

Council Meeting Minutes

6 December 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 Cr Kevin Duke (Acting Mayor)
Cr Evonne Moore
Cr Garry Knoblauch
Cr John Minney
Cr Carlo Dottore
Cr Kester Moorhouse
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)
Carlos Buzzetti (General Manager, Urban Planning & Environment)
Lisa Mara (General Manager, Governance & Community Affairs)
Sharon Perkins (General Manager, Corporate Services)
Keke Michalos (Manager, Economic Development & Strategic Projects)
Jared Barnes (Project Manager, Urban Design & Special Projects)
Nicole Rolfe (Strategic Planner)
Rico Palombella (Project Manager, Civil)
Matthew Cole (City Arborist)
Jenah Bambrick (Co-ordinator, Youth Programs)
Emily McLuskey (Senior Urban Planner)
Skye Grinter-Falzun (Executive Assistant to Chief Executive Officer & Mayor)

APOLOGIES Mayor Robert Bria

ABSENT Nil

1A. APPOINTMENT OF ACTING MAYOR

Cr Minney moved:

That Cr Kevin Duke be appointed Acting Mayor for this meeting.

Seconded by Cr Whittington and carried.

1B. KAURNA ACKNOWLEDGEMENT

2. OPENING PRAYER

The Opening Prayer was read by Cr Fay Patterson.

3. CONFIRMATION OF THE MINUTES OF THE COUNCIL MEETING HELD ON 1 NOVEMBER 2021

Cr Minney moved that the minutes of the Council meeting held on 1 November 2021 be taken as read and confirmed. Seconded by Cr Knoblauch and carried unanimously.

4. MAYOR'S COMMUNICATION

Monday, 1 November	<ul style="list-style-type: none">• Presided over a Council meeting, Council Chamber, Norwood Town Hall.
Tuesday, 2 November	<ul style="list-style-type: none">• Attended a meeting with the Chief Executive Officer and Mr Paul Di Iulio (President) and Mr Ben Seekamp (Board Member), Norwood Football Club, Mayor's Office, Norwood Town Hall.
Tuesday, 2 November	<ul style="list-style-type: none">• Presided over a meeting of the Business & Economic Development Committee, Mayor's Parlour, Norwood Town Hall.
Thursday, 4 November	<ul style="list-style-type: none">• Presented prizes to the winners of the 2021 Mayor's Christmas Card Competition, St Peters Banquet Hall, St Peters.
Friday, 5 November	<ul style="list-style-type: none">• Attended the Eastern Region Alliance (ERA) Mayor's Breakfast meeting, Luigi Delicatessen, Adelaide.
Saturday, 6 November	<ul style="list-style-type: none">• Television interview with Nine News, Felixstow.
Saturday, 6 November	<ul style="list-style-type: none">• Television interview with Seven News, Felixstow.
Monday, 8 November	<ul style="list-style-type: none">• Attended the Official Opening of ExUrbia, The Parade, Norwood.
Monday, 8 November	<ul style="list-style-type: none">• Presided over a Citizenship Ceremony, Norwood Concert Hall.
Wednesday, 10 November	<ul style="list-style-type: none">• Radio interview with David Penberthy and Will Goodings, FIVEaa.
Wednesday, 10 November	<ul style="list-style-type: none">• Television interview with Nine News, Adelaide.
Thursday, 11 November	<ul style="list-style-type: none">• Radio interview with Ali Carle, ABC 891.
Thursday, 11 November	<ul style="list-style-type: none">• Attended a meeting of Eastern Region Alliance (ERA) Mayors and Chief Executive Officers, Town of Walkerville council offices, Walkerville
Friday, 12 November	<ul style="list-style-type: none">• Attended the funeral of the late Barry Skinner OAM, Harrison's Funerals, Queenstown.
Saturday, 13 November	<ul style="list-style-type: none">• Attended a viewing of the restoration of 43 Fifth Avenue, St Peters (home previously owned by former St Peters Mayor Robert Coombes).
Tuesday, 16 November	<ul style="list-style-type: none">• Attended a meeting with the Chief Executive Officer and Mr Paul Barnett, President, Waterpolo SA, Mayor's Office, Norwood Town Hall.
Tuesday, 16 November	<ul style="list-style-type: none">• Attended a meeting with the Chief Executive Officer and Mr Anthony Villani (resident), Mayor's Office, Norwood Town Hall.
Tuesday, 16 November	<ul style="list-style-type: none">• Attended a meeting with the Chief Executive Officer and representatives of the Trinity Gardens Bowling Club, Mayor's Office, Norwood Town Hall.
Thursday, 18 November	<ul style="list-style-type: none">• Filmed Christmas Message Video, Linde Reserve/Dunstone Grove, Stepney.
Monday, 22 November	<ul style="list-style-type: none">• Attended a meeting with the Chief Executive Officer and Mr Paul Di Iulio (President) and Mr James Fantasia (Chief Executive Officer), Norwood Football Club, Mayor's Parlour, Norwood Town Hall.
Monday, 22 November	<ul style="list-style-type: none">• Attended a meeting with resident, Mayor's Office, Norwood Town Hall.

Monday, 22 November	<ul style="list-style-type: none">• Attended a Reception to celebrate Elected Members' Years of Service, Mayor's Parlour, Norwood Town Hall.
Tuesday, 23 September	<ul style="list-style-type: none">• Attended the 2021 Marden Senior College Presentation Night, Norwood Concert Hall, Norwood.
Wednesday, 24 November	<ul style="list-style-type: none">• Attended the 2021 Volunteers Christmas Dinner, Norwood Concert Hall.
Thursday, 25 November	<ul style="list-style-type: none">• Attended an on-site meeting with resident, St Morris.
Friday, 26 November	<ul style="list-style-type: none">• Attended the Mayor's Christmas Dinner, Martini's Ristorante, Norwood.
Sunday, 28 November	<ul style="list-style-type: none">• Attended the annual <i>Virgo Fidelis</i> Commemoration to honour fallen members of the <i>Carabinieri</i>, St Francis of Assisi Church, Newton.
Monday, 29 November	<ul style="list-style-type: none">• Attended a meeting with the General Manager, Governance & Community Affairs and Events Officers, Mayor's Office, Norwood Town Hall.
Monday, 29 November	<ul style="list-style-type: none">• Attended an Information Session: Local Government Association (LGA) Program, presented by President Mayor Angela Evans, Mayor's Parlour, Norwood Town Hall.
Monday, 29 November	<ul style="list-style-type: none">• Attended an Information Session: COVID-19 Vaccinations, Mayor's Parlour, Norwood Town Hall.

5. DELEGATES COMMUNICATION

- Cr Whittington advised that on Wednesday 17 November 2021, she and Cr Knoblauch attended a meeting of the Eastern Health Authority Board.
- Cr Knoblauch advised that on Tuesday 23 November 2021, he attended the Marden Senior College Governing Council's monthly meeting and Presentation Night at the Norwood Concert Hall.
- Cr Duke advised that on Saturday 4 December 2021, he and Cr Dottore attended at the Payneham & Dudley Park Cemeteries Trust Inc at Dudley Park, the blessing, dedication and unveiling of a new centrepiece called "The Guardian Angels Garden", which is to be located in the Children's section at the Payneham Cemetery.
- Cr Stock advised that on Tuesday 16 November 2021, he attended a meeting of the East Waste Audit and Risk Management Committee.
- Cr Stock advised that on Thursday 25 November 2021, he attended a meeting of the East Waste Board of Management.

6. QUESTIONS WITHOUT NOTICE

Nil

7. QUESTIONS WITH NOTICE

Nil

8. DEPUTATIONS

Nil

9. PETITIONS

9.1 PETITION – LANGMAN GROVE, BRIAR ROAD AND TURNER STREET, FELIXSTOW – TRAFFIC MANAGEMENT

REPORT AUTHOR: General Manager, Governance & Community Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: qA83635
ATTACHMENTS: A - B

PURPOSE OF REPORT

The purpose of this report is to table a petition which has been received regarding traffic management issues associated with Langman Grove, Briar Road and Turner Street, Felixstow.

BACKGROUND

The petitioners are requesting that the Council consider measures to address traffic volumes and speed of traffic in Langman Grove, Briar Road and Turner Street, Felixstow.

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

The petition has been signed by a total of 85 property owners, including the convenors of the petition.

In addition to the petition, the convenors of the petition have forwarded an email to the Council, dated 17 November 2021, setting out the various issues.

A copy of the email is contained within **Attachment B**.

In accordance with the Council's *Privacy Policy*, the personal information of the petitioners, (ie the street addresses) have been redacted from the petition. The names of the signatories and the suburb which have been included on the petition have not been redacted from the petition.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The relevant Goals contained in *CityPlan 2030* are:

Outcome 1: Social Equity

Objective 1.2: A people friendly, integrated and sustainable transport network.

Strategy:

1.2.4 Provide appropriate traffic management to enhance residential amenity.

DISCUSSION

The petitioners are requesting that the Council considers options to address the issues associated with the volumes and speed of traffic in Langman Grove, Briar Road and Turner Street, Felixstow.

The Council's *Local Area Traffic Management Policy* sets out the following process in respect to petitions which are received regarding traffic management issues:

Petitions

Petitions regarding traffic management issues which are received by the Council, will be referred to the Committee for consideration.

The Committee shall acknowledge the petition and note that Council staff will then investigate the issues which are raised through the petition. The process which will be used by Council staff in addressing the matter shall be the same as that which is set out in the Traffic Management Investigations Section of this Policy.

RECOMMENDATION

That the petition which has been received regarding the traffic management issues associated with Langman Grove, Briar Road and Turner Street, Felixstow be referred to the Council's Traffic Management & Road Safety Committee, in accordance with the Council's *Local Area Traffic Management Policy*.

Cr Moore moved:

That the petition which has been received regarding the traffic management issues associated with Langman Grove, Briar Road and Turner Street, Felixstow be referred to the Council's Traffic Management & Road Safety Committee, in accordance with the Council's Local Area Traffic Management Policy.

Seconded by Cr Minney and carried unanimously.

9.2 PETITION – REQUEST TO RE-LOCATE BASKETBALL COURT AT FELIXSTOW RESERVE

REPORT AUTHOR: General Manager, Governance & Community Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: qA83635
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to table a petition which has been received requesting the re-location of the basketball court at Felixstow Reserve.

BACKGROUND

The petitioners are requesting that the Council re-locate the basketball court at Felixstow Reserve to a more suitable location within the reserve.

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

The petition has been signed by a total of 39 citizens, including the convenors of the petition.

In accordance with the Council's *Privacy Policy*, the personal information of the petitioners, (ie the street addresses) have been redacted from the petition. The names of the signatories and the suburb which have been included on the petition have not been redacted from the petition.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The relevant Goals contained in *CityPlan 2030* are:

Outcome 1: Social Equity

Objective 1.2: A people friendly, integrated and sustainable transport network.

Strategy:

1.2.4 Provide appropriate traffic management to enhance residential amenity.

DISCUSSION

The petitioners have advised that the noise created when the basketball courts are in use, is causing "unnecessary distress" to residents who reside adjacent to Felixstow Reserve and are requesting that the Council considers the re-location of the basketball court at Felixstow Reserve to a more suitable location with the reserve to alleviate the noise issues.

At its meeting held on 4 October 2021, the Council, following consideration of three (3) Deputations which were made to the Council regarding the use of the basketball courts at Felixstow Reserve resolved the following:

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

The report, as set out above will be considered as part of this Agenda (Item 11.3).

RECOMMENDATION

That the petition be received and noted.

Cr Minney moved:

That the petition be received and noted.

Seconded by Cr Knoblauch and carried unanimously.

Cr Sims moved that Item 11.3 be brought forward for consideration. Seconded by Cr Moore and carried unanimously.

11.3 FELIXSTOW RESERVE – USE OF BASKETBALL EQUIPMENT

REPORT AUTHOR: Project Manager, Urban Design & Special Projects
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4506
FILE REFERENCE: qA59925
ATTACHMENTS: A – P

PURPOSE OF REPORT

The purpose of this report is to present information to the Council for its consideration regarding the use of the basketball court at Felixstow Reserve.

BACKGROUND

At its meeting held on 5 October 2021, three (3) Deputations were received from Felixstow residents regarding the use of basketball court at Felixstow Reserve. The residents who made the Deputations were Ms Mary Graham from Riverside Drive and Mr Mark Heyward and Ms Tania Crawford from Langman Grove, Felixstow. Each of the Deputations focused on the noise created by basketball play, which the residents say occurs regularly throughout the day and sometimes during the late evening and early hours of the morning.

As Elected Members will recall, following the Deputations, the Council resolved that a report regarding the use of basketball equipment at Felixstow Reserve be prepared by staff and presented to the December 2021 Council Meeting.

For the purposes of completeness and to address all of the issues which have been raised in relation to the basketball court at Felixstow Reserve, this report provides an overview of the redevelopment of Felixstow Reserve, commencing from the concept design and development of the Masterplan through to the use of the facilities, with an emphasis on the use of the basketball court, since its opening in February 2019.

Preparation of the Felixstow Reserve Masterplan

The need to prepare a Masterplan for Felixstow Reserve was recognised by the Council as part of the Eastern Region Alliance (ERA) Waterproofing Eastern Adelaide Stormwater Harvesting and Re-Use Project (ERA Project). To this end, at its meeting held on 2 December 2013, the Council resolved, amongst other things, to undertake the preparation of a Masterplan for Felixstow Reserve.

Oxigen Landscape Architects & Urban Designers were subsequently appointed as the consultant to prepare the Masterplan. The Felixstow Reserve Masterplan was developed in three (3) stages, Stages 1 and 2 comprised the preparation of the draft concepts and Stage 3 comprised the development of the final Masterplan. The key objective of Stages 1 and 2, was to identify at a 'conceptual level', all of the potential uses that could be incorporated into Felixstow Reserve and to determine the best location for the proposed ERA Water wetland in the context of the whole Reserve.

As the first step in the process, a Park Day at Felixstow Reserve was held on Saturday 29 March 2014, with the objective of capturing the community's thoughts and ideas regarding the proposed redevelopment of Felixstow Reserve and in particular the size and location of the wetland. In addition to the Park Day, the community was also provided with the opportunity to complete and submit a questionnaire to the Council. It is estimated that approximately 150 to 170 people attended Park Day, with a total of 92 written submissions received (comprising of 78 questionnaires and 14 written comments).

The response from the community indicated a strong desire for the provision and maximisation of open space within the Reserve, including strong support to retain an open space area for informal sport and recreation, with a preference for flexible, family oriented spaces. There was also a desire to maintain the open and natural character of the Reserve, with a focus on improving irrigation and the quality of the turf at Felixstow Reserve. Thirty percent (30%) of respondents indicated that courts (e.g. basketball, tennis) should be incorporated into the Masterplan for Felixstow Reserve. Several respondents recognised that the Reserve was underutilised and would benefit from additional features and facilities being provided. The items that were **not** considered a high priority by the community included a BMX track and a "standard" playground. The information collected as part of the Stage 1 consultation process was used to develop a draft Concept Plan (Stage 2).

At its meeting held on 12 May 2014, the Council resolved that the Felixstow Reserve Masterplan Draft Concept Plan be endorsed for community consultation. The Felixstow Reserve Masterplan Draft Concept Plan, a copy of which is contained in **Attachment A**, was subsequently placed on consultation for a period of twenty-four (24) days, from Wednesday 21 May until Friday 13 June 2014. To ensure that the community was able to provide input and comments on the Draft Concept Plan and to help facilitate community consultation on the Felixstow Reserve Masterplan Draft Concept, a second (2nd) Park Day was held at Felixstow Reserve on Saturday 31 May 2014. At the Park Day, members of the community were able to view the Draft Concept, as well as ask questions of Council staff and the Project consultants. It is estimated that approximately 120 people attended the Park Day.

As part of this consultation process, some 1900 flyers were distributed to properties surrounding Felixstow Reserve advising residents of the Project and the Park Day and inviting comments. In addition, advertisements were placed in the two (2) Messenger Newspapers that are distributed throughout the Council area and signs were placed at Felixstow Reserve, inviting people to attend the Park Day.

In total, eighty-seven (87) submissions were received. Sixty-nine (69) or 79% of the responses were captured through the predesigned survey forms, with the remaining eighteen (18) being lodged as letters and emails. The results of the consultation confirmed that the majority of the community supported the key features proposed in the Draft Concept Plan, which included a basketball court. The Stage 2 consultation submissions which referred to the basketball court are summarised in **Table 1** below.

TABLE 1: STAGE 2 CONSULTATION COMMENTS REGARDING BASKETBALL

Submission No	Submission Summary	NPSP Staff Response	Recommended Actions
FRMDC 1.	Believes the high visibility of the toilet and basketball court will stop “undesirable behaviour” and that it’s placed very well.	Noted	No change
FRMDC 72.	Clarification on what is planned for the multi-purpose court. According to the original consultation survey, 30% of respondents requested tennis/basketball courts. Believes that basketball rings are included in the multi-purpose court, but asks is there a provision for a tennis court? It appears that that there is a significant amount of space devoted to a Bocce area, yet according to the original consultation survey, less than 10% of respondents requested it. Why is this being included? Believes this redevelopment represents a unique opportunity to create a resource in Felixstow for a sport that has participation rates that compare favourably with soccer, running and netball. Please reconsider plan to include a dedicated tennis court.	There is no provision for Tennis Courts as they are large enclosed uses which will significantly change the character of that section of the reserve. In addition tennis courts can only be a used by a small number of people at any one time. In addition the overwhelm response has been to retain as much open space as possible. Bocce Area has been changed to Games and Activity Space to accommodate a range of uses. The final size and design of the Games and Activity Space will be determined as part of the Masterplan, the next stage of the process.	Retain proposed Bocce Area but change to Games and Activity Space to allow for a range of uses, including 2 table tennis tables.
FRMDC 73.	Believes there is an abundance of play areas for young children in and around Adelaide. Nearly every council neglects the needs of teenagers (ages 13-17). Token basketball ring does not inspire teenagers to get out	Noted	No change

Submission No	Submission Summary	NPSP Staff Response	Recommended Actions
	<p>and be active. Ideal opportunity for Council to shine and show consideration for teenagers by building a true Adventure area, incorporating some natural elements that would appeal to older kids.</p> <p>Note that yet another playground for toddlers is planned for Payneham Oval.</p>		

In response to the community consultation submissions, Oxigen amended the Draft Concept Plan. The Council subsequently considered a report on the results of the Stage 2 consultation as well as the amended Final Draft Concept Plan at a Special Meeting held on 10 September 2014 and resolved the following:

1. *That the Felixstow Reserve Masterplan Final Draft Concept Plan be endorsed as the Final Concept Plan for Felixstow Reserve and that it be used as the basis to develop a Draft Masterplan.*
2. *That the Chief Executive Officer be authorised to provide the Eastern Regional Alliance (ERA) Waterproofing Eastern Adelaide Stormwater Harvesting and Re-Use Project Team with the location, size and shape for the proposed wetland at Felixstow Reserve.*

Following endorsement of the Final Draft Concept Plan, a copy of which is contained in **Attachment B**, Oxigen Landscape Architects & Urban Designers developed the draft Masterplan (Stage 3). At the Council meeting held on 6 October 2015, the Council resolved to endorse the draft Felixstow Reserve Masterplan Report for community consultation. The draft Masterplan was placed on consultation for a period of twenty-one (21) days, from Wednesday 21 October until Tuesday 10 November 2015.

The Draft Felixstow Masterplan, a copy of which is contained in **Attachment C**, also included the multi-purpose basketball court. **Table 2** provides a summary of all of the Stage 3 consultation submissions that contain any reference to the basketball court.

TABLE 2: STAGE 3 CONSULTATION COMMENTS ABOUT BASKETBALL

Submission No	Submission Summary	NPSP Staff Response	Recommended Actions
FRM 18. & 19.	Let's have our own great example of a community park including grassed wetlands, a concrete skate park, basketball ring, grassed oval area for football or soccer clubs, possible tennis court and picnic/barbeque areas, lots of shade and seating and good night time lighting.	With the exception of the skate park and the tennis court, the draft Masterplan includes all of the other suggestions.	No change.
FRM 20.	All for the Masterplan, as long as there is a small basketball court with a lamp post for night play.	Noted. A multi-purpose court has been included in the Masterplan. Crime Prevention through Environmental Design (CPTED) Principles applies to the lighting of public parks, which recommends that if use of an area after dark is not desirable, not lighting it is an effective way to discourage illegitimate use.	No change.
FRM 30.	Concerned with the general purpose court located near the road and houses, because of how noisy basketballs are,	Noted. The multi-purpose court will be relocated away from the road (and subsequently houses on Langman Grove).	Amend Masterplan to show multi-purpose court location further away from the Road and further into the Reserve.

Submission No	Submission Summary	NPSP Staff Response	Recommended Actions
	would only be acceptable if the surface was designed to muffle the sound of bouncing balls. Do not live on Langman Grove but know how far noise can travel. Is the court too close to the road that stray balls may escape into the traffic?		

As part of the Stage 3 consultation on the draft Masterplan, the Council received three (3) submissions that mentioned basketball, with only one (1) submission referring to the basketball court in respect to noise and its location. The submission (FRM 30) included two (2) comments in relation to the basketball court. The first comment related to the proposed proximity of the basketball court to Langman Grove and the potential safety issue if a basketball rolled onto the road. The second comment was in relation to the potential issue of noise from bouncing balls. In response to the comments contained in the submission, the draft Masterplan was amended to move the basketball court approximately five (5) metres further into the Reserve and away from Langman Grove. It should be noted that this submission was not made by a resident adjacent to the Reserve and it was the only submission through all three (3) stages of consultation that made any reference to the potential issue of noise associated with the basketball court.

Notwithstanding the comments which have been made during the recent Deputations that issues regarding the basketball court were raised by the concerned residents during the development of the Masterplan, there is no written evidence to support these comments. In fact, one (1) of the residents who made a Deputation to the Council made two (2) written submissions on the draft Masterplan. A copy of the submissions made by Ms Mary Graham (FRM 22/ 23) is contained in **Attachment D**. A second resident who made a Deputation met in person with Council staff to ask questions and provide comments. A copy of the file note (FRM 35) from the meeting with Mr Mark Heyward is contained in **Attachment E**. The comments provided in writing and in person did not raise any concerns with the basketball court and are largely supportive of the Masterplan.

The Council considered a report on the results of the Stage 3 consultation at its meeting held on 7 December 2015 and resolved the following:

1. *That the Final Draft Felixstow Reserve Masterplan Report 1, which includes 90 degree parking along the frontage of the Reserve along Riverside Drive be endorsed as the Final Masterplan for Felixstow Reserve and that it be used as the basis to undertake Detail Design Documentation and ultimately Construction.*
2. *That the Chief Executive Officer be authorised to make any minor amendments to the Felixstow Reserve Masterplan resulting from consideration of this report and as necessary to finalise the document in a form suitable for undertaking Detail Design Documentation.*
3. *That the Council notes that the Felixstow Reserve Project will now proceed to detailed design, tender and construction.*

The endorsed Felixstow Reserve Masterplan, a copy of which is contained in **Attachment F**, included a multi-purpose basketball court. Following the endorsement of the Masterplan, consultants working on behalf of ERA Water undertook the detailed design for the wetlands, Aquifer Storage & Recovery (ASR) and pipe distribution systems at Felixstow Reserve. ERA Water subsequently engaged a contractor to undertake the building work the Felixstow Reserve wetlands in 2017.

A separate procurement process was undertaken by the Council to appoint a consultant to undertake the detailed design for the remaining reserve facilities and infrastructure (e.g. pathways, pavilion, shelters, courts, fitness stations, landscaping, irrigation, etc.). Aspect Studios was awarded the contract for detailed design. During the detailed design process, the endorsed Felixstow Masterplan was further refined to integrate all of the functional and aesthetic criteria, which is illustrated in **Attachment G**. The consultants subsequently produced drawings and specifications for tender and construction. A copy of the construction drawing which details the basketball court is contained in **Attachment H**.

