

Council Meeting Minutes

1 November 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.*

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City of
Norwood
Payneham
& St Peters

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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 John Callisto
Cr Christel Mex

Staff Mario Barone (Chief Executive Officer)
Peter Perilli (General Manager, Urban Services)
Lisa Mara (General Manager, Governance & Community Affairs)
Sharon Perkins (General Manager, Corporate Services)
Mark Thomson (Manager, Development Assessment)
Eleanor Walters (Manager, Urban Planning & Sustainability)
Gayle Buckby (Manager, Traffic & Integrated Transport)
Naomi Doolette (Sustainability Officer)
Paul Mercorella (Acting Manager, City Assets)
Scott Dearman (Project Manager, Assets)
Tina Zullo (Administration Officer, Governance & Community Affairs)

APOLOGIES Nil

ABSENT Nil

1. KAURNA ACKNOWLEDGEMENT

2. OPENING PRAYER

The Opening Prayer was read by Cr Kester Moorhouse.

3. CONFIRMATION OF THE MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 26 OCTOBER 2021

Cr Knoblauch moved that the minutes of the Special Council meeting held on 26 October 2021 be taken as read and confirmed. Seconded by Cr Callisto and carried.

Division

Cr Sims called for a division and the decision was set aside.

Those in favour:

Cr Whittington, Cr Knoblauch, Cr Minney, Cr Dottore, Cr Granozio, Cr Mex, Cr Callisto and Cr Moore.

Those against:

Cr Patterson, Cr Duke, Cr Stock, Cr Sims and Cr Moorhouse.

The Mayor declared the motion carried.

4. MAYOR'S COMMUNICATION

Tuesday, 5 October	<ul style="list-style-type: none">• Presided over a Council meeting, Council Chamber, Norwood Town Hall,
Saturday, 9 October	<ul style="list-style-type: none">• Attended the official opening of the 2021-22 Bowling Season, Trinity Gardens Bowling Club, Trinity Gardens.
Sunday, 10 October	<ul style="list-style-type: none">• Attended the Celebration Mass for the Madonna Delle Grazie di Panduri Feast Day, Our Lady Queen of Peace Church, Payneham.
Monday, 11 October	<ul style="list-style-type: none">• Attended a meeting with the Chief Executive Officer and Dr Dale Gerke, Mayor's Office, Norwood Town Hall.
Monday, 11 October	<ul style="list-style-type: none">• Attended Workshop: Youth Development Strategy Review, Mayor's Parlour, Norwood Town Hall.
Tuesday, 12 October	<ul style="list-style-type: none">• Attended the 'Raising the Bar' event, Alma Hotel, Norwood.
Thursday, 14 October	<ul style="list-style-type: none">• Radio interview with Ali Carle, ABC 891.
Saturday, 16 October	<ul style="list-style-type: none">• Attended the 1st anniversary celebration of Cheeky Grin Café, Firle.
Sunday, 17 October	<ul style="list-style-type: none">• Attended the Stained Glass Window Display and Talk, All Souls Church, St Peters.
Monday, 25 October	<ul style="list-style-type: none">• Attended an Audit Committee Meeting, Mayor's Parlour, Norwood Town Hall.
Tuesday, 26 October	<ul style="list-style-type: none">• Attended a meeting with Ms Patty Mackay (President) and Mr Charlie Adam (Vice President), Norwood Lions Club, Mayor's Office, Norwood Town Hall.
Tuesday, 26 October	<ul style="list-style-type: none">• Presided over a Special meeting of the Norwood Parade Precinct Committee, Mayors Parlour, Norwood Town Hall.
Tuesday, 26 October	<ul style="list-style-type: none">• Presided over a Special Council Meeting, Council Chamber, Norwood Town Hall.
Friday, 29 October	<ul style="list-style-type: none">• Attended the Local Government Association of SA (LGA) Annual General Meeting, Adelaide Entertainment Centre.

5. DELEGATES COMMUNICATION

- Cr Knoblauch advised that on Monday 25 October 2021, he attended the Marden Senior College Governing Council's monthly meeting.

6. QUESTIONS WITHOUT NOTICE

Nil

7. QUESTIONS WITH NOTICE

7.1 QUESTIONS WITH NOTICE – PROVISION OF PROFESSIONAL SERVICES – LEGAL & ENGINEERING – SUBMITTED BY CR MIKE STOCK

REPORT AUTHOR: General Manager, Governance & Community Affairs
CONTACT NUMBER: 8366 4549
FILE REFERENCE: qA1040
ATTACHMENTS: Nil

BACKGROUND

Cr Stock has submitted the following Question with Notice:

When do the contracts for the provision of professional services to Council by (a) Tonkin Consultants and (b) KelledyJones, expire?

REASONS IN SUPPORT OF QUESTION

Nil

RESPONSE TO QUESTION

PREPARED BY GENERAL MANAGER, GOVERNANCE & COMMUNITY AFFAIRS

Tonkin

The Council has engaged Tonkin for the provision of the following services:

- **Asset & Spatial Consultancy Services**

This Contract is for asset management and spatial display of the Council's Asset data on GIS systems.

This contract expires on 30 June 2022.

- **Linear Park Path - Battams Road to O'Bahn Bridge Design**

This engagement is for the design of the renewal and upgrade of the Linear Park Path between Battams Road and the Council boundary at the O'Bahn Bridge within Royston Park as part of the 2021-2022 Capital Civil Program.

This engagement is for this specific project and will expire at the conclusion of the project.

- **Third Creek Drainage Upgrade Design**

This engagement is for the design of the upgrade of the Third Creek culvert drainage infrastructure from Payneham Road to Henry Street to 1 in 100 year Average Recurrence Interval standards.

This Agreement will expire at the conclusion of the project.

KelledyJones Lawyers

The Council does not have a contractual arrangement with KelledyJones Lawyers or any other legal providers, for the provision of legal advice.

As previously advised, a number of legal firms are used for the provision of legal advice and services, depending on the nature of the matter.

For example, KelledyJones Lawyers have a longstanding reputation for their expertise in Local Government legislation and governance and for planning matters, Norman Waterhouse Lawyers are recognised as experts in this area and are used by the Council to provide advice on planning and development related matters.

Mellor Olsson Lawyers and Wallmans Lawyers also provide services in respect to property matters.

The Council does not have a retainer for any of the above legal firms.

8. **DEPUTATIONS**
Nil

9. **PETITIONS**
Nil

10. **WRITTEN NOTICES OF MOTION**
Nil

11. **STAFF REPORTS**

Section 1 – Strategy & Policy

Reports

11.1 DRAFT ON-STREET PARKING POLICY

REPORT AUTHOR: Chief Executive Officer
GENERAL MANAGER: Not Applicable
CONTACT NUMBER: 8366 4520
FILE REFERENCE: qA69751
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to advise the Council of the outcome of the community consultation on the draft *On-Street Parking Policy* and to seek the Council's endorsement of the Draft Policy.

As Elected Members will recall, as a result of a number of issues associated with the availability and demand for on-street car parking, the Council commissioned a review of on-street parking.

The Council's current *On-Street Parking Permit Policy* (which essentially deals with the introduction of time limited controls and residential parking permits) was first adopted by the Council in 1998. The current *On-Street Parking Permit Policy* provides a simple system in which to address parking needs and demands throughout the City. Notwithstanding the simplicity and success of this Policy, in 2006, the Council resolved to undertake a review of the Policy, with a view to improving the Policy.

Ostensibly, the genesis of this review in 2006, was the number of issues and complaints regarding the availability of and competition for on-street parking and indeed, the expectations of some property owners regarding the availability of on-street parking immediately in front of their property.

Following the review, the Council adopted the *On-Street Parking Permit Policy* in 2007.

In 2012, another review of the Policy was undertaken. Essentially, the review which was undertaken in 2012, retained the 2007 Policy, but a number of specific location based amendments were made to the Policy in response to localised issues and concerns.

In 2017, again as a result of localised issues and concerns, the Council considered the results of various investigations which were undertaken in respect to the availability and demand for on-street parking.

Following consideration of the results of the investigations which were undertaken in 2017, the Council resolved to make a number of changes to again, address localised issues, as well as endorsing the preparation of the City-Wide Parking Review.

In summary, whilst the Policy has been amended on a couple of occasions, the core and fundamentals of the Policy have not changed since 2007. Any amendments which have been made have been largely in response to complaints and meeting expectations. In short, impetus for the Policy and the process became reactive rather than strategic and while issues in one street were resolved, the issues and problems simply moved to another location/street. This is an inevitable outcome, the sum of which has meant that the same issues which existed in 2006, are still present today, noting however that demand for the finite resource of on-street parking has increased and community expectations and entitlement has also increased.

Subsequent to this decision, at its meeting held on 3 April 2017, the Council endorsed amendments to the *On-Street Parking Permits Policy* in respect to the criteria relating to residential parking permits, the effects of which introduced more flexibility into the issuing of residential parking permits and creation of time-limited on-street parking. At the same time, whilst flexibility was achieved through the changes, administration of the Policy became difficult.

The purpose of the *City-Wide Parking Review* has involved a review of on-street parking issues and the development of an on-street parking framework and Policy, which can be used to manage current and future on-street parking needs and requirements.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

There are no specific strategies contained in *CityPlan 2030* relating to on-street parking. However, Outcome 1 - Social Equity, Objective 2 is relevant to the extent that the objective relates to attaining a people friendly, integrated, sustainable and active transport and pedestrian network.

Outcome 3 – Economic Prosperity, Objective 2 is also relevant to the extent that the Council's objective is to have cosmopolitan business precincts which contribute to the prosperity of the City.

FINANCIAL AND BUDGET IMPLICATIONS

A budget of \$75,000 was allocated to undertake the review and prepare a new Policy. To date, some \$25,000 has been expended. The balance of funds be retained to assist in implementation of the Policy including the review of operations.

EXTERNAL ECONOMIC IMPLICATIONS

The availability of on-street parking impacts on the economic development of a City.

In respect to the City of Norwood Payneham & St Peters, its retail base is essentially focussed on main streets such as The Parade, Magill Road, Kensington Road and Payneham Road. As these main streets have developed over time, together with changes to on-site car parking requirements through changes to planning policies, there has been a gradual loss of on-site car parking, thereby making the availability and management of on-street parking critical to the sustainability of these precincts. This situation, together with new parking policies which have been introduced by the State Government, has resulted in and continues to result in significant competition for on-street parking as land uses do not accommodate sufficient on-site car parking to meet the demand generated by the land use. This situation is heightened in precincts such as The Parade and Magill Road, where both commercial and residential land uses are required to co-exist and compete for limited on-street parking. Achieving a balance is therefore critical.

SOCIAL ISSUES

The City's residential areas and its residents also rely on the provision of on-street car parking. In suburbs such as Felixstow, St Peters, etc., the competition for on-street car parking is not as high as in residential areas adjacent to The Parade, Magill Road and Payneham Road and indeed, many of the suburbs west of Portrush Road. As with main streets tipping the balance totally in favour of residential land uses and residents will impact negatively on the City's main streets. Similarly, tipping the balance in favour of the business sector will impact negatively on residents. As such, a balance needs to be achieved.

CULTURAL ISSUES

Australian cities are still very much "car-centric". There are numerous reasons for this continuing reliance on vehicles.

From a cultural perspective, this dependency translates to the expectation that on-street car parking must be provided to each user, irrespective of priority and need. Similarly, there is a growing expectation that individual needs are more important than collective needs and that priorities should be based on the needs of the individual.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

The preparation of the draft On-Street Parking Policy has been undertaken by Council staff with assistance from Tonkin.

The Council's Team Leader, Customer Services, Manager, Traffic & Integrated Transport and Senior Urban Planner, have been part of a staff working group.

RISK MANAGEMENT

Not Applicable.

COVID-19 IMPLICATIONS

There are no COVID-19 implications associated with adoption of the draft Policy.

CONSULTATION

• Elected Members

Elected Member Workshops and Information Briefings were held on 20 August 2019 and 12 October 2020 and on 16 June 2021, when the Council was briefed on the outcome of the consultation.

• Community

Community consultation on the draft *On-Street Parking Policy* was undertaken from 1 February and concluded on 28 February 2021.

Promotion and awareness of the draft Policy and the consultation period, was communicated via the following methods:

- The Advertiser;
- printed materials and response forms being made available at the Norwood Town Hall and the three (3) Council Libraries;
- Your NPSP (electronic newsletter);
- the Council's social media platforms (i.e. Facebook and Instagram);
- the Council's website;
- staff email signature blocks; and
- the various precinct websites (The Parade, Magill Road, etc.).

A total of 90 responses were received, comprising of the following (as shown in Figure 1):

- 56 (or 62%) of respondents indicated support of the Draft Policy;
- 17 (or 18%) of respondents indicated that they were not in favour of the Draft Policy; and
- 17 (or 18%) of respondents did not indicate a preference.

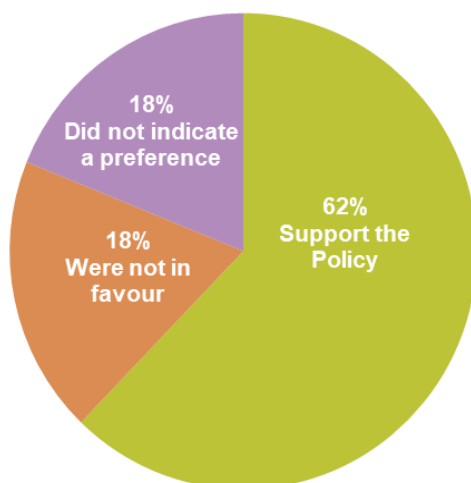


FIGURE 1 – BREAKDOWN OF RESPONSES RECEIVED DURING CONSULTATION PERIOD

Based upon the information provided in the respective submissions, a breakdown of the submissions by suburb is shown in Figure 2 below.

RESPONSES BY LOCATION

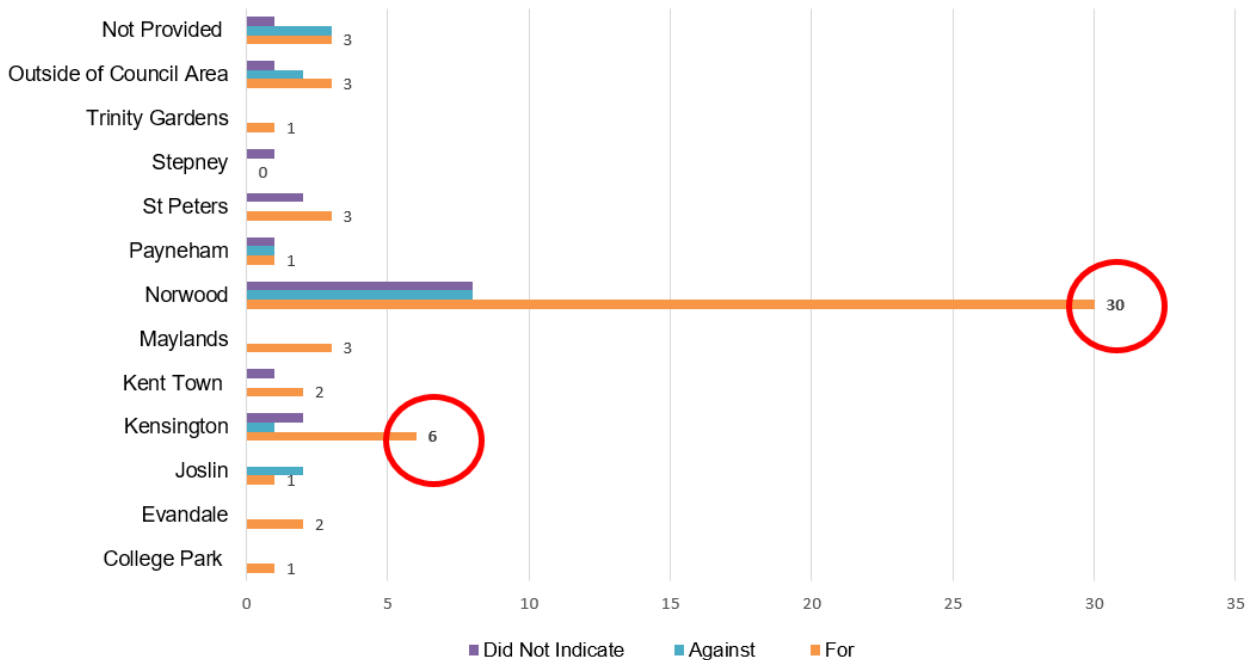


FIGURE 2 – BREAKDOWN OF RESPONSES BY SUBURB

As evidenced by the complaints which the Council receives and issues based on a strategic overview of the demand for on-street car parking, as anticipated, the majority (30 or 33%) of responses came from respondents living in the suburb of Norwood.

The next highest (6 or 6%) originated from the suburb of Kensington.

In this respect, as identified through the strategic overview, 47 (or 53%) of the responses originated from suburbs located west of Portrush Road.

Given the mix and intensity of land uses in the suburbs west of Portrush Road (and Kensington Road), together with the use of on-street car parking by “all-day-parkers”/commuters, this response was expected.

The major themes contained in the responses are set out below:

- nearly half of the respondents indicated that the Council should consider the implementation of additional time-limited parking controls and that residents and/or businesses should take precedence over commuter parking (36);
- additional parking restrictions should be installed adjacent to residents driveways to improve line of sight (9 – mostly from Percival Street, Norwood);
- install additional parking restrictions to assist with traffic flow (7);
- maintain Visitor Parking Permits without a four (4) hour restriction (as proposed in the Draft Policy) (6);
- staff from Margaret Ives Children’s Centre indicated that they did not want additional time-limited parking to be installed in Edward Street, Norwood (6);
- provide additional Accessible (Disabled) parking bays (5);
- consider the installation of individual parking bays (4);
- requests to alter Precinct maps (4); and
- concerns about illegal parking at schools (4).

- **Staff**
 - Team Leader, Customer & Regulatory Services;
 - Manager, Traffic & Integrated Transport; and
 - Senior Urban Planner.

- **Other Agencies**
 - Not Applicable.

DISCUSSION

1. Background

The City of Norwood Payneham & St Peters is located to the east of the Adelaide CBD (City of Adelaide) and covers an area of approximately 15.31 square kilometres.

The City of Norwood Payneham & St Peters has a population of approximately 36,500 people, which has been growing steadily in recent years due mainly to the increase in new residential developments. The City has a high proportion of aged persons, though the largest group at the 2016 Census was the 25 to 29 year olds, which comprised 8.2% of the total population.

As with most inner-suburban areas, the City of Norwood Payneham & St Peters is changing and the way people travel to and from and within the City, is also changing. The City's population profile is also changing with townhouses and apartments becoming popular, the nature of work is changing and the way people purchase goods and recreate is also changing.

Being located adjacent to the Adelaide CBD, together with more flexible on-site car parking requirements as part of less onerous planning policies, together with a finite supply of on-street car parking, means that the way in which car parking is approached and managed, needs to respond and adapt to meet these changes in order to retain the liveability of Norwood Payneham & St Peters, ensure the economic sustainability of the City's significant business sector and manage transport issues associated with a high, more denser population.

At the same time, there needs to also be recognition of the car parking needs of the City's business sector and to ensure that these needs in terms of accessibility and convenience are balanced against the needs of residents. In short, management of the City's on-street car parking resource, must be undertaken carefully and judiciously and not through reactive responses to individual issues.

2. Challenge

The challenge for the Council, is to plan and advocate for car parking measures that are not only required now, but also cater to the needs of the future, in terms of promoting, achieving and maintaining liveability, equity, economic prosperity and sustainability.

The task for the Council therefore, in terms of ensuring the attainment of this objective, needs to be driven by an understanding of the true cost of car parking and its role in influencing urban form, transport patterns and investment (both public and private) and its impact on liveability.

Parking in the City plays an instrumental role in supporting broader transport strategies. In this respect, parking policies can have both a direct and indirect impact on the ability to achieve a liveable and sustainable city. The supply of parking at trip origins and destinations is a strong driver of choices which are made by both residents and people wishing to conduct business, shop, visit and work within the City of Norwood Payneham & St Peters.

In simple terms, a parking policy is a key mechanism which the Council has significant control and which can influence the other forms of transport (i.e. cycling, walking, etc.). As such, through Parking Policies, there is also an opportunity for the Council to encourage other sustainable modes of transport.

3. Current Situation

Parking is currently managed on an ad-hoc basis and through the Councils *On-Street Parking Permit Policy*. The *On-Street Parking Permit Policy* was first adopted in February 2007, reviewed in 2012 and reviewed and amended in 2017.

The objectives of the Policy are:

- to provide fair and equitable access to all road users (not only residents); and
- to optimise the use of available (and limited) on-street parking, recognising that the available on-street parking is both essential and a scarce resource.

Notwithstanding the objectives of the current Policy, the competing demands and expectations of residents, visitors, shoppers, commuters, business owners, etc., means that it is difficult to cater for all these needs and expectations. As a result, the Council has determined to review the situation and has commissioned the City-Wide Parking Review.

At a Workshop with Elected Members held in August 2019, a presentation of current issues and trends was provided and Elected Members provided comments and observations about issues and concerns.

At a subsequent Workshop held on 12 October 2020, it was identified that the parts of the City which are experiencing issues with on-street parking are generally located to the west of Portrush Road and include the following locations:

- Kensington (particularly adjacent to schools in the western portion of Kensington);
- Norwood (in the area bounded by Portrush Road, Magill Road, Kensington Road and Fullarton Road);
- Kent Town;
- generally within 250 to 300 metres of main arterials such as; Magill Road, Payneham Road, The Parade and North Terrace;
- parts of St Peters, College Park and Hackney (particularly around St Peters College); and
- other parts of the City also experience some issues however, these are very localised.

