be entirely mitigated, the Committee's role and function is crucial in ensuring that buildings with vulnerable occupants are adequately protected against fire. The Committee's Risk Assessment Process was endorsed by the Council at its meeting on 5 August 2019, which has provided the Committee with a more structured approach and governance framework, which will be applied to all future investigations.

## **RECOMMENDATION**

That the report on the activity of the Council's *Building Fire Safety Committee* during the period commencing September 2020 and ending September 2021, be received and noted.

---

Cr Knoblauch left the meeting at 9.03pm.  
Cr Knoblauch returned to the meeting at 9.05pm.

*Cr Whittington moved:*

*That the report on the activity of the Council's Building Fire Safety Committee during the period commencing September 2020 and ending September 2021, be received and noted.*

*Seconded by Cr Minney and carried unanimously.*



## 11.6 2021 CHRISTMAS EVENTS

---

**REPORT AUTHOR:** Event Coordinators  
**GENERAL MANAGER:** General Manager, Governance & Community Affairs  
**CONTACT NUMBER:** 8366 4582  
**FILE REFERENCE:** qA61803  
**ATTACHMENTS:** A

---

### PURPOSE OF REPORT

The purpose of this report is to present information for the Council's consideration regarding the Council's events which are scheduled to take place in the lead up to the 2021 Christmas period, in light of the current COVID-19 restrictions and the consequent impact on the events.

### BACKGROUND

In March 2020, the Federal and State Government introduced a number of restrictions to assist in controlling the spread of COVID-19 in Australia.

At that time, most of the Council's events and programs were cancelled and facilities closed as a result of the restrictions. This included libraries, community events, Community Care services and programs, playgrounds, etc.

At the end of 2020, with the easing of the restrictions, most of the Council's events and programs recommenced and facilities re-opened.

However, in July 2021, following a State-wide lockdown due to a recurrence of COVID-19 within the community, a number restrictions were put in place once again. Whilst there has been an easing of some restrictions since that time, a number of restrictions remain which have consequent impacts on events.

Whilst most of the current restrictions can be managed and therefore complied with when events, programs and services are conducted in a Council owned facility, (ie indoors with clearly defined entry and exit points, physical distancing, signage, the ability to identify and control the number of people in attendance, handwashing facilities, etc), the restrictions associated with events which are held outdoors are not as easily managed.

A review therefore of a number of Council events which are scheduled to be held in the lead up to the 2021 Christmas period, has been undertaken to determine if the events can proceed in accordance with the current COVID-19 restrictions.

To this end, the following events have been assessed in terms of the current COVID-19 restrictions and advice from SA Health:

- *Norwood Christmas Pageant;*
- *Volunteer's Christmas Dinner;*
- *Twilight Carols;* and
- *Movie on the Oval.*

### RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

### FINANCIAL AND BUDGET IMPLICATIONS

The Council has allocated funds for the various events as part of the 2021-2022 Budget.

### EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

## **SOCIAL ISSUES**

Not Applicable.

## **CULTURAL ISSUES**

Not Applicable.

## **ENVIRONMENTAL ISSUES**

Not Applicable.

## **RESOURCE ISSUES**

Resource Issues have been addressed in the COVID-19 Implications section of this report.

## **RISK MANAGEMENT**

All events must include the development of a *COVID-Management Plan* to ensure that the relevant legislative and State Government restrictions are being met. The Plan will vary for each event, depending on the type of event and the potential risks for each event.

Currently, in accordance with SA Health requirements, a *COVID-Management Plan* must be prepared and approved by SA Health.

Each event is also required to have its own *Risk Management Plan* (which in any case is standard practice for all Council events).

## **COVID-19 IMPLICATIONS**

In August 2020, the State Government announced that COVID-19 Marshalls would be required for the following prescribed operations:

- the onsite purchase and consumption of food or beverages (indoor and outdoor). This does not include take-away only operators;
- religious or faith-based ceremonies;
- supermarkets and hardware stores;
- distribution centres (including associated transport operations);
- gymnasiums and fitness centres;
- swimming pools used by the public;
- social and sporting clubs;
- any activity where a *COVID-Management Plan* is required; and
- any operation which may be defined by the State Coordinator.

These requirements are still in place and therefore “nominated” COVID-19 Marshals must be in attendance at Council events.

## **CONSULTATION**

- **Elected Members**  
Not Applicable.
- **Community**  
Not Applicable.
- **Staff**  
Manager, WHS & Risk.
- **Other Agencies**  
Staff have had ongoing regular discussions with representatives from SA Health and SAPOL regarding the Council’s events and SA Health requirements in terms of conducting the events.