On 17 October 2017, the Council released the tender for the construction of the Felixstow Redevelopment. At the Council meeting held on 11 December 2017, the Council considered the tender selection report for the Felixstow Reserve Redevelopment and awarded the construction contract to LCS Landscapes. Construction of the Felixstow Reserve Redevelopment commenced in 2018, immediately following the completion of the wetlands. Construction was completed in early 2019 and the redeveloped Felixstow Reserve officially opened to the public on 10 February 2019.

Differences between Concept, Masterplan, Detail Design and Construction Drawings

Put simply, a masterplan is a detailed concept which illustrates the overall vision and spatial arrangement of elements for a project, in this case a reserve. During the detailed design process, the masterplan is refined, materials are selected and revisions are made to improve spatial arrangements and relationships between various elements and spaces. Construction details, plans and specifications are then created during a design documentation process. Following documentation, additional minor changes often occur during construction in response to latent site conditions, new information and opportunities (e.g. good alternatives proposed by the contractor). This same process occurs in almost every custom built project (e.g. Payneham Oval, Linde Reserve, St Peters Town Hall, St Peters Street, North Terrace, Rundle Mall, Victoria Square, etc.) and Felixstow Reserve is no exception. Minor changes were made during the detail design, documentation and construction processes taking into consideration the feedback received from the community and the opportunities that presented themselves.

Specifically, the basketball court changed in the following ways during the design process:

- Draft Concept Plan (**Attachment A**) – the basketball court was oriented to the southeast and close to Langman Grove;
- Final Draft Concept Plan endorsed by Council (**Attachment B**) – the basketball court was oriented to the northwest and close to Langman Grove;
- Draft Masterplan (**Attachment C**) – the basketball court remained oriented to the northwest and close to Langman Grove;
- Final Masterplan endorsed by Council (**Attachment F**) – the basketball court remained oriented to the northwest and moved further away from Langman Grove, which is consistent with the Council's staff response to Stage 3 Consultation Submission FRM 30;
- Detailed Design (**Attachment G**) – the basketball court remained oriented to the northwest, but moved a bit further away from Langman Grove and changed to a rectangular shape; and
- Documentation (**Attachment H**) – the basketball court was reoriented to the northeast and moved a bit closer to Riverside Drive along with the other recreation space elements (e.g. pavilion, bocce court).

Contained in **Attachment I** is an overlay of the draft Felixstow Reserve Masterplan and a final construction drawing to the same scale, with comments included regarding the design changes made within the recreation space adjacent Langman Grove and Riverside Drive. The changes that were made to the Felixstow Reserve plans during detailed design and documentation, are minor in nature, consistent with the Masterplan intent and have improved the spatial relationships between the various zones of activity.

Complaints Post Construction

It is to be noted that since the opening of the Reserve, numerous complaints have been made by the residents who made Deputations to the Council. These complaints have been made by text message, telephone and in writing, and not all instances are included in this report. A general history and overview of these complaints and the Council's responses to them is set out below.

On **4 March 2019**, less than a month following the opening of Felixstow Reserve, one of the residents wrote to the Mayor to compliment the Council on the successful delivery of Felixstow Reserve. The correspondence also included a complaint about early morning and late night usage of the basketball court and proposed that the Council relocate the basketball court. A copy of the correspondence is contained in **Attachment J**.

In response to this initial complaint, the Council installed large decals on the basketball court surface which stated "Only use the court between 7am and 9pm." Unfortunately, the decals only lasted in place for several weeks before they were removed.

In **December 2019**, the Council received a complaint from a second resident in relation to the basketball court being used after 11:00pm at night and it was requested that the lights to be automatically switched off at the same time that the public toilets are locked. In response, the Council's Compliance Officers undertook patrols of Felixstow Reserve on the evenings of 19 – 21 December (Thursday to Saturday) to note if anyone was playing basketball and if so, what time, how many people and what the noise levels are like. No issues were observed during these patrols.

These residents also made complaints directly to the Ward Councillors. On **13 February 2020**, the Ward Councillors met with nineteen (19) residents at Felixstow Reserve. It was reported that the residents were quite upset and raised the following issues:

- residents did not want right angled parks on Riverside Drive;
- there were campers/backpackers using the carparks and staying overnight at Felixstow Reserve due to the available facilities;
- people, including users of Campbelltown's Aquatic Recreation Centre (ARC), were playing basketball after dark; and
- people were plugging their "boom boxes" into the power points and having parties.

On **14 February 2020**, a Ward Councillor reported the residents' concerns to staff and suggested that the Council should:

- install "No Camping" signs;
- turn off the lights for the Pavilion (and adjacent the basketball court) either altogether over the weekend or using a timer to see if it makes a difference; and
- turn off the power points using a timer when the toilets are locked.

It was also suggested at this time that:

- lights are timed to turn off at same time as the toilets are locked (or shortly thereafter);
- a sign be placed at the pavilion to advise the time that the toilets are locked and lights turned off; and
- a new sticker sign be placed at the basketball courts to advise people not to play after dark.

Further patrols were subsequently undertaken by the Council's Compliance Officers from Thursday 20 February 2020 to Saturday 22 February 2020. No issues were observed during these patrols.

In response to the issues which were raised with the Ward Councillors, on **4 March 2020**, the pavilion lights were placed on a timer and set to turn off at 9:00pm. It was also discovered on that day that three (3) post top lights nearest to the pavilion and basketball courts had been tampered with and the internal pole wiring disconnected. An electrician reconnected the wiring so that the lights would operate again.

Later in March 2020, one of the concerned residents sent the following complaint to the Ward Councillors:

"Felixstow Reserve update. The lights around the side of the basketball court are operating again all night and it is encouraging people to play until the early hours of the morning. For the last few days it seems the only time we haven't had a ball bouncing outside our bedroom window is 1am-7am. Up to 14 people using the court at a time. Basketball clubs now doing coaching sessions for kids. Considering the current Covid situation this is a joke!"

It was around this time that Council staff noticed that someone had placed lettering on the basketball post which stated:

*Basketball Court Hours
8:00am – 7pm Weekdays
9am – 7pm Weekends
Please
RESPECT
residents*

Subsequently, on the evenings of Monday **30 March 2020**, Tuesday **31 March 2020** and Sunday **5 April 2020**, the Council's Project Manager, Urban Design & Special Projects attended Felixstow Reserve to observe activities. On 5 April 2020, it was confirmed by personal observation made by the Project Manager, Urban Design & Special Projects that people were playing on the basketball court in the dark.

Throughout the first half of April 2020, a number of text messages and emails were sent by one or more of the three concerned residents in relation to persons playing basketball at night and early morning, as well as groups playing basketball and not social distancing as required per the Government mandated COVID-19 restrictions.

On **14 April 2020**, the Council removed the basketball ring from the backboard at Felixstow Reserve and put up a sign to explain that it was taken down due to COVID-19 restrictions. While only playgrounds were required to be closed at that time, taking down the basketball ring was considered an additional temporary protective measure to improve public compliance of the social distancing and group gathering size requirements.

Whilst the majority of the community was accepting of the Council's decision, due to the heightened concerns at that time of COVID-19, once the State Government started to ease restrictions, demand for the reinstatement of the basketball court grew amongst the community.

In **May 2020**, the Council started to receive requests to reinstall the basketball ring at Felixstow Reserve from community members. Between May and when the ring was reinstated in November 2020, twenty-three (23) community members contacted the Council requesting the basketball ring to be re-instated. Five (5) of these persons contacted the Council on multiple occasions to follow-up after their initial request.

While the basketball ring was down during the COVID-19 restrictions, the Council sought to address resident complaints related to lighting, music, and afterhours to the extent practical by undertaking the following actions:

- Two (2) signs were installed at the toilets one on each side between the toilet doors) to indicate the open hours;
- the Pavilion lights and the pole mounted area light closest to the basketball court were changed to operate on a timer;
- two (2) signs stating the basketball court hours (8:00am to sunset) were installed on the basketball pole; and
- the power outlets at the pavilion, which were installed for events use, were enclosed in a locked cabinet so that the public were no longer able to access them.

Following further complaints from residents, on **3 August 2020**, the Council's Chief Executive Officer, Manager, Economic Development & Strategic Projects, Project Manager, Urban Design & Special Projects and Councillors John Minney and Garry Knoblauch, met with Mr Mark Heyward, Mr Anthony Steele and Ms Mary Graham. The residents expressed their concerns about the possible reinstatement of the basketball ring. At the meeting the residents were advised that the Council would consider all options and let the residents know what the Council would do prior to reinstating the basketball ring.

In **October 2020**, two dwellings on Riverside Drive were targeted with antisocial behaviour on several nights. This included throwing objects such as eggs at the homes. Residents were concerned for their safety and contacted SAPOL. One of the theories that have been put forward by some residents for the antisocial behaviour is that the youths were perhaps retaliating for being approached by residents and told not to play basketball in either the early morning or late evening by a resident. While this theory is unsubstantiated, the affected residents requested that the basketball ring be reinstated as they did not share the same concerns about noise, lighting and nuisance behaviour at the Reserve and were particularly concerned that they had been mistakenly targeted. These two affected residents do not share the same concerns regarding the basketball court and have not signed the recent petition. In fact, one affected resident has written to the Council in support of retaining the existing basketball court. The Council was advised of this correspondence at its October meeting.

On **16 October 2020**, the Council's Chief Executive Officer, Manager, Economic Development & Strategic Projects and Project Manager, Urban Design & Special Projects met with the two Ward Councillors to discuss options to manage issues associated with the basketball ring at Felixstow Reserve. It was agreed at that meeting that the Council would seek to manage the use of the basketball ring and behaviours of the users, with a view to seeing whether the Council can achieve proper and considered use of the facility before pursuing other options.

A letter dated **30 October 2020** was sent to Ms Graham and Mr Heyward via email on **2 November 2020**, and also distributed to all Felixstow residents. A copy of the letter, which is contained in **Attachment K**, advised that the Council would reinstall the basketball ring and trial a number of actions over a six (6) week period as well as implement rules for the use of the basketball court.

On **5 November 2020**, the basketball ring was reinstated and new signage displaying the following rules was installed:

- basketball and netball play will be allowed everyday between the hours of 8:00am and 8:00pm;
- private coaching and team training will not be allowed; and
- foul language, yelling and loud music will also not be tolerated at any time.

The main action during the six (6) week trial period was to have the use of the basketball court monitored each evening. Daily logs of the activities being undertaken in the Reserve from 7:30pm to 11:00pm were recorded. When people were playing basketball after 8:00pm, the staff / contractors monitoring the use were instructed to make the person/s aware of the rules and educate them about the purpose of the rules. If an individual or group continued to play after being first approached, users were told to stop playing and leave. This occurred a number of occasions over the six (6) week period. Based upon the log records which have been provided, there were no serious problems reported during this time.

The residents, who made Deputations at the Council meeting held on 5 October 2021, were not happy with the performance of the Council's staff / contractors in managing use of the basketball court after 8:00pm over the six (6) week period and continued to forward complaints to the Council and requesting the basketball ring to be permanently removed or relocated. As a result, resident complaints were compared with the log records. Council staff also had personal conversations with the staff / contractors that were on duty. It was found that some of the claims that were being made by some of the residents did not correspond with the log records or inspectors' accounts.

Complaints from the three (3) residents who made Deputations continued into early 2021. On **15 April 2021**, Mr Heyward wrote an email to the Council's Chief Executive Officer requesting an update on the outcome of the trial period and enquiring how the Council was intending to rectify the issue with people playing basketball outside the hours of 8:00am and 8:00pm, as well as other issues raised in relation to car parking, toilets, litter bins, parking/driving on Felixstow Reserve, and lighting.

On **14 May 2021**, the Chief Executive Officer responded by letter to Mr Heyward (copy contained in **Attachment L**) advising that the Council would undertake the following actions:

- the Council's Compliance Officers would patrol Langman Grove and Riverside Drive during weekdays and on Saturdays;
- the cleaning regime for the public toilets would be reviewed and if necessary, increased;
- additional litter bins would be installed at the Reserve and if necessary, the collection frequency will be increased to address the concerns which you have raised regarding people putting waste in your waste bins;
- to address the concerns which were raised regarding vehicles parking and/or driving on the Reserve, regulatory signs would be installed to advise that parking and/or driving on Felixstow Reserve is prohibited and that fines, as provided in the Council's Local Government Land By-Law (No. 4) 2018, are applicable;
- a message would be painted on the surface of the basketball court advising of the 8:00pm curfew. The intention is to make the 8:00pm curfew more obvious to users; and
- arrangements would be made to place all lighting around the Pavilion on a set timer.

On **16 May 2021**, Ms Graham sent an email, complaining about basketball noise to the Mayor, Torrens Ward Members, Chief Executive Officer and staff members. Similarly, Ms Crawford wrote an email about basketball noise on **24 May 2021**. Further complaints from these residents were lodged by telephone and email in July 2021.

All of the actions outlined in the Chief Executive Officer's letter dated 14 May 2021, have been undertaken, with the lighting and basketball court surface marking being the last items completed in August 2021. Notwithstanding this, the Council has continued to receive complaints from the three (3) residents in relation to the basketball court.

Deputations

On **5 October 2021**, Ms Mary Graham, Mr Mark Heyward and Ms Tania Crawford made Deputations to the Council requesting the basketball ring to be removed. A copy of the information provided to the Council by Ms Graham and Mr Heyward as part of the Deputations is contained in **Attachments M and N**, respectively.

Petition

On the **22 November 2021**, the Council received a petition signed by thirty-nine (39) residents, representing thirty-three (33) households. Of the thirty-three (33) total households, fourteen (14) of the households are located directly across Felixstow Reserve, and range from between forty (40) metres and 270 metres from the basketball court. The remaining nineteen (19) households who signed the petition, reside between 120 to 500 metres from Felixstow Reserve and do not directly front the Reserve. Of note, there are also approximately eleven (11) households directly across from Felixstow Reserve, which have not signed the petition. Some of these households have contacted the Council previously and have advised that they do not share the same concerns which have been expressed regarding the basketball court. A map showing the location of the households that have signed the Petition is contained in **Attachment O**.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The relevant Outcomes and Objectives of the Council's *City Plan 2030, Shaping Our Future: Mid Term Review 2020* are provided below.

Outcome 1: Social Equity - An inclusive, connected, accessible and friendly community.

Objective 1.1: Convenient and accessible services, information and facilities.

Strategy 1.1.1: Design and provide safe, high quality facilities and spaces for all people.

Outcome 2: Cultural Vitality - A culturally rich and diverse City, with a strong identity, history and sense of place.

Objective 2.5: Dynamic community life in public spaces and precincts.

Strategy 2.5.2: Create and provide interesting and vibrant public spaces to encourage interaction and gatherings.

Outcome 4: Environmental Sustainability - A leader in environmental sustainability.

Objective 4.2: Sustainable streets and open spaces.

Strategy 4.2.1: Protect, enhance and expand public open space.

FINANCIAL AND BUDGET IMPLICATIONS

As the Felixstow Reserve Redevelopment was completed in early 2019, there is no existing budget for any further work at Felixstow Reserve. Should the Council resolve to make any changes to Felixstow Reserve a budget allocation will need to be made.

EXTERNAL ECONOMIC IMPLICATIONS

There are no external economic implications associated with the issues discussed in this report.

SOCIAL ISSUES

In general, the Norwood Payneham & St Peters community values the Council's open space and recreation assets. The significant size of Felixstow Reserve and its proximity to the River Torrens Linear Park, make it one of the Council's most significant pieces of open space. The redevelopment of Felixstow Reserve provided the opportunity for the Council to deliver a well-designed and innovative recreational asset. The Council recognises that Felixstow Reserve is a regional open space which is not only intended to be well used by the local residents but also by the broader Norwood Payneham & St Peters community.

CULTURAL ISSUES

The ability to provide well designed and innovative open spaces contributes to the fabric of the Norwood Payneham & St Peters community. Felixstow Reserve provides not only an integrated and environmentally sustainable asset, but also delivers social and cultural benefits to the wider community.

ENVIRONMENTAL ISSUES

Not applicable.

RESOURCE ISSUES

The redevelopment of Felixstow Reserve has been a long term project for the Council and has consumed a significant amount of staff resources through the various stages of its development. As long as this matter remains unresolved additional staff resources will continue to be consumed, which means that other projects and initiatives will be delayed to enable these issues to be revisited.

RISK MANAGEMENT

There is no significant risk identified with this matter other than the risk that the complaints will continue to escalate. However, should the Council remove the basketball ring with no clear consultation and prior communication with the broader community, there is a risk of retaliation towards the residents that have pursued the outcome to remove the basketball ring. If the final decision made by the Council, irrespective of what it is, is well investigated and justified then the community, regardless of the individual views, should be accepting of the outcome.

COVID-19 IMPLICATIONS

Any impacts from the COVID -19 Pandemic will be dependent on the directions from the State Government.

CONSULTATION

• Elected Members

The Council considered the Felixstow Reserve Masterplan on five (5) separate occasions, at the commencement of the Project (2 December 2013), at the Draft Concept stage (12 May 2014), at the Final Concept stage (10 September 2014), at the Draft Masterplan stage (6 October 2015), and the endorsement of the Final Masterplan (2 November 2015).

In addition:

- a Workshop to capture the views of the Elected Members in relation to the development of Felixstow Reserve was held in March 2014;
- an Information Session to discuss the findings of the Stage 1 Consultation incorporating the 'Aspirations' Park Day, to present a site analysis and discuss possible spatial arrangements for the Reserve was held in April 2014;
- on Saturday 3 May 2014, a bus tour of various wetlands located throughout the metropolitan area was undertaken with Elected Members; and
- an Information Session to discuss the findings of the Consultation on the Felixstow Reserve Masterplan and present a site analysis of the traffic movements and car parking arrangements at and around the site was held on Monday 30 November 2015.

Elected Members were also advised of the status of the Felixstow Reserve Redevelopment Project at an Information Session held on 26 June 2017.

At the Council meeting held on 6 November 2017, the Council was informed of the anticipated timing and contract arrangements for the reconstruction of Felixstow Reserve.

At the Council meeting held on 11 December 2017, the Council considered the tender selection report for the Felixstow Reserve Redevelopment to award the construction contract to LCS Landscapes.

- **Community**

A Park Day was held at Felixstow Reserve on Saturday 29 March 2014, to capture the Community's ideas for the types of facilities and features that the Community would like included in Felixstow Reserve. The Park Day featured interactive displays and exhibits where all members of the community were given the opportunity to provide their thoughts and ideas.

The Community was provided with a second opportunity to submit comments on the proposed redevelopment of Felixstow Reserve, when the Draft Concept Plan was released for community consultation from 21 May 2014 through to 13 June 2014. A Park Day as part of this component of the Project was held on Saturday 31 May 2014.

The Draft Felixstow Reserve Masterplan was placed on community consultation from Wednesday 21 October until Tuesday 10 November 2015. This provided the Community with a third opportunity to comment on the proposed redevelopment of Felixstow Reserve. During this consultation period one (1) on one (1) sessions were offered to any residents that wanted to meet with staff to discuss any aspects of, or concerns in relation to, the Draft Masterplan.

- **Staff**

General Manager, Governance & Community Affairs
Manager, Economic Development & Strategic Projects
Team Leader, Customer & Regulatory Services
Compliance Officer, Planning Services
Compliance Officers, Regulatory Services

- **Other Agencies**

Not Applicable

DISCUSSION

The Council's Open Space Strategy designates Felixstow Reserve as a Regional Level Reserve, principally due to its size and proximity to the River Torrens / Karrawirra Pari Linear Park. This means that there is an expectation that visitors from outside the Council area will travel to Felixstow Reserve to use the facilities. Prior to the redevelopment, Felixstow Reserve was an unirrigated, featureless and underutilised site. As a result of the redevelopment, Felixstow Reserve now provides a variety of active and passive recreation opportunities including walking, running, cycling, basketball, table tennis, bocce, birdwatching and nature play. The large, grassed open space is ideal for picnicking, throwing a Frisbee, or an informal game of cricket, football or soccer. A large number of people of all ages and abilities and differing cultural backgrounds have been using the park on a daily basis for physical activity and social interaction.

In particular, the basketball court at Felixstow Reserve is very well used by the community. It is very unfortunate that its use has caused issues for some local residents, particularly in relation to its use after 8:00pm. The basketball court at Felixstow Reserve is not lit and there is minimal light spill onto the court from the nearest lights to enable anyone to safely play after dark. A night with a full moon provides the most visibility within the space and even then the ability to play safely is questionable. It is difficult to understand why some users attempt to play basketball after dark when it is difficult to see the basket. On one occasion a brazen and 'enterprising' individual drove his work vehicle onto the Reserve at night and used spotlights to illuminate the court in order to play with two people. This occurred between 9:00pm and 10:00pm in the evening.

Undesirable noise associated with basketball play does not appear to be an issue at any other of the Council’s reserves with basketball courts, even though there are basketball courts located in similar proximity to residences throughout the City. **Table 3** below, provides the approximate distances of basketball courts and rings within the City to the nearest residential boundary. Measurements were taken from the edge of the court and backboard/ring to the nearest residential property line using Google Maps. With the exception of Adey Reserve and Payneham Oval, Felixstow Reserve basketball court is no closer in distance to residential properties than any other Reserve. In comparison, the majority of the basketball courts in the City, are closer to residential properties than the basketball court at Felixstow Reserve. Comparably sized and constructed basketball courts at Payneham Oval and the most recently constructed Syd Jones Reserve have not generated basketball court use or noise related complaints to date.

TABLE 3: BASKETBALL COURTS IN THE CITY AND DISTANCE TO HOUSING

Reserve	Distance (m)	Distance (m)
	Court edge to nearest residential property boundary	Backboard/ring to nearest residential property boundary
Adey	45	52
Burchell	10	13
Felixstow	35	42
Joslin	22	25
Linde	16	23
Payneham	38	41
St Morris	25	31
Syd Jones	10	28
Twelftree	30	33

Noise Testing

The *Local Nuisance and Litter Control Act 2016 (SA)*, provides Authorised Officers with the power to determine if an activity constitutes a nuisance or not, and in the case of noise it will constitute a nuisance if an Authorised Officer forms the opinion that the nature, level, extent or frequency of the noise is such that is unreasonably interferes with somebody’s enjoyment of an area. In this case, the Authorised Officer would be looking at whether the noise generated from basketball activities unreasonably interferes with the complainant’s enjoyment of his home.

On 22 April 2020, the Council’s Compliance Officer, Planning Services, an Authorised Officer whose role involves assessing local nuisances such as noise, undertook noise testing at the basketball courts at Felixstow Reserve, Payneham Oval and Linde Reserve. The results of the noise testing are shown in **Table 4** below.

TABLE 4: RESULTS OF NOISE TESTING AT THREE (3) BASKETBALL COURTS

Reserve location	Distance from basketball ring	Activity	dB(A) range observed	Comparison to other noise observed
Felixstow Reserve (asphalt surface)	5 metres	No basketball activity	47dB(A) to 49dB(A)	
	5 metres	Bouncing the ball	52dB(A) to 55dB(A)	
	5 metres	Throwing the ball against the backboard	55dB(A) to 76dB(A)	
	15 metres	Bouncing ball, shouting for the ball, throwing the ball against the backboard	50dB(A) to 60dB(A)	
	On footpath fronting Langman Grove (approx. 30-35 metres)	Bouncing ball, shouting for the ball, throwing the ball against the backboard	48dB(A) to 54dB(A)	

Reserve location	Distance from basketball ring	Activity	dB(A) range observed	Comparison to other noise observed
	Outside 44 Langman Grove (approx. 40-45 metres)	Bouncing the ball, shouting for the ball	45dB(A) to 53dB(A)	
	Outside 44 Langman Grove (approx. 40-45 metres)	Throwing the ball hard against the backboard	50dB(A) to 57dB(A)	When a car drove past the reading hit up to 80dB(A)
Payneham Oval (asphalt surface)	5 metres	No basketball activity	48dB(A) to 50dB(A)	
	5 metres	Bouncing the ball	Around 54dB(A)	
	5 metres	Throwing the ball against the backboard	60dB(A) to 73dB(A)	
	15 metres	No basketball activity	Around 45dB(A)	
	15 metres	Bouncing the ball and shouting	55dB(A) to 58dB(A)	
	15 metres	Throwing the ball against the backboard	55dB(A) to 63dB(A).	
	Approx. 50-55 metres, across the road, on Arthur Street	Bouncing the ball, throwing against the backboard	49dB(A) to 54dB(A)	When a car drove around an adjacent street the reading hit 70dB(A)
Linde Reserve (rubber surface)	5 metres	No basketball activity	45dB(A) to 49dB(A)	
	5 metres	Bouncing the ball and throwing it against the backboard	54dB(A) to 65dB(A)	This is a similar range to normal conversation
	15 metres	Bouncing the ball	45dB(A) to 47dB(A)	
	15 metres	Throwing the ball against the backboard	49dB(A) to 55dB(A)	
	40 metres	Bouncing the ball	45dB(A) to 53dB(A)	Reading is equidistant from the basketball ring and the nearby child care centre, where children were playing outside
	40 metres	Throwing the ball hard against the backboard	Peaked at 60dB(A)	

The *Local Nuisance and Litter Control Act 2016 (SA)*, does not require the use of any noise measurement devices, nor does it set standards around dB(A) readings. Rather, the Authorised Officer is required to form their opinion based on their own senses. Consideration can also be given to factors such as:

- the land use of both the source premises and the affected premises;
- the sensitivity of the affected premises;
- any history of complaints for this noise/activity, including whether there are multiple complainants;
- whether the activity creating the noise is avoidable;
- how does this noise compare to other noises in the area;
- does the noise have any annoying characteristics; and
- what is the noise expected in this area?