The key objective of the *City-Wide Car Parking Review* was to prepare a strategic framework for the City of Norwood Payneham & St Peters, for the purposes of improving on-street parking management through, but not limited to:

- the introduction of parking controls which seek to provide a balance between the needs and expectations of residents, business operators, visitors and workers and take into account the nature of existing land uses (and where possible and relevant future land uses);
- expanding the number of accessible (disabled) parking spaces;
- working with local schools to support walking and cycling and improve on-street car parking around schools; and
- working with traders and business owners to improve loading areas and delivery arrangements.

The strategic framework also takes into account that on-street car parking plays an instrumental role in supporting broader transport and land use strategies. The availability of on-street car parking where people live and at the point of destination, will strongly influence the ways in which they choose to travel.

The draft Policy therefore seeks to balance the type, location and amount of on-street car parking so that it can contribute to better transport, land use and economic and community outcomes. This can include improved sustainable transport uptake and flexibility in reducing the provision of car parking to suit demand rather than building an oversupply.

The draft Policy also recognises that at times, on-street parking is required in cases where people have special needs and parking should be prioritised for those users who truly need it. In this respect, it should be noted that at the Elected Members Workshop, provision for the use of the limited supply of on-street parking by commuters parking and walking, cycling or catching public transport, was identified as a low priority. In doing so, it may still be possible to discourage car use and contribute to a shift towards sustainable transport modes, while still accommodating people who need to drive.

On the basis of the strategic review which has been undertaken, which includes the outcomes of the Elected Members Information Briefings and Workshops held in 2019 and 2020, a draft *On-street Parking Policy* has been prepared.

A copy of the draft Policy which was released for consultation is contained in **Attachment A**.

Given the nature of the responses which have been received, it is clear that there is majority support for time-limited controls – particularly in suburbs such as Norwood and Kensington. The majority of issues and concerns relating to on-street car parking are from residents of these suburbs.

As the major objective of the draft Policy is to manage the demand and expectations relating to on-street parking, through the introduction of time-limited parking controls (as required and necessary), the responses which have been received are largely in line with the draft Policy, as the approach set out in the draft Policy would appear to resolve a number of longstanding issues.

It is also clear from the responses, that on-street parking for commuters is not a high priority and the respondents have clearly communicated to the Council that commuters should be a low priority. This is in line with the Council's expectations and one of the objectives of the Policy. How this will be implemented, is a task which will evolve as issues are dealt with. In respect to some of the issues raised in the responses, a summary of the issues and the recommended Council response is set out below:

- **Maintain Visitor Parking Permit without a four (4) hour restriction**

The intent of the Visitor Parking Permit is to provide on-street parking for visitors to property's which have no off-street parking.

Observations and experiences from Council staff indicates that whilst many residents use these Permits as intended, there are some who are using these Permits to accommodate all-day-parking, rather than just to accommodate visitors to the household.

The purpose for introducing a four (4) hour limit on Visitor Parking Permits is to ensure that the use of these Permits does not become a *'de-facto'* all-day-parking arrangement.

As such, it is recommended that this provision be retained in the Policy.

- **Provision of additional Accessible Disabled Parking Bays**

As part of the deployment strategy, additional Accessible Disabled Parking Bays will be provided, particularly adjacent to and within retail/commercial precincts such as The Parade, Kent Town and Magill Road.

This exercise will be undertaken as a discrete exercise, separate from the introduction of any time-limited controls.

- **Concerns about illegal parking at schools**

Whilst not directly related to the draft Policy and notwithstanding the implementation of the Schools Traffic Management Review, there are still issues associated with some schools.

This issue has been identified by staff and over the last few months concentrated efforts have been implemented at a couple of schools. However, the issue remains largely unresolved.

Whilst the issue of illegal parking can be dealt with, the issues caused by the afternoon school pick-up at some schools, continues to cause concerns from a traffic management and access perspective and this issue will need to be addressed.

- **Consider the installation of individual line marked parking spaces**

The installation of individual line marked parking spaces has been undertaken in areas such as Norwood and Kent Town (i.e. The Parade, Osmond Terrace, George Street and so on).

There are arguments for and against the introduction of individually marked parking bays. Whilst line marking can guide the motorist in terms of spacing between vehicles, such line marking can also result in the loss of car parking spaces – an outcome which should be avoided given the need to retain as many available spaces as possible.

- **Localised issues and concerns**

In addition to the general themes, there are a number of localised issues such as, Henry Street, Norwood, Percival Street, Norwood, Bowen Street, Kensington, First Avenue, Joslin and so on, that have longstanding on-street parking issues.

Generally, these issues are associated with “*all-day-parkers*”/commuters and will be addressed through the draft Policy.

Other localised issues such as sight distance issues caused by parked vehicles and individual property access issues, will be addressed with the residents who have raised these in their submission.

It should be noted that some of these issues are longstanding and may however, be difficult or impossible to resolve to the residents satisfaction.

In summary, the draft Policy provides a framework for the implementation of time-limited parking, the assessment and granting of parking permits, visitor parking permits, a policy for on-street parking in narrow streets and on-street parking during construction of buildings – an issue which is becoming increasingly important given the amount of development which is occurring across the City.

As Elected Members are aware, the competition for on-street parking is increasing, particularly in the western portion of the City (i.e. west of Portrush Road) in suburbs such as Norwood, Kent Town, parts of College Park, Stepney, Hackney and to a lesser extent, Kensington (particularly in the area adjacent to school facilities).

It is important to note, that there is no single solution or ‘*silver bullet*’ to the management of on-street car parking and this will continue to be the case (as demand and expectations will always exceed supply) and needs to be carefully managed. This is an issue which is being experienced by Cities across Australia. The aim of the draft Policy is to allow staff to manage the implementation of time limited parking where required and justified and assess applications for residential parking permits within an approved Policy framework.

As such, in order to provide a balanced approach to the issue, as previously advised, the Council needs to prioritise which users will be given priority in certain areas.

Based upon the comments provided at the Elected Member Information Briefings and Workshops and the information which has been received from residents, workers and business owners over a sustained period of time, the proposed prioritisation of users is a logical way to address the issue.

This is perhaps the single most important component of the draft Policy as this will determine which user will be given priority when reviewing and assessing the introduction of time limited controls and parking permits.

OPTIONS

The Council can either adopt the draft On-street Parking Policy as presented or it can amend the draft Policy. Alternatively, it can choose not to adopt the draft Policy.

There is no logical reason to not adopt the draft Policy.

CONCLUSION

As indicated throughout this report, the objective of the review and the draft Policy is to achieve a balanced and integrated approach to the management of on-street car parking.

As such, the draft Policy has taken a practical approach to this issue as it is most unlikely that the Council (or indeed any Council) can reduce the demand for on-street car parking availability through parking controls. These are issues which are better dealt with through the various policy levers which are available to State and Federal Governments, such as car parking taxes, carbon taxes, fuel tax, etc. Whilst these are all issues which the Council can advocate for, the reality is that given the location of Norwood Payneham & St Peters adjacent to the CBD, together with the increasing popularity of the City for visitors, residents and business, the increasing demand for on-street and on-site parking will continue.

As such, the practical role for the Council is to manage the situation and balance the many competing interests – noting that achieving a balance at all times and acceding to everyone's requests and expectations, may not be possible.

Once a Policy is adopted, its implementation, both in the timelines of decision-making and enforcement of time limited parking and other related controls, will require adjustment in respect to the day-to-day operations and resources.

In respect to the management and enforcement of on-street parking controls, the responsibility of staff in the Regulatory Services Unit, have been reviewed and have been clearly articulated in terms of tasks and the efficient and effective use of resources. In this respect, the management of resources has often resulted in Compliance Officer/Parking Inspectors, being distracted from their key tasks associated with the enforcement of on-street parking controls. The new approach and framework, should at the very least, ensure that the responsibilities of the respective staff are clearly set and in turn, there should not be a dilution in the resources available to deliver the core task of on-street parking enforcement.

Whilst this is a satisfactory resolution to the existing situation it is clear that through the introduction of additional on-street parking controls as set out in the draft Policy, there would be no point in introducing these new controls if they are not enforced as required.

To address this, a review of on-street parking enforcement is in the process of being commissioned. This review will look at resources, how the existing controls are being enforced/managed, whether additional resources are required (including a cost/benefit analysis).

The type of review which will be undertaken, is similar to that which was undertaken for the Council's street sweeping operations and is scheduled to be presented to the Council in early 2022.

In respect to the Smart Travel Strategy, given other competing priorities, the development of this Strategy has been delayed. However, this project will be progressed over the next few months.

COMMENTS

Nil

RECOMMENDATION

That the draft On-Street Parking Policy, as contained in Attachment A, be endorsed.

Cr Sims left the meeting at 7.11pm.
Cr Sims returned to the meeting at 7.12pm.
Cr Sims left the meeting at 7.30pm.
Cr Sims returned to the meeting at 7.31pm.

Cr Mex moved:

That the draft On-Street Parking Policy, as contained in Attachment A, be endorsed.

Seconded by Cr Sims.

Amendment

Cr Duke moved:

That the draft On-Street Parking Policy, as contained in Attachment A, be endorsed, with the inclusion of an amendment to Attachment A9, in the column titled “Long Term commuter/public transport” and the “Arterial roads and fringes precinct”, which changes the priority for long term commuter/public transport from a High priority to a Low priority.

Seconded by Cr Patterson.

The amendment was put and carried unanimously and on becoming the motion was again put and carried unanimously.

11.2 FINDINGS OF MARDEN, ROYSTON PARK, JOSLIN & ST PETERS TRAFFIC REVIEW

REPORT AUTHOR: Manager, Traffic & Integrated Transport
GENERAL MANAGER: General Manager, Urban Services
CONTACT NUMBER: 8366 4542
FILE REFERENCE: qA66242
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to present to the Council for its consideration, the findings of the ‘*Marden, Royston Park, Joslin & St Peters Traffic Review*’ (the *Traffic Review*) which has recently been undertaken, and to seek the Council’s endorsement of the next steps that are required to address the issues which have been identified.

BACKGROUND

The *Traffic Review* was undertaken by the consulting firm, Tonkin, to address the following:

- concerns raised by several residents of Marden regarding perceived high volume and speed of non-local traffic along River Street and Beasley Street; and
- concerns raised in a Petition signed by ninety-six (96) people regarding perceived high volume and speed of non-local traffic along First Avenue (St Peters, Joslin and Royston Park).

The study area of the *Traffic Review* includes the residential streets bound by Lower Portrush Road, Payneham Road, Stephen Terrace and the River Torrens. Findings of the *Traffic Review* were presented to the Council’s Traffic Management & Road Safety Committee (“*the Committee*”) on 15 June, 2021. A copy of the staff report which was considered by the Committee is contained in **Attachment A**.

The Committee made a number of recommendations to the Council, which are not funded as part of the 2021-2022 Budget.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Traffic calming and speed reduction in residential streets has the potential to support and facilitate the Outcomes and Objectives of the Council’s Strategic Management Plan, *City Plan 2030*, as listed below.

Outcome 1: Social Equity

A connected, accessible and pedestrian-friendly community.

Objective 2: A people-friendly, integrated, sustainable and active transport network.

Outcome 2: Cultural Vitality

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

Objective 4. Pleasant, well designed, and sustainable urban environments

Objective 5. Dynamic community life in public spaces and precincts.

FINANCIAL AND BUDGET IMPLICATIONS

The cost of the *Traffic Review* undertaken by Tonkin was \$7,890 (GST exclusive) and was met by the 2020-2021 Traffic and Integrated Transport Operating Budget.

There is no funding allocated in the 2021-2022 Budget to undertake further work, however the project costs of approximately \$25,000 could be met from the 2021-2022 Traffic and Integrated Transport operating budget without additional funding required from the Council.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

The work required to proceed with the recommendations herein require considerable resources from the Council and this may affect the delivery of other traffic management and transport related projects and issues.

RISK MANAGEMENT

Not Applicable.

CONSULTATION

- **Elected Members**

Councillors Duke, Dottore and Patterson are members of the Traffic Management & Road Safety Committee and as such are aware of the findings of the *Traffic Review* and the recommendations made by *the Committee* when it considered this matter.

Council staff have met and discussed the results of the findings of *the Traffic Review* with Crs Minney and Knoblauch (Ward Councillors), and they are aware of the findings of the *Traffic Review* and the recommendations made by *the Committee*.

- **Community**

Not applicable

- **Staff**

General Manager, Urban Planning & Environment

- **Other Agencies**

Not applicable.

DISCUSSION

As outlined earlier in this report, the Traffic Management & Road Safety Committee (*the Committee*) considered the '*Marden, Royston Park, Joslin & St Peters Traffic Review*' ("*the Traffic Review*") at its meeting held on 15 June, 2021. The *Traffic Review* included the residential streets bound by Lower Portrush Road, Payneham Road, Stephen Terrace and the River Torrens. The full report is contained in **Attachment A**, and a summary of the key findings are set out below.

Analysis of traffic volumes throughout the study area identified that at an holistic level, the majority of streets in the study area carry traffic volumes commensurate with their intended function as *Local Roads*, with volumes less than 2,000 vehicles per day. Streets that functioned as *Collector Roads* (carrying more than 2,000 vehicles per day), are River Street, Beasley Street, Battams Road and Sixth Avenue.

Traffic data identified that “*rat-running*” was occurring through residential streets between Lower Portrush Road and Payneham Road in the AM and PM peak periods. The key “*rat-running*” routes are River Street, Beasley Street, Broad Street, Battams Road, Lambert Road, and First, Second, Third and Sixth Avenues. Analysis of the traffic speeds identified that traffic speed is higher than 50km/h in River Street, Beasley Street, Battams Road, First Avenue, Second Avenue, Third Avenue, Fifth Avenue, Sixth Avenue, Eighth Avenue and Ninth Avenue.

Previous Local Area Traffic Management Studies undertaken by the Council in 1998 and 2003, recommended the installation of a number of traffic management initiatives that for various reasons have not been implemented to date by the Council, including:

- a 40km/h Area Speed Limit;
- Battams Road and Beasley Street junction– roundabout or kerb extensions;
- Broad Street - speed control devices (type not determined);
- Battams Road at Payneham Road - Ban right turn movements between 7-9am;
- Lambert Avenue - Pavement Bar Islands; and
- The Avenues - several locations for Perimeter Thresholds, Centre Blisters and Kerb Extensions.

In 2017, the Council requested permission from the Department for Infrastructure & Transport (the Department) to install ‘*No Right Turn 7.00am-9.00am*’ signs on Lower Portrush Road at River Street and Beasley Street to restrict non-local traffic from using these local roads. The Department did not approve the Council’s request for these part-time right turn bans. Given that the signs would be installed on roads that are managed and maintained by the Department, the Council does not have the authority to install the signs without approval from the Department.

In summary, the road network analysis identified that the underlying traffic issues include:

- the grid layout with the precinct being bound by the River Torrens on one side with only two access points (River Street and Beasley Street) off Lower Portrush Road;
- the traffic congestion and delays on Payneham Road and the intersection with Portrush Road, motivates drivers to find alternative routes; and
- the Avenues being long and very wide roads which are conducive to higher speeds and “*rat-running*”.

The Traffic Review also identified that there were two traffic management scenarios that could be considered which are to either *prevent*, or *discourage* non-local traffic within the precinct.

The *prevention* scenario requires the adoption of a hard-line approach that would include road closures and other significant traffic control restrictions. This approach would require the determination of a formal road hierarchy for the precinct to identify Local Roads that would be designed to carry low traffic volumes and Collector Roads that would carry higher traffic volumes. The Collector Roads would likely be identified as Sixth Avenue, Lambert Road, Battams Road and Winchester Street.

The *discourage* scenario accepts that non-local road traffic is somewhat inevitable throughout the study area and that traffic will filter throughout the permeable network. This scenario would include traffic management interventions to reduce speed and the ease of “*rat-running*” to discourage excessive through traffic. These could include, but not be limited to, horizontal deflection devices, mid-block median treatments and/or line marking and signage.

The Traffic Review recommended that the extent of the problems did not warrant the ‘*prevention*’ approach and that further consideration should be given to a range of local area traffic controls to *discourage* high volumes of traffic and address appropriate speeds. It was identified that a staged, prioritised approach was required that balances the need to address outstanding traffic issues outside of this study area and other budgetary pressures and priorities as follows:

- implement a 40km/h area speed limit;
- install traffic control devices at strategic locations to *discourage* high volumes of traffic and moderate traffic speed; and
- continue to work with the Department of Infrastructure & Transport to advocate for improvements to the arterial road network so that the resulting “*rat-running*” is reduced.

Initial investigations have been undertaken by Council staff to identify if the study area complies with the requirements set out by the Department for a 40km/h area speed limit. To ensure a consistent approach, it was identified that the 40km/h area should extend wider than the study area of the Traffic Review and include the residential streets in St Peters, College Park and Hackney (west of Stephen Terrace). This larger precinct is bound by Lower Portrush Road to the northeast, the River Torrens to the northwest, Payneham Road and North Terrace to the southeast and Hackney Road to the southwest.

OPTIONS

Option 1

Do nothing. The Council can decide that notwithstanding the recommendations contained in the Marden, Royston Park, Joslin and St Peters Traffic Review (*the Traffic Review*) report, there is no justification or priority for traffic management works to be undertaken.

This option is not recommended on the basis that the *Traffic Review* has validated that traffic speed and “*rat-running*” is at a level that warrants at least some traffic management intervention from a traffic management perspective.

Option 2

1. The Council can decide that as a result of the outcomes from the investigations as detailed in the report contained in **Attachment A**, that the following traffic management initiatives, which aim to discourage excessive through traffic and speeding in Marden, Royston Park, Joslin and St Peters, be combined into a traffic management framework and released for community consultation in the affected suburbs;
 - a. reducing the speed limit to 40km/h in the residential streets bound by Lower Portrush Road, Payneham Road, North Terrace, Hackney Road and the River Torrens;
 - b. preparation of three concept design options for traffic management devices that aim to discourage excessive through traffic along River Street, Beasley Street and Battams Road. These may include, but not be limited to, horizontal deflection devices, mid-block median treatments and/or line marking and signage;
 - c. informing residents and other key stakeholders of any proposals to integrate traffic management interventions that can be accommodated within the allocated budget into the streets that are planned for design and or re-construction in the 2021-22 financial year, including Battams Road (Marden/Royston Park), Addison Road (Marden), Sixth Avenue (Joslin/St Peters) and Winchester Street (St Peters). It should be noted that if substantial physical interventions are resolved to be installed in these streets, additional funding will need to be considered separately as part of the Council’s 2021-2023 budget;
 - d. undertaking a review of the casualty crash clusters in Sixth Avenue to identify the cause of the crashes and identify possible mitigating measures; and
 - e. informing residents and other key stakeholders, that the Council is continuing to liaise with the Department for Infrastructure & Transport to:
 - advocate for No Right Turns into Beasley and River Street as part of the future outcomes of the Lower Portrush Road and Payneham Road Planning Study;
 - develop options to reduce “*rat-running*” to and from the junctions of Payneham Road with Battams Road, and Salisbury Street; and
 - continue to advocate for a speed limit reduction from 60km/h to 50km/h along Stephen Terrace.
2. The Council notes that a report will be prepared for consideration by the Traffic Management & Road Safety Committee and the Council, that outlines the outcomes of the community consultation of the traffic management framework to discourage excessive through traffic and speeding in Marden, Royston Park, Joslin and St Peters.

3. The Council notes that community consultation on the traffic management initiatives outlined in Part 1 and 2 above will commence after the Council has made a final determination in relation to the proposal to implement a 40km/h speed limit in the residential streets of Norwood & Kent Town.

This option is recommended because it is a logical, practical, strategic approach that addresses the areas of highest priority.

Option 3

The Council can choose to consider the traffic *prevention* approach instead of the traffic *discouragement* approach. This would include road closures and other significant traffic control restrictions. As stated in this report, this approach would require the determination of a formal road hierarchy for the precinct to identify Local Roads that would be designed to carry low traffic volumes and Collector Roads that would carry higher traffic volumes. The Collector Roads likely be identified are Sixth Avenue, Lambert Road, Battams Road and Winchester Street.

As advised previously and as Elected Members are aware, the formalisation of a road hierarchy would positively result in the reduction of traffic volumes in some roads, however traffic volumes would by implication increase on the roads which are identified as Collector Roads. This would create a 'winners and losers' scenario for residents in The Avenues, depending on which streets they reside in. Such an approach is considered inequitable and unnecessary in light of the availability of other traffic management options. This approach is therefore not recommended at this stage.

CONCLUSION

The traffic issues raised by a number of residents have been comprehensively analysed to develop an evidence-based framework within which to inform decision making. The recommendations proposed *by the Committee* form a practical and strategic response to reduce traffic speed and volume throughout the entire study area.

The *Marden, Royston Park, Joslin and St Peters Traffic Review* has validated that traffic speed and "rat-running" is at a level that warrants traffic management intervention in some streets within the study area. However, given that traffic data identifies similar (and more significant) traffic issues in other suburbs within the City, it is important that a logical, practical, prioritised and staged approach is adopted that provides a framework for an equitable allocation of Council resources.

In their petition, the residents of First Avenue (St Peters, Joslin and Royston Park) have advised the Council that in their view, they are adversely impacted by traffic speed and volume and are dissatisfied with the current level of traffic management in the area. The traffic review has validated some of the concerns raised in the Petition, but has also identified that traffic issues are not contained just to First Avenue but are occurring throughout the study area. As such, the traffic management recommendations are strategic (i.e. not a 'street-by-street' approach), and aim to improve the neighbourhood as a whole.

