

Council Meeting Agenda & Reports

5 December 2022

Our Vision

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

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

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

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City of
Norwood
Payneham
& St Peters

1 December 2022

To all Members of the Council

NOTICE OF MEETING

I wish to advise that pursuant to Sections 83 and 87 of the *Local Government Act 1999*, the next Ordinary Meeting of the Norwood Payneham & St Peters Council, will be held in the Council Chambers, Norwood Town Hall, 175 The Parade, Norwood, on:

Monday 5 December 2022, commencing at 7.00pm.

Please advise Tina Zullo on 8366 4545 or email tzullo@npsp.sa.gov.au, if you are unable to attend this meeting or will be late.

Yours faithfully



Mario Barone
CHIEF EXECUTIVE OFFICER

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City of
**Norwood
Payneham
& St Peters**

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VENUE Council Chambers, Norwood Town Hall

HOUR

PRESENT

Council Members

Staff

APOLOGIES

ABSENT

1. **KAURNA ACKNOWLEDGEMENT**
2. **OPENING PRAYER**
3. **CONFIRMATION OF THE MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 28 NOVEMBER 2022**
4. **MAYOR'S COMMUNICATION**
5. **DELEGATES COMMUNICATION**
6. **QUESTIONS WITHOUT NOTICE**
7. **QUESTIONS WITH NOTICE**
Nil
8. **DEPUTATIONS**
Nil
9. **PETITIONS**
Nil
10. **WRITTEN NOTICES OF MOTION**

**10.1 RESIDENTIAL DEVELOPMENT IN CHARACTER AND HISTORIC AREAS – SUBMITTED BY
CR KESTER MOORHOUSE**

NOTICE OF MOTION: Residential Development in Character and Historic Areas
SUBMITTED BY: Cr Kester Moorhouse
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 Kester Moorhouse.

NOTICE OF MOTION

That staff prepare a report on Council's ability to have a more nuanced and detailed policy regarding large scale two-storey residential additions in areas affected by the Historic Area Overlay.

REASONS IN SUPPORT OF MOTION

Craig Holden, the chairperson of the State Planning Commission, told a Community Alliance SA meeting on November 24 that the Planning Commission has become aware that nuanced planning policy has been lost in the transition from council Development Plans to the State Planning and Design Code. He stated that the Commission is open to receiving submissions from councils on inserting nuanced planning policy provisions into the Code. This may mean the Council can add more locally specific design parameters, within a future sub-zone within the Established Neighbourhood zones.

In the Planning and Design Code two-storey house extensions can be built up to 9m high, with current trends producing large flat roofed box structures, with dominant high walls, unsympathetic to the character of the local area and streetscape and impinging negatively on the amenity of neighbours (see photos below). Many residents have been telling me they have been appalled by recent two-storey box extensions in their community, which are highly exposed from a streetscape view and have a dominant visual impact on surrounding properties. This is especially true in historic areas such as College Park with its historic villas, spacious gardens and extensive building setbacks. These features were previously better protected by council's more comprehensive, detailed and nuanced policies by our Council's Development Plan provisions, which have been significantly reduced in the new Planning and Design Code.

This motion will give staff an opportunity to investigate what may be achieved within this latest policy environment, outlined by Craig Holden and the Expert Panel, with options for policy change concerning two storey additions, including side setbacks, heights and wall length of extensions, materials, and impacts on adjacent neighbours.



Examples of constructions built in Historic Overlay areas

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

A report can be prepared as requested.

11. STAFF REPORTS

Section 1 – Strategy & Policy

Reports

11.1 PLANNING SYSTEM IMPLEMENTATION REVIEW

REPORT AUTHOR: Senior Urban Planner
GENERAL MANAGER: General Manager, Urban Planning & Environment
CONTACT NUMBER: 8366 4561
FILE REFERENCE: qA94753
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to advise the Council submission in relation to the Planning System Implementation Review.

BACKGROUND

The new planning system has been in operation in metropolitan Adelaide since March 2021. Since this time, various enhancements and improvements have been made, however a range of issues remain in relation to both the operation and administration of the system as well as the planning policies contained in the *Planning and Design Code* which are used in the assessment of development applications.