The noise testing indicated that the noise levels of playing basketball at Felixstow Reserve is similar to the noise levels when playing at other basketball courts such as Payneham Oval, which is similarly constructed to Felixstow Reserve and Linde Reserve, which has a rubber softball playing surface. Therefore, the location and surface material of the site made no difference.

Following the noise testing, the determination made by the Council's Compliance Officer was that the noise at Felixstow Reserve is not considered to be a nuisance. It could be argued that the noise may have annoying characteristics due to the ball hitting against the backboard and the bouncing of the ball, however, these are noises that are expected of somebody playing basketball.

When the basketball noise is compared to other activities that could be expected to be undertaken at the Reserve, basketball noise is considered unlikely to be any louder. However, repetitive bouncing and noise may be difficult to ignore if you are noise sensitive and attuned to picking up and concentrating on that particular noise over other noises.

OPTIONS

There are a number of options which have been identified and considered to address the residents' complaints about the use of the basketball court at Felixstow Reserve.

Option 1 – Do Nothing

Option 1 is to do nothing and to allow the basketball court to remain and operate as it currently does. The Council has installed signage and marked the court in an attempt to discourage basketball play after 8:00pm and before 8:00am. As a community facility, the Council cannot enforce these rules without having a constant physical presence on site between 8:00pm and 8:00am. This would be resource intensive and impractical to do on a permanent basis.

Previous attempts to patrol the Reserve in the evening and to educate and enforce the rules with users has not stopped all of the after-hours use of the basketball court. During the summer months when it is still light after 8:00pm, people are more likely to not observe the current rules than at other times of the year. If people are breaking the current established court rules, the Council will continue to receive complaints. As there is an established history of complaints from some residents living nearby Felixstow Reserve and now a Petition, the matter of the use of the basketball court needs to be addressed. Therefore the option to do nothing is **not recommended**. At the very least the Council will need to undertake more targeted consultation to better understand the reasons why residents signed or did not sign the Petition and consider the installation of CCTV to deter after hours use.

Option 2 – Change or Eliminate the Current Established Court Rules

Option 2 is to change or eliminate the current court rules which restrict the use of the courts for playing basketball or netball between the hours of 8:00pm and 8:00am. Prior to the rules being established, there were no restrictions on the use of the courts. The rules were introduced after receiving and considering residents' complaints in an attempt to balance the needs of both park users and nearby residents.

As previously stated, it is very resource intensive for the Council to patrol and enforce the existing rules regarding when the courts can be used. After hours use of the courts is irregular and it is impossible to predict the day(s) or time(s) or duration(s) that it may occur on any given week. Eliminating the existing court rules for hours of play or extending the available hours of play will likely cause concerns with existing residents, while reducing the available hours of play will likely result in more breaches and possibly lead to conflicts between users and residents and create more problems for the Council. Therefore, the option to change or eliminate the currently established court rules is **not recommended**.

Option 3 – Enact By-Law

Under *By-Law 4 - Local Government Land*, the Council has the ability to prohibit certain activities at certain times on Council property. The purpose of this By-Law is to prevent and mitigate nuisance that may be caused to others. What this means is that should the Council determine that there is a noise and land use issue, it has the ability to prohibit the playing of basketball between certain hours, for example between 8:00pm and 8:00am. By using this By-Law, the Council can make the playing of basketball a prohibited activity after 8:00pm and before 8:00am and therefore anyone that participates in such an activity will be in contravention of the By-Law and therefore guilty of an offence and subsequently liable of paying a fee with a maximum penalty of \$750.

In order to enact *By-Law 4 - Local Government Land*, the Council will need to ensure that there is a problem and install appropriate signage that specifies that playing basketball outside of the allocated hours is a prohibited activity. However, it is anticipated that the successful enforcement of *By-Law 4* at Felixstow Reserve will be resource intensive and ineffective. In order to enforce the *By-Law 4*, a Council Compliance Officer will need to be on-duty during the hours of the prohibited activity. Basketball players may no longer be present or immediately leave when a Compliance Officer arrives at the basketball court. Compliance Officers cannot arrest or detain individuals, and therefore may also find basketball players that are uncooperative in providing their personal information in order to issue a ticket.

Option 3 is heavy handed approach and not community friendly. While this option is possible, it is not practical as it would be very difficult to enforce. On this basis, this option in isolation is **not recommended**.

Option 4 – Remove the Basketball Ring

Option 4 involves the permanent removal of the basketball ring from Felixstow Reserve. Activity since the opening of Felixstow Reserve indicates high use of the basketball court, particularly in evenings and on weekends. The basketball court is used by people of many different ages, abilities and backgrounds. The regular use of the basketball court by many different individuals and groups demonstrates a community need for this type of facility at Felixstow Reserve. Permanently removing the basketball ring will disappoint and raise concerns with many current users of the basketball court, which would no doubt lead to further complaints from the community. Whilst this option may address the concerns of some residents in the short term, it will more than likely trigger a number of complaints from other residents and users of the basketball court. This was clearly demonstrated when the basketball ring was removed for a period of time in 2020 due to COVID-19 restrictions.

With this option, the netball ring could either be removed or maintained. Netball does not involve much bouncing of a ball nor does it require a backboard. The amount of netball use at Felixstow Reserve is currently unknown. If the basketball ring is removed, netball as well as other potential uses (e.g. play equipment, fitness equipment, four square and other games like outdoor chess) for the existing basketball court area could be further considered in consultation with the community.

Simply removing the existing basketball ring and not relocating it, will not address the need and demand for basketball facilities at Felixstow Reserve. It is therefore **not recommended** to permanently remove the basketball ring.

Option 5 – Remove and Relocate the Basketball Ring within Felixstow Reserve

Option 5 involves the removal and relocation of the basketball court elsewhere within Felixstow Reserve. The existing location of the basketball court is in close proximity to the pavilion and toilets, table tennis, bocce court, barbecues and picnic shelters. The design intent was to purposefully concentrate these facilities at this location to create both visual and spatial connection between them. The spatial arrangement of these facilities has been successful to their community use. Should a decision be made to relocate the basketball court, the proposed location will need to be considered with respect to the visual and spatial proximity of its location to the other facilities. The existing basketball court is located approximately 40 metres from the nearest residential property on Langman Grove and 60 metres from the nearest residential property on Riverside Drive. As discussed earlier in this report, the basketball court was relocated further from Langman Grove in response to a submission which was made during second stage of community consultation on the Masterplan.

Several locations within Felixstow Reserve have been considered for the potential relocation of the basketball court. However, should a decision be made to relocate the basketball court, further assessment will need to be undertaken to determine the viability of these alternative locations and to ensure that the Council is not creating a new or different set of issues for users or residents. Each of the potential locations to relocate the basketball court are illustrated in **Attachment P** and described below:

- Locations A, B and C are within the open lawn area adjacent the existing gravel maintenance path. Location A is closest to the existing pavilion, while Location C the furthest away. Locations A, B and C are approximately 80 to 90 metres away from existing residences on Langman Grove and 100 to 140 metres away from existing residences on Riverside Drive respectively. There are existing post top lights along the path which may spill light at low levels onto Location A. Locations B and C are located far enough away from existing lighting that it is unlikely that there would be any light overspill. However, Locations B and C also encroach the most on the open space, which the community clearly communicated to the Council that it wanted to protect.

Relocating the basketball court to an open lawn area would require removal of existing turf, relocation and adjustment of existing irrigation system, excavation and installation of base material, installation of a new basketball ring, asphalt resurfacing, and line marking. The existing basketball court area is ten by fifteen (10 x 15) metres. In order for a new basketball court to look purposeful rather than simply placed in a new location at Felixstow Reserve, a curved shape would likely be more appropriate than a rectangular court shape. The cost to build a new court in the open lawn area is estimated to be in the vicinity of \$35,000 (first order cost estimate) depending on the location. This cost estimate does not take into consideration any costs associated with the repurposing of the existing basketball court. Depending on what use replaces the existing basketball court will determine its cost.

- Locations D, E and F are located along the shared path, which is lit at the night time. Locations D, E and F are approximately 120-130 metres from Langman Grove residences and 80, 100 and 200 metres from Riverside Drive residences respectively.

Location D comprises of many trees, which are now well established and a picnic setting. Locations E and F have existing fitness equipment and rubber softfall surfacing. The problem with these locations is that they are spatially and visually distant from the primary recreation activity zone near the pavilion which is not ideal. In addition there would be a loss of established trees and/or need to remove and/or relocate existing fitness equipment to install a basketball court. The costs cannot be determined but would be much higher than relocating a basketball court to either Locations A, B or C. For these reasons, Locations D, E and F are not worthy of further consideration.

- Location G is located in the low-lying, non-irrigated, dryland grass area below the existing nature play area. This location is well away from other active uses in the reserve area and would be difficult to supervise, which could lend itself to anti-social behaviour or other problematic activities. The location is also subject to occasional flooding after significant storm events cause the River Torrens to breach its banks, which may require additional ongoing maintenance for any structures. For these reasons, Location G is not recommended for further consideration.

Whilst Option 5 is responsive to addressing the concerns raised in the recent Petition, which requests that the Council “*take urgent action remove the Felixstow Reserve basketball court to a more suitable location that doesn’t disrupt the livelihoods of local residents.*” Adopting this option without further consultation and investigation is not recommended. While Locations A, B or C are potential suitable locations to relocate the basketball court within Felixstow Reserve, with Location A as the preferred location as it is closest to the pavilion, staff are not convinced that it will eliminate the complaints from a select number of residents, whose preference is to have the basketball court completely removed from Felixstow Reserve. It is likely that relocating the basketball court to any of these locations will lessen the noise impacts on existing residents because there will be a greater distance between the basketball court and existing residences. However, it may not necessarily fully resolve the complaints of noise from existing residents and may potential create complaints from other residents or users. The more isolated that a facility is the more likely that it will be used after hours and potentially attract anti-social behaviour.

Similar to Option 4, the future use of the existing basketball court space would need to be determined before any structural changes are made. Should the Council consider adopting Option 5, **it is recommended that further consultation be undertaken** to better understand the concerns of the residents that have signed the petition as well as the broader community desires for the relocation of the basketball court future use of the existing basketball court. It is also recommended that monitoring be continued to understand the number of users and the times of the day that the court is being used.

Option 6 – Build a Sound Wall

Option 6 involves the construction of a barrier which would block sound from travelling towards existing residences. This option would most likely require a solid physical wall which would be costly as well as create an undesirable obstruction to vision and movement within the recreation zone, thereby creating potential issues such as anti-social behaviour. This could also create safety issues and additional ongoing maintenance for the Council. For these reasons, a sound barrier is **not recommended**.

Option 7 – Install a Chain Mesh Wire Fence

Option 7 involves the installation of a chain mesh wire fence around the perimeter of the basketball court, similar to a tennis court, with a gate that is locked each day. This would allow the basketball court to be opened and closed at certain times each day. A fence could be installed around the perimeter of the courts, similar to how basketball courts in major cities in the United States are designed. However, this would block the physical movement through the space. Additionally, a fence would crowd the perimeter of the court and make the courts much less functional. The basketball ring could possibly be repositioned to the perimeter of the playing area to allow more space for play to safely occur. In this scenario the Council would likely either need to remove the netball ring or install a new post with a netball ring on the opposite side of the court to make this work. Under this scenario, basketball and netball play would not likely be compatible to occur at the same time.

Adopting this option would require the locking and unlocking of the gate each day, utilising either maintenance staff or a contractor. Alternatively, the Council could seek community assistance to lock and unlock the gate for the basketball court each day, however this is not recommended on the basis that it is not fair to put that responsibility on a member of the community. An automated lock is not recommended as it can be manipulated by simply keeping the gate open after the closing time.

It is still possible that people may attempt to climb the fence to play basketball after hours and or break the fence or lock to obtain access. A 1.8 metre tall chain wire fence around the perimeter is estimated to cost approximately \$10,000. Relocating the existing basketball post, repairing the asphalt and new line marking would likely cost an additional \$5,000 to \$10,000.

Option 7 would create an undesirable physical barrier and potential issues to resource and manage the opening and closing of the gate. On this basis Option 6 is **not recommended**.

Option 8 – Remove and Reinstate the Ring Every Day

Option 8 involves the introduction of new operational procedures each day to remove and reinstate the ring every day. This would also be resource intensive, requiring multiple people with a ladder and tools each day to install and remove the ring from the backboard. There are likely to be work health safety risks to do this on an ongoing basis. Given that this option is not very practical it is therefore **not recommended**.

Option 9 – Change the Playing Surface

Option 9 involves changing the playing surface to alternative material that reduces the sound of a bouncing ball. As previously discussed, the Council has undertaken sound testing at three (3) courts. Prior to testing, it was hypothesised that the rubberised surface at Linde Reserve would be quieter than the asphalt surface at Felixstow Reserve and Payneham Oval. While the sound had a different tone to the ear, the sound level was in a similar range with no real or perceived reduction in sound volume.

Council staff subsequently undertook an extensive internet search on sound reducing surfaces, and also contacted a number of other Councils in the Adelaide metropolitan area to ascertain if they are aware of and/or had used any sound reducing surfaces. Only one (1) commercial product was found, which is supplied by MSF Sports in Victoria. The MSF Pro flooring is an interlocking polypropylene tile which is marketed as reducing sound by thirty percent (30%). The quotation to supply the MSF Pro Flooring for the Felixstow Basketball Court is \$20,000 and excludes installation. Based on the MSF Sports website, the product looks like it has been mostly used for residential and commercial projects, but there are also a small number of Victoria based schools and councils which are listed as clients. There are no local South Australian Councils which we are aware of that have used this product or an alternative sound reducing surface.

The robustness, longevity and maintenance required for the product are unknown and the product is untested to verify if the surface would dampen the sound sufficiently to alleviate the residents' noise complaints at Felixstow Reserve. A noise reducing backboard is already being used at Felixstow Reserve.

Option 9 may be a good option in respect to the reduction of noise. However, **more investigation and testing of the MSF Pro flooring or alternative surface materials and product is recommended** prior to adopting this option.

Option 10 – Create 'White Noise'

Option 10 involves the creation of 'white noise' by building a feature to mute or cover the sound of basketball play. A water feature would likely be very costly and would likely require substantial ongoing resources to maintain. A water feature would also likely require considerable time to design and implement. For these reasons, this option is **not recommended**.

Option 11 – Community Consultation

Option 11 involves undertaking consultation with the community before making a final decision. Felixstow Reserve is classified as a 'Regional Open Space', which by its classification is meant to attract people from outside the Council area and appeal to a wide cross-section of the community. The redevelopment of Felixstow Reserve has successfully accomplished this and because it is a 'Regional Open Space', the viewpoints of stakeholders living adjacent the Reserve as well as users of the Reserve and the wider community should be taken into account. While the Council has heard from three residents via the deputation and received a petition to relocate the basketball court to a "more suitable location", the Council has not undertaken any consultation to canvass the views of all immediate local residents as well as the wider community in relation to this matter. Consultation would assist the Council to better understand the views of more local residents and the broader community and to determine which option is best for the Council to pursue in relation to the basketball court. This option **is recommended** before any final decision is made.

CONCLUSION

While there are numerous options available to the Council, unfortunately, there is no one single option that can be confidently recommended at this stage. It is understood and appreciated that there are some residents along Langman Grove and Riverside Drive, who would like to see the Basketball Court removed and/or relocated to another location - preferably not in Felixstow Reserve. Whilst their views are not shared by all residents, it is important to understand why some residents share these views while others do not.

As previously outlined in the Background section of this report, multiple rounds of community consultation were undertaken in the development of the Felixstow Reserve Masterplan. All three (3) rounds of consultation demonstrated significant support for the basketball court. This is not to understate the concerns which have been raised regarding noise from the basketball court.

Given that the Council has now received a Petition it is prudent that the Council formally considers this matter with the assistance of community consultation and/or further investigations before making any decisions regarding the basketball court. In addition, if the Council resolves to relocate the basketball court, the Council will need to resolve how the existing court will be used.

It is therefore recommended that the Council undertake its own survey (consultation) to understand the views of the community and that in the interim CCTV be installed at Felixstow Reserve to monitor the activities associated with the basketball court, while at the same time hopefully deterring activity outside of the recommended hours.

COMMENTS

In light of the recent Petition, it is the Council's responsibility to try and understand why some residents have signed the Petition given their distance from the basketball court while others have not. Have some of these residents simply signed the petition in support or is the use and noise of the basketball court also an issue for them. It is also critical for the Council to try and identify why the basketball court at Felixstow Reserve appears to be causing ongoing concerns for some residents when other basketball courts in the City, which are in similar proximity to housing (and in some cases in closer proximity to housing) have not attracted any complaints, in particular two (2) of the most recent basketball court developments in the City, namely Syd Jones Reserve and Payneham Oval.

All of the options outlined above have potential immediate and long-term resource implications. If the Council wishes to take immediate action as requested in the Petition, then it can choose to relocate the basketball court to one of the locations identified in Option 5. However, the Council could also choose to consult the community in relation to its views and impacts associated with the use and location of the basketball. Undertaking further investigation of options prior to making a decision on whether to relocate the basketball ring or choose a different option is strongly recommended. On this basis, Option 11 is recommended.

RECOMMENDATION

1. That the Council undertake consultation with the residents of Felixstow and users of the basketball court, to enable the Council to understand the issues and determine the best outcome in respect to the basketball court.
 2. That CCTV be installed around the basketball court at Felixstow Reserve to monitor the activity at the basketball court, particular during the hours of 8:00pm to 8:00am.
 3. The Council notes that a report on the outcome of the consultation together with the results of the surveillance will be prepared for the Council's consideration.
-

Cr Minney moved:

1. *That Council agrees to the re-location of the basketball facility at Felixstow Reserve to another more suitable place on the reserve, as indicated in the report.*
2. *That Council consult with those residents immediately abutting the reserve regarding the potential location of the basketball court.*

Seconded by Cr Knoblauch and lost.

Division

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

Those in favour:

Cr Knoblauch, Cr Minney, Cr Stock, Cr Granozio and Cr Moore.

Those against:

Cr Patterson, Cr Whittington, Cr Dottore, Cr Sims, Cr Mex, Cr Callisto and Cr Moorhouse.

The Acting Mayor declared the motion lost.

Cr Sims moved:

- 1. That the Council undertake consultation with the residents of Felixstow and users of the basketball court, to enable the Council to understand the issues and determine the best outcome in respect to the basketball court.*
- 2. That CCTV be installed around the basketball court at Felixstow Reserve to monitor the activity at the basketball court, particular during the hours of 8:00pm to 8:00am.*
- 3. The Council notes that a report on the outcome of the consultation together with the results of the surveillance will be prepared for the Council's consideration.*

Seconded by Cr Callisto.

Amendment

Cr Patterson moved:

- 1. That the Council undertake consultation with the residents of Felixstow and users of the basketball court, to enable the Council to understand the issues and determine the best outcome in respect to the basketball court.*
- 2. That CCTV be installed around the basketball court at Felixstow Reserve to monitor the activity at the basketball court, particularly during the hours of 8:00pm to 8:00am.*
- 3. The Council notes that a report on the outcome of the consultation together with the results of the surveillance will be prepared for the Council's consideration.*
- 4. That staff investigate the installation of a mass loaded acoustic barrier.*

Seconded by Cr Whittington.

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

Division

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

Those in favour:

Cr Patterson, Cr Whittington, Cr Dottore, Cr Sims, Cr Mex, Cr Callisto, Cr Moorhouse

Those against:

Cr Knoblauch, Cr Minney, Cr Stock, Cr Granozio, Cr Moore.

The Acting Mayor declared the motion carried.

10. WRITTEN NOTICES OF MOTION

**10.1 LINEAR PARK – RESTORING OF ORIGINAL NATIVE VEGETATION – SUBMITTED BY
CR EVONNE MOORE**

NOTICE OF MOTION: Linear Park – Restoring of Original Native Vegetation
SUBMITTED BY: Cr Evonne Moore
FILE REFERENCE: qA1039 qA58630
ATTACHMENTS: Nil

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

NOTICE OF MOTION

That staff prepare a report on options for restoring original native vegetation in under-storey plantings in selected/strategic locations in the section of Linear Park under our council's control.

REASONS IN SUPPORT OF MOTION

Earlier this year I visited a resident in Royston Park who had complained about the removal of native vegetation from the Linear Park. She was concerned that this council work had resulted in small birds disappearing from the park.

Council has employed contractors for a number of years to remove non-locally native trees and shrubs in the Linear Park, along with other councils, under the "River Torrens Recovery Project" loosely overseen by the former NRM Board, now Green Adelaide. But we do not appear to have replanted shrubs that have been removed in this way.

Over 95 per cent of the Linear Park is dominated by grass, weeds and trees. It is an attractive environment with the river and the pathway. But it is a large open environment which encourages the proliferation of Noisy Miners, an aggressive native bird, which drives out smaller native birds. Low to medium high shrubs would help counteract this dominance by Noisy Miners. (Council staff and I were dive-bombed by one of these birds when visiting the Linear Park in Royston Park recently and during my walk along the length of the Linear Park in the past two weeks Noisy Miners were the only bird I saw often).

Some under-storey was originally planted when the Linear Park was established, but most of it has died off. It was probably rarely locally indigenous vegetation (which is why we have been removing it). The absence of native under-storey plants and bushes in most of the Linear Park deprives native wildlife of food and habitat in which to shelter.

Council has supported the work of the Friends of the Billabong in planting native vegetation next to the Linear Park (as well as the Kensington Borthwick Park native plant revegetation project). These are important projects.

However the longer-term re-vegetation of the Linear Park with native vegetation under-storey plants in selected locations is a pressing need as climate change proceeds and our urban wildlife comes under greater stress both from increasing temperatures and the destruction of private gardens due to urban infill housing densification. The Linear Park is our biggest park and offers the most opportunity to re-vegetate and involve the community in this work.

Small birds in particular will benefit from strategic plantings of under-storey bushes, shrubs and ground cover. Clumps of thick under-storey vegetation provide habitat for small birds, lizards and native mammals to hide from predators such as foxes, cats and bigger birds.

I think we need a strategy on how to do this work. Green Adelaide should help with funding to implement the strategy.

There is increased interest in native re-vegetation projects from residents living near the Linear Park. A recent example was one resident in Player Avenue St. Peters who helped stabilize a steep slope leading down to the O-Bahn by planting native trees and shrubs on it.

Another great example was the recent formation of the Friends of Felixstow Reserve to help maintain the native vegetation and biodiversity in this lovely reserve.

Council can foster more interest from more local communities to join in replanting projects by supporting such work in appropriate localities. If we can employ experts to identify non-locally-native vegetation for removal, we could employ biodiversity experts to help set up several strategic plantings in the Linear Park.