COMMENTS

A proposal to reduce the speed limit to 40km/h in the residential streets of Norwood and Kent Town is currently being progressed by the Council. Recent community consultation has supported the initiative and the Traffic Management and Road Safety Committee has recommended that the Council endorse its implementation once "in-principle" approval has been provided by the Department for Infrastructure & Transport (*the Department*). As such, Council staff have submitted the Traffic Impact Statement to *the Department* and are waiting for their response. If the Department provides the required approval to implement the 40km/h signs in the residential streets of Norwood and Kent Town, a report will be presented to Council to seek the required endorsement.

If this is subsequently endorsed by the Council, the next logical area for the Council is to consider a 40km/h area wide speed limit in the area bound by Lower Portrush Road, Payneham Road, Hackney Road and the River Torrens, because it lies adjacent to Kent Town and Norwood as well as the 40km/h areas of Stepney, Maylands and Evandale. This would result in a 40km/h speed limit in all residential streets west of Portrush Road and Lower Portrush Road.

Although some residents' concerns formed the basis for this traffic review, it is not necessarily reflective of the views of residents from across the whole study area. Community consultation will therefore be an important component of any traffic management strategy.

RECOMMENDATION

1. As a result of the outcomes from the investigations as detailed in the report contained in **Attachment A**, that the following traffic management initiatives, which aim to discourage excessive through traffic and speeding in Marden, Royston Park, Joslin and St Peters, be endorsed and combined into a traffic management framework and released for community consultation in the affected suburbs;
 - a. reducing the speed limit to 40km/h in the residential streets bound by Lower Portrush Road, Payneham Road, North Terrace, Hackney Road and the River Torrens;
 - b. preparation of three concept design options for traffic management devices that aim to discourage excessive through traffic along River Street, Beasley Street and Battams Road. These may include, but not be limited to, horizontal deflection devices, mid-block median treatments and/or line marking and signage;
 - c. informing residents and other key stakeholders, of any minor traffic management proposals (such as line marking and signage) that can be accommodated within the allocated budget into the streets that are already planned for design and or re-construction in the 2021-22 financial year. These include Battams Road (Marden/Royston Park), Addison Road (Marden), Sixth Avenue (Joslin/St Peters) and Winchester Street (St Peters). It is noted that if substantial physical interventions are recommended in these streets, additional funding will need to be considered separately as part of the Council's budget setting process for 2022-2023 and beyond;
 - d. undertake a review of the casualty crash clusters in Sixth Avenue to identify the cause of the crashes and identify possible mitigating measures; and
 - e. inform residents and other key stakeholders that the Council is continuing to liaise with the Department for Infrastructure & Transport to:
 - advocate for No Right Turns in to Beasley and River Street as part of the future outcomes of the Lower Portrush Road and Payneham Road Planning Study;
 - develop options to reduce "rat-running" to/from the junctions of Payneham Road with Battams Road, and Salisbury Street; and
 - continue to advocate for a speed limit reduction from 60km/h to 50km/h along Stephen Terrace.
 2. The Council notes that a report will be prepared for consideration by the Traffic Management & Road Safety Committee and the Council, that outlines the outcomes of the community consultation of the traffic management framework to discourage excessive through traffic and speeding in Marden, Royston Park, Joslin and St Peters.
 3. The Council notes that community consultation on the traffic management initiatives outlined in Part 1 and 2 above will commence after the Council has made a final determination in relation to the proposal to implement a 40km/h speed limit in the residential streets of Norwood & Kent Town.
 4. That the Council notes that the cost to undertake the recommendations set out above, including community consultation, is anticipated to be in the order of \$25,000 and will be met from the Traffic & Integrated Transport Operating Budget.
-

Cr Sims left the meeting at 7.49pm.
Cr Sims returned to the meeting at 7.50pm.

Cr Knoblauch moved:

1. *As a result of the outcomes from the investigations as detailed in the report contained in **Attachment A**, that the following traffic management initiatives, which aim to discourage excessive through traffic and speeding in Marden, Royston Park, Joslin and St Peters, be endorsed and combined into a traffic management framework and released for community consultation in the affected suburbs;*
 - a. *reducing the speed limit to 40km/h in the residential streets bound by Lower Portrush Road, Payneham Road, North Terrace, Hackney Road and the River Torrens;*
 - b. *preparation of three concept design options for traffic management devices that aim to discourage excessive through traffic along River Street, Beasley Street and Battams Road. These may include, but not be limited to, horizontal deflection devices, mid-block median treatments and/or line marking and signage;*
 - c. *informing residents and other key stakeholders, of any minor traffic management proposals (such as line marking and signage) that can be accommodated within the allocated budget into the streets that are already planned for design and or re-construction in the 2021-22 financial year. These include Battams Road (Marden/Royston Park), Addison Road (Marden), Sixth Avenue (Joslin/St Peters) and Winchester Street (St Peters). It is noted that if substantial physical interventions are recommended in these streets, additional funding will need to be considered separately as part of the Council's budget setting process for 2022-2023 and beyond;*
 - d. *undertake a review of the casualty crash clusters in Sixth Avenue to identify the cause of the crashes and identify possible mitigating measures; and*
 - e. *inform residents and other key stakeholders that the Council is continuing to liaise with the Department for Infrastructure & Transport to:*
 - *advocate for No Right Turns in to Beasley and River Street as part of the future outcomes of the Lower Portrush Road and Payneham Road Planning Study;*
 - *develop options to reduce "rat-running" to/from the junctions of Payneham Road with Battams Road, and Salisbury Street; and*
 - *continue to advocate for a speed limit reduction from 60km/h to 50km/h along Stephen Terrace.*
 - *Advocate for right hand turn arrows to operate at all times on Lower Portrush Road onto Payneham Road.*
2. *The Council notes that a report will be prepared for consideration by the Traffic Management & Road Safety Committee and the Council, that outlines the outcomes of the community consultation of the traffic management framework to discourage excessive through traffic and speeding in Marden, Royston Park, Joslin and St Peters.*
3. *The Council notes that community consultation on the traffic management initiatives outlined in Part 1 and 2 above will commence after the Council has made a final determination in relation to the proposal to implement a 40km/h speed limit in the residential streets of Norwood & Kent Town.*
4. *That the Council notes that the cost to undertake the recommendations set out above, including community consultation, is anticipated to be in the order of \$25,000 and will be met from the Traffic & Integrated Transport Operating Budget*

Seconded by Cr Duke.

Amendment

Cr Moorhouse moved:

1. As a result of the outcomes from the investigations as detailed in the report contained in **Attachment A**, that the following traffic management initiatives, which aim to discourage excessive through traffic and speeding in Marden, Royston Park, Joslin and St Peters, be endorsed and combined into a traffic management framework and released for community consultation in the affected suburbs;
 - a. reducing the speed limit to 40km/h in the residential streets bound by Lower Portrush Road, Payneham Road, North Terrace, Hackney Road and the River Torrens;
 - b. preparation of three concept design options for traffic management devices that aim to discourage excessive through traffic along River Street, Beasley Street, Battams Road and Lambert Road. These may include, but not be limited to, horizontal deflection devices, mid-block median treatments and/or line marking and signage;
 - c. informing residents and other key stakeholders, of any minor traffic management proposals (such as line marking and signage) that can be accommodated within the allocated budget into the streets that are already planned for design and or re-construction in the 2021-22 financial year. These include Battams Road (Marden/Royston Park), Addison Road (Marden), Sixth Avenue (Joslin/St Peters) and Winchester Street (St Peters). It is noted that if substantial physical interventions are recommended in these streets, additional funding will need to be considered separately as part of the Council's budget setting process for 2022-2023 and beyond;
 - d. undertake a review of the casualty crash clusters in Sixth Avenue to identify the cause of the crashes and identify possible mitigating measures; and
 - e. inform residents and other key stakeholders that the Council is continuing to liaise with the Department for Infrastructure & Transport to:
 - advocate for No Right Turns in to Beasley and River Street as part of the future outcomes of the Lower Portrush Road and Payneham Road Planning Study;
 - develop options to reduce "rat-running" to/from the junctions of Payneham Road with Battams Road, and Salisbury Street; and
 - continue to advocate for a speed limit reduction from 60km/h to 50km/h along Stephen Terrace.
 - Advocate for right hand turn arrows to operate at all times on Lower Portrush Road onto Payneham Road.
2. The Council notes that a report will be prepared for consideration by the Traffic Management & Road Safety Committee and the Council, that outlines the outcomes of the community consultation of the traffic management framework to discourage excessive through traffic and speeding in Marden, Royston Park, Joslin and St Peters.
3. The Council notes that community consultation on the traffic management initiatives outlined in Part 1 and 2 above will commence after the Council has made a final determination in relation to the proposal to implement a 40km/h speed limit in the residential streets of Norwood & Kent Town.
4. That the Council notes that the cost to undertake the recommendations set out above, including community consultation, is anticipated to be in the order of \$25,000 and will be met from the Traffic & Integrated Transport Operating Budget

Seconded by Cr Sims.

The amendment was put and carried unanimously and on becoming the motion was again put and carried unanimously.

11.3 REVIEW OF CONTAINER DEPOSIT SCHEME BY ENVIRONMENT PROTECTION AUTHORITY – CONSULTATION

REPORT AUTHOR: Sustainability Officer
GENERAL MANAGER: General Manager, Urban Planning & Environment
CONTACT NUMBER: 8366 4532
FILE REFERENCE: qA1753
ATTACHMENTS: A - B

PURPOSE OF REPORT

The purpose of the report is to seek the Council's endorsement of a submission in response to the Environment Protection Authority's *Improving South Australia's Recycling Makes Cents Discussion Paper*, a review of the Container Deposit Scheme (CDS).

BACKGROUND

In 1977, South Australia commenced one of the first product stewardship schemes in Australia, the CDS, which saw beverage producers taking responsibility for their containers and financially underpinning the considerable infrastructure investments and operating costs associated with the system. It has been a very successful scheme and achieved its outcomes of reducing litter and increasing recycling rates.

A cash amount attached to eligible empty containers as part of the CDS acts as an incentive for individuals to collect and return eligible containers for a refund. The 5 cent deposit set in 1977, was designed to be of sufficient incentive for returns to occur while keeping the costs incurred by container manufacturers and suppliers funding the scheme, as low as reasonably possible. In 2008, the refund amount increased to 10 cents together with increasing the scope of the containers captured by the Scheme.

The current eligible drink containers included in the scheme are:

- flavoured milk (less than one litre);
- fruit juice (less than one litre);
- water (up to and including 3 litres);
- carbonated and non-carbonated soft drinks (up to and including 3 litres);
- alcoholic cider (up to and including 3 litres);
- beers / ales / stouts (up to and including 3 litres); and
- flavoured alcoholic beverage (up to and including 3 litres).

The current exempt drink containers are:

- plain milk containers of any size;
- glass wine and spirit bottles;
- fruit juice one litre or more; and
- flavoured milk one litre or more.

Beverage container materials include glass, aluminium, plastic high density poly ethylene (HDPE), liquid paper board (LPB) foiled and non-foiled; and polyethylene terephthalate (PET).

A review of the CDS by the Environment Protection Authority (EPA) South Australia commenced in January 2019, with the release of the *Improving South Australia's Recycling Makes Cents Scoping Paper* for public consultation. East Waste provided a response on behalf of its constituent Councils.

During the six week consultation on the Scoping Paper, the EPA received over 1,170 responses from members of the public, CDS stakeholders, environment and community groups, the beverage manufacturing and supply sector, the resource recovery and recycling sector and the State Government sector. A summary report of responses was released by EPA in August 2019.

These comments, together with investigations on beverage container material flows (including ultimate fate of containers) and an economic analysis, has helped inform the EPA's *Improving South Australia's Recycling Makes Cents Discussion Paper* which was released for consultation on 24 September 2021.

The Discussion Paper examines five (5) key issues:

- Objectives of the CDS including recovery and recycling of container materials within domestic circular economies;
- Scope of containers included in the CDS;
- Scheme approvals including container application fees and container markings;
- CDS container return rates including deposit value, container return and payment of the refund; and
- Governance of the CDS and its relationship to schemes in other jurisdictions.

The Discussion Paper outlines options in relation to:

- CDS being a key pathway for recovering materials;
- types of beverage containers accepted for refund (material, size and type of beverages);
- approvals and container markings for producers and suppliers;
- deposit amount in terms of influencing return rates;
- improving ways to return containers;
- payment methods for refund; and
- governance of the scheme.

A copy of the Discussion Paper is contained in **Attachment A**.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

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

Outcome 4: Environmental Sustainability

A leader in environmental sustainability

Objective 4.1:

Sustainable and efficient management of resources.

Strategy: Investigate and implement innovative waste reduction and education initiatives.

Objective 4.4:

Mitigating and adapting to the impacts of climate change.

Strategy: Lead initiatives to reduce the City's ecological footprint and carbon emissions.

FINANCIAL AND BUDGET IMPLICATIONS

The Discussion Paper considers diversion of glass from the kerbside "comingled" recycling bins and how this can be optimised. A suggested alternative option in the Discussion Paper is the inclusion through the CDS of a fourth kerbside bin dedicated to glass (collected by councils at the kerbside).

If all types of glass beverage and non-beverage containers were included in the CDS and therefore predominately removed from the kerbside "comingled" recycling bins, there would be a number of positive impacts for the Council and, ultimately a reduction of overall costs of the kerbside "comingled" recycling bins. This is due to a reduction in material volumes; contamination of other material streams due to glass breakage; glass fines requiring disposal; and physical collections needs and associated carbon emissions as compaction ratios can be higher with reduce glass.

Whereas with the potential introduction of a fourth kerbside bin collection system dedicated to all recyclable glass containers, there could be significant cost implications for the Council as this system of "source separation" is costly. The Council believes a fourth kerbside bin collection system dedicated to glass would not be a highly effective recovery system for all recyclable glass containers compared to the CDS.

Moreover, the infrastructure for CDS already exists in South Australia and a move to a separate (fourth) kerbside bin would require Local Government to provide additional or modified infrastructure to process the materials from separate (fourth) glass kerbside bin which would be paid for by ratepayers rather than the manufactures / producers of glass containers.

The exact cost implications are unknown.

EXTERNAL ECONOMIC IMPLICATIONS

There are a number of external economic factors impacting on South Australia's recycling industry that directly relate to the CDS. Some of the key findings from the EPA's review of the proposed modernisation of CDS are:

- refund amounts of \$68 million per year (\$7 million additional refunds) to the community;
- an additional 120 full time equivalents local jobs;
- a decrease of 7,800 tonnes per year of container materials to landfill;
- \$34 million annual saving to the local government sector;
- enable community organisation and charities to participate within and benefit from the scheme; and
- application fee for container and refund marking approvals removed and replaced with a compliance fee to make it more affordable for container producers and suppliers.

SOCIAL ISSUES

Waste and recycling is not only an environmental and economic issue but also a social issue. Recycling practices are an expected part of behaviours at a household and business level. The ability to separate, collect and appropriately recycle more glass represents an opportunity for households to commit to improved habits for better outcomes.

The CDS is used by a number of community organisations (e.g. St Vincent de Paul's "Tinnies for Vinnies" or sporting clubs) and individuals to collect containers and raise funds.

CULTURAL ISSUES

Nil.

ENVIRONMENTAL ISSUES

From a sustainability perspective, the waste hierarchy dictates that it is preferable for waste to be avoided or reused before recycling rather than disposed of. However, there remains large volumes of recyclables that require an appropriate policy response and action to facilitate better environmental outcomes.

RESOURCE ISSUES

Nil.

RISK MANAGEMENT

Nil.

COVID-19 IMPLICATIONS

Not Applicable.

CONSULTATION

- **Elected Members**
Not Applicable.
- **Community**
Not Applicable.
- **Staff**
Manager, Urban Planning & Sustainability
- **Other Agencies**
East Waste
South Australian Local Government Association

DISCUSSION

The Discussion Paper represents an important opportunity for the Council to advocate for better strategic waste management and resource recovery outcomes. In addition, the proposed industry modernisation of the long-standing product stewardship scheme, known as the CDS, will affect the Council and the community. It also provides the Council with an opportunity to seek policy and legislative support from the South Australian Government to meet recent challenges faced in the recycling industry in relation to on shore processing and circular economy.

The review is seeking to modernise the CDS and therefore, all beverage containers regardless of size should be included in the scheme. The CDS is a proven, highly effective recovery system, in that nearly 100% of material returned through the system is ultimately recycled, at highest market value, to the remanufacturing section. It has also provided financial benefits, through fund raising, for the Council's community.

During a recent 2019 audit of the Council's kerbside recycling bins, the most common items of non-CDS containers were:

- plastic high density poly Ethylene (HDPE) milk cartons;
- glass wine bottles;
- liquid paper board (LPB) foiled milk drinks;
- liquid paper board (LPB) non-foiled milk drinks; and
- glass non-CDS spirits.

Glass wine bottles are the second most common and glass spirit bottles are the fifth most common non-CDS container type found in the kerbside "comingled" recycling bins collected by East Waste. The inclusion of glass wine and spirit bottles would provide a significant benefit in terms of resource recovery rates and improved consistency and less confusion for consumers (who currently associate CDS only with consumable beverage containers). Therefore, these are the logical glass container types that should be highly considered for being included in the CDS review.

From an educational perspective, increasing the number and types of beverage containers will increase the return of CDS containers that previously were not recycled, increasing community interaction and engagement with the recycling and resource recovery sector.

Recyclable glass containers currently make up around 26% of the Council's kerbside comingled recycling bins. Including all recyclable glass containers (beverage and non-beverage) in the CDS, would have a significant positive impact on the viability of the kerbside recycling system.

Allowing all types of recyclable glass containers which are received through the CDS, would have a number of positive impacts for the Council and the community, including:

- a significant reduction in “comingled” recycling processing costs as the value of glass containers that are disposed of into the comingled recycling bins are greatly increased;
- “comingled” recycling materials becoming more viable as there is less broken glass in the material stream, which can downgrade paper and cardboard materials if compacted;
- a significant reduction in the amount of broken glass and glass fines requiring disposal at Materials Recovery Facilities (MRF). The Council is responsible for paying for disposal of contamination due to glass breakage during transportation and processing; and
- increase collection efficiencies when glass containers are diverted to bottle and can depots because it allows higher compaction ratios. Resulting in less vehicles and a reduction in associated carbon emissions due to more kerbside bins being able to be collected each round.

From a resource recovery perspective, the separation of glass individually (e.g. by colour and type) though inclusion in the CDS, is a better outcome than the current “comingled” recycling bin approach or the introduction of a separate (fourth) kerbside bin mixing glass types as:

- separated glass has a higher commodity value, increasing the likelihood of being recovered and increasing the circular economy of the glass products; and
- an expanded CDS accepted containers also increases the chance that glass containers could be reused again because they are not broken, rather than being crushed, recycled and reprocessed.

The Discussion Paper discusses the return value amount of 10 cents and its influence on whether individuals return empty containers for recycling via CDS and if the amount should change. It is acknowledged that other states and territories that have only recently introduced a CDS, currently have also introduced a 10 cent refund amount, and that maintaining alignment of refund values across Australia has its advantages. However, increasing the return value amount to maintain the value in line with inflation should not be ruled out. A flexible return amount should be considered. For example, there should be a mechanism built into the review of CDS to set the minimum refund at 10 cents but allow for an increase in the refund amount aligned with inflation or set a refund amount greater than 10 cents.

Modernisation of the CDS must also consider new return locations that encourage smaller amounts or more frequent deposits of containers compared with the current design for the return of large amounts of containers from the community. New return points that can be frequently accessed and or where the contents of containers are consumed, such as supermarkets, retail outlets, entertainment venues or events, waste transport stations. Container return “vending machines” should also be considered in locations such as shopping centres and carparks, to encourage accessible and local recycling opportunities.

In general, the suggested changes to the CDS align with the Council’s Strategic Management Plan, *CityPlan 2030: Shaping Our Future* outcomes and targets relating to increasing recycling and organics materials diversion and reduction of waste to landfill.

The CDS review provides a significant opportunity to meet the increasing community expectation for efficient, contemporary recycling systems in South Australia, increase source separation of all beverage and non-beverage containers, provide education, and keep containers in particular glass as highly valued commodities that can be used in a circular economy.

A copy of the draft Council submission to the Environment Protection Authority is contained in **Attachment B**.

The comments that are received as part of the consultation will be considered by EPA to determine changes that should be made to the South Australian Container Deposit Scheme.

OPTIONS

The Council can determine to endorse or not endorse the draft submission, with or without amendments.

CONCLUSION

A draft submission has been prepared to Environment Protection Authority South Australia, providing comments on the Improving South Australia's Recycling Makes Cents Scoping Paper for public consultation.

COMMENTS

Nil

RECOMMENDATION

That the draft submission contained in **Attachment B** be endorsed, as being suitable for forwarding to the Environment Protection Authority of South Australia in response to consultation on the Container Deposit Scheme.

Cr Stock declared a conflict of interest as his family is involved in a wine distribution business and left the meeting at 8.13pm.

Cr Moore left the meeting at 8.19pm.

Cr Sims left the meeting at 8.20pm.

Cr Moore returned to the meeting at 8.22pm.

Cr Sims returned to the meeting at 8.22pm.

Cr Sims moved:

*That the draft submission contained in **Attachment B** be endorsed, as being suitable for forwarding to the Environment Protection Authority of South Australia in response to consultation on the Container Deposit Scheme.*

Seconded by Cr Duke.

Amendment

Cr Patterson moved:

*That the draft submission contained in **Attachment B** be endorsed, with the exclusion of a response regarding plain unflavoured milk containers up to 3 litres, as being suitable for forwarding to the Environment Protection Authority of South Australia in response to consultation on the Container Deposit Scheme.*

Cr Moorhouse left the meeting at 8.32pm.