During the March 2022 State Election, the Government made a commitment to commission an independent review of the planning system to ensure planning decisions encourage a more liveable, competitive and sustainable long-term growth strategy for the State. As such, the Minister for Planning, the Hon Nick Champion MP, has commissioned an independent panel (the Expert Panel) to conduct a review of the implementation of the new planning system, including:

- the *Planning, Development and Infrastructure Act 2016*
- the Planning and Design Code and related instruments, as it relates to infill policy, trees, character, heritage and car parking
- the ePlanning system, to ensure it is delivering an efficient and user-friendly process and platform
- the PlanSA website, to check usability and ease of community access to information

During both the transition to the new system and since the commencement of its operation, the Council has provided ongoing feedback, questions and suggestions for improvements to the system. However, this is the first opportunity to comprehensively review the planning system as a whole and outline the Council's priorities for change.

The Expert Panel has invited submissions on issues relating to the review and is undertaking consultation activities with practitioners and the community. The Panel has also released three Discussion Papers themed to the topics the Panel has been tasked with reviewing, namely:

- *Planning, Development and Infrastructure Act 2016 Reform Options;*
- *Planning and Design Code Reform Options; and*
- *Proposed Reform to the ePlanning System and the PlanSA Website.*

The Discussion Papers, as well as summary versions of the Papers are available on the PlanSA website via the following link: https://plan.sa.gov.au/planning_review/have_your_say

A draft submission to the Expert Panel has been prepared and is contained in **Attachment A**.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Outcome 1: Social Equity

An inclusive, connected, accessible and friendly community

Objective:

- 1.1 *Convenient and accessible services, information and facilities.*
- 1.2 *A people-friendly, integrated, sustainable and active transport network.*
- 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*

Outcome 3: Economic Prosperity

A dynamic and thriving centre for business and services

Objective:

- 3.1 *A diverse range of businesses and services.*
- 3.2 *Cosmopolitan business precincts contributing to the prosperity of the City.*

Outcome 4: Environmental Sustainability

A leader in environmental sustainability

Objective:

- 4.1 *Sustainable and efficient management of resources.*
- 4.2 *Sustainable streets and open spaces.*
- 4.4 *Mitigating and adapting to the impacts of a changing climate.*

FINANCIAL AND BUDGET IMPLICATIONS

The implementation of the new planning system has and will continue to, require considerable expenditure by State and Local Governments. Expenditure by Local Government most notably includes an annual 'ePlanning Levy' which is scaled based on the cost of development undertaken in each Local Government Area. The required contribution from the City of Norwood Payneham & St Peters is currently set at \$59,100 per annum. The total paid to the State Government from all Councils is in the order of \$1,385,000 per annum. Other financial implications for Local Government include, but are not limited to, the Development Application lodgement fee now being retained by the State Government instead of Local Government, and additional administrative and system costs associated with adapting to the new system.

EXTERNAL ECONOMIC IMPLICATIONS

One of the key objectives of the State Government's reform agenda was purported to be driving investment and economic development in the State through removing barriers, 'perceived barriers' and 'inefficiencies' in the planning system.

SOCIAL ISSUES

The introduction of the Code and other aspects of the Planning Reforms have changed how members of the community interact with the planning system. For example, the transition to the ePlanning system has created some efficiencies for applicants (albeit noting that some applicants have expressed dissatisfaction with the system), however for neighbours affected by development there are fewer appeal rights.

CULTURAL ISSUES

'Character and heritage' is a key theme of the Panel's review of the planning system. The Council has, and will continue to, advocate for a planning system which supports the retention of buildings and places of heritage value which strongly aligns with one of the key objectives of the Council and the community, which is to protect and enhance the City's valued built form and character.

ENVIRONMENTAL ISSUES

The Code contains a range of policies which affect the sustainability and environmental outcomes of urban development, however there is room for improvement in terms of the strength and applicability of these policies. The draft submission contains commentary on necessary improvements to sustainability policies, which need to be better reflected in the *Planning and Design Code*.

RESOURCE ISSUES

The draft submission has been prepared using existing staff resources.

RISK MANAGEMENT

Current flaws and undesirable mechanisms in the planning system, such as 'deemed consents' (which can be issued for developments assessed out of statutory timeframes), pose a risk of poor development outcomes or rushed, compromised assessment processes. The draft submission contains recommendations for improvements to mitigate or remove various risks or poor outcomes.