## DISCUSSION

- *Norwood Christmas Pageant*

As Elected Members are aware, the *Norwood Christmas Pageant* (the Pageant) starts at the western end of The Parade and finishes at the intersection of Queen Street and Beulah Road. Approximately 20,000 spectators line The Parade and Queen Street to watch the Pageant.

Based on the nature of the event and the expected number of spectators, SA Health has determined that the Pageant is a “high risk” event, as it would not be possible to maintain a “controlled” environment.

The 2021 *Norwood Christmas Pageant* has therefore been cancelled.

- *Volunteers Christmas Dinner*

The 2021 *Volunteers Christmas Dinner* will be held on Wednesday, 24 November 2021, in the Norwood Concert Hall.

As this event is within what SA Health have determined to be a “Controlled environment”, the event can proceed (and is proceeding at this stage).

- *Twilight Carols*

The *Twilight Carols* are held in Linde Reserve on 4 December 2021.

As the event is held in the reserve and the event capacity in terms of attendees is manageable in terms of contract tracing and density requirements the event can proceed.

A *COVID-Safe Plan* has been prepared and is with SA Health for final approval.

- *Movie on the Oval*

The *Movie on the Oval* event is scheduled to be held at the Norwood Oval on 11 December 2021.

However, as a result of an upgrade to the irrigation system at Norwood Oval, the 2021 *Movie on the Oval* event will be held at Adey Reserve, Firle.

As the event is held in the reserve and the event capacity in terms of attendees is manageable in terms of contract tracing and density requirements, the event can proceed (and is proceeding at this stage).

A *COVID -Safe Plan* has been prepared and has been approved by SA Health.

Whilst it is disappointing that the *Norwood Christmas Pageant* cannot proceed, it is pleasing that the Council's other Christmas events can proceed, at this stage.

A number of Councils in South Australia have also cancelled their Christmas Pageants and some Councils are considering hosting a replacement event.

Whilst this is an option for this Council, as this Council hosts other Christmas events, this approach is not recommended.

There is however an opportunity to install the Christmas Pageant floats at the *Twilight Carols* event and provide children the opportunity to “visit” the floats and Father Christmas.

The inclusion of the floats at the *Twilight Carols* event will add another element to the event for children to enjoy.

Elected Members will recall that the floats were also installed on Osmond Terrace in 2020, following the cancellation of the 2020 *Norwood Christmas Pageant*. As the 2021 Pageant has been cancelled the floats will once again, be installed on Osmond Terrace as part of the Christmas display, *Festive Gallery on Osmond*, for the week leading up to Christmas.

As part of the 2021-2022 Budget, the Council has allocated \$68,000 for the *Norwood Christmas Pageant* and these funds can be used to install the floats at the event.

In addition, there is also an opportunity to commission a new float for the 2022 *Norwood Christmas Pageant*, with the funds currently allocated to the Pageant redirected for this purpose.

The Council currently has the following five floats which take part in the Pageant:

- Father Christmas;
- Princess;
- Townhall;
- Gingerbread House; and
- Rocket Shop.

Photographs of the floats listed above are contained within **Attachment A**.

The Council has not commissioned a new float since 2006 when the Princess float was commissioned.

The Princess float was commissioned at a cost of \$20,000.

However since this float was commissioned 15 years ago, it would be more realistic to allocate \$25,000 for a new float.

A new float for the Pageant would enhance the event and provide a new attraction for the 2022 Pageant, when hopefully the event can once again be held.

## CONCLUSION

2020 and 2021 have been difficult years worldwide and “normal” activities and operations have been difficult. Whilst it is disappointing that a number of events have and continue to be impacted by the COVID-19 pandemic, it is important to remember that the most important focus for the Council must be on community wellbeing and as such, the Council has and must continue to demonstrate leadership during these unprecedented times.

## COMMENTS

Nil.

## RECOMMENDATION

1. That the report be received and noted.
2. That the Council approves the allocation of \$25,000 from the 2021-2022 Christmas Pageant Budget for commissioning of a new Pageant float for the 2022 *Norwood Christmas Pageant*.