Cr Moorhouse returned to the meeting at 8.34pm.

Seconded by Cr Mex.

The amendment was put and lost.

The original motion was put and carried unanimously.

Cr Stock returned to the meeting at 8.42pm.

Section 2 – Corporate & Finance
Reports

11.4 MONTHLY FINANCIAL REPORT – SEPTEMBER 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 September 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 September 2021, the Council's Operating Surplus is \$1.239 million against a budgeted Operating Surplus of \$868,000 resulting in a favourable variance of \$372,000.

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 September 2021, the Council's Operating Surplus is \$1.239 million against a budgeted Operating Surplus of \$868,000 resulting in a favourable variance of \$372,000, a slight increase from last month. The primary drivers behind the result are as follows:

Employee expenses are \$241,000 favourable 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 (\$100,000);
- vacancies anticipated to be filled in the adopted budget which are being back filled (\$6,000);
- cancellation 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 \$41,000 unfavourable to the Adopted budget, which is due primarily as a result of the cancellation and deferral of events at the Norwood Concert Hall as a result of COVID-19 restrictions.

Legal expense are \$128,000 unfavourable to the Adopted Budget which is the result 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 September 2021 Monthly Financial Report be received and noted.

Cr Minney moved:

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

Seconded by Cr Moore and carried unanimously.

11.5 FINANCIAL SUMMARY 2020-2021 ACTUAL RESULTS V ADOPTED BUDGET

REPORT AUTHOR: Financial Services Manager
GENERAL MANAGER: General Manager, Corporate Services
CONTACT NUMBER: 8366 4585
FILE REFERENCE: qA82175
ATTACHMENTS: A

PURPOSE OF REPORT

This report provides a summary of the 2020-2021 Audited result and explanations for the variations from the 2020-2021 Adopted Budget.

BACKGROUND

Pursuant to Section 127 of the *Local Government Act 1999* (the Act), the Council must prepare Annual Financial Statements in accordance with the *Local Government (Financial Management) Regulations 2011* (the Regulations).

Section 10 of the Regulations, requires the Council to prepare and consider a report, no later than 31 December in each year, showing the audited financial results of the Council for the previous financial year, compared with the estimated financial results set out in the budget presented in a manner consistent with the Model Financial Statements.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The financial information contained in this report is based on the 2020-2021 Annual Financial Statements, the 2020-2021 Adopted Budget and the various policies adopted by the Council as they impact the Councils financial performance (e.g. Rating Policy.)

FINANCIAL AND BUDGET IMPLICATIONS

The Council concluded the Financial Year with an Operating Surplus of \$1.110 million, compared to the Council's Adopted Operating Budget, which forecast an Operating Deficit of \$0.798 million. Details of the drivers behind the variances from the Adopted Operating Surplus, are contained in the Discussion Section of this report.

It should be noted that the 2020-2021 Adopted Budget was developed during a challenging period where the ongoing economic and social impacts of the COVID-19 Pandemic were unknown and there was uncertainty regarding the future impacts of the social distancing and gathering restrictions that were in place at the time. As such, the Adopted Budget reflected the decisions which were based on the assumption that the social distancing and mass gathering restrictions would remain in place for some time following the containment of the health impacts of the COVID-19 pandemic, which included the suspension or cancellation of services, programs and events during the first six months of the 2020-2021 Financial year.

The Adopted Budget also included a Financial Support Package which included:

- zero (0%) rate revenue increase, except where the rate increase is a result of new development, property improvements, a change in land use or zoning or a result of a sale, which is currently estimated to be 0.64%;
- Applications for financial hardship were assessed on a case-by-case basis to provide ratepayers with assistance best suited to their circumstance.
- waiving The Parade Development Separate Rate for businesses within the Norwood Parade Business Precinct;
- three (3) month rent relief for Commercial and Community tenants of Council own buildings (subject to demonstrating financial hardship resulting from the COVID-19 Pandemic);
- waiving permit fees for community sporting groups which utilise the Council's sporting grounds;
- rebating Outdoor Dining Permit fees from 1 July 2020 until 31 December 2020; and
- additional Economic Development spend to promote Councils business precincts.

The estimated cost of the Financial Support Package was \$1.392m. The net cost, (based on a 2.5% rate revenue increase forgone as a result of applying a 0% rate revenue increase) of the Council's response to the COVID-19 pandemic was in the order of \$1.650 million.

After Capital Items, the Council is reporting a Net Surplus of \$15.3 million against an Adopted Net Surplus of \$3.1 million. with the favourable variance being driven by revaluation of Infrastructure, Property, Plant & Equipment.

EXTERNAL ECONOMIC IMPLICATIONS

Nil

SOCIAL ISSUES

Nil

CULTURAL ISSUES

Nil

ENVIRONMENTAL ISSUES

Nil

RESOURCE ISSUES

Nil

RISK MANAGEMENT

Nil

CONSULTATION

- **Elected Members**
Elected Members have received regular reports on the Council's financial performance throughout the year.
- **Community**
Not Applicable.
- **Staff**
Responsible Officers, General Managers and Council's External Auditors.
- **Other Agencies**
Not Applicable.

DISCUSSION

The 2020-2021 Annual Financial Statements have been finalised, with a separate report has been included at Agenda Item 11.6 for the Council's consideration.

1. Statement of Comprehensive Income

a) Operating Result

The Council is reporting an Operating Surplus of \$1.110 million, compared to the Council Adopted Operating Budget, which forecasted an Operating Deficit of \$0.798 million, a favourable variance of \$1.898 million. The major variances (over \$50,000 or 5%) from the Adopted Operating Surplus are outlined in Table 1 below:

TABLE1: MAJOR VARIANCES FROM ADOPTED OPERATING SURPLUS

Reasons for the Variance	Amount (\$)
Statutory Charges was \$242,100 favourable to the Adopted Budget driven primary by:	242,100
<ul style="list-style-type: none"> • The introduction of Dog & Cats Online (DACO) has provided a number of alternative options to promote animal registrations, and as such, the Council has experienced an increase in payment of animal registrations - (\$40,000). • Hoardings (\$41,000); • Property Rate Search Fees (\$16,000) • During the second half of the financial year, there was a significant increase in the number of Development Applications lodged resulting in higher than anticipated Planning Consent and Building Assessment fees (\$129,000). 	
User Charges was \$173,300 favourable to the Adopted Budget driven primary by:	173,300
<ul style="list-style-type: none"> • As a result of higher than anticipated daily attendances, an increase in the number of children utilising the Centre for Kindergarten hours, and COVID-19 Business Continuity payments which continued to be received during the first quarter of 2020-2021, the St Peters Child Care Centre & Preschool fee income was \$78,000 favourable to the Adopted Budget. • The COVID-19 restrictions associated with the operation of public swimming pools were lifted earlier than anticipated, providing the opportunity to open the Council's Swimming Centres in October 2020, albeit with capacity limits. With the introduction of session times and an on-line booking system, the Council was in position to effectively manage the capacity limits and respond to the restrictions put in place resulting from isolated outbreaks, and as such, the User Fee income from across both Swimming Centres was \$218,000 favourable to the Adopted Budget. • As part of the Financial Support Package, the Council resolved to provide three (3) month rent relief for Commercial and Community tenants of Council own buildings (subject to demonstrating financial hardship resulting from the COVID-19 Pandemic), with the anticipated cost being \$30,000, however given the lifting of the restrictions no Commercial and Community tenants sought assistance through this package. • While the opportunity to host mass gathering events were relaxed earlier than anticipated, the capacity limits and quarantine requirements for cross border travel, resulted in a number of planned events for the Norwood Concert Hall being either cancelled or postponed, as such hire income was \$123,000 unfavourable to the Adopted Budget. 	
Grant funding received was \$220,600 favourable to the Adopted Budget driven primary by:	220,600
<ul style="list-style-type: none"> • With approval of the Federal Government, \$160,000 from the 2021-2022 Roads to Recovery Funding was brought forward to the 2020-2021 Financial year to undertake the reconstruction of Shelley Street, Firle. • Recognition of funding received from Green Industries SA, for the Reinvigorating Kitchen Organics Program (\$55,000) 	
Other Income was \$196,400 favourable to the Adopted Budget driven primary by:	196,400
<ul style="list-style-type: none"> • insurance re-imbursments of \$93,000 for property claims made during the year. • The Council's service provider of Depot temporary staff and Apprentices was eligible for Job-keeper Payments, as such payments received were passed through to the Council via reduced service charges (\$87,000). • an unbudgeted special distribution, based on the value of loans and cash on deposit was received from the Local Government Financing Authority (\$46,100). 	
Various unfilled vacant positions during the year, combined with time taken to fill vacant positions have resulted in a favourable variance in Employee Expenses. In part, this has been offset by the use of temporary/contract staff to back fill vacant positions (\$406,254).	371,100
During the year, the Council completed 31 of the 41 Operating Projects included in the budget, with favourable variance of \$321,000. The majority of the savings were delivered across the following projects:	609,000

Reasons for the Variance	Amount (\$)
<ul style="list-style-type: none"> • Tour Down Under (\$85,000) – Due to international border closures, the event was cancelled. The Council however hosted a series of minor bicycle related events during the January 2021 School Holidays. • Resilient East Project (13,000) – The City of Burnside, as the host Council, was successful in obtaining external grant funding for 2020-2021, as such the Council's contribution was not required. • Additional Street Tree Planting (\$43,000) – The 2019-2020 Additional Tree planting budget was planned to be carried forward to the 2020-2021, however the 2019-2020 program was completed by 30 June 2020. • Electronic Document Management System (\$86,000) - The planned upgrade was undertaken by staff, as opposed to being undertaken by the software provider. In addition, additional consulting hours were not required during the year. • Footpath Defect rectification project (\$63,000) – The program was completed with greater utilisation of internal resources as opposed to external contractors. <p>Ten (10) of the planned projects were yet to be completed as at 30 June 2021, with the budget to be carried forward to the 2021-2022 financial year. (\$288,000)</p>	
The long term borrowings planned to be drawn down as part of the Adopted Budget were not required, resulting in reduced financing costs.	192,000
Legal fees were unfavourable to the Adopted Budget by \$369,200, mainly due to the legal expenses incurred on the legal proceedings relating to scramble crossing at the intersection of the Parade and George Street Norwood.	(369,200)
Depreciation expense was greater than anticipated due to the full year impact of the 2019-2020 Asset Capitalisation and unit cost revaluation.	(234,000)

b) Non-Operating Income

Non-Operating Income includes grant funding specifically for asset upgrades or renewals and gain/(loss) on asset disposals and assets received free of charge.

For the 2020-2021 Financial year, the Council is reporting Non- operating Income of \$2.2 million against an Adopted budget of \$1.9 million, a favourable variance of \$300,000. The favourable variance is set out in Table 2 below.

TABLE 2: MAJOR VARIANCES FROM ADOPTED NON-OPERATING INCOME

Reasons for the Variance	Amount (\$'million)
Loss on the sale and or disposal of the Council's small Plant and Equipment at the end of its operational life, combined with write-off of the carrying values of the Council Civil Infrastructure, upon renewal.	(1.200)
Recognition of Grant funding received specifically for new of upgraded assets:	1.500
<ul style="list-style-type: none"> • Beulah Road Bicycle Path - \$230,000 • Payneham Road Tennis Courts - \$187,000 • Kent Town Streetscape Upgrade - \$100,000 • Third Creek Drainage Upgrade – Stage 1 - \$150,000 • Langman Grove Road Reconstruction - \$222,000 • Norwood Oval Women's Facilities - \$633,000 	

Non-Operating Income, the Council is reporting a Net Surplus of \$3.3 million against an Adopted Net Surplus of \$1.1 million.

c) Other Comprehensive Income

Other Comprehensive Income comprises items of income and expenses that are not recognised in the Net Surplus (Deficit) for the year, as required or permitted by Australian Accounting Standards. Such items include the impact of changes in asset values due to revaluations. The value of Other Comprehensive Income reported in the Statement of Comprehensive Income, is a Surplus of \$12 million.

2. Balance Sheet

The Net Assets of the Council at 30 June 2020 is \$499 million, against an Adopted Budget of \$490 million, a favourable variance of \$9 million.

Major reasons for the variance in the Net Assets include:

a) Assets

Cash deposits with the Local Government Financing Authority is favourable by \$3.2 million, with the variance resulting from the opening cash balance used to develop the 2020-2021 Budget being lower than the actual closing cash balance at the 30 June 2020.

The carrying values of Infrastructure, Property, Plant & Equipment is reporting a variance of \$3.5 million, resulting from the opening balance used to develop the 2020-2021 Budget being lower than the final value at the completion of the 2019-2020 Financial Statements, combined with lower asset capitalisation offset by a higher than anticipated change in asset value resulting from condition audits and unit cost reviews.

Other Non-current assets represent Capital Works-in-Progress. As at 30 June 2021, works on capital project not yet completed amounted to \$2.5 million.

b) Liabilities

Trade and Other Payables – with the timing of expenditures at the end of financial year the Council had a larger than anticipated value of invoices due that anticipated in the Adopted budget resulting in the \$3.3 million unfavourable variance.

The long term borrowings planned to be drawn down as part of the Adopted Budget were not required, resulting in a favourable variance of \$5.6 million

Attachment A contains the 2020-2021 Financial Statements comparing the actual result to the 2020-2021 Adopted Budget as required by Section 10 of the Regulations.

3. Bad and Doubtful Debts

The Councils accounts receivable balance has been reviewed at the end of the financial year for the recoverability of the outstanding debts. The outstanding amounts which make up the reported Accounts Receivable balance are considered to be recoverable.

With the ongoing impacts of the COVID-19 pandemic a more lenient approach to recovering outstanding amounts was applied which has seen an increase in the value of debts over 150 days. It would be expected that debts will be paid.

OPTIONS

There are no options associated with this issue.

CONCLUSION

Nil

COMMENTS

Nil

RECOMMENDATION

That the report be received and noted.

Cr Minney moved:

That the report be received and noted.

Seconded by Cr Stock and carried unanimously.

11.6 ANNUAL FINANCIAL STATEMENTS FOR YEAR END 30 JUNE 2021

REPORT AUTHOR: Financial Services Manager
GENERAL MANAGER: General Manager, Corporate services
CONTACT NUMBER: 8366 4585
FILE REFERENCE: qA82175/A270517
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to present the 2020-2021 Financial Statements to the Council for adoption.

BACKGROUND

Pursuant to Section 127 of the *Local Government Act 1999* (the Act), the Council must prepare Annual Financial Statements in accordance with the *Local Government (Financial Management) Regulations 2011* (the Regulations).

Section 13 of the Regulations requires that the Financial Statements of a Council be prepared in accordance with the requirements set out in the Model Financial Statements. The City of Norwood, Payneham & St Peters has prepared the Annual Financial Statements in accordance with the Model Financial Statements.

Section 126 (4) (a) of the Act requires that the functions of an Audit Committee to include “*reviewing annual financial statements to ensure that they present fairly the state of affairs of the council*”.

The Council's Audit Committee considered the 2020-2021 Financial Statements, together with a covering report, at its meeting held on 25 October 2021 and resolved to recommend to the Council the following:

- a. *That the Annual Financial Statements for the year ended 30 June 2021, be adopted.*
- b. *That the Annual Financial Statements for the year ended 30 June 2021, be dated 1 November 2021 and be signed on behalf of Elected Members by the Mayor.*
- c. *That the Asset Revaluations as set out in Table 2 of this report be adopted.*

A copy of the Annual Financial Statements is contained in **Attachment A**.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The Council's Long Term Strategic directions are outlined in the *City Plan 2030 – Shaping our Future*. The 2020-2021 Annual Business Plan and supporting Budget, set out the services and programs and initiatives for the 2019-2020 Financial Year.

While financial sustainability remains a priority for the Council, due to the COVID-19 pandemic, through the Annual Business Plan and Budget, the Council provided a Financial Support Package to support the citizens and the business community, with the key element being a 0% rate revenue increase. As a result, the Council adopted an Operating Deficit of \$798,000 for 2020-2021.

FINANCIAL AND BUDGET IMPLICATIONS

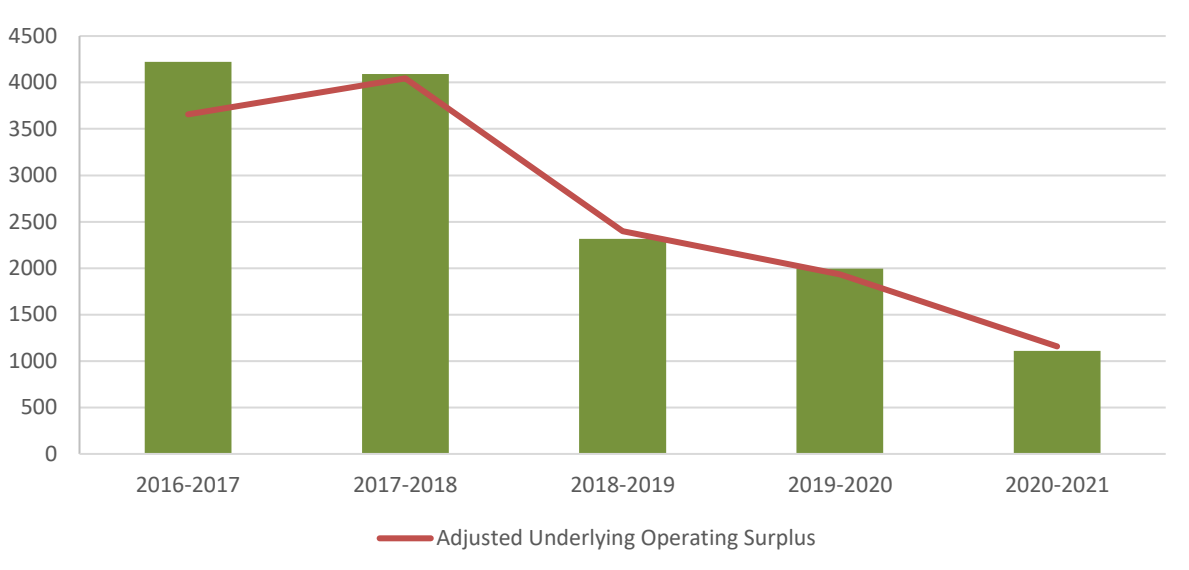
Statement of Comprehensive Income

a) Operating Result

As detailed in Figure 1 below, the Council concluded the financial year with an Operating Surplus of \$1.110 million (2019-2020: \$1.995 million). The reported Operating Surplus is less than previous years. Given that the Council resolved as part of the Financial Support Package not to increase rate revenue, total income only increased by 0.15% whilst expenditure increased by 2.2%.

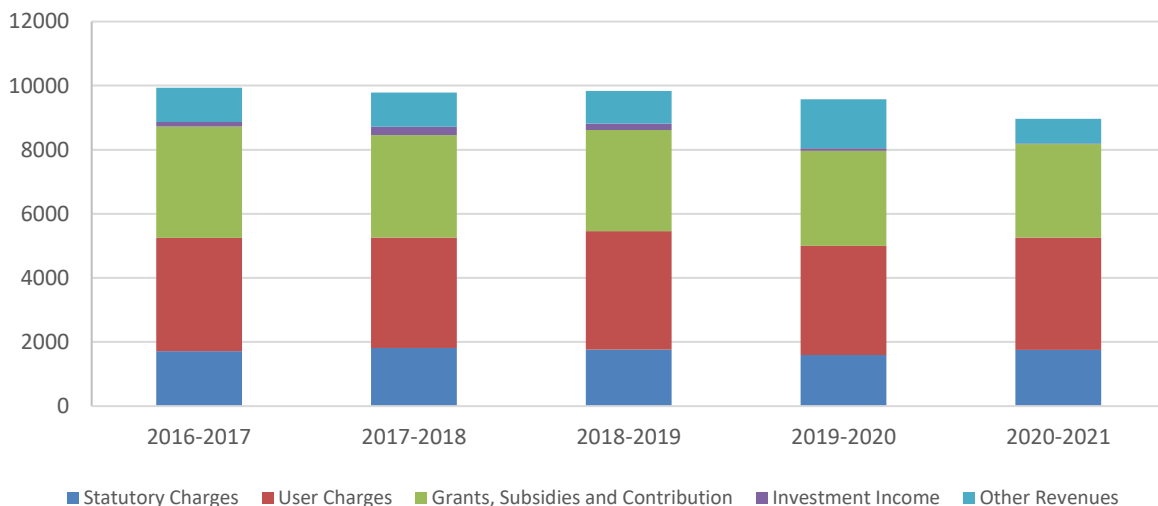
As Elected Members are aware, for the last three (3) consecutive years, the Federal Government has made advance payments equal to approximately two quarters of the Financial Assistance Grants. Adjusting for the effect of the advance payments, the underlying Operating Surplus is \$1.158 million for 2020-2021, (2019-2020: \$1.935 million). Figure 1 below, shows the Operating Surplus over the last five years and compares the impacts of the advance payment of Financial Assistance Grants.

FIGURE 1: OPERATING SURPLUS (DEFICIT) - \$'000



As detailed in Figure 2 below, non-rate revenues have decreased (2.5%) compared to the 2019-2020 financial year, which is primarily due to the Council receiving \$221,000 from South Australia Power Network (SAPN) as settlement of a dispute for the overcharge on street lighting charges in 2019-2020.