Not all of the Linear Park need be targeted for under-storey plantings. It is much too big to try to do this. As well recreational uses are important in the Linear Park and more and more people are using this park for open space recreation.

Some parts of the park may have a thick tree canopy and not allow enough sunlight in for successful under-storeys to be established. This point was raised by Councillor Minney at a workshop recently. But much of the Linear Park has patches of shade and sunlight. Some parts have no tree canopy at all. The Friends of the Billabong have been planting native under-storey vegetation around the St. Peters Billabong for several decades in dappled sunlight with large gum trees close by.

A greener, cooler Linear Park will create an improved environment for recreational users of the park and urban wildlife. It will contribute to Adelaide's application to become an internationally recognised National Park City.

Staff consulted:

Manager, City Services, City Arborist, General Manager, Urban Services, General Manager, Urban Planning and Environment, Manager Economic Development and Strategic Projects, as well as Nadine Kelly of Green Adelaide (Nadine.Kelly@sa.gov.au).

Strategic Plan references:

Encourage the use of spaces and facilities for people to meet, share knowledge and connect with each other

Maximise the extent of green landscaping provided in new development and in the public realm:

4.2.2 Protect, enhance and expand public open space.

4.2.3 Establish a network of linked open spaces for wildlife habitat.

Protect, diversify and increase green cover:

4.3.2 Re-vegetate designated areas with local native species where appropriate.

Facilitate community participation in revegetation programs and garden programs, where appropriate:

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

Undertake climate change adaptation initiatives.

STAFF COMMENT

**PREPARED BY MANAGER, ECONOMIC DEVELOPMENT & STRATEGIC PROJECTS &
PROJECT MANAGER, URBAN DESIGN & SPECIAL PROJECTS**

There is a significant amount of work associated with undertaking this initiative. Whilst the initiative will deliver on several objectives of the Strategic Plan Outcome - *Environmental Sustainability* and improve the Linear Park, there are limited staff resources available within the organisation to undertake this work. Additionally, the biodiversity, conservation and revegetation expertise within the organisation which is necessary to successfully deliver a strategy and subsequent on ground delivery and maintenance is limited. If approved, the Council will need to outsource this project and partner with Green Adelaide, commercial landcare consultants and contractors, and community volunteers and landcare groups (e.g. Conservation Volunteers Australia) to deliver the desired outcome. It is recommended that a budget submission be prepared as part of the 2022-2023 Annual Business Plan and Budget.

Cr Moore moved:

That staff prepare a report on options for restoring original native vegetation in under-storey plantings in selected/strategic locations in the section of Linear Park under our council's control.

Seconded by Cr Mex.

Amendment

Cr Callisto moved:

- 1. That staff prepare a report on options for restoring original native vegetation in under-storey plantings in selected/strategic locations in the section of Linear Park under our council's control.*
- 2. That the report also includes details on how Objective 4.3 "thriving and healthy habitats for native flora and fauna" in CityPlan 2030 is being delivered, including staff expertise and other resources that are being applied to achieve this objective.*

Seconded by Cr Patterson.

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

10.2 REMOVAL OF IRONBARK TREES ON FOOTPATH (ADJACENT TO PAYNEHAM CEMETERY) – MARIAN ROAD, PAYNEHAM SOUTH – SUBMITTED BY CR KEVIN DUKE AND CR CONNIE GRANOZIO

NOTICE OF MOTION: Removal of Ironbark Trees on Footpath (Adjacent to Payneham Cemetery) – Marian Road, Payneham South
SUBMITTED BY: Cr Kevin Duke and Cr Connie Granozio
FILE REFERENCE: qA1039
ATTACHMENTS: Nil

Pursuant to Regulation 12(1) of the *Local Government (Procedures at Meetings) Regulations 2013*, the following Notice of Motion has been submitted by Cr Kevin Duke and Cr Connie Granozio.

NOTICE OF MOTION

That Council resolves to remove all the Ironbark trees on Marian Road footpath adjacent to the Payneham Cemetery and replace them with suitable street trees.

REASONS IN SUPPORT OF MOTION

Presently, the footpath adjacent to the cemetery is in some places unsafe for able bodied persons to traverse due to the trees lifting the pavers, and impossible for persons with mobility issues to negotiate.

The trees, which are large, occupy most of the footpath space making it impossible to simply repair the pavers.

This footpath condition is a safety issue where Council has a Duty of Care responsibility to provide a safe walking passage for people attending funerals, as well as relatives and friends visiting the graves of their loved ones. For many in our community their culture and customs entail weekly visits and indeed even daily visits for a period after internment.

These trees also drop branches onto the grave monuments as well as sap staining excretions. This causes anguish to the relatives and sense of guilt in not honouring the memory of their loved one because they are unable maintain their graves in an appropriate condition.

This Notice of Motion is NOT seeking a report on the condition of the Ironbark Trees, it is seeking Council's authorisation to remove them and replace them. Council can overrule existing tree policies to address a specific issue.

The damage caused by the Ironbark trees demands decisive action and can no longer be ignored by Council. It requires their removal and replacement with site suitable trees.

**STAFF COMMENT
PREPARED BY ACTING MANAGER, CITY ASSETS**

An aboricultural assessment of six (6) *Eucalyptus sideroxylon* 'Iron bark' trees on the southern side of Marian Road, Payneham, adjacent the Payneham Cemetery between Ashbrook Avenue and Arthur Street, was carried out on 7 November 2021. The assessment identified that five (5) of the six (6) trees are currently in good health, shape and form, with one (1) tree displaying symptoms associated with it being in an advanced state of decline. In addition, taking into consideration the size of the trees, five (5) of the six (6) trees, have been identified as Regulated, therefore are subject to a level of protection under the *Development Act*.

A brief summary on the current condition of the trees is outlined below:

- **Tree 1 (Opposite 56 Marian Road)** is a mature tree with good health, shape and form. The tree is described as having fair structure and a useful life expectancy of 20+ years. The tree offers 154m² of canopy cover and has been assessed as presenting a 'Broadly Acceptable' level of risk. Considering the trees size, it is declared as regulated.
- **Tree 2 (Opposite 54A Marian Road)** is a mature tree with good health, shape and form. The tree is described as having fair structure and a useful life expectancy of 20+ years. The tree offers 201m² of canopy cover and has been assessed as presenting a 'Broadly Acceptable' level of risk. Considering the trees size, it is declared as regulated.
- **Tree 3 (Opposite 54 Marian Road)** is a mature tree with good health, shape and form. The tree is described as having fair structure and a useful life expectancy of 20+ years. The tree offers 113m² of canopy cover and has been assessed as presenting a 'Broadly Acceptable' level of risk. Considering the trees size, it is declared as non-regulated.
- **Tree 4 (Opposite Intersection Argent Place & Marian Road)** is a mature tree displaying symptoms associated with it being in an advanced state of decline. The tree is described as having poor health and form, as well as poor structural condition. A useful life expectancy of 5-10 years with an inspection cycle of every 3 years is recommended and a pruning requirement to remove deadwood. The risk rating at the time of assessment of the tree sits within the 'Limits of Tolerability' risk range, the pruning of deadwood has the potential to lower this risk outcome to that of 'Broadly Acceptable' on completion of the pruning of deadwood identified within the report. The tree currently offers 113m² of canopy cover. Considering the trees size, it is declared as regulated.
- **Tree 5 (Opposite southern boundary of 2 Argent Place)** is a mature tree with good health, shape and form. The tree is described as having fair structure and a useful life expectancy of 20+ years. The tree offers 254m² of canopy cover and has been assessed as presenting a 'Broadly Acceptable' level of risk. Considering the trees size, it is declared as regulated.
- **Tree 6 (Opposite southern boundary of 43 Arthur Street)** is a mature tree with good health, shape and form. The tree is described as having fair structure. A useful life expectancy of 20+ years with an inspection cycle of every 3 years is recommended and a pruning requirement to remove deadwood. The risk rating at the time of assessment of the tree sits within the 'Limits of Tolerability' risk range, the pruning of deadwood has the potential to lower this risk outcome to that of 'Broadly Acceptable' on completion of the pruning of deadwood. The tree currently offers 201m² of canopy cover for the area. Considering the trees size, it is declared as regulated.

The pruning recommended following the assessment of the six (6) trees on the 7 November 2021, has successfully been completed, in addition to clearance pruning over Marian Road to all six (6) trees and minor pruning on the southern side of tree 2 to reduce over extended branching.

An assessment of the footpath on the southern side of Marian Road, between Ashbrook Avenue and Arthur Street, was undertaken on 1 December 2021. The footpath's width varies from 1.2 to 1.5 metres across the segment, transitioning to 850mm at the narrowest point adjacent Tree 3. A number of trip hazards and non-compliant grades were also identified along the length of the footpath, particularly adjacent to tree pits. Within residential streets, footpaths are typically reconstructed at a width of 1.2 to 1.5 metres where possible, however a minimum footpath width of 1 metre will provide sufficient clearance for a wheelchair.

As part of the 2021-2022 Capital Works Civil Program, Marian Road from Ashbrook to Arthur Street has been identified for renewal. The proposed works include the renewal of the kerbing and the reseal of the road. Alignment of the kerbing is typically assessed prior to renewal, taking into consideration road widths and tree positioning. The minimum requirement for a local road with parking on both sides of the street is 7.0 metres, Marian Road has a width of 7.25 metres. As a result the re-alignment of the southern kerb alignment by 150-250mm would ensure that a minimum 1.0 metre footpath width for wheelchair access is achieved along the length of Marian Road between Arthur Street and Ashbrook Avenue, while maintaining the minimum road width. The footpath is able to be lifted and relayed to eliminate the numerous footpath defects and hazards, without resulting an adverse effect to the trees current health, while maintaining the appropriate longitudinal grades.

As Elected Members may also recall, as part of the 2014-2015 draft budget, a proposal was considered by the Council for the redesign of Marian Road. The intention of the proposal was to assess the footpath safety issues for pedestrians over the whole length of Marian Road, between Portrush Road and Ashbrook Avenue, particularly adjacent the St Joseph's Primary School, Payneham Catholic Church and the Payneham Cemetery. It was proposed to undertake the project over two (2) stages, with stage 1 involving the development of concepts and stage 2 the development of detail design following the Council's endorsement of the preferred concept, with the implementation occurring the following financial year or as otherwise resolved by the Council. The proposal included a project cost estimate of \$30,000 to prepare the concept, however was not adopted by the Council when it adopted the final draft of the 2014-2015 Budget.

Cr Callisto declared a perceived conflict of interest, as he has family members and friends buried at the Payneham Cemetery. Cr Callisto advised that he would remain in the meeting and take part in the decision-making process with an open mind.

Cr Minney moved:

That the Council resolves to remove all the Ironbark trees on Marian Road footpath adjacent to the Payneham Cemetery and replace them with suitable street trees.

Seconded by Cr Granozio and lost.

Division

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

Those in favour:

Cr Knoblauch, Cr Minney, Cr Stock and Cr Granozio.

Those against:

Cr Patterson, Cr Whittington, Cr Dottore, Cr Sims, Cr Mex, Cr Moore, Cr Moorhouse and Cr Callisto.

The Acting Mayor declared the motion lost.

11. STAFF REPORTS

Section 1 – Strategy & Policy

Reports

11.1 2022-2025 DRAFT YOUTH DEVELOPMENT STRATEGY

REPORT AUTHOR: Coordinator Youth Programs
GENERAL MANAGER: General Manager, Governance & Community Affairs
CONTACT NUMBER: 8366 4622
FILE REFERENCE: qA81581
ATTACHMENTS: A - C

PURPOSE OF REPORT

The purpose of this report is to present the draft *2022-2025 Youth Development Strategy*, to the Council for consideration and endorsement for the purposes of undertaking community consultation.

BACKGROUND

At its meeting held on 3 December 2018, the Council adopted the 2019-2022 *Youth Development Strategy* (the Strategy). The purpose of the Strategy is to identify and set out the future direction and objectives of the Council's Youth Development Program. It also determines the key functions and activities to be undertaken by the Council's Coordinator Youth Programs.

The Strategy provides the strategic framework and sets out the Council's commitment to contributing to the well-being of young people aged 10 – 18 years of age, who live, study, work and recreate in the City of Norwood Payneham & St Peters.

The Strategy is nearing the end of its three (3) year period and as such, has been reviewed and an updated draft *2022-2025 Youth Development Strategy* (the draft Strategy) has been prepared for the purposes of undertaking community consultation. A copy of the draft *2022-2025 Youth Development Strategy* is contained within **Attachment A**.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The relevant Outcomes and Objectives in *CityPlan 2030* are:

Outcome 1: Social Equity

Objective 1: An engaged and participating community

Strategy: Provide opportunities for community input in decision-making and program development

The draft *2022-2025 Youth Development Strategy* is an important strategic document which will provide direction and support the Council's contribution to the well-being of young people.

FINANCIAL AND BUDGET IMPLICATIONS

There are no direct financial implications with the adoption of the draft Strategy. However, various programs will be developed and referred to the Council for consideration as part of the annual budget process.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

The Coordinator, Youth Programs will be responsible for the management of and reporting of the outcomes of the draft *2022-2025 Youth Development Strategy*.

RISK MANAGEMENT

Not Applicable.

COVID-19 IMPLICATIONS

Not Applicable.

CONSULTATION

- **Elected Members**

An Information Session was held with Elected Members on Monday 11 October 2021, to present the draft Strategy and to enable Elected Members to provide input into the draft Strategy.

- **Community**

Consultation was undertaken from 29 September 2021 until 12 October 2021, with young people between the ages of 10 to 25 years. A short survey was prepared for the purpose of consultation to determine if the Strategy is still relevant to young people in the City of Norwood Payneham & St Peters.

- **Staff**

Not Applicable.

- **Other Agencies**

Not Applicable.

DISCUSSION

The Council's 2019-2021 *Youth Development Strategy* sets out the Council's commitment to supporting young citizens to achieve well-being outcomes. The objective of the Strategy is to connect and provide young citizens with opportunities to participate in community life, as well as applying a "youth lens" over the respective services, programs, events, facilities and infrastructure which are provided by the Council.

A number of factors have impacted on implementation of the Strategy over the last three (3) years, including the resignation of the former Youth Development Officer in 2019, as well as the COVID-19 pandemic and subsequent restrictions.

Notwithstanding this, a number of new programs and events have been implemented for the benefit of young citizens in the community. These new programs include a new Work Experience Program, with the capacity to cater to up to ten (10) participants over a five (5) day program, Skills Sessions where participants take part in workshops with the intention of skill development, Come n Try program where participants have the chance to try new sports and physical activities, as well as the Wheel Park events, where a carpark is closed and utilised by young people to practice their riding skills during school holiday periods.

The original four (4) Objectives are still considered relevant and therefore, have been retained in the revised draft Strategy. These Objectives are:

Objective 1 - young people are connected, included and welcome in the life of the community;

Objective 2 - young people are active and healthy;

Objective 3 - young people have resilient futures; and

Objective 4 - young people are visible and heard.

These objectives provide a framework for the Council to enhance the wellbeing of the City's young citizens.

Community Consultation

As mentioned previously, consultation was undertaken from 29 September 2021 to 12 October 2021, with young citizens between the ages of 10 to 25 years, who were invited to complete a short survey to determine if the Strategy is still relevant.

The survey, available as either a hard copy document or online, was promoted to the participants of current and past Council programs, including Come n Try, Spring Jams and Work Experience.

The consultation was advertised through the Council’s website and social media platforms. Hard copy versions were also made available at each of the Libraries and were handed out by staff on The Parade.

A total of 70 participants completed the survey, comprising:

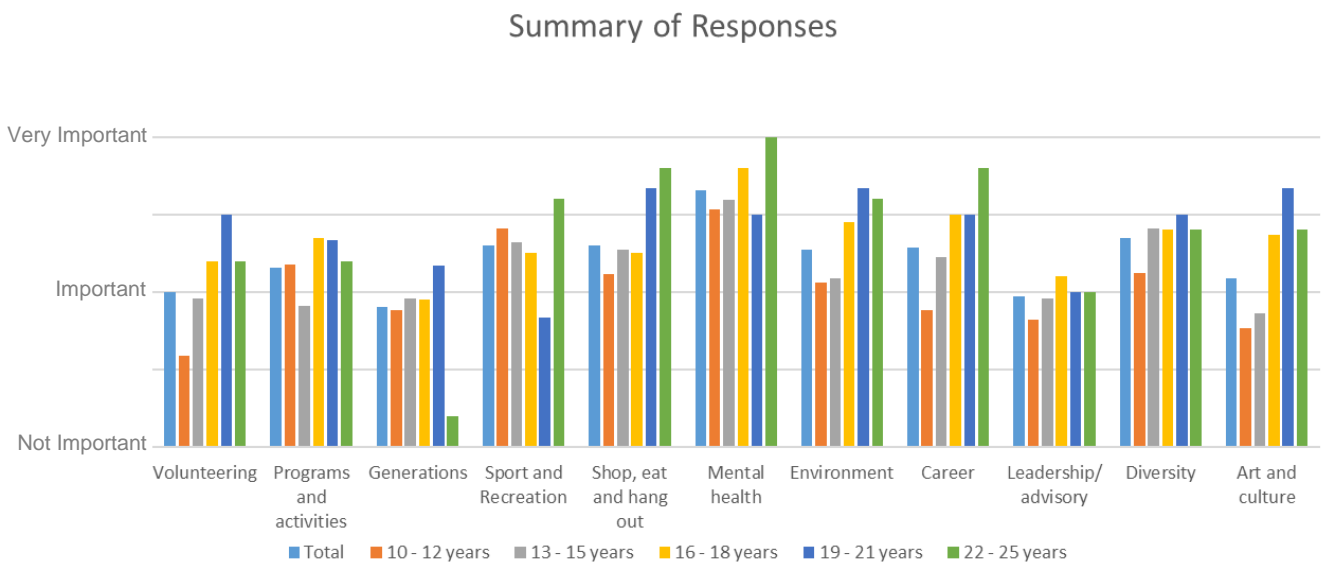
- 27 lived within the City of Norwood Payneham & St Peters;
- 11 studied within the City of Norwood Payneham & St Peters;
- 4 worked within the City of Norwood Payneham & St Peters; and
- 35 played within the City of Norwood Payneham & St Peters.

Two (2) respondents did not comment on their relationship with the City of Norwood Payneham & St Peters and some responded with more than one (1) answer.

The survey sought comments on the topics set out in the Strategy and other key areas of focus.

Participants were asked to rank these topics as either not important, important or very important based on their own personal view. Graph 1 below provides a summary of the survey results indicating the average importance for the different age groups. A copy of the survey responses is contained within **Attachment B**.

GRAPH 1: SUMMARY OF SURVEY RESULTS



The consultation highlighted that mental health and diversity were the topics considered most important to the respondents. Mental health is included as a Strategy in Objective 2 of the 2019-2021 *Youth Development Strategy*. As a result of the consultation, Objective 2 (young people are active and healthy), will be broadened to include mental health as a separate strategy.

Categories that were of least importance varies across the age groups. The importance of volunteering and career options increased as the ages increased whereas, the importance of sport and recreation decreased in some age categories. This highlights how important it is to target programs to the correct age group for maximum participation.

Respondents were also given the opportunity to highlight other topics they felt were important which weren't covered in the provided list. The submissions included sleeping, animal care, teamwork and collaboration, young entrepreneurship, music, meeting new people, learning opportunities, spreading kindness, structured and maintained playgrounds, and spending time with animals.

Topics such as sleeping and animal care, although important, do not have a place within the Strategy, as these are not within the Council's jurisdiction. However, teamwork and collaboration, young entrepreneurship, music, learning opportunities and playgrounds are included within the Strategy and have been incorporated into the draft Strategy.

The comments received from the submissions have been collated and considered. The comments indicate that the 2019-2021 *Youth Development Strategy* is still relevant to young citizens and therefore, only minor changes have been proposed as part of the draft 2022-2025 *Youth Development Strategy*.

However, three (3) more comprehensive changes have been made to the draft Strategy. These are the removal of the 10 to 18 year old limitation, a four (4) year suggested period instead of the previous three (3) year period and the future changes to the community profile.

Removal of age limits

One of the changes which has been made to the draft Strategy is the removal of age limitations. The 2019-2021 *Youth Development Strategy* is focused on young citizens aged 10 to 18 years. The reasons behind this was that young citizens aged 18 to 25 years, are effectively young adults, whose main focus is on establishing their career and independence and that the Council's Youth Programs may not be of interest to them.

However, while creating programs for young citizens it has been identified that the age that some young people become independent has increased and varies from person to person. If a person is in an older age group while completing their SACE studies or at the beginning stages of their career, the Council's *Youth Development Strategy* may still be relevant.

As highlighted through the comments which have been received as part of the consultation process, career opportunities is a strong interest for young people aged 22 to 25 years old although, other categories of high importance are similar to those in younger age groups such as to shop, eat and hang out, mental health and environment.

Instead of excluding those within our community between the ages of 18 to 25 years, it is recommended that the Council includes this age group in the programs planned that meet the objectives as set out within the draft Strategy.

Four (4) year period

The draft Strategy has also been prepared on the basis of a four (4) year timeframe compared to the previous three (3) year timeframe. This is to ensure that there is sufficient time for program development, implementation and ongoing development of programs. The Strategy has a number of programs which have only recently been implemented making it difficult to assess as part of the review process.

It is proposed to implement a measurement tool such as a community wide youth survey to measure data specified in the measurements of success. These measurements will determine the effectiveness of the draft Strategy. The longer time period will also assist with measurements which focus on outcomes such as 'young citizens report community inclusion as high' and 'young citizens report they are physically and mentally fit' may take a greater amount of time to achieve.

Census Data

The community snapshot information contained within the draft Strategy, was sourced as part of the 2016 Census data. The most recent Census was completed in August 2021, however the data will not be released until June 2022.

This information is to be updated once the 2021 Census data is available.

All other amendments to the current Strategy are of a minor nature and a tracked changes version of the 2019 - 2021 *Youth Development Strategy* is contained within **Attachment C**.

It is recommended that the draft *2022-2025 Youth Development Strategy* be endorsed for community consultation.

OPTIONS

The Council has the following options with respect to the draft Strategy:

Option 1

The Council can determine not to proceed with the proposed amendments to the *Youth Development Strategy*, however, this is not recommended.

or

Option 2

To ensure that the *Youth Development Strategy* remains up-to-date and is consistent with other Council strategic plans, operational requirements and reflects the aspirations of young people with the City, it is recommended that the Council endorses the reviewed and amended Strategy for community consultation.

CONCLUSION

The draft *2022-2025 Youth Development Strategy* reflects the Council's commitment to contributing and supporting young people to actively engage and participate in community life.

Further support for young people in the community through socially inclusive planning, being active and engaged and learning new skills, builds confidence and capacity in young people and in turn this contributes to the resilience of the whole community.

COMMENTS

Nil

RECOMMENDATION

1. That the draft *2022-2025 Youth Development Strategy* be endorsed in principle, for the purposes of undertaking community consultation.
2. That the Chief Executive Officer be authorised to make minor editorial changes prior to the document being released for consultation.
3. The Council notes that following the community consultation process, a report will be presented to the Council, outlining the results of the consultation and any recommended amendments to the draft *2022-2025 Youth Development Strategy*.

Cr Whittington moved:

- 1. That the draft 2022-2025 Youth Development Strategy be endorsed in principle, for the purposes of undertaking community consultation.*
- 2. That the Chief Executive Officer be authorised to make minor editorial changes prior to the document being released for consultation.*
- 3. The Council notes that following the community consultation process, a report will be presented to the Council, outlining the results of the consultation and any recommended amendments to the draft 2022-2025 Youth Development Strategy.*

Seconded by Cr Knoblauch and carried unanimously.

Cr Minney left the meeting at 8:57pm.

Cr Minney returned to the meeting 8:59pm.

11.2 COMMUNITY ALLIANCE SOUTH AUSTRALIA

REPORT AUTHOR: Senior Urban Planner
GENERAL MANAGER: General Manager, Urban Planning & Environment
CONTACT NUMBER: 8366 4561
FILE REFERENCE: qA59226
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to advise the Council of correspondence which has been received from Community Alliance South Australia seeking the Council's support of a recommendation to the Greater Adelaide Regional Organisation of Councils (GAROC).