CONSULTATION

- **Elected Members**
Nil
- **Community**
Nil
- **Staff**
Manager, Urban Planning & Sustainability
Manager, Development Assessment
Manager, Traffic & Integrated Transport
Team Leader, Regulatory Services
Development Assessment Planners
City Arborist
- **Other Agencies**
Nil

DISCUSSION

Planning and Design Code Reform Options Discussion Paper

The review has opened up discussion and submissions on any aspect of the *Planning and Design Code* but has focussed the Discussion Paper around four (4) key topics:

- character and heritage;
- trees (both regulated trees and trees required to be planted as part of new developments);
- urban infill; and
- carparking

A summary of comments provided in the submission under each of these topics, along with additional comments regarding the Code more generally, are summarised below.

Character and Heritage

In conjunction with the Expert Panel review, the State Planning Commission has put forward three (3) proposals in relation to character and historic areas. Firstly, to support and facilitate Councils to undertake Code Amendments to elevate existing Character Areas to Historic Areas (where appropriate justification has been provided). Secondly, to facilitate Councils to review and update Character and Historic Area Statements. Thirdly, to introduce a development assessment pathway that only allows for demolition of a building in Character and Heritage Areas once a replacement building has been approved. The Discussion Paper explores and poses questions in relation to these proposals and indicates support from the Expert Panel for the first two of the Commission's proposals, but reserves support for the third proposal relating to replacement buildings. The draft submission also indicates support from the Council for the first two proposals given that these align with the work already undertaken by this Council. In particular, the Council has already initiated and commenced investigations into Code Amendments seeking to elevate character areas to historic areas, and has previously appeared before the Commission advocating for improvements to Character and Historic Area Statements.

The third proposal is branded as ‘tougher demolition controls in Character Areas’, however this is somewhat misleading as the proposal would not actually achieve an outcome of retaining character buildings. Instead, it would introduce a new administrative (planning assessment) process where demolition and new buildings must be submitted in the same application. The intent appears to be targeted to improve the quality of new buildings. However, the key to improved building designs is through improving policies in the Code. Without policy improvements, the assessing planner will not be able to negotiate any better outcome than can currently be achieved, regardless of whether the demolition of the existing building forms part of the same application.

Introducing the proposed ‘demolition control’ in Character Areas will exacerbate confusion around the difference between historic areas and character areas. The primary intent of the Historic Area Overlay is the preservation (i.e. retention) of the existing buildings which have historic value that collectively represent an era(s) of development which was important in that local area. If these buildings are demolished, it would diminish or remove the historic value of that area. Conversely, the primary intent of the Character Area Overlay, is to preserve the general character and amenity of the area through (among other things) the size and siting of built form, allotment patterns, landscape settings etc. In Character Areas you should be able to replace the existing buildings with appropriately designed new buildings and still maintain the character of the area. This is why demolition controls have only ever applied to Historic Areas and not Character Areas. If there is a Character Area which contains buildings which are worthy of retention due to their historic value, then this area should be considered for elevation to Historic Areas (which forms the basis of Proposal 2 in this Discussion Paper). There is considerable risk this proposal would create a misconception amongst the community that councils can totally prevent the demolition of a building in a Character Area – that is, that an application for demolition could be refused based on the character value of the building alone, which would not be the case under this proposal. On this basis, the draft submission indicates this proposal is not supported, and that the actual policies for the design and scale of new dwellings in Character Areas should be improved.

The draft submission also sets out comments on the existing historic and character policy framework. Specifically, that the policy framework for historic and character areas in the Code is more complex and harder to interpret than former Development Plans, but despite this complexity, the policies are less detailed and instructive. It is recommended that the policy framework be simplified and include more localised policy content. The submission also highlights the issues previously raised by this Council relating to Representative Buildings (formerly known as Contributory Items). It is recommended that the Code policy is improved to clarify that Representative Buildings should be retained, unless they meet the relevant demolition tests (e.g. structural condition of the building).

Trees

The Discussion Paper explores various options with respect to Regulated and Significant trees. The draft submission from the Council indicates support for expanded protection for Regulated Trees in the interests of improved environmental protection and meeting tree canopy targets set out in the *30 Year Plan for Greater Adelaide*, such as through reducing the minimum trunk circumference for applying planning controls from 2 metres to 1.5 metres. Recommendations have also been made in the draft submission requesting greater clarity in the legislation regarding tree pruning in the interests of reducing inappropriate and damaging pruning.