---

*Cr Sims moved:*

1. *That the report be received and noted.*
2. *That the Council approves the allocation of \$25,000 from the 2021-2022 Christmas Pageant Budget for commissioning of a new Pageant float for the 2022 Norwood Christmas Pageant.*

*Seconded by Cr Moorhouse and carried unanimously.*

## 12. ADOPTION OF COMMITTEE MINUTES

---

**REPORT AUTHOR:** General Manager, Governance & Community Affairs  
**GENERAL MANAGER:** Chief Executive Officer  
**CONTACT NUMBER:** 8366 4549  
**FILE REFERENCE:** Not Applicable  
**ATTACHMENTS:** A

---

### PURPOSE OF REPORT

The purpose of the report is to present to the Council the Minutes of the following Committee Meetings for the Council's consideration and adoption of the recommendations contained within the Minutes:

- Norwood Parade Precinct Committee – (14 September 2021)  
(A copy of the Minutes of the Norwood Parade Precinct Committee meeting is contained within **Attachment A**)

### ADOPTION OF COMMITTEE MINUTES

- **Norwood Parade Precinct Committee**

*Cr Dottore moved that the minutes of the meeting of the Norwood Parade Precinct Committee held on 14 September 2021, be received and that the resolutions set out therein as recommendations to the Council are adopted as decisions of the Council. Seconded by Cr Patterson and carried unanimously.*

### 13. OTHER BUSINESS

Cr Stock left the meeting at 9.09pm.  
Cr Stock returned to the meeting at 9.11pm.

#### 13.1 Felixstow Reserve – Use of Basketball Equipment

*Cr Minney moved:*

*That a report regarding the use of basketball equipment at Felixstow Reserve be presented to the December 2021 Council Meeting.*

*Seconded by Cr Patterson and carried unanimously.*

#### 13.2 Confidential Matter - East Waste

*Cr Stock moved:*

*That pursuant to Section 90(2) and (3) of the Local Government Act, 1999 the Council orders that the public, with the exception of the Council staff present [Chief Executive Officer, General Manager, Governance & Community Affairs, General Manager, Urban Services, General Manager, Corporate Services, Manager, Governance, Legal & Property and Administration Officer, Governance & Community Affairs], be excluded from the meeting on the basis that the Council will receive, discuss and consider:*

- (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;*

*and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.*

*Seconded by Cr Minney and carried.*

Cr Moore left the meeting at 9.20pm.  
Cr Moore returned to the meeting at 9.24pm.  
Cr Sims left the meeting at 9.25pm.  
Cr Sims returned to the meeting at 9.26pm.

*Cr Minney moved:*

*Under Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the update and discussion be kept confidential for a period not exceeding 12 months, after which time the order will be reviewed.*

*Seconded by Cr Whittington and carried unanimously.*

**14. CONFIDENTIAL REPORTS**

## 14.1 WRITTEN NOTICES OF MOTION – CONFIDENTIAL ITEM – COUNCIL RELATED MATTER

---

### RECOMMENDATION 1

That pursuant to Section 90(2) and (3) of the *Local Government Act 1999*, the Council orders that the public, with the exception of the Council staff present, be excluded from the meeting on the basis that the Council will receive, discuss and consider:

- (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;

and the Council is satisfied that, the principal that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the consideration of the information confidential.

### RECOMMENDATION 2

That under Section 91(7) of the *Local Government Act 1999* the Council orders that the report, discussion and minutes be kept confidential until the proposed amendment is released for the purpose of public consultation.

---

Cr Duke left the meeting at 9.28pm.

*Cr Dottore moved:*

*That pursuant to Section 90(2) and (3) of the Local Government Act 1999, the Council orders that the public, with the exception of the Council staff present [Chief Executive Officer, General Manager, Governance & Community Affairs, General Manager, Urban Planning & Environment, General Manager, Urban Services, Manager, Urban Planning & Sustainability, Senior Urban Planner, Sustainability Officer and Executive Assistant, Urban Services], be excluded from the meeting on the basis that the Council will receive, discuss and consider:*

- (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;*

*and the Council is satisfied that, the principal that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the consideration of the information confidential.*

*Seconded by Cr Minney and carried.*

Cr Moorhouse left the meeting at 9.31pm.

Cr Duke returned to the meeting at 9.32pm.

Cr Moorhouse returned to the meeting at 9.33pm.

*Cr Patterson moved:*

*That under Section 91(7) of the Local Government Act 1999 the Council orders that the report, discussion and minutes be kept confidential until the proposed amendment is released for the purpose of public consultation.*

*Second by Cr Whittington and carried unanimously.*



## 14.2 COUNCIL RELATED MATTER

---

### RECOMMENDATION 1

That pursuant to Section 90(2) and (3) of the *Local Government Act 1999* the Council orders that the public, with the exception of the Council staff present, be excluded from the meeting on the basis that the Council will receive, discuss and consider:

- (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; and
  - (ii) would, on balance, be contrary to the public interest;

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt / discussion / consideration of the information confidential.