BACKGROUND

Community Alliance South Australia (CASA) is an umbrella organisation for over 35 Residential Action Groups in South Australia, which advocate for reform of government, planning and related legislation and community engagement. CASA has been an active participant in the State Government's planning reform program through written submissions, hosting community forums and raising community awareness and participation.

Some of the key points of advocacy which have been raised by CASA during the reforms include:

- the preservation of heritage buildings and historic and character areas;
- sustainability and environment, including protection of regulated and significant trees;
- community engagement at both the policy preparation and development assessment stages;
- preservation of local policy and Local Government autonomy in the planning system; and
- transparent governance at the State Government level.

CASA remains concerned with a number of aspects of the new planning system and is seeking advocacy support from the Local Government Association of South Australia (LGA) through the GAROC.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Outcome 1: Social Equity

An inclusive, connected, accessible and friendly community

1.3 An engaged and participating community

Outcome 2: Cultural Vitality

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

Objective:

2.3 A City which values and promotes its rich cultural and built heritage

2.4 Pleasant, well designed, and sustainable urban environments

FINANCIAL AND BUDGET IMPLICATIONS

Not Applicable.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

The new planning system in South Australia has changed how citizens interact with the planning system both in influencing and accessing planning policies as well as public notification at the development assessment stage.

CULTURAL ISSUES

The policy framework relating to heritage places and historic buildings, has been a significant point of discussion about the State Government's Planning Reforms program. Heritage is a significant component of the cultural identity of the City of Norwood Payneham & St Peters and indeed of South Australia generally, and was previously more comprehensively managed through the assessment of Development Applications against the relevant provisions of the City of Norwood Payneham & St Peters Development Plan. Although improvements have been made to heritage and historic area policies in the Planning & Design Code during the drafting process in response to community feedback, the quality of the new planning policy framework is still considered by many councils, community groups, citizens and urban planning professionals, as insufficient compared to the breadth and bespoke nature of policies contained in former Council Development Plans. At this relatively early stage of operation of the Planning & Design Code, it remains to be seen what impact the change in policy framework will have on development assessment outcomes relating to heritage places and historic areas.

ENVIRONMENTAL ISSUES

Nil

RESOURCE ISSUES

Nil

RISK MANAGEMENT

Nil

COVID-19 IMPLICATIONS

Nil

CONSULTATION

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

DISCUSSION

Following its active participation during the planning reform program, CASA is continuing to advocate for improvements to the new State planning system, particularly for issues which were previously raised but remain unresolved. As part of this advocacy, CASA has approached members of the Greater Adelaide Regional Organisation of Councils (GAROC) requesting support for the LGA to call on the State Government for an independent review of the planning system. A copy of the correspondence which has been received by the Council is contained in **Attachment A**. It is understood similar correspondence has been sent to all metropolitan Councils.

CASA has specifically sought endorsement from the Council for the following resolution:

That the Greater Adelaide Regional Organisation of Councils (GAROC) considers the following motion at its next meeting:

The LGA calls on the State Government for an independent and comprehensive review of the Planning Development and Infrastructure Act and associated documents with respect to maintaining effective and defensible democratic process related to:

- 1. local participation in planning;*
- 2. local government representation in planning;*
- 3. the protection of local heritage places and items; and*
- 4. the preservation of neighbourhood character through consideration of appropriate design principles.*

The specific points of the above model resolution are discussed in more detail below:

1. Local participation in planning

A citizen's interaction with the planning system is typically limited to:

- consultation during the preparation of policies and rezoning (e.g. during Code Amendments);
- when they are proposing to undertake development (e.g. constructing a new dwelling); and
- public notification of an adjacent or nearby proposed development - noting that third party appeal rights are limited to a very small number of developments and as such the right of appeal will not be available to most citizens.

A key objective of the new State planning system was to shift community participation away from public notification during development assessment, to consultation at the strategic planning and policy writing stage. The intent of this change was to provide citizens with an opportunity to be more involved at a stage where they had more influence over future development outcomes. While community consultation at the policy stage is clearly supported, it is important that this consultation is undertaken appropriately and thoroughly and should not be a substitute for appropriate levels of public notification during development assessment.

Consultation on strategic planning and policies is required to be undertaken in accordance with the Community Engagement Charter, however the Charter does not specify minimum consultation requirements, which in turn makes it difficult to measure whether the community has been adequately consulted and their submissions and issues taken into account. The Charter requires a review of engagement, which for the Phase 3 Metropolitan Adelaide Code, involved surveys of those who provided submissions after each of the two rounds of consultation. The surveys highlighted that on each occasion, about half of participants did not feel the consultation genuinely sought their input and did not have confidence that their views had been heard. Despite this level of community angst, the planning reforms were nonetheless implemented.

Concerns regarding adequate consultation are particularly prevalent with respect to private Code Amendments. For private Code Amendments, the private proponent is responsible for undertaking community consultation which is only reviewed retrospectively by the State Government, rather than being reviewed and approved prior to consultation commencing. Ways of reducing these concerns may include setting minimum consultation requirements for Code Amendments (e.g. requiring letters to be sent to properties within a defined radius of the site) and including an additional step in private Code Amendments requiring approval of the private proponent's engagement plan prior to consultation commencing.

With respect to notification to adjoining owners at the development application stage, a review has indicated that for the City of Norwood Payneham & St Peters, there has been a minor (7%) decrease in development applications (as lodged) triggering public notification since the Code has been in operation. However, there has been a more noticeable (20%) increase in residential development applications requiring notification and particularly a shift towards notification of smaller residential developments such as additions to dwellings and single dwellings as compared to multiple dwellings. The increase in notification required for minor residential development, is due to changes in the notification triggers such as boundary walls exceeding the prescribed height or length or dwellings exceeding the prescribed building height. Although these notification triggers may be justified, the extent of notification (i.e. how many surrounding properties are notified) is often excessive relative to the nature of the development. For example, a proposed carport on a side boundary required the distribution of 68 letters and proposed tennis court lights and fencing required 89 letters, most of which were well removed from the property on which the development was proposed. By comparison, the development at the former Otto's Timber Mill property in Maylands, did not require public notification. The extent of notification which is required under the Code is better suited to significant multi-dwelling residential developments or commercial developments where impacts such as traffic, noise, or other pollutants could have a broader impact than, for example, a wall on one side boundary which, if notified, should only require notification to affected parties.

In the new planning system, third party appeal rights are limited to developments classified as 'restricted' however, very few applications fall under this category. As such, there will be very limited opportunities to appeal development decisions. For context, no restricted development applications have been lodged within the City of Norwood Payneham & St Peters since the Code commenced operation on the 19 March 2021 and only three (3) applications have been lodged in the Adelaide metropolitan area since the Code commenced operation. By comparison, eight (8) applications were eligible for third party appeals under the old system during the same period in 2020.

2. Local government representation in planning

The correspondence from CASA outlines the following concerns with respect to Local Government representation in planning:

- loss of local Development Plan policy content in the transition to the standardised, State Government managed *Planning and Design Code*;
- a Council is no longer a relevant authority for planning assessments – rather a Council Assessment Panel or Assessment Manager (appointed by the Council) are relevant authorities in their own right;
- lack of local government representation on the State Planning Commission; and
- Council Assessment Panel membership consisting of a maximum of one (1) Elected Member compared to up to four (4) under the former *Development Act 1993*.

The replacement of individual Council Development Plans with the State-wide *Planning and Design Code*, was a key component of the planning reform program. As the Code is administered by the State Government and contains predominately standardised policies, Councils lost both the level of autonomy previously held with Development Plans as well as a significant volume (and scope) of localised policy. Although Councils can propose Code Amendments to alter how the Code applies to their respective Local Government areas, there are much greater limitations in terms of the zones and policies which can be applied.

Changes to the decision making role and responsibilities of Councils is another notable difference for Local Government in the new planning system. Under the former *Development Act 1993*, a Council was a relevant authority with respect to obtaining planning consent and was therefore responsible for determining which applications were delegated to the Council Assessment Panel and which were delegated to staff. Under the *PDI Act*, however, Assessment Panels and Assessment Managers are relevant authorities for planning consents in their own right. As such, the Council is not responsible for and has no role to play in determining the delegations which are assigned from the Council Assessment Panel or its Assessment Manager.

With respect to the membership of the State Planning Commission, the *PDI Act* outlines that Commission members should collectively have qualifications and experience in a range of areas, including '*local government, public administration or law*' (Section 18 (2)(f)). Although some Commission members have had past experience in local government they have been in private employment while on the Commission. The LGA has previously raised concerns about the lack of Local Government representation on the Commission.

The replacement of former Development Assessment Panels (DAPs) with Council Assessment Panels (CAPs) in 2017, was one of the earliest changes in the transition to the new planning system. The *PDI Act* sets out that CAPs must have no more than five (5) members, only one (1) of which may be a member of a Council. By comparison, the former City of Norwood Payneham & St Peters DAP constituted nine (9) members, four (4) of which were members of Council.

All of the above points are determined by the *PDI Act* and would require legislative change to be amended.

3. The protection of Local Heritage Places and Items

The protection of Local Heritage Places and former Contributory Items, has been a high priority for both CASA and many Councils in planning reforms discussions. Concerns raised by CASA and Councils during the planning reform process, typically related to the strength and specificity of the Code policies used to assess proposed development affecting heritage buildings and historic areas, as well as the retention of Contributory Items. This advocacy ultimately led to the retention of Contributory Items which are now identified as Representative Buildings. The LGA, in conjunction with Councils, has commenced collating information regarding the effectiveness of heritage and historic area Code policies in order to recommend policy improvements, however this work is still in its early stages.

It should be noted that there is a distinction between Local Heritage Places and historic areas (worthy of broader, area-wide policy protections). For clarity, should the Council determine to endorse CASA's request for advocacy support, it is recommended that point 3 of the resolution be re-worded to the following:

- *the protection of local heritage places and historic areas.*

4. The preservation of neighbourhood character through consideration of appropriate design principles

The strength of Code policies applicable to new development in character areas, is a subject of concern which has been raised by both CASA and Local Government. For the City of Norwood Payneham & St Peters in particular, the transition to the Code has resulted in the loss of a substantial volume of local policy content, which provided a strong level of development guidance. The spatial application in areas such as Norwood was also compromised, due to the inflexibility of the Code's character policy framework. The current Code framework limits the ability for Councils to make the desired amendments to character area policies through a Code Amendment process. The State Government would need to make meaningful changes to the Code framework in order for this to occur.

OPTIONS

The Council has the following options with respect to how it responds to the correspondence from CASA:

Option 1

The Council can resolve to endorse the position outlined by CASA, seeking advocacy support from the LGA by calling on the State Government to review the *PDI Act* and associated documents.

This option is recommended as the concerns raised by CASA are considered to be valid, and align with the Council's position on the matters which have been raised, subject to a slight rewording of Point 3 to clarify this relates to local heritage places as well as historic areas.

Option 2

The Council can resolve to endorse the position outlined by CASA, subject to more significant changes to the recommendation.

This option is not recommended, due to the need for a consistent position to be considered by GAROC.

Option 3

The Council can resolve to not endorse the position outlined by CASA.

This option is not recommended, as CASA's position aligns with the Council's position on these matters.

CONCLUSION

In its correspondence, CASA has highlighted a number of valid concerns with the planning system, most of which are embedded in the *PDI Act*. In order to rectify these concerns, CASA is seeking endorsement from Councils for the LGA to call on the State Government to undertake a review of the *PDI Act* and its associated documents, including the regulations and the *Planning and Design Code*. A comprehensive review will enable these and other issues to be investigated in detail, determine any negative impacts experienced during the early operation of the new system, and opportunities for improvement.

Notwithstanding this and whilst these concerns are valid, it should be noted that changes to the Code and the new planning system will be resisted.

COMMENTS

Nil

RECOMMENDATION

That the Council requests the Greater Adelaide Regional Organisation of Councils (GAROC) to consider the following motion at its next meeting:

The Local Government Association of South Australia calls on the State Government for an independent and comprehensive review of the Planning Development and Infrastructure Act and associated documents with respect to maintaining an effective and defensible democratic process in respect to:

1. local participation in planning;
 2. local government representation in planning;
 3. the protection of local heritage places and historic areas; and
 4. the preservation of neighbourhood character through consideration of appropriate design principles.
-

Cr Mex declared a conflict of interest in this matter as she was the Secretary of Community Alliance when this letter was sent and left the meeting at 9:00pm.

Cr Whittington moved:

That the Council requests the Greater Adelaide Regional Organisation of Councils (GAROC) to consider the following motion at its next meeting:

The Local Government Association of South Australia calls on the State Government for an independent and comprehensive review of the Planning Development and Infrastructure Act and associated documents with respect to maintaining an effective and defensible democratic process in respect to:

1. *local participation in planning;*
2. *local government representation in planning;*
3. *the protection of local heritage places and historic areas; and*
4. *the preservation of neighbourhood character through consideration of appropriate design principles.*

Seconded by Cr Moorhouse and carried unanimously.

[This Item was dealt with out of sequence – Refer to Page 8 for the Minutes Relating to this Item]

11.3 FELIXSTOW RESERVE – USE OF BASKETBALL EQUIPMENT

[This Item was dealt with out of sequence – Refer to Page 8 for the Minutes Relating to this Item]

11.4 DRAFT 2022-2027 TREE STRATEGY

REPORT AUTHOR: Strategic Planner
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4550
FILE REFERENCE: qA74833
ATTACHMENTS: A - B

PURPOSE OF REPORT

The purpose of this report is to present the *Draft 2022-2027 Tree Strategy* to the Council, for its consideration and endorsement to be released for community consultation and engagement.

BACKGROUND

The Council's existing *Tree Policy* was adopted in 2006. The *Tree Policy* provides strategic direction in relation to planting, maintenance and removal of trees which are owned and managed by the Council. A copy of the *Tree Policy* is contained in **Attachment A**.

Notwithstanding the existence of the *Tree Policy*, over the last decade, the Council has had to deal with a number of major issues regarding trees, including SAPN vegetation clearance methods, changes in legislation regarding regulated and significant trees and the impacts of climate change, to name a few.

In response to these issues, the Council on many occasions, has considered these matters in isolation resulting in a suite of processes, documents and/or Council resolutions dealing with various tree related matters. These responses have not been reflected in an updated policy, nor have they been consolidated into one (1) document. The absence of such a document can at times, expose the Council to criticism when tree related matters are being considered.

In recognition of the importance of a strategic framework that clearly articulates the Council's position in relation to trees, at its meeting held on 4 March 2019, the Council resolved that staff would prepare a Project Definition for consideration in the 2019-2020 Budget.

The Council's *Tree Policy* is established around the following key principles:

- the number of trees planted by the Council will exceed the number removed;
- healthy and well maintained trees benefit the community;
- resources must be appropriately allocated and effectively applied to maintain healthy, functional trees;
- strategic management of the urban forest requires comprehensive knowledge of the asset;
- trees are a community asset and the community is encouraged to be involved in the process that affect the streetscape;
- effective tree management requires current knowledge, trialling, monitoring and implementation of emerging trends and technological advances.

In 2010, the State Government introduced its "blueprint" for the growth and development of the State through the *30 Year Plan for Greater Adelaide*. This was followed by an update in 2017, which introduced tree canopy targets to assist in the creation of a more liveable city. The tree canopy targets were introduced in recognition of the need to address and improve urban heat, air quality, stormwater runoff, community health, wellbeing and visual amenity. For Council areas with less than 30% canopy cover, a target of 20% increase in canopy cover was introduced.

The measurement of tree canopy cover was based on a National benchmarking survey that identified Adelaide as having the lowest tree canopy cover of all Australian Capital cities. Under this survey, the City of Norwood Payneham & St Peters was measured as having 19.9% tree canopy cover (with canopy defined by trees above 2 metres in height).

Since then, technology and the methodology for measuring tree canopy has advanced and the City of Norwood Payneham & St Peters has now been assessed using LiDAR technology as having 24% canopy cover (with canopy defined by trees above 3m in height). In order for the City of Norwood Payneham & St Peters to reach the 20% increase, tree canopy cover of 29% would be required.

In recognition of this target, the Council has committed to planting a minimum of 500 trees on streets and/or in public spaces as part of the recent review of the *CityPlan 2030*. This was an increase from 300 trees a year in 2017. As part of the 2021/22 Budget the Council increased its commitment and resolved to increase the number of new street trees planted to 500.

The *Draft 2022-2027 Tree Strategy*, sets out the strategic framework upon which the Council can contribute to and work towards the State Government's tree canopy target. It also provides a strategic framework to deliver the Council's and community expectations for the protection, maintenance and growth of the City's tree assets. A copy of the *Draft 2022-2027 Tree Strategy* is contained in **Attachment B**.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The *Draft 2022-2027 Tree Strategy* is the Council's blueprint to guide the management, forward planning, planting and maintenance of all trees within the City, with a particular focus on street trees. It also sets out the Council's role in collaborating with various sectors of the community to influence the retention of trees and planting on private land. The *draft Tree Strategy* sits within the Council's decision making framework and has been developed to align with other key strategic and policy documents, including the Council's overarching Strategic Management Plan, *CityPlan 2030*.

A range of State Government and Council documents are relevant to the development of the *draft Tree Strategy*. The key strategies and plans that have been used to inform the *draft Tree Strategy* are listed below:

- *The 30-Year Plan for Greater Adelaide*
- *Planning & Design Code 2021*
- *CityPlan 2030: Shaping Our Future*
- *Tree Policy 2006*
- *Verge Landscaping and Maintenance Policy & Guidelines 2021*
- *City-Wide Cycling Plan 2013*
- *Access & Inclusion Strategy: A City for all Citizens 2018-2022*
- *Economic Development Strategy 2021-2026*
- *Open Space Strategy 2003*
- *Community Land Management Plans*
- *Kent Town Urban Design Framework*
- *Asset Management Plan – Civil Infrastructure*
- *Local Government Act 1999*
- *Resilient East Regional Climate Change Adaptation Plan June 2016*

CityPlan 2030 – Shaping Our Future

The outcomes, objectives and strategies of the Council's *CityPlan 2030: Shaping Our Future – Mid-Term Review 2020* that are specifically relevant to the *draft Tree Strategy* are provided below:

Social Equity

- A people-friendly, integrated and sustainable transport network (SE 1.2)
- A strong healthy, resilient and inclusive community (SE 1.4)

Cultural Vitality

- Pleasant, well designed, and sustainable urban environments (CV 2.4)

Environmental Sustainability

- Sustainable and efficient management of resources (ES 4.1)
- Sustainable streets and open spaces (ES 4.2)
- Thriving habitats for native flora and fauna (ES 4.3)
- Mitigating and adapting to the impacts of climate change (ES 4.4)

FINANCIAL AND BUDGET IMPLICATIONS

The Council has allocated \$40,000 for the preparation of the *Draft 2022-2027 Tree Strategy*. To date, all research and investigations have been undertaken in-house within existing resources. However, as the Project progresses, various components (eg the Tree Planting and Maintenance Operational Guidelines) will need to be outsourced.

Actions contained in the draft *Tree Strategy* have been estimated at approximately \$400,000 over a five (5) year implementation period. This is for new initiatives only, not including the planting of new trees and does not factor in projects that have already been budgeted for or form part of annual operating costs.

EXTERNAL ECONOMIC IMPLICATIONS

There are no external economic implications affecting the *Draft 2022-2027 Tree Strategy*.

SOCIAL ISSUES

The *Draft 2022-2027 Tree Strategy* seeks to provide a more equitable distribution of tree canopy cover across the Council area. It also aims to provide safe and clean footpaths that are accessible to people of all abilities.

CULTURAL ISSUES

The *Draft 2022-2027 Tree Strategy* seeks to protect and retain trees that may have cultural significance to past generations, pre and post colonisation.

ENVIRONMENTAL ISSUES

A primary objective of the *Draft 2022-2027 Tree Strategy* is to mitigate against and adapt to the changing environment as a result of climate change.

RESOURCE ISSUES

The implementation of the *Draft 2022-2027 Tree Strategy* will require a significant amount of staff resources to implement the Actions. It will be an ongoing commitment with the need to review costings and budget allocations annually to ensure resourcing is in step with additional tree plantings.

RISK MANAGEMENT

There are no risk management issues associated with the development of the *Draft 2022-2027 Tree Strategy*.

The management of tree risk has been addressed in the *draft Tree Strategy* through the implementation of a number of management protocols.

COVID-19 IMPLICATIONS

There are no Covid19 implications in the preparation and implementation of the *Draft 2022-2027 Tree Strategy*.

CONSULTATION

- **Elected Members**

A Workshop with Elected Members was held on 20 October 2021 to provide an overview of the strategic context and proposed strategic framework for the *Draft 2022-2027 Tree Strategy*. Comments received from Elected Members have been considered and incorporated into the *draft Tree Strategy*, where appropriate and applicable.

- **Community**

The intent is that the community will be consulted in the first quarter of 2022, following the Council's endorsement of the *Draft 2022-2027 Tree Strategy* for community consultation and engagement.

- **Staff**

A number of internal workshops and meetings have occurred with the following staff to develop the content of the *Draft 2022-2027 Tree Strategy*:

- General Manager, Corporate Services
- Manager, Financial Services
- Manager, City Assets
- Manager, City Services
- Manager, Traffic & Integrated Transport
- Manager, Economic Development & Strategic Projects
- Manager, Development Assessment
- Manager, Urban Planning & Sustainability
- Manager, Property
- Sustainability Officer
- Senior Urban Planner
- Graduate Building Officer
- City Arborist
- Project Manager, Urban Design & Special Projects
- Project Officer, Civil
- Project Officer, Assets

- **Other Agencies**

Informal consultation has occurred with Resilient East and South Australian Power Networks (SAPN) to assist with the preparation of the *Draft 2022-2027 Tree Strategy*.

A copy of the *draft Tree Strategy* will be provided to all relevant State Government agencies and key stakeholders as part of the community consultation and engagement process.

DISCUSSION

The *Draft 2022-2027 Tree Strategy* is comprised of three key parts: Strategic Context, Strategic Framework and Action Plan and is based on three (3) primary objectives:

1. adapting to climate change and mitigating against urban heat;
2. ensuring species diversity to support sustainability and biodiversity; and
3. delivering clean, safe and beautiful streets and footpaths to enhance active lifestyles and community well-being.

The objectives have been developed taking into account the State Government's and the Council's strategic context. The *draft Tree Strategy* has also drawn upon the approach and contents of other tree strategies, both locally and interstate, to provide inspiration and guidance for its framework.

The primary purpose of the *draft Tree Strategy* is to provide a comprehensive strategic and operational framework for the management, protection, growth and maintenance of trees in the City. This includes identification, asset management, removals, planting, maintenance, risk management, succession planning, community involvement and advocacy.

The overarching vision of the *draft Tree Strategy* is to **create a greener, cooler and more liveable City to enhance community well-being.**

The strategies and actions established to achieve this vision are organised under five (5) strategic themes and associated outcomes:

Theme 1: Identify and Manage

Outcome: A City where trees are managed as valuable living community assets.

Theme 2: Protect and Value

Outcome: A City where the existing tree population is valued and retained.

Theme 3: Plan for Growth and Renewal

Outcome: A greener, cooler and more liveable City with an equitable distribution of trees for present and future generations.

Theme 4: Maintain

Outcome: A beautiful, clean and safe City with healthy and well maintained trees.

Theme 5: Inspire and Influence

Outcome: A City that recognises the power of collaboration to achieve an increase in the number of trees on private and public land to meet the City's tree canopy targets.

The *draft Tree Strategy* involves a consolidation and formalisation of a large number of existing Council policies and processes, both formal and informal. In addition to amalgamating the existing elements of the Council's tree management framework, the *draft Tree Strategy* also incorporates a number of new elements. These are briefly summarised below:

- formalising and expanding on removal criteria for Council owned trees;
- introducing strategic criteria for tree planting in priority areas;
- introducing a performance based tree selection and planting framework, including a street tree "palette";
- developing comprehensive tree planting and maintenance operational guidelines;
- formalising tree safety inspection criteria;
- developing a tree risk rating and management framework;
- developing a long term replacement plan for ageing trees; and
- developing a community engagement plan for street tree planting.