In respect to new tree plantings, the Code requires new tree(s) to be planted as part of some Development Applications for new dwelling(s). In some circumstances, the applicant can pay into an off-set scheme in lieu of planting trees with those contributions being forwarded to councils for planting trees on public land. The Discussion Paper poses a question as to whether the payment required in lieu of planting trees should be increased. This is supported so that the amount paid into the offset scheme is closer to the actual cost faced by councils in planting and maintaining trees.

Urban Infill

Issues covered in the Discussion Paper relating to Urban Infill include Code policies relating to building design, alternative forms of infill development and the interaction between strategic planning and the Code. The draft submission responds to these topics and in particular reiterates the importance of having a spatially resolved Regional Plan which guides where urban infill occurs, where improved services will be required, and to provide additional guidance for private rezoning proposals.

Carparking

The significance of carparking is reflected through various questions raised in the Discussion Paper, covering both carparking requirements for developments on private land and more general issues experienced by Councils in public streets. In drafting the Council's response to the issues of carparking, feedback was sought from the Council's Manager, Traffic and Integrated Transport and Team Leader, Regulatory Services, to capture some of the key issues and areas affected. Issues experienced in the City of Norwood Payneham & St Peters which have been raised in the draft submission include issues of all-day parking in streets near the CBD (typically people 'parking and riding' into the CBD for work) and/or near employment centres or large employers such as Lifecare which generates carparking demand in First Avenue Joslin. A key recommendation made in the draft submission regarding carparking associated with new developments, is for the minimum internal garage dimensions to be increased to ensure garages can accommodate larger vehicles. This may help to increase the number of residents who park in their garages, rather than on the street.

Other Code Issues

The draft submission explores additional concerns regarding the Code which have not specifically been raised in the Discussion Paper, including:

- loss of local policy in the transition from Council Development Plans to the Code;
- prevalence of 'mixed-use' zones in the Code resulting in a step away from basic land use planning and separation of incompatible land uses;
- bonus height policies which allow developments to exceed the prescribed maximum building height; and
- improvements required for sustainability policies, particularly a more consistent approach to energy efficiency, stormwater management and tree planting requirements which currently only apply in specific circumstances.

Planning, Development and Infrastructure Act Reform Options Discussion Paper

The *Planning, Development and Infrastructure (PDI) Act Discussion Paper* provides discussion points and questions relating to a range of topics, including:

- public notification and appeals;
- Accredited Professionals (private decision makers);
- Local Heritage legislation; and
- Processing of development applications including timeframes to make decisions

A summary of comments provided in the submission under each of these topics, together with additional comments regarding the legislation more generally are summarised below.

Public Notification and Appeals

Changes to public notification and appeal rights associated with Development Applications, was a significant area of reform in the introduction of the new planning system. The draft submission advocates for a review of public notification triggers so that developments in Urban Corridor Zones which exceed the maximum building height are always subject to notification, as this is not currently the case. It also advocates for a reintroduction of different tiers of public notification so the extent of notification is commensurate with the scale of development, as well as a review of appeal rights with a view to re-introduced third-party appeal rights for some performance assessed applications.

Accredited Professionals

One of the foundations of the PDI Act is a new decentralised decision-making framework for planning and building assessment. In this framework, planning and building decision-making powers were removed from Councils and allocated to relevant authorities appointed by the Council, namely the Assessment Manager and Council Assessment Panel. The framework also allows private planning and building professionals to make development decisions in certain circumstances, as was the case under the former legislation. This change was introduced in conjunction with a State Government accreditation scheme applying to planners, building certifiers and other industry professionals involved in making development decisions.

The Discussion Paper raises questions regarding the extent to which private Accredited Professionals (i.e. private certifiers) should be able to make decisions. The draft submission recommends that planning decisions should only be issued by planning certifiers (not building certifiers as can currently occur) and planning certifiers should not be permitted to issue consents to developments that do not meet all of the required specifications. Currently, planning certifiers can issue consents to developments with one or more 'minor variations' from the tick-box criteria however, there have been numerous demonstrated examples where those 'minor variations' are not considered to be genuinely minor and have external impacts which require further assessment.