FIGURE 2: NON-RATE REVENUES - \$'000



The cost to deliver the Council's continuing services (i.e. Recurrent Operating Costs) increased by 2.8% (\$1.167 million) compared to 2019-2020. Primary drivers behind this increase were:

- Following a review of the Council's Street Sweeping Program, the Queensland Box Sweeping Program, which was previously treated as an Operating Project, was incorporated within the Council's existing Street Sweeping program, resulting in an increase in recurrent expenditure by \$115,702 compared to 2019-2020.
- Legal costs associated with the Scramble Crossing at the intersection of the Parade and George Street (\$367,412).
- Increased waste disposal costs (\$172,598) resulting from increases in the unit prices for putrescible municipal waste.
- Employee costs increased by \$193,928 is due to a number of vacant positions being filled in during 2020-2021 financial year or at the end of 2019-2020 financial year.

Offsetting these cost increases, water usage costs were \$124,887 lower when compared to the 2019-2020, due to higher rainfall occurring during the 2020-2021 financial year and as a result, this reduced the need for irrigation.

In addition to the continuing services, the Council delivered twenty three (23) Operating Projects, which encompassed a number of new service initiatives and one-off activities or programs. The net cost of delivering the Operating Projects was \$463,000 (2019-2020: \$470,000). Due to the physical distancing requirements and mass gathering restrictions imposed by the State Government in response to the COVID-19 pandemic, it was necessary for the Council to cancel a number of planned events and activities. Major Operating Projects which were undertaken during the year included:

- Footpath Defects Works Program;
- Raising the Bar;
- various Heritage, Cultural, Youth and Arts Programs and Events;
- additional Street Tree Planting; and
- Traffic & Integrated Transport Investigations.

Ownership Costs, which incorporate interest paid on long term borrowings and depreciation, increased by 5.2% (\$519,000). The increase is attributed to depreciation costs associated with major assets which have been capitalised in prior years and the full year impact of the building valuation which was undertaken in 2019-2020 offset by a reduction in interest paid.

b. Non-Operating Items

A Non-Operating Surplus of \$2,158,000 is reported for 2020-2021 (2019-2020 Non-Operating Deficit \$405,000). The Non-Operating Surplus comprises the following, as detailed in Table 1 below

TABLE 1: NON-OPERATING ITEMS

Item	Cost
• Loss on Sale and Write-off of Infrastructure Assets renewed as part of the Capital Works program.	(\$1.144 million)
• Grant Funding received or recognised for Capital Projects including:	\$3.038 million
- Norwood Oval Women's Facilities	\$632,500
- Second Creek Outlet Upgrade	\$500,000
- Payneham Oval Women's Facilities	\$490,000
- Buttery Reserve Tennis Courts	\$450,000
- Beulah Road Bicycle Boulevard	\$231,017
- Langman Grove Road Construction	\$222,197
- Payneham Oval Tennis Courts	\$187,500
- Stormwater Drainage Program	\$106,750
- Library Book Acquisition	\$106,000
- St Peters Street Streetscape Upgrade	\$38,125
- Burchell Reserve Upgrade	\$38,125
- Implementation Schools Review of Traffic Management Actions	\$36,000

c. Other Comprehensive Income

Other Comprehensive Income comprises items of income and expenses that are not recognised in the Net Surplus (Deficit) for the year, as required or permitted by other Australian Accounting Standards. Such items include the impact of changes in asset values due to revaluations. The value of Other Comprehensive Income reported in the Statement of Comprehensive Income, is a Surplus of \$12.046 million.

The major factor contributing to the Surplus is the indexation of the Councils' Civil Infrastructure Assets. In line with the Councils Asset Revaluation Policy, independent valuations of the major long term asset classes are undertaken on a rolling five (5) year period. For the 2020-2021 financial year, no independent valuations were undertaken however, the Councils' Infrastructure assets' unit costs are revised by Tonkin Consulting.

EXTERNAL ECONOMIC IMPLICATIONS

Nil

SOCIAL ISSUES

Nil

CULTURAL ISSUES

Nil

ENVIRONMENTAL ISSUES

Nil

RESOURCE ISSUES

Nil

RISK MANAGEMENT

Nil

COVID-19 IMPLICATIONS

In response to the COVID-19 pandemic, the Council endorsed a Financial Support Package to assist the community with the economic impacts of the COVID-19 pandemic. The Financial Support Package included:

- zero (0%) rate revenue increase, except where the rate increase is a result of new development, property improvements, a change in land use or zoning or a result of a sale, which is currently estimated to be 0.64%;
- Applications for financial hardship were assessed on a case-by-case basis to provide ratepayers with assistance best suited to their circumstance;
- waiving The Parade Development Separate Rate for businesses within the Norwood Parade Business Precinct;
- three (3) month rent relief for Commercial and Community tenants of Council own buildings (subject to demonstrating financial hardship resulting from the COVID-19 Pandemic);
- waiving permit fees for community sporting groups which utilise the Council's sporting grounds;
- rebating Outdoor Dining Permit fees from 1 July 2020 until 31 December 2020; and
- additional Economic Development spend to promote Councils business precincts.

The net cost, (based on a 2.5% rate revenue increase forgone) of the Council's response to the COVID-19 pandemic was in the order of \$1.650 million.

CONSULTATION

- **Elected Members**

The Council's Audit Committee which comprises Mayor Robert Bria, Councillor John Minney (Presiding Member) and Councillor Mike Stock (and two (2) Independent Members Ms Sandra DiBlasio and Ms Brigid O'Neill), have been presented with the 2020-2021 Financial Statements and considered the Financial Statements at the Audit Committee meeting held on Monday 25 October 2021. The Committee has recommended, as set out in the Audit Committee minutes that the Council adopt the Financial Statements and that the Financial Statements be signed by the Mayor and dated 1 November 2021.

- **Community**

Not Applicable.

- **Staff**

Responsible Officers, General Managers and the Council's External Auditors.

- **Other Agencies**

Nil

DISCUSSION

The 2020-2021 Annual Financial Statements have been prepared in accordance with *Australian Accounting Standards* as they apply to not-for-profit entities, other authoritative pronouncements of the *Australian Accounting Standards Board*, Interpretations and relevant South Australian legislation.

The Council's Audit Committee considered the 2020-2021 Financial Statements, together with a covering staff report at its meeting held on 25 October 2021 (refer to the minutes of the Audit Committee meeting held on the 25 October 2021). At that meeting, the Audit Committee resolved to recommend to the Council that the Annual Financial Statements for the year ended 30 June 2021, be adopted by the Council and the Mayor be authorised to sign the Statements.

In preparing the Financial Statements, the overriding requirement for all non-current assets, is that these assets be reviewed to determine whether the assets are in excess of their recoverable amount at balance date. The Council's Policy is that all major classes of non-current assets are independently valued every five (5) years. For the 2020-2021 financial year, an independent valuation of the Council's Storm water Drainage Assets commenced however this valuation was not finalised by 30 June 2021. Notwithstanding that no independent valuations were completed, in the interim years when no independent valuation is undertaken of the respective asset class, annual assessments are undertaken and, where appropriate, unit costs are revised based on the independent assessment of the unit rates, which also included Storm water Drainage Assets.

The revaluation impact for each asset class is detailed in Table 2.

TABLE 2: IMPACT OF ASSET REVALUATION

Asset Class	Revaluation Increase/(Decrease) \$million	Comments
Land	3.382-	Based on the Valuer Generals review of property values within the Council area, a 2% increase in Fair Value was deemed appropriate.
Buildings and Other Structures	1.173	Represents a 2% increase in the Fair value with the indexation based on the annual average movement in value of like assets
Open space Assets	(0.511)	Represents a 3% decrease in Fair Value, based on the unit price assessment undertaken by Tonkin Consulting
Road Infrastructure	4.599	Represents a 7% increase in Fair Value based on the unit price assessment undertaken by Tonkin Consulting.
Kerbing	1.731	Represents a 3% increase in Fair Value based on the unit price assessment undertaken by Tonkin Consulting.
Footpaths	0.784	Represents a 3% increase in Fair Value based on the unit price assessment undertaken by Tonkin Consulting.
Linear Park	(0.462)	Represents a 0.2% decrease in Fair Value based on the unit price assessment undertaken by Tonkin Consulting.
Storm-water Drainage	1.353	Represents a 2% increase in Fair Value, based on the unit price assessment undertaken by Tonkin Consulting.
Off- Roads Carparks	(0.008)	Represents a 0.4% decrease in Fair Value, based on the unit price assessment undertaken by Tonkin Consulting.
Traffic Control Assets	0.005	Represents a 0.2% increase in Fair Value, based on the unit price assessment undertaken by Tonkin Consulting.
Total	12.046	

Overall, the revaluation increase for the 2020-2021 financial year is \$12 million, compared to an increase of \$3.5 million for the 2019-2020 financial year.

The Audit Committee considered the Asset revaluations as detailed in Table 2 above at its meeting held on 25 October 2021 and recommended to the Council that the valuations be adopted.

Bad and Doubtful Debts

The Council's accounts receivable balance has been reviewed at the end of the financial year for the recoverability of the outstanding debts. The outstanding amounts which make up the reported Accounts Receivable balance are considered to be recoverable.

With the ongoing impacts of the COVID-19 pandemic a more lenient approach to recovering outstanding amounts was applied which has seen an increase in the value of debts over 150 days. It would be expected that debts will be paid.

OPTIONS

Not Applicable.

CONCLUSION

The Council concluded the financial year with an Operating Surplus of \$1.110 million (2019-2020: \$1.995 million).

After Capital Items, which includes the impact of assets revaluations and grant funding, specifically for the upgrade or renewal of assets and asset disposals, the Council is reporting a Net Surplus of \$15.320 million (2019-2020: \$5.145 million).

The Council's Auditor, BDO Advisory (SA) Pty Ltd, have completed the audit of the Council's Financial Statements and have advised that they will sign an unqualified Independent Auditors' Reports in the form prescribed, upon the Presiding Member of the Audit Committee signing the "Council Certificate of Audit Independence".

There were no significant issues raised during the audit of this year's Financial Statements which would prevent the Council from adopting the 2020-2021 Financial Statement.

COMMENTS

Nil

RECOMMENDATION

1. That the following Fair Values as at 30 June 2021, after revaluations, for the year ended 30 June 2021, be adopted:
 - a. Land Assets be reflected in the Financial Statements at the Fair Value of \$172.490 million;
 - b. Building and Other Structures be reflected in the Financial Statements at the written down value of \$75.235 million;
 - c. Open Space Assets be reflected in the Financial Statements at the written down value of \$16.877 million;
 - d. Road Infrastructure Assets be reflected in the Financial Statements at the written down value of \$163.108 million;
 - e. Storm-water Drainage Assets be reflected in the Financial Statements at the written down value of \$66.652 million;
 - f. Off-Road Car Park Assets be reflected in the Financial Statements at a written down value of \$2.137 million;
 - g. Traffic Control Assets be reflected in the Financial Statements at the written down value of \$4.145 million; and
 - h. River Torrens Linear Park Assets be reflected in the Financial Statements at the written down value of \$981,979.
 2. That the Annual Financial Statements for the year ended 30 June 2021, as contained in **Attachment A** be adopted.
 3. That the Annual Financial Statements for the year ended 30 June 2021, be dated 1 November 2021 and that Mayor and the Chief Executive Officer, be authorised to sign 2020-2021 Annual Financial Statements on behalf of the Council.
-

Cr Sims moved:

1. *That the following Fair Values as at 30 June 2021, after revaluations, for the year ended 30 June 2021, be adopted:*
 - a. *Land Assets be reflected in the Financial Statements at the Fair Value of \$172.490 million;*
 - b. *Building and Other Structures be reflected in the Financial Statements at the written down value of \$75.235 million;*
 - c. *Open Space Assets be reflected in the Financial Statements at the written down value of \$16.877 million;*
 - d. *Road Infrastructure Assets be reflected in the Financial Statements at the written down value of \$163.108 million;*
 - e. *Storm-water Drainage Assets be reflected in the Financial Statements at the written down value of \$66.652 million;*
 - f. *Off-Road Car Park Assets be reflected in the Financial Statements at a written down value of \$2.137 million;*
 - g. *Traffic Control Assets be reflected in the Financial Statements at the written down value of \$4.145 million; and*
 - h. *River Torrens Linear Park Assets be reflected in the Financial Statements at the written down value of \$981,979.*
2. *That the Annual Financial Statements for the year ended 30 June 2021, as contained in **Attachment A** be adopted.*
3. *That the Annual Financial Statements for the year ended 30 June 2021, be dated 1 November 2021 and that Mayor and the Chief Executive Officer, be authorised to sign 2020-2021 Annual Financial Statements on behalf of the Council.*

Seconded by Cr Minney and carried unanimously.

**Section 3 – Governance & General
Reports**

11.7 SCHEDULE OF COUNCIL MEETINGS 2022

REPORT AUTHOR: General Manager, Governance & Community Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: qA66130
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of the report is to present for the Council's approval, the draft 2022 Schedule of Council Meetings and the proposed date for the January 2022 Council meeting.

BACKGROUND

Pursuant to Sections 81 and 87 of the *Local Government Act 1999*, the Council is required to appoint the times and places for Ordinary Meetings of the Council.

Previously, and most recently at its meeting held on 2 November 2020, the Council has resolved that Ordinary Meetings of the Council, are held in the Council Chambers, Norwood Town Hall, commencing at 7.00pm on the first Monday of each month, unless otherwise determined by the Council. In addition, the Council has determined that Council Meetings will conclude by 11.00pm.

In the event of a Public Holiday occurring on the first Monday of the month, all meetings regularly scheduled for the first Monday, have been held on the first Tuesday of the month, unless otherwise determined by the Council.

A draft Schedule of Meetings for 2022 has been prepared for consideration by the Council, based on the convention (ie previous Council resolutions), of conducting Council meetings on the first Monday of the month.

A copy of the Schedule of Meetings for 2022 is contained in **Attachment A**.

RELEVANT POLICIES & STRATEGIC DIRECTIONS

Not Applicable.

DISCUSSION

Current arrangements in respect to the scheduling of meetings has worked well and in order to ensure consistency and stability, it is recommended that this schedule be followed in 2022, with one exception, that being, the date of the January 2022 Ordinary Council meeting.

To this end, the Council has scheduled its January meeting for the third Monday of the month. This usually provides for a two (2) week gap between the January Ordinary Meeting of the Council and the scheduled Ordinary Council Meeting in February. In 2022, however, there will be a three (3) week gap between the January and February meeting.

The Schedule of Council Meetings for 2022, reflects this convention and includes Monday, 17 January 2022, as the recommended date of the first Ordinary Meeting of the Council for 2022, however this can be amended to reflect whatever date the Council determines for the first Ordinary Meeting of the Council.

During 2022, there is one (1) Ordinary Meeting of the Council which will be affected by a Public Holiday, namely, the October Council meeting, which is the Labour Day Public Holiday. The attached Schedule of Meetings for 2022, therefore, in keeping with past practice, indicates that the October meeting will be held on Tuesday, 4 October 2022.

OPTIONS

The Council can determine that the January 2022 Ordinary Meeting of the Council be held on Monday, 17 January 2022 and determine the Schedule of Council meetings in accordance with the attached Schedule of Meetings 2022 or it can determine an alternative date for the January 2022 Council meeting and an alternative schedule for Council meetings during 2022.

CONCLUSION

Determination of the times and places for ordinary meetings of the Council, will ensure compliance with the requirements of the *Local Government Act 1999* and enables these dates and times to be communicated to the community.

COMMENTS

Nil.

RECOMMENDATION

1. That the first Ordinary Meeting of the Council for 2022, be held on Monday, 17 January 2022, commencing at 7.00pm in the Council Chambers, Norwood Town Hall.
 2. That the Ordinary Meetings of the Council be held on the first Monday of each calendar month, in accordance with the Schedule of Council Meetings 2022 (Attachment A).
 3. That the Council meetings affected by a Public Holiday, be held on the first Tuesday of the month, in accordance with the Schedule of Council Meetings 2022 (Attachment A).
-

Cr Duke moved:

1. *That the first Ordinary Meeting of the Council for 2022, be held on Monday, 17 January 2022, commencing at 7.00pm in the Council Chambers, Norwood Town Hall.*
2. *That the Ordinary Meetings of the Council be held on the first Monday of each calendar month, in accordance with the Schedule of Council Meetings 2022 (Attachment A).*
3. *That the Council meetings affected by a Public Holiday, be held on the first Tuesday of the month, in accordance with the Schedule of Council Meetings 2022 (Attachment A).*

Seconded by Cr Sims and carried unanimously.

11.8 EASTERN HEALTH AUTHORITY CHARTER FORMULA AND DELEGATIONS

REPORT AUTHOR: General Manager, Urban Planning & Environment
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4501
FILE REFERENCE: qA69175
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to seek the Council's endorsement of a request from the Eastern Health Authority to amend the Authority's Charter relating to the formula for the determination of financial contributions required from the Authority's Constituent Councils. In addition, the Council's endorsement is sought to delegate to the Chief Executive Officers of the EHA Constituent Councils, the power to approve the Authority providing immunisation services to the City of Unley and the Adelaide Hills Council, provided such activities align with the Authority's Annual Business Plan.

BACKGROUND

At its meeting held on 8 September 2021, the Eastern Health Authority's Board of Management considered a Notice of Motion from Cr Nenke from the Town of Walkerville, requesting the Authority's Constituent Councils consider agreeing to a revision of the section of the Authority's Charter relating to the method/formula upon which financial contributions from the Authority's Constituent Councils are determined. The request is largely based upon concerns that the proportion of administrative costs paid by some of the smaller EHA Constituent Councils, including the Town of Walkerville, is inequitable.

In support of his Notice of Motion, Cr Nenke acknowledged that the Town of Walkerville had resolved in June 2021, to withdraw as a Constituent Council of EHA, effective from 30 June 2022. However, since that time, Cr Nenke and Cr Coleman from the Town of Walkerville, who now both serve on the EHA Board of Management, have been informed of the outcomes of Service Review of the Eastern Health Authority that was undertaken by Healthy Environs, in partnership with Skopion Business Consultants. The Service Review, which was finalised in June 2021, outlined the current scope and delivery of public and environmental health services provided by EHA and included a key finding that EHA's services are aligned to community needs and are being delivered efficiently with value to the public and its Constituent Councils.

Having considered the outcomes of the Service Review, Cr Nenke and Cr Coleman, are of the view that the findings and recommendations of the Service Review address the concerns of some Elected Members from the Town of Walkerville regarding the equity of financial contributions provided to EHA by the Constituent Councils and that if the recommendations of the Service Review relating to the EHA Charter Formula are implemented by the Constituent Councils, that this would potentially alleviate the concerns which led to the Town of Walkerville's decision to withdraw from EHA.

Cr Nenke and Cr Coleman have foreshadowed their intent to communicate the outcomes of the Service Review to the Town of Walkerville and in doing so are seeking the support of all other EHA Constituent Councils to amend the current variable rate of the administrative cost recovery component of the EHA Charter Formula. In this regard, it should be noted that the Healthy Environs Review recommends that the Administrative component of the EHA Charter Formula be reflective of the proportion of frontline service delivery provided by EHA on behalf of each Constituent Council and that there be a variable and fixed component included in the annual cost recovery formula. Currently, the administration costs are equally shared by all of the Constituent Councils.

The effect of the suggested change to the EHA Charter Formula, would mean that the Constituent Councils for which the Authority provides a greater proportion of frontline environmental health services, would fund a greater proportion of the Authority's overall administrative costs for operational activities and the smaller Constituent Council's, including the Town of Walkerville would fund a smaller proportion of the Authority's administrative costs.

A copy of correspondence from the Authority's Chief Executive Officer dated 21 September 2021, outlining the request and rationale for a change to the EHA Charter Formula, is contained in **Attachment A**.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

FINANCIAL AND BUDGET IMPLICATIONS

Currently, the financial contributions that are required from the EHA Constituent Councils to fund EHA's operations are determined by the use of a formula contained within the EHA Charter. A copy of the formula is set out below and is also contained in **Attachment A3**.