Given its importance and given the sensitivity around tree removals, the expansion of the criteria for assessing the removal of Council owned trees is brought to the Council's attention for consideration prior to endorsement.

Criteria for Assessing the Removal of Council Owned Trees

The Council has a list of criteria that have been applied over a long period of time, to determine if a Council owned street tree can be removed. Currently, the reasons that could justify a removal, as outlined in a report presented to the Council at its meeting held on 3 August 2020, is based on whether the relevant tree:

- is diseased;
- is structurally unsafe or poses a level of risk that is considered to be unacceptable or intolerant;
- has a short life expectancy;
- is causing damage to Council infrastructure or private property;
- is preventing safe and convenient use of footpaths;
- is preventing the reasonable development of land (eg by impeding access); or
- a specific Council policy.

The *Draft 2022-2027 Tree Strategy* proposes to expand this list to reflect additional valid justifications for considering street tree removals. These include a wider range of tree health and structural considerations and the reasonableness of rehabilitation versus replacement. It also acknowledges the occasional need to remove street trees to improve road safety or to deliver the strategic objectives of a Council streetscape upgrade, such as design outcomes and/or increased canopy cover.

The proposed additions are summarised below:

- reference to the tree being dead, acknowledging that the City Arborist has delegation to approve the removal of dead trees;
- reference to trees that are damaged, disfigured and/or failing to thrive beyond reasonable rehabilitation acknowledging that a long term strategic perspective needs to be applied to a small number of trees that could be replaced and provide greater long term community benefits;
- reference to trees that are creating traffic hazards that cannot be overcome;
- reference to the need for reasonable design options to be explored to strengthen the test to determine if the tree is preventing reasonable development of land;
- reference to Council's decision to allow the removal of Queensland box trees that are unhealthy or poorly shaped, as an example of a '*specific Council policy*'; and
- reference to strategic streetscape upgrades and major projects allowing greater flexibility to strategic projects, but only where there is a net gain in the number of trees and long term canopy cover.

To assist in the interpretation of this expanded criteria, the *draft Tree Strategy* proposes an action (2.1.5), to develop illustrated guidelines in Year 1, to ensure that the intent is clearly understood and their application is not open to misinterpretation.

Based on these additions, the amended **Council Owned Tree Removal Criteria** proposed in the *draft Tree Strategy* is set out below (it should be noted that new wording is italicised):

The Council will consider the removal of a Council owned tree where the tree is:

- dead;*
- diseased, damaged, disfigured and/or failing to thrive beyond reasonable rehabilitation;*
- structurally unsafe or poses a level of risk that is considered to be unacceptable or intolerant;*
- near the end of its useful life;*
- causing damage to Council infrastructure or private property;*
- preventing safe and convenient use of footpaths;*
- presenting a significant road safety risk eg traffic visibility, which cannot be alleviated by pruning or other mitigation strategy;*
- preventing the reasonable development of land (eg by impeding access) and all reasonable development options and design solutions have been considered;*
- Subject to a specific Council policy, eg:*
 - a Queensland Box that is unhealthy or poorly shaped.*
- Subject to a strategic streetscape upgrade or major project where:*
 - Retaining the tree is incompatible with the objectives of the project;*
 - The tree is a species that, at maturity, will provide a low level of canopy cover in the context of the available space; or*
 - will deliver a net gain in:*
 - *the number of trees; and/or*
 - *the long term canopy cover.*

In addition to the reasons for removing a tree, as outlined above, the *Draft 2022-2027 Tree Strategy* includes a list of invalid reasons for Council owned tree removals. The purpose of this is to provide clarity and to better manage community expectations. The proposed invalid reasons for Council Owned Removals are set out below:

Proposed Invalid Reasons for Council Owned Tree Removals

- property owner preference for no street tree or for a different species;
- complaints about appearance and/or smell;
- complaints about allergens (unless under exceptional circumstances and written advice is provided from a medical specialist);
- interruptions to views;
- complaints about leaf litter, seed pods and other debris;
- complaints about tree roots not proving to cause damage to private property;
- complaints about bird noise and associated mess; and
- complaints about the overshadowing of solar panels.

Council Owned Tree Removal Process

At its meeting held on 3 August 2020, the Council endorsed a revised approval process for the removal of Council owned street trees associated with Development Applications. The revised process was prompted by the introduction of the *Planning & Design Code*, which substantially reduced the statutory assessment timeframes.

The key change in the process was to delegate the decision to the Manager, Development Assessment (from the General Manager, Urban Services) and to remove the requirement to seek the concurrence of the relevant Ward Councillors. The assessment criteria remained the same and includes the need to take advice from the City Arborist regarding the health and amenity value of the tree, as well as considering reasonable design alternatives that would obviate the need to remove the tree (eg a single width driveway instead of a double width driveway). It is intended that this approved process will form part of the Tree Planting and Maintenance Operational Guidelines to be developed as a Year 1 action.

An amended process for street tree removals not associated with a Development Application was not included in that Council Report and therefore no change was endorsed by the Council. However, the Council Report suggested that some 'fine-tuning' of the process was required to ensure it is more efficient and less resource intensive. The Council therefore resolved that another report outlining the proposed amendments to this process would be prepared for the Council's consideration. After this process is considered and endorsed by the Council, it will be included in the Operational Guidelines.

Charging for Loss of Amenity

The concept of charging applicants for the "loss of amenity" associated with the removal of a street tree was presented to the Elected Members as part of the Tree Strategy Briefing on 20 October 2021. The decision to present this option to Elected Members was based on research undertaken by staff, which shows that a number of other Councils, both locally and interstate, have introduced this approach, albeit to varying degrees.

The concept is founded in recognition that urban trees have an environmental, social and cultural value beyond the cost of purchasing a new tree. It is noted that whilst a number of Councils have adopted the concept and have applied a fee, all apply different methodologies in calculating the actual value for loss of amenity.

The *City of Burnside Tree Strategy 2014-2025* adopted a Amenity Tree Valuation formula to assist the Council in determining the appropriate financial measure in relation to street tree loss. The formula is based on the *Burnley Tree Valuation Method*, a common methodology used in the arboricultural industry. The City of Melbourne has also adopted this approach.

The formula is based on the following four (4) factors:

1. base tree value (the cost of buying a new tree of the same trunk size);
2. tree species attributes (lifespan and growth rate);
3. tree aesthetics (visual contribution to the landscape);
4. tree location (street, park, garden, boulevard); and
5. tree condition (tree health, condition and structural form).

These factors are rated and scored to provide a monetary amenity value of a tree. The value may vary from a few hundred dollars to many thousands. The cost could then be charged as 'loss of amenity' where the Council deemed appropriate. This might include where a street tree is proposed to be removed in association with development, where a street tree has been damaged as part of development works, or where the Council is pursuing prosecution for wilful damage or poisoning of a street tree.

The City of Burnside's *Urban Tree Management Policy 2018*, has referenced the Urban Tree Amenity Valuation as follows:

Removal for Development Benefit

Where authorisation is granted to remove tree(s) to accommodate development, Council may place a monetary value on the subject tree(s) using the Urban Tree Amenity Valuation.

The City of Holdfast Bay has also adopted the Burnley method and applies it when trees are removed in association with a new development eg driveways crossovers.

However, the City of Salisbury has in the past applied a tree amenity charge using a different methodology (the McAllister method). In recognition that the costs were high and variable, the Council now only charges for tree removal, replanting and two years establishment. Similarly, the City of Tea Tree Gully has applied loss of amenity in the past for negligent works, however it now only charges applicants for removal, replanting and maintenance costs, where there are no alternative design options associated with a Development Application.

Currently, in this Council, the cost of tree removal is simply based on the contractor fees for the tree removal and stump grinding, in association with Development Applications and applications for driveway crossovers.

Given that the introduction of a 'loss of amenity' fee could be controversial to implement and potentially result in wide variations in the fees charged to applicants, it is considered prudent that staff undertake detailed investigations and consult with the community prior to recommending the introduction of such a fee.

Alternatively, the Council could consider applying additional charges to applicants, beyond the contractor cost of the tree removal (as is currently the case), to include the cost of tree replacement and establishment costs for up to three (3) years.

To enable the Council to make an informed decision regarding the introduction of a 'loss of amenity' fee, which would be in addition to the tree removal fee, it is proposed that further investigations be undertaken by staff as a year 2 action (Action 2.1.7) and a report presented back to the Council at a later date.

Treenet Inlets Versus Additional Watering

Treenet inlets are installed in kerbs adjacent to street trees, to provide supplementary watering by trapping stormwater runoff and re-directing it into an underground well. They are a sustainable approach to tree watering by recycling rainwater. To date, sixty four (64) have been installed across the City.

The *Draft 2022-2027 Tree Strategy* includes a recommendation to continue the annual rollout of treenet inlets across the City in accordance with the agreed criteria, resulting in approximately ten (10) additional units per year (Action 4.3.2).

Treenet inlets are a significant investment at approximately \$1,800 per unit. Continuing the rollout of 10 units per year, would result in 50 additional units at a cost of \$100,000 over the five (5) year timeframe. While this is a positive outcome from a water sensitive urban design perspective, in the context of approximately 2,500 new street trees (based on 500 per year), it would provide supplementary watering to only 2% of the total new tree stock. In addition, some of the existing treenet inlets are showing signs of inefficiency due to blockage from leaf litter and sediment build up in some instances. Further investigation and monitoring is required however, to assess the full extent of this issue and to determine if the inlets that are installed are operating at their full potential.

As an alternative and/or concurrent initiative, the Council can consider the option of increasing the number of years that young trees are watered, from three (3) to five (5) years. Again, this option would require additional investigation to determine the logistics of increased water truck watering, to ensure this option is achievable and also to determine if the benefits of increasing the watering of new trees by two (2) years outweighs the cost. The investigations into these options are critical, particularly in light of the increased number of street trees which are proposed to be planted in coming years. Given that this is an operational matter, this has not been included in the *draft Tree Strategy*.

Street Tree Palette

The *Draft 2022-2027 Tree Strategy* introduces for the first time a “palette” for street tree selections. The “palette” contains forty four (44) trees in total; twenty five (25) exotic species and nineteen (19) native species.

The trees have been selected on their performance in relation to the key objectives of the *draft Tree Strategy*, to ensure long term success and to also eliminate personal preference. The large majority of the trees which are on the “palette” are listed on the *Resilient East Species List*. The “palette” identifies their suitability of the trees on Residential Streets, Main Roads and Medians or Parks and Reserves and whether the trees are approved for use under powerlines.

This approach is designed to ensure that the trees planted in the City will support the strategic objectives of the *draft Tree Strategy* in particular climate change adaptation and mitigation, sustainability and liveability. The performance criteria is outlined in Table 1 below and the tree characteristics are prioritised according to their importance in different locations. It can be applied to both new and replacement trees.

TABLE 1: TREE PERFORMANCE CRITERIA AND CHARACTERISTICS

Priority Rating	Residential Streets	Parks & Reserves	Main Roads & Medians
Objective 1 - Adapting to climate change and mitigating against urban heat			
• Large canopy (where appropriate)	MEDIUM	MEDIUM	HIGH
• Tolerance to extreme weather events (structurally strong)	HIGH	MEDIUM	HIGH
• Tolerance to drought, low water needs	HIGH	MEDIUM	HIGH
• Low maintenance needs	HIGH	MEDIUM	HIGH
• Proven success as street tree in similar climates	HIGH	LOW	HIGH
Objective 2 – Species diversity to support sustainability and biodiversity			
• Habitat for native fauna/wildlife corridor	LOW	HIGH	LOW
• Species diversity (Family/Genus/Species)	MEDIUM	MEDIUM	MEDIUM
• Resilience to pest and disease attack	HIGH	HIGH	HIGH
Objective 3 – Clean, safe and beautiful streets to support active lifestyles and community well-being			
• Low level seed/fruit/nut/bark drop	HIGH	LOW	HIGH
• Non-invasive roots	HIGH	LOW	HIGH
• Beauty and seasonal variation	MEDIUM	MEDIUM	MEDIUM
• Ability to become a landmark tree	LOW	HIGH	LOW
• Ability to become part of a significant avenue	HIGH	LOW	MEDIUM
• Straight, upright trunk (to facilitate access and movement)	HIGH	LOW	HIGH

Allergies

The issue of tree pollen and allergies has been considered and taken into account as part of the performance criteria for selecting new and replacement trees, particularly in relation to liveability.

After considering the issue however, specific trees have not been removed from the street tree “palette” based on their potential to cause allergies in some people. While the impact of pollen and other environmental pollutants can have impacts on people who are sensitive to allergens, the variables are considered too complex to necessitate the exclusion of specific trees from the City as a whole.

In Australia, according to Asthma Australia, grass pollens are considered to be the major outdoor allergen trigger and as such, the Adelaide Pollen Count reports only on grass pollen.

While some research suggests wind pollinated deciduous trees create more problems for asthma sufferers, there is no official guidance or direction from Government requesting that Local Government eliminates the use of these trees in the public realm. Instead, Asthma Australia provides advice to asthma sufferers on preventative medicines and avoidance strategies.

OPTIONS

There are a number of options available to the Council in respect to this issue, ranging from not proceeding with the *Draft 2022-2027 Tree Strategy*, through to making significant changes to the document before it is released for community consultation and engagement. Given the importance of this document and the community’s expectations in relation to trees, it is recommended that the Council endorse the *draft Tree Strategy*, including the Objectives, Outcomes, Strategies and Actions as being suitable to be released for community consultation and engagement.

Alternatively, the Council can amend, omit or propose new Objectives, Outcomes, Strategies and Actions for inclusion in the *draft Tree Strategy*.

CONCLUSION

The development of the *Draft 2022-2027 Tree Strategy*, recognises the leadership role which the Council can play in setting clear objectives and guidelines, both strategic and operational, for managing Council owned trees in the City. It also provides a framework for establishing clear objectives for partnerships with both the community and other stakeholders (ie.State Government, Resilient East, Green Adelaide, resident groups), in order to more effectively share the responsibility for managing trees, both Council owned and privately owned, into the future.

COMMENTS

It should be noted that the *Draft 2022-2027 Tree Strategy* will undergo a graphic design process and minor refinements prior to community consultation and engagement including the inclusion of illustrations, infographics and images throughout the document.

RECOMMENDATION

1. That the *Draft 2022-2027 Tree Strategy*, as contained in **Attachment B**, be endorsed as being suitable to be released for community consultation and engagement for a minimum period of twenty-eight (28) days.
 2. That the Chief Executive Officer be authorised to make any minor amendments to the *Draft 2022-2027 Tree Strategy*, resulting from consideration of this report and as necessary to finalise the document in a form suitable for community consultation and engagement.
-

Cr Sims left the meeting at 9:09pm.
Cr Sims returned to the meeting at 9:13pm.
Cr Stock left the meeting at 9:25pm.
Cr Granozio left the meeting at 9:26pm.
Cr Stock returned to the meeting at 9:28pm.
Cr Granozio returned to the meeting at 9:29pm.
Cr Mex returned to the meeting at 9.29pm.
Cr Whittington left the meeting at 9:39pm.
Cr Whittington returned to the meeting at 9:42pm.

Cr Sims moved:

- 1. That the Draft 2022-2027 Tree Strategy, as contained in Attachment B, be endorsed as being suitable to be released for community consultation and engagement for a minimum period of twenty-eight (28) days.*
- 2. That the Chief Executive Officer be authorised to make any minor amendments to the Draft 2022-2027 Tree Strategy, resulting from consideration of this report and as necessary to finalise the document in a form suitable for community consultation and engagement.*

Seconded by Cr Patterson and carried unanimously

Cr Minney left the meeting at 9:45pm.
Cr Minney returned to the meeting at 9:46pm.

Section 2 – Corporate & Finance
Reports

11.5 MONTHLY FINANCIAL REPORT – OCTOBER 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 October 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.

The First Budget update presented at this meeting propose proposes the Operating Surplus be reduced by \$341,000 to \$130,000 for the 2021-2022 Financial Year. The majority of the adjustments that are proposed are the result of Council resolutions made since the start of this financial year, combined with carry forward operating projects. The First Budget Update also adjusts the monthly timing of revenue and expenditure based on current information. This report has been based on the proposed First Budget update as this has corrected for the timing related matters that have been the primary reason behind variances reported in previous reports.

For the period ended October 2021, the Council's Operating Surplus is \$2.195 million against a budgeted Operating Surplus of \$1.591 million resulting in a favourable variance of \$604,000.

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 October 2021, the Council's Operating Surplus is \$2.195 million against a budgeted Operating Surplus of \$1.591 million resulting in a favourable variance of \$604,000.

The primary drivers for this result are:

- Employee expenses are \$422,000 favourable to the adopted budget which is the result of the following:
 - vacancies at the commencement of the financial year which were anticipated in the Adopted Budget to be filled (\$290,000). The recruitment of the a number of these positions has been finalised and therefore it is expected that this variance will stabilise;
 - variances resulting from resignations during the first quarter of the financial year, where the position was not backfilled during the recruitment process (\$45,000); and,
 - cancellation of events at the Norwood Concert Hall as a result of COVID-19 restrictions resulted in the reduction of casual staff hours (\$31,000).

It should be noted that the COVID-19 Pandemic has had a significant impact on the number and quality of the candidates within the market for permanent and temporary staff, across all positions, as such it is anticipated that the timeframes to replace staff may in some cases be longer than normal

- User Charges are \$56,000 unfavourable to the Adopted budget, which is due primarily as a result of the cancelation and deferral of events at the Norwood Concert Hall as a result of COVID-19 restrictions.
- Other income is \$54,000 favourable to budget, primarily due to the one-off receipt of a special distribution from the Local Government Financing Authority (\$33,500).

The residual budget variances are due to the accumulation of a number of small timing variances across all areas of the Council with no individually significant variances.

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

OPTIONS

Nil

CONCLUSION

Nil

COMMENTS

Nil

RECOMMENDATION

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

Cr Stock moved:

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

Seconded by Cr Minney and carried unanimously.

Cr Moore left the meeting at 9:47pm.

Cr Mex left the meeting at 9:47pm.

11.6 2021-2022 FIRST BUDGET UPDATE

REPORT AUTHOR: Financial Services Manager
GENERAL MANAGER: General Manager, Corporate Services
CONTACT NUMBER: 8366 4585
FILE REFERENCE: A285196
ATTACHMENTS: A - C

PURPOSE OF REPORT

The purpose of this report is to provide the Council with a summary of the forecast Budget position for the year ended 30 June 2022, following the First Budget Update.

BACKGROUND

Pursuant to Section 123 (13) of *the Local Government Act 1999*, the Council must, as required by the Regulations, reconsider its Annual Business Plan or its Budget during the course of a financial year and if necessary or appropriate, make any revisions.

The Budget Reporting Framework set out in Regulation 9 of the *Local Government (Financial Management) Regulations 2011* ("the Regulations") comprises two (2) types of reports, namely:

1. Budget Update; and
2. Mid-year Budget Review.

1. Budget Update

The Budget Update Report sets out a revised forecast of the Council's Operating and Capital investment activities compared with the estimates for those activities which are set out in the Adopted Budget. The Budget Update Report is required to be presented in a manner which is consistent with the note in the Model Financial Statements entitled *Uniform Presentation of Finances*.

The Budget Update Report must be considered by the Council at least twice per year between 30 September and 31 May (both dates inclusive) in the relevant financial year, with at least one (1) Budget Update Report being considered by the Council prior to consideration of the Mid-Year Budget Review Report.

The Regulations require that a Budget Update Report must include a revised forecast of the Council's Operating and Capital investment activities compared with estimates set out in the Adopted Budget, however the Local Government Association of SA has recommended that the Budget Update Report should also include, at a summary level:

- the year to date result;
- any variances sought to the Adopted Budget or the most recent Revised Budget for the financial year; and
- a revised end of year forecast for the financial year.

2. Mid-Year Review

The Mid-Year Budget Review must be considered by the Council between 30 November and 15 March (both dates inclusive), in the relevant financial year. The Mid-Year Budget Review Report sets out a revised forecast of each item shown in its Budgeted Financial Statements compared with estimates set out in the Adopted Budget presented in a manner consistent with the Model Financial Statements. This report must also include revised forecasts for the relevant financial year of the council's operating surplus ratio, net financial liabilities ratio and asset sustainability ratio compared with estimates set out in the budget presented in a manner consistent with the note in the Model Financial Statements entitled *Financial Indicators*.

The Mid-year Budget Review is a comprehensive review of the Council's Budget and includes the four principal financial statements, as required by the Model Financial Statement, detailing:

- the year to date result;
- any variances sought to the Adopted Budget; and
- a revised full year forecast of each item in the budgeted financial statements compared with estimates set out in the Adopted budget.

The Mid-year Budget Review Report should also include information detailing the revised forecasts of financial indicators compared with targets established in the Adopted Budget and a summary report of operating and capital activities consistent with the note in the Model Financial Statements entitled *Uniform Presentation of Finances*.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

FINANCIAL AND BUDGET IMPLICATIONS

The First Budget Update for the 2021-2022 Financial Year, provides an opportunity to amend the 2021-2022 Adopted Budget, to reflect any changes in projections based on:

- audited results to 30 June 2021;
- the first quarter results to September 2021; and
- new decisions by the Council, subsequent to the adoption of the Budget on 1 July 2021.

Details of material movements in the forecast from the Adopted Budget are contained in the Discussion section of this Report.

EXTERNAL ECONOMIC IMPLICATIONS

This report provides information on the planned financial performance of the Council for the year ended 30 June 2021 and has no direct external economic impact.

SOCIAL ISSUES

Nil

CULTURAL ISSUES

Nil

ENVIRONMENTAL ISSUES

Nil

RESOURCE ISSUES

There are no resource implications arising from this issue.

RISK MANAGEMENT

There are no risk management issues arising from this issue. All documents have been prepared in accordance with the statutory requirements.

COVID-19 IMPLICATIONS

The health impacts of the COVID-19 Pandemic has been well managed in South Australia. With the relaxation of restrictions associated with the COVID-19, the most of Council's programs, services and events are back to normal. The Council's First Budget update does not include any COVID-19 impacts, either positive or negative. Staff are continuing to monitor the financial impact of the COVID-19 pandemic and will incorporate any proposed budget adjustments in the Mid-Year Budget Review.

CONSULTATION

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

DISCUSSION

Budget Update

In determining the Adopted Operating Surplus, the Council considers the financial resources which are required to provide the ongoing Council services (Recurrent Operating Budget), which encompass the basic responsibilities, the Council is required to provide under the *Local Government Act 1999* and other relevant legislation plus ongoing services and programs as a result of community interest and expectation.

The extensive range of ongoing services provided by Council include inspectorial services (animal management/parking management), street cleaning and rubbish collection, maintenance of basic infrastructure including roads, footpaths, parks, public open space, street lighting and storm-water drainage, development planning and control, library and learning services, community support programs, environmental programs, community events, community recreational facilities and home assistance service.

In addition, the Council considers the funding requirements for the introduction of new services or initiatives or the enhancement to existing services (Operating Projects).

The 2021-2022 Adopted Operating Budget has forecast an Operating Surplus of \$471,000. As a result of the First Budget Update, the Operating Surplus is forecast to be \$130,000, a decrease of \$341,000. Due to the early stages of most Operating Projects with the exception of Carried Forward Operating Projects, no major material costs variances have been proposed to the 2021 – 2022 Adopted Project Budget. It is expected that a more accurate understanding of cost variances will be available at the Mid-Year review.

The material movements in the components that make up the movement in the Operating Surplus following the First Budget Update are detailed below.

A. Recurrent Operating Budget

The 2021-2022 Recurrent Operating Budget forecast a Recurrent Operating Surplus of \$1.064 million. Following the First Budget Update, the Recurrent Operating Budget Surplus is decreased to \$0.872 million with a decrease of \$192,000 on the Adopted Budget. The major reasons for the movement in Operating Surplus are detailed in Table 1.