Local Heritage

Local heritage has been the subject of various planning system reform discussions over a number of years, commencing with the original 2014 Expert Panel on planning reform through to the recent formation by the Government of the Heritage Reform Advisory Panel in 2021. A key question posed during these discussions is whether the criteria and listing process for Local Heritage Places should be removed from planning legislation and embedded in the *Heritage Places Act 1993* along with State Heritage Places. There are many factors to consider should this change be made, however it is likely to lead to a more efficient and independent consideration of Local Heritage Place listing nominations as compared to the current planning policy amendment process which is costly, lengthy and more likely to be influenced by the prevailing heritage philosophy and politics of the time. The draft submission provides commentary around this option, along with other recommended improvements to legislation affecting historic areas.

Processing of Development Applications

The PDI Act introduced significant changes in the way Development Applications are processed. Two (2) important changes were the reduction in assessment timeframes for the majority of planning applications and the introduction of 'deemed consents' where an automatic consent can be granted when a planning authority exceeds the assessment timeframe. The draft submission advocates for increased assessment timeframes for more complex applications as the current 20 business days has proven to be insufficient, particularly for applications requiring referrals to experts such as the heritage advisor, flood engineers and arborists. The submission also advocates for the removal of 'deemed consents' given the considerable risk of poor development outcomes and the unreasonable pressure it places on urban planners.

Other PDI Act Issues

A range of other issues relating to the PDI Act and associated legislation have also been raised in the draft submission. The first fundamental issue raised is the centralisation of planning policy by the State resulting in lost local policy and loss of autonomy for councils in policy amendments. The second fundamental issue is the changes to relevant authorities (i.e. who makes what development decisions) which has unnecessarily complicated the administration of the planning system. Other important issues include the interaction between the PDI Act and the *Local Government Act 1999* which will impact a council's ability to control driveway crossover approvals, and the considerable annual financial investment Councils are required to make through the ePlanning Levy and the limited influence local government has in determining the prioritisation of the necessary improvements and fixes.

ePlanning System and the PlanSA Website Reform Options Discussion Paper

'ePlanning' is another significant aspect of the new planning system. The ePlanning system includes:

- the delivery of the Code policies in an online and interactive format;
- the Development Application Processing (DAP) system through which development applications are submitted and assessed;
- South Australian Property and Planning Atlas (SAPPA) which is the online mapping tool used to display Code zoning and other spatial information; and
- the PlanSA Planning Portal website which provides a range of information and documents.

The ePlanning system has delivered a range of benefits, such as improved accessibility to the planning system for development applicants. However, the system has a number of notable limitations which are currently impacting all users, particularly Local Government which is one of the biggest stakeholders. The Discussion Paper poses questions relating to administrative improvements as well as suggesting options for future enhancements. While the draft submission provides responses to these questions, the majority of the feedback relates to specific issues experienced by Council staff which impact day-to-day operations and recommendations for how these issues could be overcome. Key suggestions include improvements to the online Code so it is easier to navigate (by both members of the public and practitioners), improvements to the development statistics reporting tool to allow the efficient and strategic monitoring of important data, and improvements to the DAP system to improve efficiency and clarity when processing development applications.

OPTIONS

The Council has the following options with respect to how it responds to the Planning System Implementation Review.

Option 1

The Council can resolve to endorse the attached draft submission contained in **Attachment A**, with or without minor amendments, as being suitable for submitting to the Expert Panel.

This option is recommended.

Option 2

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

CONCLUSION

The Planning System Implementation Review provides the first significant opportunity to review all aspects of the planning system. The fact that the review encompasses legislation, policy and online tools allows a range of interconnected and fundamental issues to be considered whereas previous opportunities to provide feedback have been limited to particular policy amendments or system enhancement projects. It is perhaps unlikely that fundamental aspects of the new system will be removed due to the extent of resources which have been invested into the current system, but it is possible that significant improvements could be made. For example, it is unlikely the *Planning and Design Code* in its entirety will be revoked and former Development Plans reinstated, but it may be more likely that the Code will be amended to allow additional local policy content or other improved policy outcomes.

COMMENTS

Nil

RECOMMENDATION

1. That the draft submission contained in Attachment A, in response to the Planning System Implementation Review, be endorsed and the submission be forwarded to the Expert Panel.
2. That the Chief Executive Officer be authorised to make changes as required to the submission prior to the submission being lodged.