TABLE 1: EHA CHARTER FORMULA

Activity Description	Code	Activity weighting	Constituent Council -1	Constituent Council - 2	Constituent Council - 3	Constituent Council - 4	Constituent Council - 5	Total
Administration (to be shared evenly)	A	12.5%	12.5%/ CC	12.5%/ CC	12.5%/ CC	12.5%/ CC	12.5%/ CC	12.5%
Food Safety Activity.	B	35%	(N/B)x AW	(N/B)x AW	(N/B)x AW	(N/B)x AW	(N/B)x AW	28.5%
Environmental Health Complaints	C	7%	(N/C)x AW	(N/C)x AW	(N/C)x AW	(N/C)x AW	(N/C)x AW	11%
Supported Residential Facilities.	D	6.5%	(N/D)x AW	(N/D)x AW	(N/D)x AW	(N/D)x AW	(N/D)x AW	10%
High Risk Manufactured Water Systems	E	6.5%	(N/E)x AW	(N/E)x AW	(N/E)x AW	(N/E)x AW	(N/E)x AW	3%
Skin Penetration	F	0.5%	(N/F)x AW	(N/F)x AW	(N/F)x AW	(N/F)x AW	(N/F)x AW	2%
Public Access Swimming Pools.	G	2%	(N/G)x AW	(N/G)x AW	(N/G)x AW	(N/G)x AW	(N/G)x AW	3%
School enrolments vaccinated	H	15.0%	(N/H)x AW	(N/H)x AW	(N/H)x AW	(N/H)x AW	(N/H)x AW	15%
Clients attending public clinics	I	15.0%	(N/I)x AW	(N/I)x AW	(N/I)x AW	(N/I)x AW	(N/I)x AW	15%
Total Proportion of contribution			Sum A-I	Sum A-I	Sum A-I	Sum A-I	Sum A-I	100%

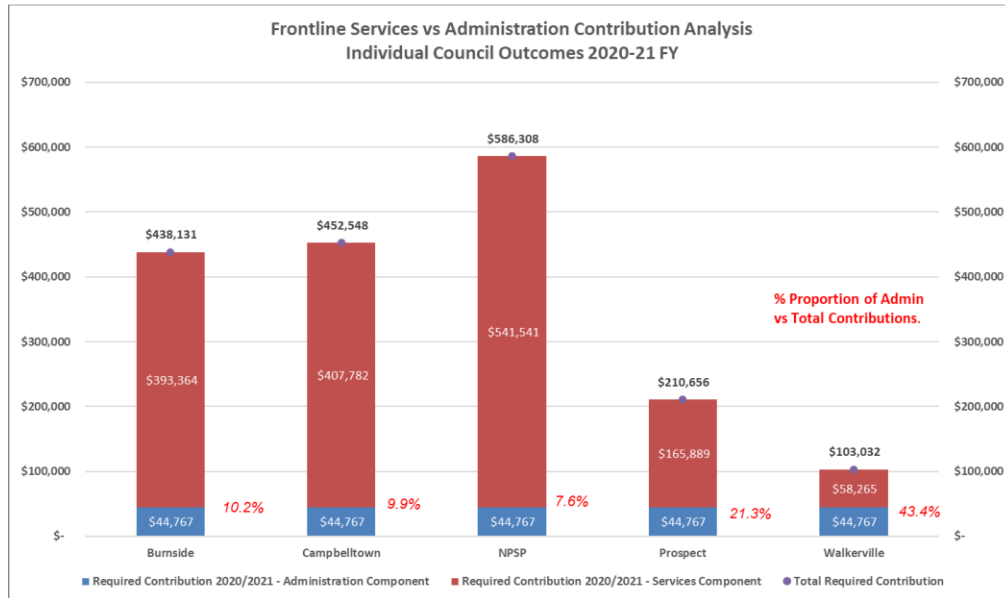
N = Number in Constituent Council area.
 B through to I = Total number in all Constituent Councils.
 AW = Activity weighting.
 CC = Number of Constituent Councils (example provided uses five (5) Constituent Councils)

The formula considers several weighted Activity Descriptions (A through to I) to determine the proportion of funds each Constituent Council contributes to EHA's operations. Activity descriptions (B through I) relate to operational activities and are shared on a proportional basis. The most important thing to note is that the formula includes a nominal administration allocation that is shared on an equal basis (that is 12.5% shared equally by the five Constituent Councils).

The Healthy Environs Service Review report included an analysis of the Charter Formula with a particular emphasis on the effect of the costs shared on an equal basis and highlighted an inequity in relation to the shared costs. In particular, the consultants stated:

“The chart (figure 19) highlights the proportional inequity in the current method for allocating the administrative component of the contribution pool, on a Council-by-Council basis.

Figure 19: Frontline Services vs Administrative Contribution Analysis



It is apparent the Councils which have comparatively larger proportions of frontline services activity, also have administration fee recovery components more akin to conventional corporate recovery benchmarks. For comparative purposes an administration fee benchmark equating to approximately 15% is deemed appropriate for analytical purposes.

In the case of Burnside, Norwood Payneham and St. Peters and Campbelltown Councils respectively, it is apparent the corporate recovery component is well below this nominal benchmark, with Norwood, Payneham and St. Peters Council administrative contribution component equating to just 7.6% of its total EHA contributions.

However, by comparison both the City of Prospect and the Town of Walkerville are comparatively worse off than these Councils on a like-for-like basis. Both their contributions comprise administrative recovery as compared to total recovery amounts, that are significantly above conventional levels, at 21.3% and 43.4% respectively.

These outcomes require a sustainable solution that provides an equitable and accepted outcome by all EHA council contributors, before the next round of annual contributions are considered and approved (prior to the setting of 2021-22 financial year contributions).

With that in mind, the review has provided a proposed solution for consideration below.

Recommendation 1

Include a variable and fixed component to the current administration component of the annual Council cost recovery formula within the Services Charter. Recommend 7.5% variable and 5% fixed component combination for the 2022 financial year contributions modelling, maintaining 12.5% administrative recovery component overall.”

Analysis of Proposed Formula Change

Table 2 below includes a calculation of the change in the proportion of financial contributions required from each Constituent Council if the suggested change was made to the formula (see H – Change in Contribution Proportion).

The changes range from a 1.22% reduction in costs for the Town of Walkerville to a 1.09% increase for the City of Norwood Payneham & St Peters. This reflects the fact that the Authority provides the greatest proportion of frontline environmental health services on behalf of the City of Norwood Payneham & St Peters compared to the other Constituent Councils.

TABLE 2: CHANGE TO PROPORTIONAL CONTRIBUTION WITH REVISED FORMULA

	Burnside	Campbelltown	NPSP	Prospect	Walkerville	Total
A Current Total Proportion Based on 2020-21 Budget	24.47%	25.27%	32.74%	11.76%	5.75%	100%
B Current Total Service Activities (A-minus Admin 2.5%)	21.97%	22.77%	30.24%	9.26%	3.25%	87.5%
C Proportion of Service Activities (B divided by 87.5%)	25.11%	26.03%	34.56%	10.59%	3.72%	100%
D Admin Variable Component (C x 7.5%)	1.88%	1.95%	2.59%	0.79%	0.28%	7.5%
E Admin Fixed Component (5% divided by 5)	1.00%	1.00%	1.00%	1.00%	1.00%	5.0%
F Total Admin Component (D+E)	2.88%	2.95%	3.59%	1.79%	1.28%	12.5%
G Total Revised Contribution Proportion (B+F)	24.85%	25.72%	33.83%	11.06%	4.53%	100%
H Change in Contribution Proportion (G-A)	0.38%	0.45%	1.09%	-0.71%	-1.22%	0.00%

The table below (referred to as Figure 2) calculates the financial impact of the change in formula on each Constituent Council (figure highlighted in yellow), using the 2020-2021 budget.

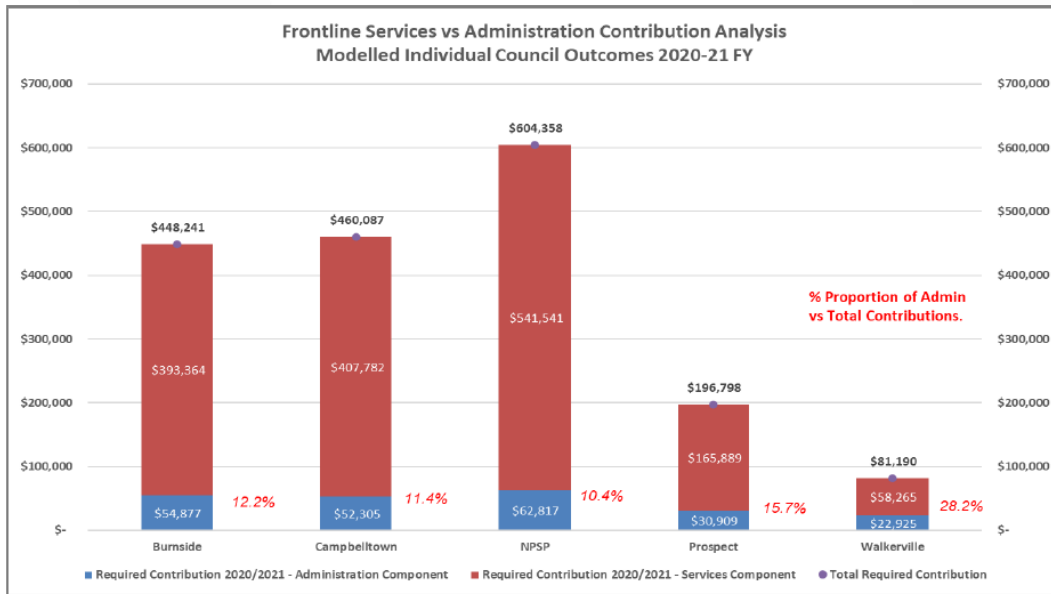
The change in contributions required ranges from -\$21,866 for the Town of Walkerville to +\$19,558 for the City of Norwood Payneham & St Peters.

Figure 2 – Change to Financial Contribution with Revised Formula

Eastern Health Authority Constituent Council Contribution Calculations 2020-2021							
	Weighting	Burnside	Campbelltown	NPSP	Prospect	Walkerville	Total
Administration	12.50%	2.88%	2.95%	3.59%	1.79%	1.28%	12.50%
Number of Food Premises	35.00%	7.73%	7.73%	8.02%	13.16%	4.93%	35.00%
Environmental Health Complaints	7.00%	1.47%	1.61%	2.95%	0.55%	0.41%	7.00%
Supported Residential Facilities	6.50%	1.30%	2.80%	1.30%	1.30%	0.00%	6.50%
Cooling Towers	6.50%	2.02%	1.79%	2.24%	0.45%	0.00%	6.50%
Hairdressers/Beauty Treatment	0.50%	0.13%	0.11%	0.19%	0.06%	0.02%	0.50%
Swimming Pools	2.00%	0.88%	0.28%	0.60%	0.09%	0.14%	2.00%
Number of Yr 8/10/11 Enrolments	15.00%	4.78%	3.69%	5.12%	0.80%	0.61%	15.00%
Avg. Clients receiving vaccines at all venues	15.00%	3.66%	4.67%	4.59%	1.08%	0.90%	15.00%
Contribution proportion 2020/2021 with Revised Formula		24.85%	25.72%	33.83%	11.06%	4.53%	100.00%
Expenditure 2020/2021 - NB Service review costs not included	\$ 2,536,264						
Less General Receipts 2020/2021	\$ 726,500						
Total Required Operating contributions 2020/2021	\$ 1,790,674						
Constituent Council Contribution proportion 2020/2021		24.85%	25.72%	33.83%	11.06%	4.53%	100.00%
Required Contribution 2020/2021		\$ 444,987	\$ 460,641	\$ 605,865	\$ 198,015	\$ 81,166	\$ 1,790,674
Contribution proportion 2020/2021 with Current Formula							
Expenditure 2020/2021 - NB Service review costs not included	\$ 2,536,264						
Less General Receipts 2020/2021	\$ 726,500						
Total Required Operating contributions 2020/2021	\$ 1,790,674						
Constituent Council Contribution proportion 2020/2021		\$ 438,131	\$ 452,548	\$ 586,308	\$ 210,656	\$ 103,032	\$ 1,790,674
Required Contribution 2020/2021		0.38%	0.45%	1.09%	-0.71%	-1.22%	
Change in Contribution (\$)		\$ 6,857	\$ 8,093	\$ 19,558	\$ (12,641)	\$ (21,866)	\$ -
Change in contributions (%)		1.67%	1.79%	3.34%	-6.00%	-21.22%	0.00%

The Figure below (referred to as Figure 20, extracted from the Healthy Environs Service Review Report), illustrates the revised proportion of Administration costs as a proportion of total contributions if the revised formula was to be used. For the Town of Walkerville, the revised proportion is 28.2% (43.4% previously), City of Prospect 15.7% (previously 21.3%), NPSP 10.4% (previously 7.6%), Campbelltown City Council 11.4% (previously 9.9%) and City of Burnside 12.2% (previously 10.2%).

Figure 20 Frontline Services vs Administration Contribution Analysis Modelled Individual Council Outcomes 2020/21



Financial Impact of Town of Walkerville withdrawing from EHA

As previously detailed in Figure 19, 43.4% or \$44,767 of the Town of Walkerville’s contributions are nominally related to fixed administrative costs. These costs will need to be shared by the remaining Constituent Councils (12.5% divided by four instead of five Constituent Councils).

As Table 2 highlights, in relation to the Authority’s total operational activities, the Town of Walkerville represents 3.72% of total activities.

The table below (referred to as Figure 3), illustrates a financial estimate of the impact to the remaining four Constituent Councils, if the Town of Walkerville withdraws as a Constituent Councils. These estimates include adjustments for EHA salaries, a reduction in operating costs equivalent to 3.72% and the even apportionment of administration costs (12.5% divided by four Constituent Councils).

Figure 3 - Financial Impact on Remaining Constituent Councils of ToW withdrawal

Eastern Health Authority Constituent Council Contribution Calculations 2020-2021							
		Burnside	Campbelltown	NPSP	Prospect	Walkerville	Total
Weighted % of Activities used by Council							
	Weighting						
Administration	12.50%	3.125%	3.125%	3.125%	3.125%	0.00%	12.50%
Number of Food Premises	35.00%	7.99%	8.30%	13.60%	5.10%	0.00%	35.00%
Environmental Health Complaints	7.00%	1.57%	1.71%	3.13%	0.59%	0.00%	7.00%
Supported Residential Facilities	6.50%	1.30%	2.60%	1.30%	1.30%	0.00%	6.50%
Cooling Towers	6.50%	2.02%	1.78%	2.24%	0.49%	0.00%	6.50%
Hairdressers/Beauty Treatment	0.50%	0.13%	0.11%	0.23%	0.06%	0.00%	0.50%
Swimming Pools	2.00%	0.95%	0.30%	0.65%	0.10%	0.00%	2.00%
Number of Yr 6/10/11 Enrolments	15.00%	4.98%	3.84%	5.34%	0.83%	0.00%	15.00%
Aygs. Clients receiving vaccines at all venues	15.00%	2.89%	4.97%	4.99%	1.16%	0.00%	15.00%
Contribution proportion 2020/2021 with No Walkerville and salary adjustment		25.96%	26.76%	34.58%	12.71%	0.00%	100.00%
Expenditure 2020/2021 - NB Service review costs not included	\$ 2,471,264						
Less General Receipts 2020/2021	\$ 726,500						
Constituent Council Distribution	\$ -	0	0	0	0	0	0
Total Required Operating contributions 2020/2021	\$ 1,725,674						
Constituent Council Contribution proportion 2020/2021		25.96%	26.76%	34.58%	12.71%	0.00%	100.00%
Required Contribution 2020/2021	\$ 447,992	\$ 461,731	\$ 596,684	\$ 219,267	\$ -	\$ 1,725,674	
Contribution proportion 2020/2021 with Current Formula and Walkerville							
Expenditure 2020/2021 - NB Service review costs not included	\$ 2,536,264						
Less General Receipts 2020/2021	\$ 726,500						
Total Required Operating contributions 2020/2021	\$ 1,790,674	24.47%	25.27%	32.74%	11.78%	5.76%	100.00%
Constituent Council Contribution proportion 2020/2021		24.47%	25.27%	32.74%	11.78%	5.76%	100.00%
Required Contribution 2020/2021	\$ 436,131	\$ 452,548	\$ 586,308	\$ 210,656	\$ 103,032	\$ 1,790,674	
Change in Contribution (\$)	\$ 8,861	\$ 9,183	\$ 10,377	\$ 6,611	\$ (103,032)	\$ (65,000)	
Change in contributions (%)		2.25%	2.03%	1.77%	4.89%	-100.00%	-3.63%

The estimated costs to each remaining Constituent Council should the Town of Walkerville withdraw from EHA are:

- City of Burnside - \$9,861;
- Campbelltown City Council - \$9,183;
- City of Norwood Payneham & St Peters - \$10,377; and
- City of Prospect - \$8,611.

Net Impact of Suggested Change to the EHA Charter Formula

Table 3 below, includes a calculation of the Net Impact for the Constituent Councils if the revised Charter Formula was agreed to.

TABLE 3: NET IMPACT ON CONSTITUENT COUNCILS OF A REVISED CHARTER FORMULA

Contributions Modelled on 2020-21 Budget Contributions	Burnside	Campbelltown	NPSP	Prospect	Walkerville	Total
A Current Formula incl. ToW Participation	\$438,131	\$452,548	\$586,308	\$210,656	\$103,032	\$1,790,674
B Revised Formula –with Variable/Fixed Admin. allocation	\$444,987	\$460,641	\$605,865	\$198,015	\$81,166	\$1,790,674
C Change from current contributions (B-A)	\$6,857	\$8,093	\$19,558	(\$12,641)	(\$21,866)	4 -
D Cost if ToW withdraws/ reduction in service activities by 3.72% and shared admin. by remaining four councils	\$447,992	\$461,731	\$596,684	\$219,267	Nil.	\$1,790,674
E Change from current contributions (D-A)	\$9,861	\$9,183	\$10,377	\$8,611	(\$103,032)	(\$65,000)

The main aspects of the calculations shown in Table 3, to have regard to are highlighted in blue and yellow.

Row C (highlighted in blue) shows the net additional cost to the City of Norwood Payneham & St Peters if the revised EHA Charter Formula is agreed to, modelled on financial contributions made to EHA in 2020-21. The net additional cost to this Council would be an additional \$19,558.

Row E (highlighted in yellow) illustrates the additional cost that the City of Norwood Payneham & St Peters would incur if the Town of Walkerville withdraws from EHA and there was no change to the Charter Formula. The net additional cost to this Council would be an additional \$10,377.

The net impacts on all of the Constituent Councils if the change in the Charter Formula is unanimously endorsed and the Town of Walkerville determines to stay with the Authority are as follows:

- City of Burnside - \$6,857;
- Campbelltown City Council - \$8,093;
- City of Norwood Payneham & St Peters - \$19,558;
- City of Prospect – (\$12,641); and
- Town of Walkerville – (\$21,866).

It is clear that the proposed change to the EHA Charter Formula that seeks to more equitably apportion administrative overheads among the Constituent Councils, has the biggest negative financial impact on the City of Norwood Payneham & St Peters, at \$19,558, however, this is reflective of the fact that the Authority provides this Council with the most frontline environmental health services. On balance, the proposed change to the EHA Charter Formula is considered reasonable and worthy of support.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

The main risk associated with the request to change the EHA Charter Formula is financial and this can be managed by the Council making an informed decision on the request based on the information contained in this report.

The risk associated with the requested additional delegation is minimal. If the additional delegation is conferred to the Chief Executive Officers of the Constituent Councils, EHA can only undertake additional immunisation services outside of the Constituent Council areas if such activities align with the Authority's Annual Business Plan and the request is unanimously endorsed by the Chief Executive Officers of the Constituent Councils, so sufficient checks and balances are in place to appropriately manage the risk.

COVID-19 IMPLICATIONS

Not Applicable.

CONSULTATION

- **Elected Members**
Cr Sue Whittington and Cr Garry Knoblauch are the Council's appointees on the Authority's Board of Management and have been involved with the various stages of the Charter review process and consideration of the request to change the EHA Charter Formula.
- **Community**
Not Applicable.
- **Staff**
Not Applicable.
- **Other Agencies**
Not Applicable.

DISCUSSION

Proposed Change to the EHA Charter Formula

The Healthy Environs Service Review report has clearly highlighted that there is a proportional inequity in the current method for allocating the administrative component of the financial contribution pool to fund EHA's operations, on a Council-by-Council basis. This is best represented pictorially in Figure 19.

The proposed change to the EHA Charter Formula seeks to achieve a fairer ratio between the apportioning of administrative overheads and the total financial contributions provided by each of the EHA Constituent Councils. In this regard, it should be noted that the proposed change will still retain a fixed administrative overhead of 5%, to be shared equally among the five Constituent Councils. This component ensures each Constituent Council pays an equal share of administrative overheads for non-operational activities. However, a further 7.5% of administrative overheads is proposed to be variable and reflect the relative proportion of frontline environmental health services provided by EHA to each Constituent Council. The overall administrative funds required to fund EHA's operations will remain at 15%, comprising the 5% fixed and 7.5% variable components for administrative overheads.

If the change to the formula is agreed unanimously by the EHA Constituent Councils, this will result in a negative financial impact of \$19,558 for the City of Norwood Payneham & St Peters. This reflects a change to the Council's contribution towards EHA's administrative overheads for operational services from 7.6% to 10.4%, as a percentage of this Council's total financial contributions to EHA.

On balance, the requested change to the EHA Charter Formula is considered fair and equitable and it is recommended that the Council endorse the proposed change as detailed in **Attachment A** to this report. That said, the timing and ad-hoc nature of the request to change the EHA Charter Formula is disappointing and could have been avoided if this and other concerns which led to the Town of Walkerville's decision to withdraw from the Authority, were placed on the table for discussion.

The Town of Walkerville is well aware of and indeed participated in, the preparation of the EHA Service Review undertaken by Healthy Environs and Skopion Business Consultants. The EHA Service Review report was being prepared at the time the Town of Walkerville determined to formally withdraw from EHA in June 2021, for reasons which to date, remain unclear and unknown to the other Constituent Councils. Had the Town of Walkerville waited until the EHA Service Review report was finalised (assuming that the issue of equity was its main concern), its content and recommendations may have influenced its decision to withdraw from the Authority – and it still may do, if Cr Coleman and or Cr Nenke follow through with their foreshadowed intent to communicate the outcome and recommendations of the EHA Service Review report to the Town of Walkerville.

The original intent regarding the EHA Service Review outcomes was for the Authority's Chief Executive Officer to communicate the findings of the report to all of the Constituent Councils and work through the recommendations in a cohesive and collaborative manner. Unfortunately, the actions of the Town of Walkerville have forced the Charter Formula to be considered by the Constituent Councils, in isolation of the rest of the Service Review Report recommendations which is not ideal. In addition, if the Constituent Councils do not agree to this change, it is likely that the Town of Walkerville will withdraw from its membership of EHA.

If the Town of Walkerville had concerns about the inequity of their financial contributions towards EHA's operational activities, these concerns could and should have been referred to the Authority's Board of Management and other EHA Constituent Councils for consideration and review in an open and transparent manner.

Additional Immunisation Services

EHA is currently tendering to undertake immunisation services for the City of Unley and the Adelaide Hills Council. The EHA Charter deals with the matter of the area of activity for EHA. The relevant Clause in the Charter is 1.7, which states:

1.7. Area of activity

EHA may only undertake an activity outside the area of the Constituent Councils where that activity has been approved by unanimous decision of the Constituent Councils as being necessary or expedient to the performance by EHA of its functions and is an activity included in the EHA business plan.