TABLE 1: MAJOR VARIANCES IN RECURRENT OPERATING BUDGET – FIRST BUDGET REVIEW

	Increase/ (Decrease) \$
Due to State Government’s requirements for events greater than 1000 people, the Council resolved to cancel the Norwood Christmas Pageant. The budgetary impact is a reduction of expenditure of \$68,000. This expenditure reduction has in part been offset by additional expenditure to enhance the Christmas Display on Osmond Terrace. \$20,000 has been allocated for the installation of Christmas floats as part of the display. As such, the net reduction in expenditure is \$48,000.	(48,000)
Following consideration of the Notice of Motion requesting a review of the Council’s Arts Strategy, the Council resolved to utilise savings from the unfilled Arts Officer Position to fund the review of the Arts Strategy. The Review of the Arts Strategy will be treated as an Operating Project.	(30,000)
With the finalisation of matters related to the George Street Scramble Crossing, an increase in budget is required to accommodate costs. It should be noted that the increase in budget as proposed does not cover settlement of costs to the State Government which are still being negotiated with the Minister.	270,000

Operating Projects

The Adopted Budget includes an estimate of Operating Projects expenditure for the year under review in addition to:

- previously approved and Carried Forward Projects from the prior financial years; less
- an allowance for current year approved projects projected to be carried forward to subsequent financial years.

Carried Forward estimates (from prior financial years) were reviewed upon finalisation of the 2020-2021 Annual Financial Statements. Additional expenditure required for Operating Projects which have not been completed at the end of the 2020-2021 Financial Year, is incorporated in the 2021-2022 Budget as part of First Budget Update.

Carried Forward Operating Projects expenditure from 2020-2021, was estimated as part of the Adopted Budget to be \$203,272. Following the First Budget Update, the value of carried forward expenditure is \$510,222. The increase in the Carried Forward budget is due to projects not progressing as anticipated or the commencement of projects being rescheduled.

Details of the Operating Projects which have been carried forward to the 2021-2022 Financial Year are contained in **Attachment A**.

Taking into account the Carried Forward Operating Project expenditure and new projects endorsed by the Council, the 2020-2021 Adopted Operating Projects Budget forecast a total expenditure of \$0.955 million.

Following the First Budget Update, the total cost is estimated at \$1.164 million, an increase of \$209,143. The reason for the movement is due to expenditure timings of projects resulting in additional funds being carried forward. The significant individual Operating Projects changes are detailed in Table 2.

TABLE 2: SIGNIFICANT MOVEMENT IN OPERATING PROJECT BUDGET FROM THE ADOPTED BUDGET

Service Initiative	Increase/ (Decrease) \$
Movement in Projects Carried Forward to the 2021-2022 from the Adopted Budget	
The projects are proposed to be carried forward to continue the maintenance and support of the Council's Electronic Document Management System (\$58,400) and the digitisation of key paper based Records (\$19,500)	77,900
Following the adoption of the On - Street Parking Policy, it is proposed to carry forward unspent funds to be used to implement the other components of the Strategy to be undertaken during the 2021-2022 Financial Year.	53,870
The eHive – Cultural Heritage Collections Project budget is proposed to be carried forward. The project aims to implement a strategic management collections system by digitising components of the Council's Civic Collection, so the Council's Cultural Heritage assets and resources can be accessed via an internet based data system. The Council has commenced the project by collecting the heritage assets data information.	52,574
Asset Management Program – the project is continuing to be undertaken in 2021-2022 Financial Year within Adopted Budget. The project includes: <ul style="list-style-type: none"> • Traffic Control Devices Condition Review (\$10,650); • Incorporating Building Asset into Conquest Asset Management System (\$7,464); • Road Surface Modeller Analysis (\$9,469) 	27,583
As part of Emissions Reduction Plan, the budget incorporated several projects associated with the implementation of the Plan are carried forward. These projects will be finalised in 2021-2022 Financial Year.	26,895
The Council appointed Tonkin Consulting to undertake the Council's condition audit and valuation of stormwater assets. Tonkin Consulting has completed the data collection during 2020-2021 Financial Year, however the project will be finalised during 2021-2022 Financial year.	24,865
The additional budget is requested to be carried forward to carry on the Council's Transition to SA Planning Portal in line with the current adopted budget of \$20,000	20,000
The funding associated with Library Staff's new corporate uniform which is in the process of being implemented.	10,394
New or Additional Project Expenditure Since Adoption of Budget	
As Elected Members are aware, the 2022 Tour Down Under was cancelled due to COVID-19. The Adopted Budget of \$105,000 for this project has been reduced by \$85,000, the balance of \$20,000 being transferred to expend the wheel Park event planned for January 2022.	(85,000)
Funds for the Parade & George Street Scramble Crossing is no longer required as the construction work has been undertaken as part of the intersection works.	(72,407)
As adopted at the Council Meeting held on 6 September, the funding is required to prepare the Council's Public Art Strategy with the funding being transferred from savings from the Arts Officer vacancy which is yet to be filled.	30,000
As Council Meeting held on 6 September, the Council endorsed additional funding for the Urban Greening Program.	9,600

Details of the status of Operating Projects planned to be completed during 2021-2022 is contained in **Attachment A**.

B. Capital Projects

The Council adopted a Capital Budget of \$26.972 million for 2021-2022, which comprised funding allocations for New Capital Projects involving new or the upgrading of existing assets (\$8.081million), the renewal/replacement of existing assets (\$14.089 million) and carried forward projects from 2020-2021 (\$4.801million). As a result of the First Budget Update, the capital spend is forecast to be \$30.594 million, an increase of \$3.622 million is primarily due to expenditure timing variations to the Adopted Budget. The \$3.622 million increase is made up of an increase in carried forward funding of \$2.910 million and new funding requirements of \$0.712 million, which are detailed in Table 3 below.

Details of the Capital Projects which have been carried forward to the 2021-2022 Financial Year, are contained in **Attachment B**. The breakdown of the increase Capital Project expenditure is given below in Table 3.

TABLE 3: SIGNIFICANT MOVEMENT IN CAPITAL PROJECT EXPENDITURE FROM THE ADOPTED BUDGET

Capital Project	Increase/ (Decrease) \$
Movement in Carried Forward Capital Project Expenditure (Attachment B)	
Langman Grove Road Construction was delayed due to the redesign of the granular pavement construction. A redesign of the Asphalt pavement was required to be undertaken, by the external consultant, to avoid the re-location of water connections. As a result of the delay, an additional budget of \$979,781 is required to be carried forward to 2021-2022 Financial Year. In addition, due to the condition of the subgrade of the road, an additional \$320,000 is required to finalise the reconstructions. The Council has been successful in the application of \$445,000 of Grant funding as part of the Federal Governments COVID-19 Stimulus Program.	1,299,781
Due to works not being finalised by 30 June, the budgets for the following Stormwater Drainage Projects are being carried forward:	453,140
<ul style="list-style-type: none"> • Marian Road to May Street Firle \$513,987 • Hatswell Street & Regent Street Drainage Upgrade \$358,567 • Joslin Valley Drainage design \$64,635 • Seventh Avenue St Peters Design \$31,085 • Future Design for Schweppes \$29,061 • Trinity Valley St Peters Design \$27,895 • Joslin Valley Seventh Avenue \$12,557 	
In addition, the Adopted Carried Forward budget of \$700,000 for the Third Creek Stage 2a Project (Lewis Road to Henry Street) has been surrendered due to the project being deferred for easement issues.	
Delays have been encountered in the Second Creek Outlet Upgrade Project due to need to remove fill in the main collection area. This project is due for completion in late 2021.	304,525
The design of Payneham Oval Precinct Parking was completed in 2020-2021. The Construction works have been programmed to coincide with the break between sporting seasons. The works is scheduled to be completed in the first half of 2022.	236,095
The budget is carried forward for the following Building Projects:	216,340
<ul style="list-style-type: none"> • Norwood Concert Hall Auditorium Balustrade \$15,000 • Norwood Town Hall First Floor Slab Insulation \$100,000 • St Peters Town Hall Library Privacy Screen \$38,380 • Webb Street Car Park Lighting \$62,960 	
\$150,657 is carried forward to undertake the kerbing works on Stephen Terrace, in line with the road resealing which is being undertaken by Department for Infrastructure and Transport. Additionally, \$46,374 is carried forward for the road resealing of Oxford Street Hackney. The project has been deferred and will be undertaken following the completion of the stormwater drainage work on Oxford Street.	197,031

Capital Project	Increase/ (Decrease) \$
The budget is required to be carried forward from Council's Footpath Program for the following components:	79,792
<ul style="list-style-type: none"> • Bus Shelter DDA Pads \$50,000 • Richmond Street Footpath \$17,235 • Joslin Valley Drainage \$12,557 	
A number of projects which were identified in the Adopted carry-forward budgets had additional or less funds available to be carried forward due to timing variances with expenditures, these include:	297,874
<ul style="list-style-type: none"> • "All Things are One" Installation \$49,250 • Design of reserve staircases replacement \$14,440 • St Peters Street Streetscape \$11,184 • Buttery Reserve Tennis Club Court Upgrade \$20,607 • City Interactive Map \$39,210 • ERA Water Reserve Connection \$21,343 • St Peters Child Care & Pre-school PABX Upgrade \$16,000 • Council Wide Business Website \$7,400 • Osmond Terrace War Memorial \$36,000 • Master Plan Concept Design for Swimming Centres \$47,075 • Borthwich Park Creek Improvements Design & Construction \$12,571 • Don Pyatt Community Hall Chairs \$20,000 • Hannaford Reserve Masterplan \$15,000 • Church Avenue Lane Footpath Upgrade \$2,323 • Minor Road Design & Pavement Investigation \$8,946 • Stephen Street (Norwood) Improvements (\$16,250) • Kent Town Streetscape Upgrade (\$7,225) 	
New or Additional Project Expenditure Since Adoption of Budget	
The 2021-2022 Adopted Budget included \$150,000 carried forward funding for the finalisation of the detailed design for The Parade and George Street. The contract for the works was awarded in September 2021, with the Council endorsing a project budget of \$664,214.	358,452
As a result of this award, the budget for 2021-2022 is required to be increased by \$514,214, which is made up of an additional \$145,762 carried forward from 2020-2021 and \$358,452, new funding which was endorsed at the Special Council meeting on 26 October 2021.	
The additional budget is requested to engage the external consultant to complete the Council's business website. This project had originally been planned to be completed by internal staff.	5,000

While there is a proposed increase in the Capital Expenditure, it is too early to determine if additional borrowing will be required to fund the increasing capital expenditure. The borrowing need will be reassessed when a review of projected project completions is undertaken as part of the Mid-Year Budget Review.

Regulation 9 (1) (a) of the Regulations states the Council must consider:

"at least twice, between 30 September and 31 May (both dates inclusive) in the relevant financial year..... a report showing a revised forecast of its operating and capital investment activities for the relevant financial year compared with the estimates for those activities set out in the budget presented in a manner consistent with the note in the Model Financial Statements entitled Uniform Presentation of Finances"

The revised budgeted Uniform Presentation of Finances as a result of the First Budget Update is included in **Attachment C**.

OPTIONS

Not Applicable.

CONCLUSION

Nil

COMMENTS

Nil

RECOMMENDATION

1. That the First Budget Update Report be received and noted.
 2. That project progress reports contained in **Attachments A and B** be received and noted.
 3. That Pursuant to Regulation 9 (1) (a) of the *Local Government (Financial Management) Regulations 2011*, the Budgeted Uniform Presentation of Finances as contained within **Attachment C** be adopted.
-

Cr Mex returned to the meeting at 9:47pm.

Cr Stock moved:

1. *That the First Budget Update Report be received and noted.*
2. *That project progress reports contained in Attachments A and B be received and noted.*
3. *That Pursuant to Regulation 9 (1) (a) of the Local Government (Financial Management) Regulations 2011, the Budgeted Uniform Presentation of Finances as contained within Attachment C be adopted.*

Seconded by Cr Minney and carried unanimously.

Section 3 – Governance & General Reports

11.7 2022 SCHEDULE OF MEETINGS FOR THE NORWOOD PARADE PRECINCT COMMITTEE

REPORT AUTHOR: Economic Development & Strategic Projects Coordinator
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4512
FILE REFERENCE: qA69610
ATTACHMENTS: Nil

PURPOSE OF REPORT

The purpose of this report is to provide the Council with the proposed Schedule of 2022 Meetings for the Norwood Parade Precinct Committee.

BACKGROUND

The Norwood Parade Precinct Committee meeting scheduled for Tuesday 23 November 2021 was cancelled due to a lack of a quorum. As a result the Committee was unable to endorse a schedule of meetings for 2022. For this reason the proposed Schedule of Meetings for the Norwood Parade Precinct Committee in 2022 is being presented to the Council for its endorsement.

In respect to meetings, the Norwood Parade Precinct Committee Terms of Reference state that:

8.3 The Norwood Parade Precinct Committee shall meet four (4) times in a calendar year, at a place to be determined by the Chief Executive Officer and then on such dates and at such times as determined by the Precinct Committee.

DISCUSSION

In accordance with the Terms of Reference, the Chief Executive Officer has determined that all of the Committee Meetings will be held in the Mayor's Parlour, located in the Norwood Town Hall at 175 The Parade, Norwood.

In respect to the time and date of the meetings, it is recommended that all of the meetings of the Committee in 2022 commence at 6.15pm on a Tuesday night and that they be held on the dates outlined in Table 1 below. Based on this proposal and the fact that the Council will go into caretaker mode in early September 2022, meaning that the Committee will be dissolved at that point in time, it is recommended that the schedule of meetings outlined in Table 1 below, be approved by the Council.

TABLE 1: NORWOOD PARADE PRECINCT COMMITTEE SCHEDULE OF MEETINGS 2022

Meeting	Date	Start Time
1	Tuesday 15 February 2022	6:15pm
2	Tuesday 10 May 2022	6:15pm
3	Tuesday 26 July 2022	6:15pm

RECOMMENDATION

That the Schedule of Meetings for 2022 as set out below, be approved.

NORWOOD PARADE PRECINCT COMMITTEE SCHEDULE OF MEETINGS 2022

Meeting	Date	Start Time
1	Tuesday 15 February 2022	6:15pm
2	Tuesday 10 May 2022	6:15pm
3	Tuesday 26 July 2022	6:15pm

Cr Dottore moved:

That the Schedule of Meetings for 2022 as set out below, be approved.

NORWOOD PARADE PRECINCT COMMITTEE SCHEDULE OF MEETINGS 2022

Meeting	Date	Start Time
1	Tuesday 15 February 2022	6:15pm
2	Tuesday 10 May 2022	6:15pm
3	Tuesday 26 July 2022	6:15pm

Seconded by Cr Whittington and carried unanimously.

Cr Moore returned to the meeting at 9:49pm.

Cr Moorhouse left the meeting at 9:49pm.

11.8 EXECUTION OF COUNCIL SEAL – FUNDING DEED UNDER THE LOCAL GOVERNMENT INFRASTRUCTURE PARTERSHIP PROGRAM – PAYNEHAM MEMORIAL SWIMMING CENTRE REDEVELOPMENT

REPORT AUTHOR: Manager, Economic Development & Strategic Projects
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 83664509
FILE REFERENCE: qA75100
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to seek the Council's approval to sign and seal two (2) copies of the funding deed (*the Deed*) between the Council and the Treasurer of South Australia for the Payneham Memorial Swimming Centre Redevelopment.

BACKGROUND

At its meeting held on 7 December 2020, the Council resolved to submit a grant funding application under the *Local Government Infrastructure Partnership Program* for the Payneham Memorial Swimming Centre. On 22 March 2021, the Council was advised that it was successful in **securing a grant of \$5.6million** for the Payneham Memorial Swimming Centre Redevelopment Project.

The Deed facilitates the Council's receipt of the grant from the State Government through the *Local Government Infrastructure Partnership Program* for the construction of:

- a new semi-enclosed 25 metre, eight (8) lane Learners' Pool with an all-weather cover;
- a new two-storey building containing administration, function area, clubrooms/training facilities and change room, separate school change area and café;
- interactive water play area and high platform water slides integrated with the building;
- a new plant room to service the refurbished 50 metre main pool, 25 metre Learners Pool and water play equipment;
- a new zero depth splash pad; and
- shade shelters, barbeques and picnic facilities.

Whilst the refurbishment/redevelopment of the main 50 metre pool and the replacement of the existing gravity fed sand filtration system form part of the Payneham Memorial Swimming Centre Redevelopment Project, *the Deed* excludes both of these components. For the purposes of *the Deed* the Council will be responsible for all costs associated with these component of the Project. The grant funding also does not apply to the proposed sports and the two (2) storey administration building.

The Deed which facilitates receipt of the funding is required to be signed and sealed by the Council (two copies) to formalise and activate the funding agreement.

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

FINANCIAL AND BUDGET IMPLICATIONS

Pursuant to the terms of the grant funding, the Council is required, as a minimum, to match the grant funding amount. Therefore, as part of the Council's 2021-2022 Budget, the Council allocated a total project budget of \$24 million (comprising of \$5.6 million grant funding and \$18.4 million Council allocation). The \$24 million is intended to cover the anticipated costs for the development of the detail design and construction documentation, as well as deliver the refurbishment and/or reconstruction of the main 50 metre pool and associated infrastructure, the 25 metre pool, aquatic play equipment, plant room, the sports and leisure centre/administration building as well as all ancillary features such as fencing, outdoor furniture and landscaping (all of which is estimated at approximately \$20 million).

It should be noted that pursuant to the conditions under the *Local Government Infrastructure Partnership Program Grant*, the Council was unable to apply for grant funding for any component that has already been funded by the Council or any other State Government funding program. Therefore, whilst the refurbishment/reconstruction of the 50 metre pool forms part of the redevelopment project it does not form part of the elements identified in the *Local Government Infrastructure Partnership Program*. This means that the Council will need to fund the total cost of the 50 metre pool regardless of whether it resolves to refurbish or rebuild the pool.

As Elected Members will recall, at its meeting held on 26 October 2021, the Council resolved to appoint *DWP – Hardy Milazzo* as the design consultants to undertake the detail design and construction documentation for the Payneham Memorial Swimming Centre Redevelopment. The detail design and documentation process has commenced and is expected to be completed by 31 July 2022, allowing construction to commence and be completed within the required timeframe.

The *Payneham Memorial Swimming Centre Redevelopment Project* is scheduled to be delivered over two (2) financial years, with the estimated spend being incurred as follows:

- 2021-2022 - \$ 3.0 million
- 2022-2023 - \$21.0 million

RECOMMENDATION

That the Mayor and Chief Executive Officer be and are hereby authorised to sign and seal the Funding Deed under the *Local Government Infrastructure Partnership Program*, contained in Attachment B of this report, for the Payneham Memorial Swimming Centre Redevelopment Project.

Cr Minney moved

That the Mayor and Chief Executive Officer be and are hereby authorised to sign and seal the Funding Deed under the Local Government Infrastructure Partnership Program, contained in Attachment B of this report, for the Payneham Memorial Swimming Centre Redevelopment Project.

Seconded by Cr Knoblauch and carried unanimously.

11.9 REQUEST FOR NEW LEASE – 66 NELSON STREET, STEPNEY – NO STRINGS ATTACHED THEATRE OF DISABILITY INCORPORATED

REPORT AUTHOR: General Manager, Governance & Community Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: qA59165
ATTACHMENTS: Nil

PURPOSE OF REPORT

The purpose of this report is to advise the Council that the Lease between the Council and No Strings Attached Theatre of Disability Incorporated (the Lessee), for the premises located at 66 Nelson Street, Stepney, will expire on 31 December 2021 and of the Lessee's request to enter into a new lease for a further five (5) year period, for the Council's consideration.

BACKGROUND

No Strings Attached Theatre of Disability Inc is a community-based contemporary theatre company, providing creative opportunities and training programs for disabled artists and theatre support personnel. No Strings Attached Theatre of Disability Inc has leased the premises located at 66 Nelson Street, Stepney, since 8 December 2008.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The relevant Goals contained in *CityPlan 2030* are:

Outcome 1: Social Equity

Objective 1.1: Convenient and accessible services, information and facilities.

Strategy:

1.1.1 Establish community hubs that integrate social support, health, recreational and commercial services, in multi-purpose spaces.

FINANCIAL AND BUDGET IMPLICATIONS

The Annual Lease Fee is based on the Lease Fee Setting Model that was endorsed by the Council at its meeting held on 14 June 2011. The Lease Fee represents twenty per cent (20%) of the fair market rent valuation which is applicable to not-for-profit community groups.

The Council updates the fair market rent valuations for its leased properties every five (5) years as part of the general revaluation of Council assets.

The current Annual Lease Fee is \$9,328.00.

As part of the preparation of the new Lease, a new valuation will be required to form the basis of the new Annual Lease Fee.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

No Strings Attached Theatre of Disability Inc provides opportunities for persons with disabilities and raises awareness of disability issues within the broader community.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

Written legal agreements must be in place for Council premises that are used by third parties, to ensure legislative compliance and reduce exposure to claims from third parties that suffer injury or loss, whilst using Council facilities.

The conditions of the Lease therefore contain provisions requiring the Lessee to:

- adopt and implement an All Risks Management Plan;
- indemnify the Council against claims arising from the Lessee's negligence; and
- take out and maintain appropriate insurance covers.

CONSULTATION

- **Elected Members**
Not Applicable.
- **Community**
Community consultation is not proposed to be undertaken in respect to this matter.

The proposed Lease will be for a period not greater than five (5) years and is authorised in the relevant Community Land Management Plan, therefore public consultation is not a requirement under the provisions of the *Local Government Act 1999*.

- **Staff**
Manager, City Assets
- **Other Agencies**
Not Applicable.

DISCUSSION

The Board of No Strings Attached Theatre of Disability Inc., has requested a further five (5) year lease for the premises located at 66 Nelson Street, Stepney.

No Strings Attached Theatre of Disability Inc have occupied the premises since 2008 and have continued to meet their obligations as a tenant since that time.

In the event the Council determines to enter into a new lease with No Strings Attached Theatre of Disability Inc, a draft Lease will be prepared for the Council's consideration.

In addition, an updated valuation will be obtained for the premises to provide the basis for the annual rent which the Lessee will be liable for under the new Lease arrangements.

OPTIONS

From an administrative point of view, the current Lease arrangements have worked well, with the Lessee meeting the obligations which are set out in the Lease.

Notwithstanding this, the Council could determine not to enter into a Lease for the premises. However, as the Council does not have an alternative use for the cottage located at 66 Nelson Street, Stepney and on the basis of the performance of the Lessee to date, it is recommended that the Council grant a further lease to No Strings Attached Theatre of Disability Inc.

CONCLUSION

Nil.

COMMENTS

Nil.

RECOMMENDATION

1. That the Council agrees to grant a lease to No Strings Attached Theatre of Disability Incorporated to occupy the premises located at 66 Nelson Street, Stepney for a period of five (5) years.
 2. That a draft Lease be prepared and presented to the Council for consideration at the February 2022 Council Meeting.
-

Cr Moorhouse returned to the meeting at 9:51pm.

Cr Whittington moved:

1. *That the Council agrees to grant a lease to No Strings Attached Theatre of Disability Incorporated to occupy the premises located at 66 Nelson Street, Stepney for a period of five (5) years.*
2. *That a draft Lease be prepared and presented to the Council for consideration at the February 2022 Council Meeting.*

Seconded by Cr Moore and carried unanimously.

11.10 NOMINATIONS TO EXTERNAL BODIES

REPORT AUTHOR: General Manager, Governance & Community Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: S/00022
ATTACHMENTS: A - C

PURPOSE OF REPORT

The purpose of the report is to advise the Council of the call for nominations by the Local Government Association of South Australia (LGA) for appointments to the following bodies:

1. Dog and Cat Management Board;
2. Stormwater Management Authority (SMA); and
3. SA Power Networks Community Advisory Board.

Details relating to these appointments are set out below.

Dog and Cat Management Board

The Dog and Cat Management Board (the Board) is a statutory authority which is governed by the *Dog and Cat Management Act 1995* (the Act). The Board works closely with key organisations and the State Government, to improve dog and cat management in South Australia.

The Minister for Environment and Water has written to the LGA requesting nominations for appointment to the Board following the resignation of one of the Board Members.