Attachments – Item 11.1

Attachment A

Planning System Implementation Review

City of Norwood Payneham & St Peters
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City of
**Norwood
Payneham
& St Peters**

File Number: qA94753
Enquiries To: Eleanor Walters
Direct Telephone: 8366 4521

[Insert Date]

Mr John Simson
Presiding Member, Expert Panel
Planning System Implementation Review
By email: DIT.PlanningReview@sa.gov.au

Dear Mr Simson

PLANNING SYSTEM REVIEW IMPLEMENTATION

Thank you for the opportunity to provide comments in relation to the Planning System Implementation Review. The Council's submission is attached for your consideration, in addition to the comments below.

The planning system review provides a welcome and timely opportunity to determine what is and is not working, identify gaps and prioritise enhancements. The Council has regularly provided comments to the State Planning Commission and Planning and Land Use Services (PLUS) on various matters, either through formal submissions or opportunities as these arise. However, the current review provides a timely opportunity to consider fundamental aspects of the system, particularly given that amendments to the *Planning, Development and Infrastructure Act 2016* have not previously been open for consideration. It is also important for any issues and or improvements to be considered in a holistic system context, given past opportunities for comment have been limited to specific issues and enhancement projects.

Of strategic importance, the Council seeks the Expert Panel's support for an agreed and suitably resourced program of policy improvement and reform that was envisaged when the State took on custodianship of both the *Planning and Design Code* and the Planning Portal. Local Government is one of the most significant stakeholders impacted by these new instruments and whilst the commencement of the new system has provided a number of benefits, there is a significant work program ahead to improve these systems and to ensure the State is implementing the sixteen (16) State Planning Policies. In 2018-2020, the State Planning Commission invested considerable analysis and collaboration into the four Policy Discussion Papers – *Natural Resources and Environment, Productive Economy, People and Neighbourhoods* and *Integrated Movement Systems*. These Discussion Papers examined strategic trends, broad risks and opportunities for the future and outlined a second Generation of policy reform that was to commence following the initial establishment of the Planning Design Code. This second-generation policy reform is still awaiting consideration and no program has been announced for its progression. This Council and the indeed Local Government sector, welcomes the opportunity to be involved in setting the agenda for the advancement of new policy innovation.

A large portion of the attached submission relates to the *Planning and Design Code*. The Council was an active participant in the planning reform program, particularly in advocating for the retention of many of the locally-specific policy controls contained in the Development Plan. The former Norwood Payneham & St Peters Development Plan contained a large amount of nuanced and detailed policy; a reflection of the significant effort by the Council over many years to retain local policy rather than adopt standardised modules from the South Australian Planning Policy Library and Better Development Plan framework. Notwithstanding improvements which were made to the draft Code during the reform program, opportunities remain for further meaningful improvements in Code policy.

2.

The attached submission provides examples of how compared to Development Plans, the Code policy framework is more complex and harder to interpret, but despite this complexity, the policies are less detailed and instructive for good planning and design outcomes. The submission also includes recommendations for improvements where appropriate.

In respect to the PDI Act and associated legislation, the submission outlines various procedural improvements which could be made. Fundamentally, the planning system framework which anticipates a single State-wide policy instrument limits the ability for Council to effect policy change. While the Council understands that this formed part of the Government's objective, the Council is of the strong opinion that this "cookie-cutter" non-contextual approach, has not worked. Also of significant concern is the focus on assessment timeframes instead of the quality of the assessment process and development outcomes, and Deemed Consents. Both of these should be reviewed as a priority as these are having significant negative impacts on assessment processes and places unnecessary and unwarranted pressure on assessment staff. Other issues requiring attention include administrative complications arising out of the PDI Act framework for relevant authorities and potential poor outcomes and loss of Council autonomy over the public realm through Design Standards and associated amendments to the Local Government Act.

The ePlanning system is also creating operational limitations and frustrations for Local Government. Recommendations in relation to the ePlanning system include improvements to the functionality of the online Code, user interface and experience in the DAP, reporting functions in PowerBI, and usability and functionality of SAPP.

Thank you again for the opportunity to participate in this Review. The Council looks forward to continuing to contribute to this process and seeing important and necessary positive changes made to the system.

Should you have any questions regarding the Council's submission, or would like to discuss further, please contact me or the Manager, Urban Planning & Sustainability Eleanor Walters on 8366 4521.