### RECOMMENDATION 2

Under Section 91(7) and (9) of the *Local Government Act 1999*, the Council orders that the report and discussion be kept confidential for a period not exceeding five (5) years and that this order be reviewed every twelve (12 months).

Under Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the minutes be kept confidential until the contract has been entered into by all parties to the contract.

---

*Cr Knoblauch moved:*

*That pursuant to Section 90(2) and (3) of the Local Government Act 1999 the Council orders that the public, with the exception of the Council staff present [Chief Executive Officer, General Manager, Governance & Community Affairs, General Manager, Urban Planning & Environment, General Manager, Urban Services, Manager, Urban Planning & Sustainability, Senior Urban Planner, Sustainability Officer and Executive Assistant, Urban Services], be excluded from the meeting on the basis that the Council will receive, discuss and consider:*

- (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; and*
  - (ii) would, on balance, be contrary to the public interest;**

*and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt / discussion / consideration of the information confidential.*

*Seconded by Cr Patterson and carried.*

*Cr Minney moved:*

*Under Section 91(7) and (9) of the Local Government Act 1999, the Council orders that the report and discussion be kept confidential for a period not exceeding five (5) years and that this order be reviewed every twelve (12 months).*

*Under Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the minutes be kept confidential until the contract has been entered into by all parties to the contract.*

*Seconded by Cr Dottore and carried unanimously.*

---

### 14.3 COUNCIL RELATED MATTER

---

#### RECOMMENDATION 1

That pursuant to Section 90(2) and (3) of the *Local Government Act 1999* the Council orders that the public, with the exception of the Council staff present, be excluded from the meeting on the basis that the Council will receive, discuss and consider:

- (h) legal advice; and
- (i) information relating to litigation that the Council believes on reasonable grounds will take place, involving the Council;

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

#### RECOMMENDATION 2

Under Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, discussion and minutes be kept confidential until this matter is finalised.

---

*Cr Minney moved:*

*That pursuant to Section 90(2) and (3) of the Local Government Act 1999 the Council orders that the public, with the exception of the Council staff present [Chief Executive Officer, General Manager, Governance & Community Affairs, General Manager, Urban Planning & Environment, General Manager, Urban Services and Executive Assistant, Urban Services], be excluded from the meeting on the basis that the Council will receive, discuss and consider:*

- (h) legal advice; and*
- (i) information relating to litigation that the Council believes on reasonable grounds will take place, involving the Council;*

*and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.*

*Seconded by Cr Moorhouse and carried unanimously.*

*Cr Knoblauch moved:*

*Under Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, discussion and minutes be kept confidential until this matter is finalised.*

*Seconded by Cr Patterson and carried unanimously.*

#### Adjournment of Council Meeting

*At 9.52pm Cr Sims moved:*

*That the Council meeting be adjourned for 2 minutes.*

*Seconded by Cr Knoblauch and carried unanimously.*

#### Resumption of Council Meeting

*At 9.54pm the Council meeting resumed.*

---

#### 14.4 STAFF RELATED MATTER

---

##### RECOMMENDATION 1

That pursuant to Section 90(2) and (3) of the *Local Government Act 1999* the Council orders that the public, with the exception of the General Manager, Governance & Community Affairs, be excluded from the meeting on the basis that the Council will receive, discuss and consider

- (a) Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

##### RECOMMENDATION 2

Under Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report be kept confidential until the Contract of Employment has been signed by the parties.

---

*Cr Knoblauch moved:*

*That pursuant to Section 90(2) and (3) of the Local Government Act 1999 the Council orders that the public, with the exception of the General Manager, Governance & Community Affairs, be excluded from the meeting on the basis that the Council will receive, discuss and consider*

- (a) Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).*

*and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.*

*Seconded by Cr Stock and carried.*

*Cr Minney moved:*

*Under Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, discussion and minutes be kept confidential until the Contract has been signed by the parties.*

*Seconded by Cr Knoblauch and carried unanimously.*

**15. CLOSURE**

There being no further business, the Mayor declared the meeting closed at 10.54pm.

\_\_\_\_\_  
**Mayor Robert Bria**

**Minutes Confirmed on** \_\_\_\_\_  
(date)