Appointments are for a three (3) year term.

The Board generally meets on the last Wednesday of each month between 1.30pm and 5.30pm, and regularly holds their meetings at metropolitan and regional councils.

The sitting fee for Board members is currently \$206 per four (4) hour session which is attended.

Members of the Board must have the following attributes:

- practical knowledge of and experience in Local Government, including Local Government processes, community consultation and the law as it applies to Local Government;
- experience in the administration of legislation;
- experience in financial management; and
- experience in education and training.

A copy of the Dog and Cat Management Board Selection Criteria and Nomination form is contained within **Attachment A**.

All nominees must provide an up-to-date Resume with the LGA Nomination Form which are required to be forwarded to the LGA by 20 December 2021.

Stormwater Management Authority

The SMA is established under Schedule 1A of the *Local Government Act 1999*.

The role of the SMA is to facilitate and co-ordinate stormwater management planning by Local Government and to ensure relevant public authorities co-operate in respect to facilitating this outcome.

The Minister for Environment and Water has written to the LGA requesting nominations for appointment to the Stormwater Management Authority (SMA) as the term of membership for the current LGA nominated members (including the Presiding Member), will expire in June 2022. The existing LGA nominated members are eligible for reappointment.

A person nominated for appointment to the SMA must have appropriate qualifications or experience in public administration, water resources, stormwater management, mitigation of flood hazards, environmental management or infrastructure development.

Appointments to the SMA are for a period not exceeding three (3) years, commencing 1 July 2022. Sitting fees, allowances and expenses approved by the Governor are applicable.

A copy of the Selection Criteria and Nomination form is contained within **Attachment B**.

All nominees must provide an up-to-date Resume with the LGA Nomination Form which are required to be forwarded to the LGA by 4 February 2022.

SA Power Networks Community Advisory Board

SA Power Networks has contacted the LGA requesting nominations for two (2) positions (one metropolitan representative and one regional representative) for appointment to the SA Power Networks Community Advisory Board (CAB).

The primary functions of the Board are:

- provide a forum that enables representative groups of the South Australian community and consumers to engage with SA Power Networks on priority issues and topics;
- ensure the interests of customers are considered in decision-making;
- provide a forum for listening, discussion and collaborative engagement with customers and stakeholders;
- advocate for the needs and priorities of customers;
- drive co-design with customers of services, products and processes;
- ensure alignment with customer priorities in a rapidly changing environment; and
- build understanding and trust between stakeholders and SA Power Networks.

Appointments to the Board are for a period of two (2) years.

A sitting fee applies.

The CAB meeting schedule is as follows:

- four (4) half-day meetings in metropolitan Adelaide (schedule to be developed);
- two (2) online meetings (1.5-2 hours in duration);
- four (4) optional meetings for special interest purposes (1-1.5 hours in duration); and
- other meetings on special topics (eg. those requested by regulatory bodies or other external groups) may be required from time-to-time.

A copy of the Selection Criteria and Nomination form is contained within **Attachment C**.

All nominees must provide an up-to-date Resume with the LGA Nomination Form which are required to be forwarded to the LGA by 4 January 2022.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

RECOMMENDATION 1 – DOG AND CAT MANAGEMENT BOARD

1. The Council notes the report and declines the invitation to submit a nomination to the Local Government Association for the Dog and Cat Management Board.

or

2. The Council nominates _____ to the Local Government Association for the Dog and Cat Management Board.

RECOMMENDATION 2 – STORMWATER MANAGEMENT AUTHORITY

1. The Council notes the report and declines the invitation to submit a nomination to the Local Government Association for the Stormwater Management Authority.

or

2. The Council nominates _____ to the Local Government Association for the Stormwater Management Authority.

RECOMMENDATION 3 – SA POWER NETWORKS COMMUNITY ADVISORY BOARD

1. The Council notes the report and declines the invitation to submit a nomination to the Local Government Association for the SA Power Networks Community Advisory Board

or

2. The Council nominates _____ to the Local Government Association for the SA Power Networks Community Advisory Board.
-

Cr Moore moved:

The Council notes the report and declines the invitation to submit a nomination to the Local Government Association for the Dog and Cat Management Board.

Seconded by Cr Whittington and carried unanimously.

Cr Moore moved:

The Council notes the report and declines the invitation to submit a nomination to the Local Government Association for the Stormwater Management Authority.

Seconded by Cr Minney and carried unanimously.

Cr Patterson declared a conflict of interest in the following matter relating to SA Power Networks Community Advisory Board, as she has been nominated by the Council for appointment to the Board and left the meeting at 9:52pm.

Cr Minney moved:

The Council nominates Cr Fay Patterson to the Local Government Association for the SA Power Networks Community Advisory Board.

Seconded by Cr Stock and carried unanimously.

Cr Patterson returned to the meeting at 9:54pm.

11.11 NORWOOD OVAL – PROPOSED LIGHTING UPGRADE & OVAL PERIMETER LED LIGHTING

REPORT AUTHOR: Chief Executive Officer
GENERAL MANAGER: Not Applicable
CONTACT NUMBER: 83664539
FILE REFERENCE: qA63826
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to advise the Council of a proposal by the Norwood Football Club to upgrade the Oval lighting and install perimeter LED lights and to seek the Council's approval as land owner.

BACKGROUND

As Elected Members are aware, some time ago, the Council installed new Oval lighting towers at the Norwood Oval.

This project was jointly funded by the Council, the Norwood Football Club, the AFL and the Federal Government.

The Club is now proposing to upgrade the existing lamp fittings to LED technology.

In addition, the Club is seeking approval to install LED 'ribbon' lighting around the perimeter of the Oval (in front of the existing picket fence) as well as LED screens around the eastern perimeter of the property as shown on the attached drawings contained in **Attachment A**.

The upgrade to LED lamp fittings and the perimeter LED 'ribbon' lights, do not require Development Approval. However, as the land owner, the Council is required to approve the installation.

In respect to the installation of LED screens around the eastern boundary of the property, this component does require Development Approval. However, prior to lodging a Development Application, the Council's approval as the land owner is also required.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

FINANCIAL AND BUDGET IMPLICATIONS

The Norwood Football Club has negotiated an arrangement with a local company, VALO, which operates from Kent Town.

Based upon information which has been provided by the Norwood Football Club, the total value of the project is \$3,194,266 with VALO committing \$2,865,086 to the project.

The Norwood Football Club has advised that the funding gap of \$329,180, will be their responsibility. As such, there is no financial or budgetary implication for the Council.

EXTERNAL ECONOMIC IMPLICATIONS

The Norwood Oval is a significant component of the economic fabric of The Parade and the City generally. Its location on The Parade means that the 'spin-off' from the Oval when SANFL and WAFL games are played at the Oval, is significant in terms of patrons visiting The Parade cafes and hotels before and after games. As such, in order to continue its status as a major component of the City's economic fabric, there is a need to continually update the Oval to ensure that it remains contemporary.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

A major objective of this project is to transform the Norwood Oval into the first Smart Enabled Carbon Neutral Stadium in Australia.

VALO proposes to deliver 309kwh of solar generation per day which includes a Tesla Power Wall 2.0 Energy Storage. The balance of the energy requirements will be sourced from Green Power.

RESOURCE ISSUES

Nil

RISK MANAGEMENT

At this stage, an assessment of risks has not been undertaken. Once the Council has provided its 'in principle' endorsement as land owner, discussions will take place with the Norwood Football Club to identify risks and put a plan in place to manage the identified risks.

COVID-19 IMPLICATIONS

Nil at this stage.

CONSULTATION

- **Elected Members**
This proposal has been discussed with Mayor Bria and the Chief Executive Officer at meetings held on 2 November 2021 and 22 November 2021.
- **Community**
The placement of LED screens around the eastern boundary of the property will undergo public notification, as required under the *Planning Development & Infrastructure Act 2016*.
- **Staff**
Nil
- **Other Agencies**
Nil

DISCUSSION

The existing light towers have been designed on the basis of ensuring that there is minimal light spill onto adjoining properties, in particular the properties located on Woods Street.

The Club is not proposing to alter the design of the light towers. The proposal simply involves the installation of LED light fittings.

The new LED lights have a 'life' of approximately 50,000 hours and are Australasian Dark Sky Alliance Compliant, Australian made and carry a 10 year warranty.

The LED lights will result in savings of around \$40,892 in energy costs and \$34,973 in maintenance costs.

The LED 'ribbon' lighting around the perimeter of the Oval, will allow the Club to promote sponsors and sell advertising as well as ensuring that the Oval as a facility remains up-to-date in terms of technology.

OPTIONS

The Council can either endorse the proposal with or without conditions or it can resolve not to endorse the proposal.

CONCLUSION

Nil

COMMENTS

Nil

RECOMMENDATION

1. That the Council, as land owner, endorse 'in principle' the project to transform the Norwood Oval to a Carbon Neutral Stadium, subject to the following conditions:
 - a. that the new LED lamp fittings do not emit any lux output that would negatively impact on the amenity of occupants of adjacent residential properties and that any light spill from the Oval be equal to or less than the light spill from the existing lights; and
 - b. that the Club seek and obtain all relevant approvals, including any approvals required under the *Planning Development & Infrastructure Act 2016* and *Planning Development & Infrastructure Regulations 2017*.
 2. That the Norwood Football Club provides the Council with detailed drawings and specifications of all the various components of the project, for final approval.
-

Cr Stock declared a perceived conflict of interest in this matter as he is a Member of the Norwood Football Club. Cr Stock advised that he would remain in the meeting and take part in the decision-making process with an open mind.

Cr Dottore declared a perceived conflict of interest in this matter as he is a Member of the Norwood Football Club. Cr Dottore advised that he would remain in the meeting and take part in the decision-making process with an open mind.

Cr Minney declared a perceived conflict of interest in this matter as he is a Member of the Norwood Football Club. Cr Minney advised that he would remain in the meeting and take part in the decision-making process with an open mind.

Cr Duke declared a perceived conflict of interest in this matter as he is a Member of the Norwood Football Club. Cr Duke advised that he would remain in the meeting and take part in the decision-making process with an open mind.

Cr Patterson declared a conflict of interest in this matter, as she resides adjacent to the Norwood Oval and left the meeting at 9:56pm.

Cr Moore moved:

1. *That the Council, as land owner, endorse 'in principle' the project to transform the Norwood Oval to a Carbon Neutral Stadium, subject to the following conditions:*
 - a. *that the new LED lamp fittings do not emit any lux output that would negatively impact on the amenity of occupants of adjacent residential properties and that any light spill from the Oval be equal to or less than the light spill from the existing lights; and*
 - b. *that the Club seek and obtain all relevant approvals, including any approvals required under the Planning Development & Infrastructure Act 2016 and Planning Development & Infrastructure Regulations 2017.*
2. *That the Norwood Football Club provides the Council with detailed drawings and specifications of all the various components of the project, for final approval.*

Seconded by Cr Stock and carried unanimously.

Cr Granozio left the meeting at 9:57pm.
Cr Granozio returned to the meeting at 9:58pm.
Cr Moore left the meeting at 9:58pm.
Cr Moorhouse left the meeting at 9:58pm.
Cr Moore returned to the meeting at 9:59pm.
Cr Patterson returned to the meeting at 9:59pm.
Cr Moorhouse returned to the meeting at 9:59pm.

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 - C

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:

- Business & Economic Development Committee – (2 November 2021)
(A copy of the Minutes of the Business & Economic Development Committee meeting is contained within **Attachment A**)
- Cultural Heritage Committee – (15 November 2021)
(A copy of the Minutes of the Cultural Heritage Committee meeting is contained within **Attachment B**)
- Quadrennial Public Art Assessment Panel – (29 November 2021)
(A copy of the Minutes of the Quadrennial Public Art Assessment Panel meeting is contained within **Attachment C**)

ADOPTION OF COMMITTEE MINUTES

- **Business & Economic Development Committee**

Cr Knoblauch moved that the minutes of the meeting of the Business & Economic Development Committee held on 2 November 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.

- **Cultural Heritage Committee**

Cr Whittington moved that the minutes of the meeting of the Cultural Heritage Committee held on 15 November 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 Moorhouse and carried unanimously.

- **Quadrennial Public Art Assessment Panel**

Cr Sims moved that the minutes of the meeting of the Quadrennial Public Art Assessment Panel held on 29 November 2021, be received and that the resolutions set out therein as recommendations to the Council are adopted as decisions of the Council, subject to the removal of Part 3 of the recommendation (page 10 of the Minutes), which reads:

“the fifth Quadrennial Public Artwork be located at The Parade and Fullarton Road and Flinders Street intersection and that the Artist Brief takes into consideration The Parade Masterplan”

Seconded by Cr Patterson and carried.

13. OTHER BUSINESS

2021 Valedictory Statements

- **Mayor Robert Bria**

The following Valedictory Statements were conveyed to the Council by the Chief Executive Officer, on behalf of Mayor Robert Bria:

Dear Members and Staff,

It is customary that I make some valedictory remarks at the end of the last Ordinary Council meeting of the year.

Regrettably, this year I am unable to be present tonight to make these remarks as I am spending some precious time with my beautiful mother during the final moments of her life.

As I come to terms with the imminent loss of my mother; the person who gave me life and showed me love, I encourage you all to think about your own families and loved ones during the festive season, and that you hold them a little closer, longer and tighter the next time you see them.

We have been through another challenging year and those challenges will continue for some time.

But we also have much to celebrate and be thankful for, with some great projects to begin soon and many others in the pipeline.

We should all be pleased about the sense of momentum and excitement that is building in our community from these projects, combined with major developments in various parts of our City.

As I reflect on the past 12 months, I am reminded of the role that we, as public servants, play in our society.

Whether we are elected representatives or in public administration, our responsibilities and obligations are the same: to act with integrity, act with honesty and to act impartially - without fear or favour - in the service of our community and in a manner that justifies their trust and faith in us.

That trust comes in many forms, one of which is an expectation that we work as a team rather than as individuals.

No one person can do it all, and no one person knows it all.

Our success is a shared success which will only come with everyone pulling in the same direction.

As we head into an election year, let's commit ourselves to sprint to the finish line rather than run out the clock.

This means no delays, no deferrals and no distractions - just decisions to improve the welfare of the people of our City whom we have the honour to serve.

My sincere thanks to you all for your hard work and service to our community during the year.

Thank you also to the Executive Leadership Team, led by Mario, and also every other staff member who, everyday, display commitment and professionalism to their tasks and wear the values of the organisation on their sleeve.

I hope to see you all again soon in happier times.

All the best to you, your families and loved ones for a wonderful Christmas and a safe New Year.

- **Chief Executive Officer, Mario Barone**

As we reach the end of another challenging but, nonetheless successful year, it is always a good idea to reflect on what has happened. In short, it's a good time to get philosophical.

To this end, over the last 12 to 18 months, I have had cause to reflect on the meaning of public service – as this is what all of us in this room are here for – we are public servants and we are a collective of individuals who have chosen to serve the public – in this case, the citizens of Norwood Payneham & St Peters.

In simple terms, public service is about performing a service for the benefit of the public or something that is done to help people, rather than doing things to make a profit. It is sad to say that often this difference is lost on many politicians and public servants.

In fact, when you think about it, if public servants are not providing something for the benefit of the public, the country or the citizens whom they serve, then what are they actually doing? This does not mean that we must provide everything and anything that citizens want. This is not leadership. Leadership is as the word suggests is about leading.

From a personal standpoint, public service has continually that given me enormous satisfaction – even when things get tough – something which has become more prevalent these days with increasing expectations, the instantaneous nature of the media, increasing demands to do more with less COVID-19 and so on. Society has certainly changed!

And because the environment in which public servants work can be tough, there is a case to be made for public service and its importance of what can be achieved through public servants who are dedicated.

You certainly would not choose public life if your objective is to become rich and famous. The reward for public service is something intangible but, nonetheless important.

In fact, I say that public service should only attract those who get satisfaction from making something work, to do things which the private sector or free market economy cannot or will not provide.

In fact, as public servants, our reward comes from making public services more responsive and accountable to the public. Something which is often forgotten.

This brings me to the issue of when public servants prevent change or prevent positive things from happening – just because they can or because it doesn't suit them or may impact upon them. Again, this doesn't mean that we just let everything go. To lead and make decisions in the public sector, one must be objective.

Public service is at its worst, when those who work in it - both politicians and staff – start to redefine its objectives for personal or political gain, or in the interests of the provider of the service and not in the interests of all citizens whom they serve.

Public servants who enter public service as corporate climbers or for personal gain, often end up having short term horizons and almost avoid any action which might hinder their political objectives or personal ambitions.

Public service and the transformation which it must continuously go through in the pursuit of improving the well-being of the citizens whom we serve, is and must be seen as a long-term game and generally out of sync with electoral or political cycles or personal objectives.

So, when you hear public servants or politicians making a virtue out of doing nothing despite the situation demanding they do something, you should ask whether their quest for survival or personal gain has taken over their love for public service.

Public servants need courage. The ability to operate properly in the provision of public service requires an environment which allows public servants to provide advice and make recommendations without fear or favour.

That is, without the fear of retribution or offending or criticism, because one does not like the advice or the recommendation.

Sadly, I think this environment has all but been removed from Federal and State Government and now seems to rest in the most part only in Local Government.

As public servants, we are the trustees of public money and whether we work for a Council or the Government of the day, we must have and use the right to speak up and provide the frank and fearless advice when we feel that there is a need to do so.

Now, bringing all of this back to Norwood Payneham & St Peters. At Norwood Payneham & St Peters, our strategic plan has put in place a very strong framework to ensure that we are clear about why we exist – in short, our very reason for being is to improve the well-being of our community and our citizens.

This is the very simple yet, quintessential reason why we exist.

And yes, like all humans and organisations, we don't always get it right. We are not perfect. Yes, we will be challenged about our decisions and our recommendations, but we are very clear about what we are trying to do and why we are doing it.

A clear vision with good leadership without the thought of personal or political gain, will always, in my view, achieve good public service and in the process, if we act with honesty and integrity, this process will also deliver personal, professional and even political satisfaction.

Speaking from Norwood Payneham & St Peters staff's perspective – our greatest resource – this Council/organisation has a strong core of staff who are dedicated, loyal and committed to the cause of public service. They act with honesty, integrity and with the utmost of professionalism. These ingredients are at the core of our organisational Values. And perhaps most importantly, staff have bought into the vision and the narrative of why we exist and the delivery of excellent public service – that is to improve our community's well-being!

So, to the thank you's –

Mayor Robert Bria

As our leader, you have remained steadfast and have not deviated from your objective of ensuring that the community and this City, always come first – even though this has, at times, been difficult and at a personal cost.

On a personal level, your leadership and guidance, particularly over the last few years has kept me focussed and has certainly assisted me greatly in doing my job as the Chief Executive Officer.

To our Elected Members

Thank you for your leadership and support. Some of you I know better than others and I have particularly, over the last few months, spent many hours discussing and seeking to resolve the many issues which we have had to face.

Thank you for your support, your comradery and your leadership.

To my General Managers

Sharon Perkins, Carlos Buzzetti, Lisa Mara and Peter Perilli – thank you for your rock solid support and for your significant efforts over the last 12 months in ensuring that we have dealt with COVID-19 and the many challenges we have faced.

Whilst we don't seek recognition, our many achievements as staff are well documented in our 2020-2021 Annual Report. The fact that we started the financial year with a budget deficit and we were able to turn it around into a surplus is a tremendous result which comes from hard work, perseverance and loyalty.

These achievements, together with the almost \$10 million which we have achieved in State and Federal grants, has capped off a great year.

To Sean Faulkner (Manager, WHS & Risk) and Nicole Newton (Manager, Organisational Development)

Whilst they are not here tonight, I wish to record my thanks for their comradery, for their advice, their professionalism and for being there and giving me a shoulder to lean on, particularly during the COVID-19 Pandemic. I couldn't have worked through all of the machinations of WHS and industrial law without your advice and professionalism.

*Finally to my **Executive Assistant, Skye Grinter-Falzun**, thank you for being you and for all of your hard work and assistance which you have provided me, for listening and helping me resolve the many issues which come through my door and for doing an excellent job beyond my expectations. You can be justifiably proud of your integrity and your professionalism and what you have achieved to date, in such a short time. Well done!*

Finally, I wish you and your families a very special Christmas and a happy, healthy and prosperous 2022.

No doubt 2022 will be challenging, but if we Work Together – another one of our Organisational Values – we can and will achieve great things.

Finally, I'll leave you with a couple of quotes about public service:

*As Einstein put it:
"... only a life lived for others is a life worthwhile"*

*Or as Ghandi put it:
"... if you want to find yourself, just lose yourself in helping others"*

14. CONFIDENTIAL REPORTS

**14.1 TENDER SELECTION REPORT - SEVENTH AVENUE FLOOD MITIGATION UPGRADE PROJECT
– STAGE 1**

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:

(k) tenders for the supply of goods, the provision of services or the carrying out of works;

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 Moore moved:

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

(k) tenders for the supply of goods, the provision of services or the carrying out of works;

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

Seconded by Cr Minney and carried

Cr 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 Minney and carried.

Cr Dottore left the meeting 10:16pm.

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:

- (m) information relating to a proposal to prepare or amend a designated instrument under Part 5 Division 2 of the *Planning, Development and Infrastructure Act 2016* before the draft instrument or amendment is released for public consultation under that Act;

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 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 the proposed amendment is released for the purpose of public consultation.

Cr Moore moved:

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

- (m) information relating to a proposal to prepare or amend a designated instrument under Part 5 Division 2 of the Planning, Development and Infrastructure Act 2016 before the draft instrument or amendment is released for public consultation under that Act;*

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 consideration of the information confidential

Seconded by Cr Knoblauch and carried unanimously.

Cr Dottore returned to the meeting at 10:19pm.
Cr Sims left the meeting at 10:19pm.
Cr Sims returned to the meeting at 10:20pm.
Cr Knoblauch left the meeting at 10:20pm.
Cr Knoblauch returned to the meeting at 10:23pm.

Cr Dottore moved:

Under Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, discussion and minutes be kept confidential until the proposed amendment is released for the purpose of public consultation.

Seconded by Cr Minney and carried unanimously.

14.3 2022 AUSTRALIA DAY AWARD NOMINATIONS

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:

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

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

RECOMMENDATION 2

Under Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, discussion and minutes be kept confidential until 26 January 2022.

Cr Stock moved:

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

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

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

Seconded by Cr Granozio and carried unanimously.

Cr Granozio 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 26 January 2022.

Seconded by Cr Patterson and carried unanimously.

14.4 COUNCIL RELATED MATTER

RECOMMENDATION 1

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

(h) legal advice

and 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 either this matter is finalised or the release of the report and minutes is necessary to enable the matter to be enacted.

Cr Moore moved:

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

(h) legal advice

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 Callisto and carried unanimously.

Cr Moore 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 either this matter is finalised or the release of the report and minutes is necessary to enable the matter to be enacted.

Cr Dottore and carried unanimously.

14.5 COUNCIL RELATED MATTER

RECOMMENDATION 1

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

(h) legal advice

and 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 the matter is finalised.

Cr Dottore moved:

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

(h) legal advice

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

Seconded by Cr Minney and carried unanimously.

Cr Patterson moved:

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

Seconded by Cr Sims and carried unanimously.

14.6 STAFF RELATED MATTER

RECOMMENDATION 1

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

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

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

RECOMMENDATION 2

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

Cr Minney left the meeting at 10:46pm.

Cr Sims moved:

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

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

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

Seconded by Cr Callisto and carried unanimously.

Cr Stock 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 12 months, after which time the order will be reviewed.

Seconded by Cr Moore and carried unanimously.

Cr Minney returned to the meeting at 10:48pm.

14.7 STAFF RELATED MATTER

RECOMMENDATION 1

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

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

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

RECOMMENDATION 2

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

Cr Sims moved:

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

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

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

Seconded by Cr Granozio and carried unanimously.

Cr Sims 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 12 months, after which time the order will be reviewed.

Seconded by Cr Callisto and carried unanimously.

15. CLOSURE

There being no further business, the Acting Mayor declared the meeting closed at 10.57pm.

Mayor Robert Bria

Minutes Confirmed on _____
(date)