The Authority's Chief Executive Officer is requesting that the EHA Constituent Councils delegate the power for the Chief Executive Officers of the Constituent Councils to enable EHA to enter into the provision of additional immunisation services for the City of Unley and the Adelaide Hills Councils. The key reason for this request is that opportunities may arise from time to time and there may be insufficient time to secure five (or four) Council resolutions to proceed with a compliant tender process. If the Council confers the requested delegation, it should be noted that the additional immunisation services could only be undertaken if they align with EHA's Annual Business Plan and only if the unanimous endorsement of the Constituent Council CEOs is obtained. As such, the Council can be assured that the scope of this additional delegation is very limited and will not result in the Authority expanding its services outside of the Constituent Council areas to the detriment of the EHA Constituent Councils.

OPTIONS

The Council can determine to endorse or reject the suggested change to the EHA Charter Formula and can determine to endorse or reject the requested additional delegate.

With respect to the suggested change to the EHA Charter Formula, it is clear that the current formula is inequitable to the smaller EHA Constituent Councils as they currently pay a higher proportion of their total financial contribution towards EHA's administrative overheads for operational activities. The rationale for the suggested change to the formula is clearly set out in this report and it is recommended that the Council endorse the proposed change to the formula.

The requested additional delegation is considered relatively straightforward and provides operational flexibility for the Authority to tender for additional immunisation services that can be undertaken without detriment to the existing Constituent Councils. For these reasons, it is recommended that the Council endorse the requested additional delegations.

CONCLUSION

If endorsed, the suggested change to the EHA Charter Formula will result in a more equitable funding model for the EHA Constituent Councils and this warrants support in the interests of ensuring the continuation of a collaborative regional approach to the provision of environmental health services.

COMMENTS

Nil.

RECOMMENDATION

That the Council advise the Eastern Health Authority Inc. that:

1. The proposed change to the administrative component of the EHA Charter Formula, as detailed in **Attachment A** to this report, is endorsed.
 2. That the Council delegates to the Chief Executive Officer (or any person acting in that office) the power pursuant Clause 1.7 of the Eastern Health Authority ('EHA') Charter to determine that an activity that EHA proposes to undertake outside the area of EHA's constituent councils is necessary or expedient to the performance by EHA of its functions.
 3. This delegation is subject to the following conditions:
 - 3.1 The activity that EHA proposes to undertake must be included in the EHA business plan;
 - 3.2 This delegation may only be exercised in respect of the proposal that EHA undertake the activity of immunisation services within the areas of the City of Unley and Adelaide Hills Council; and
 - 3.3 This delegation may not be sub-delegated.
-

Cr Whittington moved:

That the Council advise the Eastern Health Authority Inc. that:

1. *The proposed change to the administrative component of the EHA Charter Formula, as detailed in **Attachment A** to this report, is endorsed.*
2. *That the Council delegates to the Chief Executive Officer (or any person acting in that office) the power pursuant Clause 1.7 of the Eastern Health Authority ('EHA') Charter to determine that an activity that EHA proposes to undertake outside the area of EHA's constituent councils is necessary or expedient to the performance by EHA of its functions.*
3. *This delegation is subject to the following conditions:*
 - 3.1 *The activity that EHA proposes to undertake must be included in the EHA business plan;*
 - 3.2 *This delegation may only be exercised in respect of the proposal that EHA undertake the activity of immunisation services within the areas of the City of Unley and Adelaide Hills Council; and*
 - 3.3 *This delegation may not be sub-delegated.*

Seconded by Cr Knoblauch and carried.

11.9 GREEN ADELAIDE – NATIONAL PARK CITY APPLICATION

REPORT AUTHOR: Manager, Urban Planning & Sustainability
GENERAL MANAGER: General Manager, Urban Planning & Environment
CONTACT NUMBER: 8366 4521
FILE REFERENCE: qA2206
ATTACHMENTS: A - D

PURPOSE OF REPORT

The purpose of this report is to seek the Council's support for the National Park City bid by Green Adelaide.

BACKGROUND

Green Adelaide is leading a campaign for Adelaide to become the second city in the world to be recognised as a National Park City. The overall aim by Green Adelaide is to focus community effort on improving a city's liveability by improving the connection between nature and people. The area proposed for the Adelaide National Park City covers all of Greater Metropolitan Adelaide.

A National Park City Charter is a symbolic agreement and framework for progressing a shared vision for the future of a city. Green Adelaide is currently engaging over 100 key stakeholders, organisations and individuals across Adelaide to develop the Adelaide National Park City Charter.

Green Adelaide is seeking support from all Adelaide metropolitan councils as signatories to its application to the international body for recognition as a National Park City. Recognising that over half the world's population live in cities, the National Park City Foundation was created to apply the principle of people working together to protect natural beauty, wildlife and cultural heritage of the urban environment.

A copy of the Charter is contained in **Attachment A**.

The National Park City Foundation is the assessment body for applications based on a set of 23 criteria. In 2019, London became the first National Park City, after a five year community-led campaign by the City of London and a network of more than 300 groups and organisations.

Green Adelaide is now leading a campaign for metropolitan Adelaide to become the second city to gain National Park City status as one of four 'icon' projects that Green Adelaide will deliver in 2021–22. Green Adelaide's application is proposed to be submitted in November 2021. There are several cities simultaneously campaigning to be the second declared city.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Outcome 4: Environmental Sustainability

Objectives:

2. Sustainable streets and open spaces

- 2.2 *Protect, enhance and expand public open space.*
- 2.3 *Establish a network of linked open spaces for wildlife habitat.*
- 2.4 *Protect, diversify and increase green cover.*
- 2.5 *Integrate green infrastructure into streetscapes and public spaces.*

3. Thriving and healthy habitats for native flora and fauna

- 3.1 *Identify and protect existing native vegetation and enhance habitat quality.*
- 3.2 *Revegetate designated areas with local native species where appropriate.*
- 3.3 *Encourage green cover on private land.*
- 3.4 *Facilitate community participation in revegetation programs and gardening programs, where appropriate.*

FINANCIAL AND BUDGET IMPLICATIONS

There are no direct financial implications from signing the Charter. The Charter does not commit or obligate any party to any particular action after signing the Charter. Further work in the form of an Action Plan, will align the ongoing work of partner organisations with that of the National Park City project.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

A focused community effort to become a National Park City will bring a global title – showcasing Adelaide on the world-stage as a greener, healthier and wilder city, where people take action to be better connected with nature. It can also improve the health and wellbeing of individuals and communities, the liveability, sustainability and natural elements of the city, and the financial resilience of the city by creating nature-based employment and circular economies.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

By becoming a signatory to the Adelaide National Park City Charter, it demonstrates the desire to co-ordinate greening and open space efforts of the City of Norwood Payneham & St Peters, with those actions of other government agencies, organisations and community groups.

RESOURCE ISSUES

There is minimal administrative resources required to execute the National Park City Charter. This does not commit the Council to any further programs or initiatives to enhance the City's open space and greening, however these objectives strongly align with those of *CityPlan 2030* and will be undertaken in any event by the Council.

RISK MANAGEMENT

Not Applicable.

COVID-19 IMPLICATIONS

Not Applicable.

CONSULTATION

- **Elected Members**
Not Applicable.
- **Community**
Not Applicable.
- **Staff**
Not Applicable.
- **Other Agencies**
Not Applicable.

DISCUSSION

The collective effort of all of the councils in the Greater Metropolitan Adelaide region in delivering the existing strategies and programs of urban greening, biodiversity, climate change and recreational areas, means that the Council is already meeting many of the expectations of a National Park City. The intention of Green Adelaide is to keep building on this momentum to become a city living with nature and transforming to a liveable city in the face of climate change.

One of the requirements for Adelaide to become a National Park City is to provide evidence of community support for the concept. This is being co-ordinated by Green Adelaide with 2099 signatories already pledging their commitment to the Charter.

Green Adelaide wrote to Mayors and Chief Executive Officers on 17 June 2021, outlining a number of projects for collaboration with local government, including the commencement of pursuing National Park City status for Adelaide. The correspondence to Council is included as **Attachment B**.

The Council's Chief Executive Officer wrote to the Director of Green Adelaide, advising of in principle support at an administrative level, subject to receiving further clarification regarding the proposed Charter. The correspondence from the Chief Executive Officer to Green Adelaide is included as **Attachment C**.

Green Adelaide has subsequently responded to the Council, providing an update of the status of the National Park City bid and providing a Frequently Asked Questions document clarifying details of the governance and resourcing for the proposal. The correspondence to Council is included as **Attachment D**.

Supporting documentation indicates that Local Government can demonstrate its support for Adelaide becoming a National Park City in a range of ways, including the following examples:

- signing the Adelaide National Park City Charter;
- producing/sharing communications which inspire community to show support and/or contribute;
- mentioning Adelaide National Park City when promoting events which align to the principles of the Adelaide National Park City Charter; or
- referencing Adelaide National Park City in future plans or strategies.

Green Adelaide will continue to provide governance and resourcing for Adelaide National Park City as the concept and support grows. Development of an Action Plan is currently being prepared by Green Adelaide with a leadership group likely to be formed in the future, if the application is successful. The Council as a signatory would be invited to have input to these processes.

As well as collaboration through existing partnerships and projects, Green Adelaide is seeking to establish a Local Government network to determine opportunities for further involvement.

Green Adelaide is seeking support for a multi-jurisdictional signing of the Adelaide National Park City Charter to enable submission of its application in November 2021. The community is also being encouraged to sign the charter.

OPTIONS

The Council can choose to sign the Charter or alternatively, choose not to support the application.

CONCLUSION

By signing the Charter, the Council would be providing a public commitment to the campaign and to progressing its goals. A key criteria for the National Park City application process is widespread community and government support. The vision and principles in the National Park City Charter (**Attachment A**) are aligned to the strategic vision and goals of the *CityPlan 2030* and our strategic plans and actions.

Demonstrating the Council's formal support for this process by signing the National Park City Charter is recommended.

COMMENTS

Nil.

RECOMMENDATION

1. That the Council supports Green Adelaide's proposal for Adelaide to become a National Park City, subject to the funding and governance costs for the preparation of the application being borne by Green Adelaide.
 2. That the Mayor be authorised to sign the Adelaide National Park City Charter and provide a copy and promotional photo to Green Adelaide to demonstrate the Council's support.
 3. That the Chief Executive be authorised to nominate a staff representative to participate in further Local Government workshops relating to Adelaide National Park City.
 4. The Council notes that if the application for Adelaide to become a National Park City is successful, any potential involvement by the City of Norwood Payneham & St Peters in governance or funding will be formally reviewed and presented to Council for consideration.
-

Cr Minney moved:

1. *That the Council supports Green Adelaide's proposal for Adelaide to become a National Park City, subject to the funding and governance costs for the preparation of the application being borne by Green Adelaide.*
2. *That the Mayor be authorised to sign the Adelaide National Park City Charter and provide a copy and promotional photo to Green Adelaide to demonstrate the Council's support.*
3. *That the Chief Executive be authorised to nominate a staff representative to participate in further Local Government workshops relating to Adelaide National Park City.*
4. *The Council notes that if the application for Adelaide to become a National Park City is successful, any potential involvement by the City of Norwood Payneham & St Peters in governance or funding will be formally reviewed and presented to Council for consideration.*

Seconded by Cr Moorhouse and carried unanimously.

11.10 ADOPTION OF AMENDED COMMUNITY LAND MANAGEMENT PLANS

REPORT AUTHOR: General Manager, Governance & Community Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4507
FILE REFERENCE: qA2030 qA76691
ATTACHMENTS: A - B

PURPOSE OF REPORT

The purpose of this report is to advise the Council of the outcome of the community consultation which has been undertaken regarding the proposed amendments to the Council's *Community Land Management Plans* and to present the amended Plans to the Council for adoption.

BACKGROUND

At its meeting held on Monday 6 September 2021, the Council considered proposed amendments to the Council's *Community Land Management Plans* and resolved the following:

That the Council resolves to amend the Council's Community Land Management Plans contained within Attachment A, as per the documents contained in Attachment B and Attachment C, and endorses the amended Plans for the purpose of undertaking community consultation in accordance with Section 198(2) of the Local Government Act 1999.

Community consultation on the proposed amendments to the *Community Land Management Plans* was conducted in accordance with Section 198(2) of the *Local Government Act 1999* (the Act) for a period of three (3) weeks from Thursday, 23 September 2021 to Friday, 15 October 2021.

Public notices were placed in the Advertiser newspaper and on the Council's website and copies of the draft Plans were available for download on the Council's website. In addition, as required by Section 196(4) of the Act, a copy of the amended *Parks & Reserves – Community Land Management Plan* was provided to the Department for Environment & Water, the Commissioner of Highways and Perpetual Corporate Trust¹ as owners of community land under the Council's care, control and management.

One (1) response was received during the consultation period. The response was from the Department for Environment and Water – Crown Lands, in relation to the proposed adoption of the *Parks & Reserves – Draft Community Land Management Plan*, the details of which are provided in the Discussion section below.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

DISCUSSION

At its meeting held on 1 June 2020, the Council adopted the following *Community Land Management Plans* pursuant to Section 196(1) of the Act:

- *Strategic Overview – Community Land Management Plan;*
- *Parks & Reserves – Community Land Management Plan;*
- *Sporting Facilities – Community Land Management Plan;*
- *Civic & Community Facilities – Community Land Management Plan;* and
- *Operational & Other Community Land – Community Land Management Plan.*

¹ Perpetual Corporate Trust owns a parcel of land within the River Torrens Linear Park (Section Two Certificate of Title 5389/439)

A review of the Council's *Community Land Management Plans* was completed following one (1) year of operation and a number of amendments were proposed to correct minor administrative errors and to update the Plans in accordance with other Council strategic plans and legislative changes. In addition, some changes were made to the leasing and licensing provisions in the Plans to accommodate existing arrangements entered into with tenants since the adoption of the Plans in June 2020 and proposed arrangements moving forward.

Community consultation on the proposed amendments to the *Community Land Management Plans* was conducted in accordance with Section 198(2) of the *Local Government Act 1999* (the Act) for a period of three (3) weeks from Friday, 24 September 2021 to Friday, 15 October 2021.

One (1) response was received during the consultation period.

The response was received on behalf of the Minister for Environment and Water and the Crown Lands Program, with respect to the *Parks & Reserves – Draft Community Land Management Plan*.

A copy of the response dated 12 October 2021 is contained within **Attachment A**.

In summary, the Minister supports the *Parks & Reserves – Draft Community Land Management Plan*, however an amendment to the Lot number of one parcel of land and the Deposited Plan (DP) number of another parcel of land, was identified as incorrect.

The *Parks & Reserves – Community Land Management Plan* has been amended to reflect the correct details.

Following completion of the consultation period, the amended Community Land Management Plans have now been finalised and are contained within **Attachment B**.

The Plans have been reviewed and amended in accordance with the legislative requirements set out in the Act and are now suitable for adoption by the Council.

RECOMMENDATION

That pursuant to Section 198(1) of the *Local Government Act 1999*, the amended Community Land Management Plans contained within Attachment B, be adopted.

Cr Moorhouse moved:

That pursuant to Section 198(1) of the Local Government Act 1999, the amended Community Land Management Plans contained within Attachment B, be adopted.

Seconded by Cr Granozio and carried unanimously.

11.11 STATUTES AMENDMENT (LOCAL GOVERNMENT REVIEW) ACT 2021 – COMMUNITY ENGAGEMENT FRAMEWORK

REPORT AUTHOR: General Manager Governance & Community Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: qA2219
ATTACHMENTS: A - B

PURPOSE OF REPORT

The purpose of this report is to advise the Council of the status of the *Statutes Amendment (Local Government Review) Act 2021* and to advise the Council of the invitation from the Local Government Association of South Australia to provide comments regarding the proposed new Community Engagement Framework.

BACKGROUND

The *Statutes Amendment (Local Government Review) Act 2021* (the Review Act), was assented to on 17 June 2020. The Act has been prepared in response to the State Government's reform program which focused on amendments to the *Local Government Act 1999* (the Act), and the *Local Government (Elections Act) 1999* (the Elections Act), in the following areas:

- strong Council Member capacity and better conduct;
- efficient Local Government representation;
- cost savings and financial accountability; and
- simpler regulation.

As previously advised, the implementation of the reforms will commence in stages to enable time for the sector and the relevant statutory authorities to prepare for the changes.

As such, the Office of Local Government (OLG) has been working with the Local Government Association of South Australia (LGA), on the commencement of various sections of the Review Act, including the following Sections which came into effect on 16 September 2021, as part of the first stage:

- Functions and Principles of a Council;
- References to the SA Boundaries Commission;
- References to SACAT;
- Obtaining Legal Advice – Repealed Section;
- Removing References to Older Technology;
- Quorum;
- Meeting in Confidence – New Ground to consider Award Recipients;
- CEO Remuneration and Appointment, Performance Review and Termination;
- Conduct of Audit – Auditor General;
- Annual Reports;
- Sale of Land for Non-payment of Rates;
- Mobile Food Vendors; and
- other minor matters.

The LGA has advised Councils that, as a result of the amendments to the *Local Government Act 1999*, a large number of prescriptive statutory provisions, relating to community consultation will be deleted.

The changes mean that matters relating to community consultation will be regulated by the following:

1. a **Community Engagement Charter**, published by the Minister of Planning and Local Government (in the form of a Notice in the *Gazette*), which will apply state-wide; and
2. a **mandatory Community Engagement Policy** adopted by all Councils, which must not be inconsistent with the Charter.

The LGA has therefore prepared the *Proposed Community Engagement Charter (CEC)* and *Community Engagement Model Policy* to support the new community engagement provisions in the *Local Government Act 1999* and is inviting comments from Councils regarding these two (2) new documents.

A copy of the *Proposed Community Engagement Charter (CEC)* is contained within **Attachment A**.

A copy of the *Community Engagement Model Policy* is contained within **Attachment B**.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

FINANCIAL AND BUDGET IMPLICATIONS

Not Applicable.

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.

COVID-19 IMPLICATIONS

Not Applicable.

CONSULTATION

- **Elected Members**

Elected Members have previously considered a number of the proposed reforms at the Council meetings held on 3 June 2019, 8 October 2019, 3 August 2020 and 6 April 2021.

A memorandum, dated 10 September 2021, was forwarded to Elected Members to advise of the commencement of various sections of the Review Act which came into effect on 16 September 2021.

- **Community**

Not Applicable.

- **Staff**

Not Applicable.

- **Other Agencies**

Not Applicable.

DISCUSSION

As a result of the amendments to the *Local Government Act 1999*, a number of prescriptive statutory provisions, relating to public consultation will be deleted. This includes the removal of the requirements to:

- placing public notices in newspapers regarding Council decisions;
- placing notices in the South Australian Government *Gazette* (the *Gazette*); and
- conducting public consultation in a specific manner (eg the obligation to facilitate a one (1) hour public meeting each year in respect to the Council's draft Annual Business Plan).

The changes mean that these matters will be regulated by the following:

1. a Community Engagement Charter (CEC), published by the Minister (in the form of a Notice in the *Gazette*), which will apply across the state; and
2. a mandatory Community Engagement Policy adopted by each Council, which must be consistent with the CEC.

In preparation for these changes, the LGA has worked with a range of representatives from the Local Government Community Engagement Network to develop the proposed CEC and a model Community Engagement Policy.

Both the proposed CEC and model Community Engagement Policy, have been reviewed by Norman Waterhouse Lawyers who have incorporated changes which are intended to protect Councils from the significant legal risks that arose following the 'Coastal Park' decision of the South Australian Supreme Court². In that case, the Council was found to have consulted in a manner differing from its written policies and therefore, the Council decision was overturned by the court.

However, the LGA has acknowledged that the documents are less community-friendly in their use of language as a consequence of the legal advice. However, the priority is to give Councils confidence that their community engagement and decision-making process are consistent with the new legal obligations and will withstand legal challenge.

It is important to note that whilst the LGA intends to propose a CEC to the Minister of Planning and Local Government (the Minister), for consideration, the ultimate decision with respect to the content of the CEC will sit with the Minister.

Proposed Features of the new Arrangements

The proposed new arrangements will significantly reduce the prescriptive requirements contained in the *Local Government Act 1999*, however Councils will still be required to engage with their communities regarding many Council decisions. Councils will however, have far greater flexibility to tailor their approach to the particular decision and the community impact of the decision.

The LGA has advised that the proposed changes to the community engagement provisions were controversial in the Parliament and were only passed with a narrow margin.

If the new arrangements are not deemed (by the public and Members of Parliament) as sufficient, then Parliament may decide to legislate for additional mandatory requirements.

For this reason, the proposed CEC contains some mandatory engagement requirements that go beyond the requirements set out in the *Local Government Act 1999*.

² Coastal Ecology Protection Group Inc & Ors v City of Charles Sturt [2017] SASC 136 (21 September 2017)

The approach taken in the proposed CEC is as follows:

- a small number of important sections in the *Local Government Act 1999* are deemed to be 'Category A' decisions. These are decisions where community engagement is required by the *Local Government Act 1999* and the existing consultation requirements are prescriptive. The list included in the proposed CEC is set out below; and
- for each Category A decision, the CEC provides a range of engagement options for Councils to consider when undertaking community engagement. Councils must choose **at least** one (1) option from the range, whilst at the same time Councils are entitled to take additional engagement steps at their discretion, provided at least one of the prescribed options items is selected.

The LGA has requested that Councils review the list of Category A decisions and provide comments on whether the list is appropriate both in terms of the decisions included and resources, capacity and circumstances necessary to comply with the mandatory requirements.

Category A Statutory Processes

- Section 12 – Composition and wards;
- Section 13 – Status of a council or change of various names;
- Section 50A – Public consultation policies;
- Section 92 – Access to meetings and documents – code of practice;
- Section 122 – Strategic management plans;
- Section 123 – Annual business plan and budget;
- Section 151 – Basis of rating; and
- Section 156 – Basis of differential rates.

Category B decisions are those where community engagement is required by the *Local Government Act 1999*, however Councils will have discretion in respect to how they conduct community engagement regarding these decisions.

The proposed CEC enables Councils to make choices in terms of community engagement methods which they wish to use however, these methods must be in accordance with the Council's Community Engagement Policy.

The LGA has advised that by conducting community engagement consistent with the proposed CEC and the model policy, Councils will minimise the risks of legal challenge (ie what occurred regarding the Coastal Park decision).

The mandatory requirements for community consultation and participation in relation to Category A statutory processes as set out in the CEC are as follows:

1. Notice of the proposed decision, activity or process must be undertaken by at least one of the following:
 - in a newspaper or other publication circulating in the area of the Council;
 - via a website determined by the Council or Chief Executive Officer;
 - via a social media platform maintained by the Council; or
 - via publication in the Government Gazette.
2. Interested persons must be invited to make submissions by at least one of the following:
 - written submission within at least 21 days of the giving of notice;
 - completion of a survey or questionnaire within at least 21 days of the giving of notice;
 - provision of an online response via social media within at least 21 days of the giving of notice; or
 - attendance in person, by representative or via electronic means at a council meeting, public meeting, workshop, focus group or interview held at least 21 days after the giving of notice.

3. Submissions made in response to an invitation to provide comments must be considered by either:
- a report presented to a Council Meeting for consideration by the Council;
 - by the person or body with delegated authority to make the proposed decision or undertake the proposed activity or process (if delegable).
4. Information about how the submissions were taken into account and the reasons for the decision or action of the Council must be included in one of the following:
- a report presented to a Council Meeting for consideration by the Council;
 - published on a website determined by the Council or the Chief Executive Officer;
 - the person/s who made submissions advised of the outcome; or
 - the person/s affected by the decision advised of the outcome.

The only requirement in relation to Category B processes is to ensure Councils comply with their Community Engagement Policy adopted under Section 50A of the Act.

Public Notice

The new legislation enables the CEC to include additional means, by which Councils can give 'public notice' of a decision. Currently, public notice³ is given if a notice is published in the SA Government *Gazette* and on a website determined by the Chief Executive Officer.

The proposed CEC includes that for the decisions as set out below, Councils could alternatively give public notice by publishing the information on the Council website and by making the information available for inspection upon request at the Principal Office of the Council. This would remove the requirement to publish a notice in the *Gazette* for the matters listed.

The proposed matters to which these changes apply are as follows:

- Section 93(2) – Meeting of electors;
- Section 184(4) – Sale of land for non-payment of rates;
- Section 197(1) – Adoption of management plan;
- Section 198(4) – Amendment or revocation of management plan;
- Section 219(7) – Adoption or altering of a policy relating to assigning or changing a name of a road or public place;
- Section 237(4) – Notification of removal of vehicle where the owner is unknown or cannot be found; and
- Section 234A(6a) – Prohibition of traffic or closure of streets or roads.

Adoption of Community Engagement Policy

Section 50A of the Act requires a Council to prepare and adopt a policy relating to community engagement for the purposes of the Act. A Council must undertake public consultation regarding its community engagement policy.

Information about a Council's community engagement policy, and how the community can have input into the policy, must be accessible on a council's website.

A community engagement policy adopted by a Council must provide for community engagement regarding Category B statutory processes.

In addition, the community engagement policy adopted by a Council may include additional steps that the Council may wish to consider for the following:

- Category A statutory processes; and/or
- a decision, activity or process that is outside the Category A or Category B statutory process.

Principles and performance outcomes must also be considered as part of a Council's community engagement policy, which have been included in the *Proposed Community Engagement Charter*.

³ Section 4(1aa), *Local Government Act 1999*

Summary

The *Proposed Community Engagement Charter* and *Community Engagement Model Policy* have been prepared in accordance with the new requirements and to ensure community confidence in the Council's community engagement process.

This Council, through its *Community Consultation Policy* has identified that community engagement and consultation is important and indeed fundamental to its role and is committed to enhancing the methods and techniques which are used when engaging with the community across a broad range of issues. It is also recognised that the community is multi-dimensional and that different sections of the community respond better to certain methods of consultation and that appropriate structures are necessary to enable input by the community to be made.

The proposed *Community Engagement Charter* and *Community Engagement Model Policy* reflect a minimum range of processes which this Council utilises in accordance with its *Community Consultation Policy* and therefore it is recommended that the Council advises the LGA that it supports the *Proposed Community Engagement Charter* and *Community Engagement Model Policy*.

OPTIONS

The Council can resolve to either provide comments to the Local Government Association of South Australia in respect to the proposed *Community Engagement Charter* and *Community Engagement Model Policy* or decline the opportunity.

It is however recommended that the Council does respond to the Local Government Association of South Australia in respect to these provisions, to ensure the Council's support of the proposed Community Engagement Framework is conveyed to the LGA.

CONCLUSION

The new provisions relating to the Community Engagement Charter and mandatory Council Community Engagement Policy are expected to commence in mid 2022.

Councils will be required to finalise their Community Engagement Policy at that time and undertaken community consultation regarding the draft policy prior to adoption of the policy.

COMMENTS

Nil.

RECOMMENDATION

That the Local Government Association of South Australia be advised that the Council supports the proposed *Community Engagement Charter* and *Community Engagement Model Policy*, as contained within Attachments A and B to this report, in response to the request for submissions from Councils regarding the new Community Engagement provisions set out in the *Statutes Amendment (Local Government Review) Act 2021*.

Cr Sims moved:

That the Local Government Association of South Australia be advised that the Council supports the proposed Community Engagement Charter and Community Engagement Model Policy, as contained within Attachments A and B to this report, in response to the request for submissions from Councils regarding the new Community Engagement provisions set out in the Statutes Amendment (Local Government Review) Act 2021.

Seconded by Cr Dottore and carried.

11.12 CANCELLATION OF THE 2022 SANTOS TOUR DOWN UNDER

REPORT AUTHOR: Events Coordinator
GENERAL MANAGER: General Manager, Governance and Community Affairs
CONTACT NUMBER: 8366 4582
FILE REFERENCE: qA61803
ATTACHMENTS: Nil

PURPOSE OF REPORT

The purpose of this report is to advise the Council of the cancellation of the 2022 *Santos Tour Down Under* 2022, as a result of the current COVID-19 restrictions.

BACKGROUND

As Elected Members are aware, in August 2021, the Federal and State Government introduced a number of restrictions to assist in controlling the spread of COVID-19 in Australia.

Whilst most of the current restrictions can be managed and 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 major events which are held outdoors, are not as easily managed.

In June 2021, Events SA advised the Council that the Council's expression of interest to host a stage of the 2022 Tour Down Under was successful. The Council subsequently resolved to accept the invitation to host the Stage Four Start and the *Westpac Challenge Tour* Start on Friday, 21 January 2022 and hold the *Norwood on Tour* event in association with the 2022 *Tour Down Under*.

However, on 30 September 2021, the South Australian Tourism Commission, following discussions with SA Health regarding the current COVID-19 restrictions, advised the Council that the 2022 *Santos Tour Down Under* will not be held in January 2022.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The relevant objectives contained in *CityPlan 2030* are:

Outcome 2: Cultural Vitality

Objective 2.5 Dynamic community life in public spaces and precincts.

2.5.3 Host and facilitate community events and activities.

FINANCIAL AND BUDGET IMPLICATIONS

The Council has allocated \$105,000 for the 2022 *Santos Tour Down Under* and *Norwood on Tour* event as part of the Council's 2021-2022 Budget.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Events are designed to enrich the City's "sense of place" and promote community life. Events are promoted as inclusive family events, therefore meeting the Council's aims of encouraging "an engaged and participating community" and attracting "more community life in public spaces".

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

Not Applicable.

COVID-19 IMPLICATIONS

The current international travel restrictions and quarantine requirements as a result of the COVID-19 have impacted the 2022 Tour Down Under and the SATC has determined that as it unclear as to when these travel restrictions may be eased, hosting the 2022 Tour Down Under is not viable.

CONSULTATION

- **Elected Members**
Nil.
- **Community**
Nil.
- **Staff**
Manager, WHS & Risk.
- **Other Agencies**
Nil.

DISCUSSION

In September 2021, Events SA advised all participating Councils that the 2022 *Santos Tour Down Under* has been cancelled. Events SA will however be hosting the *Santos Festival of Cycling* event, which was held as an alternative event in 2021 when the 2021 *Tour Down Under* was cancelled.

The *Santos Festival of Cycling* will include a range of events including road, track, BMX, and mountain biking, paracycling, cyclocross, etc.

The *Santos Festival of Cycling* will however focus on cycling racing and events in the Adelaide City and regional areas and not the metropolitan area.

As Elected Members are aware, the Council hosts the *Norwood on Tour* event as part of the *Tour Down Under*.

With the cancellation of the 2022 *Santos Tour Down Under* and the associated implications of hosting a street party event, which attracts between 5,000 - 7,000 people, it is recommended that the Council cancel the 2022 *Norwood on Tour* event.

However as this event is held in the January school holiday period, and as the '*Home of Cycling*', there is potential to enhance the *Wheel Park* event once again which will be held within the City during the January school holiday period, as part of the Council's Youth programs.

Additional funding could be allocated to the *Wheel Park* event to provide additional event infrastructure (ie fencing, stop signs, traffic lights, tables, chairs, umbrellas, etc) as these components have not been included in the actual budget for the *Wheel Park* event.

There is also an opportunity to conduct a marketing campaign aimed at young people to promote the City's bike trails, (ie River Torrens Linear Park) as part of the bicycle themed events.

It is proposed that this could be funded from the *Tour Down Under* budget allocation and that a total of \$20,000 would be required to add value to the 2022 *Wheel Park* event.

The Council allocated a total of \$105,000 for the staging of the 2022 *Santos Tour Down Under* and *Norwood on Tour* event.

CONCLUSION

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

That the Council allocates funding of \$20,000 (to be taken from the Budget allocation of \$105,000 for the 2022 *Santos Tour Down Under* and *Norwood on Tour* event), towards the bike themed activations for young people which will be held over the January 2022 school holiday period and for a marketing campaign aimed at promoting safe cycling tracks to young people with the City.

Cr Sims left the meeting at 9.13pm.
Cr Sims returned to the meeting at 9.14pm.

Cr Moore moved:

That the Council allocates funding of \$20,000 (to be taken from the Budget allocation of \$105,000 for the 2022 Santos Tour Down Under and Norwood on Tour event), towards the bike themed activations for young people which will be held over the January 2022 school holiday period and for a marketing campaign aimed at promoting safe cycling tracks to young people with the City.

Seconded by Cr Minney and carried unanimously.

11.13 CITY OF NORWOOD PAYNEHAM & ST PETERS ANNUAL REPORT 2020-2021

REPORT AUTHOR: General Manager, Governance & Community Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: qA78925
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of the report is to present the draft 2020-2021 Annual Report to the Council for consideration and endorsement.

BACKGROUND

The *Local Government Act 1999*, sets out the legislative requirements for the Council's Annual Report, with one of the key areas being reporting on the Council's performance in achieving the objectives set out in its Strategic Management Plan. The Council's Strategic Management Plan is *CityPlan 2030: Shaping Our Future*.

An Annual Report is also an important tool which is used to communicate with the local and wider community, current and potential employees, other councils and prescribed bodies, about the Council's operations, its services, activities, performance and achievements. Annual Reports are principally documents of accountability and form part of the Council's Governance Framework.

Annual Reports also provide a historical record of the Council's activities and achievements.

A copy of the draft 2020-2021 Annual Report is contained within **Attachment A**.

RELEVANT POLICIES & STRATEGIC DIRECTIONS

Not Applicable.

FINANCIAL AND BUDGET IMPLICATIONS

The costs associated with the preparation, production and distribution are funded from existing Budget lines.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

The Annual Report document will be printed in accordance with the Council's environmental standards.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

The draft 2020-2021 Annual Report has been prepared in accordance with the provisions of the *Local Government Act 1999*, and in doing so, ensures the Council meets its legislative requirements.

CONSULTATION

- **Elected Members**
Elected Members have provided their Profiles which are included in the draft Annual Report.
- **Community**
Not Applicable.
- **Staff**
All General Managers have been consulted in the preparation of the 2020-2021 Annual Report.
- **Other Agencies**
Not Applicable.

DISCUSSION

The draft 2020-2021 Annual Report, has been produced in accordance with the relevant statutory requirements.

The Annual report is an important document, as in addition to the required financial reporting, the Report also sets out a summary of the activities of the Council over the relevant financial year. As such, it is an important communication document for our community and other stakeholders. By implication therefore, from a legislative perspective and completeness perspective, the document contains details about all of the activities undertaken by the Council in a consolidated format.

Elected Members may recall that the Council's 2015-2016 Annual Report was awarded a Bronze Award and the 2016-2017 Annual Report was awarded a Silver Award by the Australasian Reporting Awards Association.

The Council's last three (3) Annual Reports, (2017-2018, 2018-2019 and 2019-2020), were awarded a Gold Award by the Australasian Reporting Awards Association.

The Awards are administered by Australasian Reporting Awards Limited, an independent not-for-profit organisation run by professionals from the business, government and not-for-profit sectors, with the support of professional bodies concerned with the quality of financial and business reporting.

The Australasian Reporting Awards are open to all organisations in Australia, New Zealand and countries in the Asia-Pacific region, which prepare an annual report (private sector, public sector and the not-for-profit sector).

As part of the Australasian Reporting Awards, comments are provided to organisations to consider elements of the Annual Report which can be improved and/or areas which are no longer considered relevant in terms of current reporting standards. Based on the comments which were provided to staff regarding the Council's previous Annual Reports, the 2020-2021 Annual Report has been structured to align with the comments which have been received and ensure that the Annual Report reflects best practice in terms of reporting.

Following the Council's adoption of the 2020-2021 Annual Report, copies, as required by legislation, will be forwarded to all relevant persons and/or bodies, including the Presiding Members of both Houses of Parliament, in accordance with their requirements.

Whilst it is not a legislative requirement, a summary will be included within the December edition of *Look East*.

A copy of the 2020-2021 Annual Report will also be made available on the Council's website.

Printed copies of the Annual Report will be minimal.

The draft Annual Report will undergo some further editorial adjustments and formatting amendments prior to printing.

OPTIONS

Not Applicable.

CONCLUSION

The City of Norwood Payneham & St Peters 2020-2021 Annual Report provides a comprehensive review of highlights, activities and achievements during the reporting period.

The Annual Report also complies with the legislative requirements contained in the *Local Government Act 1999*.

COMMENTS

Nil.

RECOMMENDATION

1. That the draft City of Norwood Payneham & St Peters Annual Report for the 2020-2021 financial year be approved.
 2. That the Chief Executive Officer be authorised to make any required editorial changes prior to the printing of the City of Norwood Payneham & St Peters 2020-2021 Annual Report.
-

Cr Duke moved:

1. *That the draft City of Norwood Payneham & St Peters Annual Report for the 2020-2021 financial year be approved.*
2. *That the Chief Executive Officer be authorised to make any required editorial changes prior to the printing of the City of Norwood Payneham & St Peters 2020-2021 Annual Report.*

Seconded by Cr Minney and carried unanimously.

Adjournment of Council Meeting

At 9.18pm Cr Sims moved:

That the Council meeting be adjourned for 2 minutes.

Seconded by Cr Mex and carried.

Resumption of Council Meeting

At 9.22pm the Council meeting resumed.

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 - D

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:

- Traffic Management & Road Safety Committee – (19 October 2021)
(A copy of the Minutes of the Traffic Management & Road Safety Committee meeting is contained within **Attachment A**)
- St Peters Child Care Centre & Pre-School Committee – (25 October 2021)
(A copy of the Minutes of the St Peters Child Care Centre & Pre-School Committee meeting is contained within **Attachment B**)
- Audit Committee – (25 October 2021)
(A copy of the Minutes of the Audit Committee meeting is contained within **Attachment C**)
- Special Meeting of the Norwood Parade Precinct Committee – (26 October 2021)
(A copy of the Minutes of the Special meeting of the Norwood Parade Precinct Committee is contained within **Attachment D**)

ADOPTION OF COMMITTEE MINUTES

- **Traffic Management & Road Safety Committee**

Cr Duke moved that the minutes of the meeting of the Traffic Management & Road Safety Committee held on 19 October 2021, be received and noted. Seconded by Cr Knoblauch and carried.

- **St Peters Child Care Centre & Committee**

Cr Moorhouse moved that the minutes of the meeting of the St Peters Child Care Centre & Pre-School Committee held on 25 October 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 Moore and carried.

- **Audit Committee**

Cr Stock moved that the minutes of the meeting of the Audit Committee held on 25 October 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 Minney and carried unanimously.

- **Special Meeting of the Norwood Parade Precinct Committee**

Cr Dottore moved that the minutes of the Special meeting of the Norwood Parade Precinct Committee held on 26 October 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.

13. OTHER BUSINESS

13.1 Personal Explanation – Mayor Robert Bria – Chief Executive Officer’s Contract of Employment

Mayor Bria sought leave of the meeting to make a Personal Explanation in relation to the Chief Executive Officer’s Contract of Employment.

The meeting granted leave for Mayor Bria to make a Personal Explanation.

Mayor Robert Bria’s Personal Explanation

At the meeting held on Tuesday, 5 October 2021 the Council considered a confidential report regarding the Chief Executive Officer’s (“the CEO”) Contract of Employment.

As you will recall, during the debate of the motion, Cr Moorhouse proposed an Amendment.

Specifically, Cr Moorhouse wanted the CEO’s contract to read that the CEO would take a minimum of 13 weeks Annual Leave, as opposed to the minimum 10 weeks Annual Leave as resolved at the CEO Performance Review Committee (“the Committee”) and subsequently agreed to by the CEO.

I did not accept Cr Moorhouse’s Amendment.

On Thursday, 14 October 2021 Councillors Duke, Minney, Sims and Stock met with the General Manager, Governance & Community Affairs and Mr Michael Kelledy (KelledyJones Lawyers) to discuss concerns about the process and resolution regarding the matters related to the Chief Executive Officer’s Contract of Employment at the 5 October Council meeting.

My understanding is that the purpose of the meeting was to clarify whether the process followed by the Council in regards to the Terms of Reference was correct.

I am advised that during that meeting, the issue of Cr Moorhouse’s Amendment not being accepted was discussed.

In light of this meeting, I submitted my reasons for refusing to accept Cr Moorhouse’s Amendment to Mr Kelledy for his consideration and a response.

On, Tuesday, 26 October 2021, Mr Kelledy provided a response, in which he makes the following comments:

“Whilst the 10 weeks had been agreed to by the CEO and was part of the Committee recommendation to the Council, my advice is that it remained open to the Council, including by way of the proposed amendment, to resolve that it wanted the CEO to take a minimum of 13 weeks during each year of the term. This would, in turn, have resulted in the Council being unable to approve the Contract for execution until the necessary negotiations and agreement was reached with the CEO around this issue.

In my opinion, the proposed amendment was not ultra vires, it was within the usual understanding of what is a valid amendment and, despite the logic and reasoning of the Mayor, in particular around the work of the Committee and the agreement which had been reached with the CEO around the taking of annual leave and it was valid. Therefore, my advice is that the Mayor should have accepted the amendment.

That said, my advice is that the process and the binding contractual arrangement between the Council and the CEO has now been ‘perfected’ by operation of the Council resolution to approve the Contract with the 10 week annual leave provision and the execution of it by the CEO and the Mayor on behalf of the Council.”

In conclusion, the legal advice from Mr Kelledy indicates that I should have accepted Cr Moorhouse Amendment and was wrong not to do so. I unreservedly apologise to Cr Moorhouse in particular, and the Council as a whole, for this mistake.

Cr Duke moved:

That Mayor Bria's Personal Explanation be recorded in the minutes in its entirety.

Seconded by Cr Whittington and carried unanimously.

14. CONFIDENTIAL REPORTS

14.1 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 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 Services, General Manager, Corporate Services, Manager, Development Assessment, Manager, Urban Planning & Sustainability, Sustainability Officer, Acting Manager, City Assets, Project Manager, Assets 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; 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 Knoblauch and carried.

Cr Patterson 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 Stock and carried.

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:

- (b) information the disclosure of which –
 - (i) could reasonably be expected to prejudice the commercial position of the Council; and
 - (ii) would, on balance, be contrary to the public interest;

by the disclosure of sensitive commercial and financial information 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 Patterson 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, Development Assessment, Manager, Urban Planning & Sustainability, Acting Manager, City Assets, Project Manager, Assets and Administration Officer, Governance & Community Affairs], be excluded from the meeting on the basis that the Council will receive, discuss and consider:

- (b) information the disclosure of which –*
 - (i) could reasonably be expected to prejudice the commercial position of the Council; and*
 - (ii) would, on balance, be contrary to the public interest;*

by the disclosure of sensitive commercial and financial information 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 Knoblauch and carried unanimously.

Cr Moore left the meeting at 10.02pm.
Cr Moore returned to the meeting at 10.04pm.

Cr Stock 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.

15. CLOSURE

There being no further business, the Mayor declared the meeting closed at 10.11pm.

Mayor Robert Bria

Minutes Confirmed on _____
(date)