Yours sincerely

Mario Barone PSM
CHIEF EXECUTIVE OFFICER

CITY OF NORWOOD PAYNEHAM & ST PETERS

PLANNING SYSTEM IMPLEMENTATION REVIEW SUBMISSION

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City of
Norwood
Payneham
& St Peters



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Planning and Design Code Reform Options Discussion Paper

General Comments in relation to the Code

Ability for councils to effect policy change

As a State-wide document managed by the State Planning Commission, Councils have very limited ability to effect policy change. Under the *Development Act*, although Development Plan Amendments required approval from the Minister, a Council was able to propose changes to all aspects of its Development Plan (i.e. City wide policy, zones, policy areas etc). With respect to the Code, a Council is only able to propose changes to TNVs and Area Statements within the standard format, and the application of zoning and overlays (but not the content of the policies). In this respect, Council Code Amendments are limited to picking a policy outcome from a standardised suite or format. A Council can also propose to create or apply a sub-zone, but sub-zones have so far been used sparingly in the Code. This is a symptom of a State-wide Code with standardised zones and policies. Short of a return to local policy documents (i.e. Development Plans), there are limited ways of resolving this issue, however greater capacity to include localised policy such as through sub-zones would be some improvement.

Negotiating or influencing policy change to be undertaken by the State Government is also very difficult for Councils. PLUS staff have suggested that for policy mechanisms which cannot be included in a Council led Code Amendment, Councils should come together to advocate to the Commission for policy change on common issues. While this can occur, it is more difficult and cumbersome to coordinate various Councils than a Council amending its own Development Plan, particularly as policy priorities will inevitably vary from Council to Council. The *Development Act* required Councils to prepare Section 30 Strategic Directions Reports which addressed strategic planning issues and necessary amendments to the Development Plan but there is no equivalent in the PDI Act. Although PLUS communicate upcoming State Government-led Code Amendments, it is normally unclear when other policy issues or sections of the Code not included in one of those upcoming Code Amendments will be reviewed. This leaves Councils in a position of being reactive rather than proactive, and waiting for reviews such as this current Planning System Implementation Review.

Four (4) key Discussion Papers were prepared by the Department in 2018/2019, under the topics of *People & Neighbourhoods*, *Productive Economy*, *Integrated Movement Systems* and *Natural Resources & Environment*. These papers outlined policy directions for the new planning system and their level of priority, indicating whether they were consistent with existing policy and would transition directly to the Code or would be part of later 'Gen 1' or 'Gen 2' policy reform. It is recommended these policy directions and associated timeframes are revisited and a process is outlined for how and when Councils are able to progress or influence policy changes in the Code.

Loss of Local Policy

The replacement of 72 Development Plans with one State-wide Code has resulted in a substantial loss of local policy. Previous submissions from this Council on the Code during consultation have detailed the extent to which local policy was lost in the transition but below is a summary of key policy features which have been lost.

Desired Character Statements

Desired Character Statements provided specific guidance for many local policy considerations which are absent from the new assessment framework. This affects multiple issues such as land use distribution, streetscape outcomes, traffic and access requirements etc. Examples of lost policy content include:

Residential Character Zone - St Peters, Joslin, Royston Park Policy Area

... in St Peters and College Park, infill development may comprise detached dwellings and semi-detached dwellings but in the case of semi-detached dwellings, only where vehicle access and garaging can be established entirely from adjacent rear laneways.

District Centre (Norwood) Zone

Outdoor dining, which is complementary to existing businesses, is encouraged along The Parade frontages and, on corner sites, may extend into side streets where it can be accommodated with minimal



disruption to pedestrian and vehicular movements and where it does not unreasonably impact on the amenity enjoyed by occupants of nearby residences.

Business Zone – Beulah Road Policy Area

Vehicular movement is dominated by Beulah and Sydenham Roads which should provide the primary point of access for delivery, service and visitor vehicles, in preference to access via adjoining residential areas.

Concept Plans

Only one (1) out of a previous nine (9) Concept Plans were transitioned from the Council’s Development Plan to the Code. TNVs have been used in some circumstances in lieu of concept plans but these are not an adequate substitute, as former Concept Plans also illustrated other features such as desired pedestrian movement networks, portions of sites that should be specific building heights, locations requiring additional interface treatment etc. This, combined with loss of nuanced and locally specific design policy has reduced the effectiveness of the policy framework for new development.

Land Division Policy

The Council’s former Character Zones contained detailed policies relating to the location and form of acceptable land division. Examples include:

Evandale/Maylands/Stepney Policy Area Principle of Development Control 4

The division of land should not create a hammerhead, battleaxe or similar configuration allotment in Stepney.

Trinity Gardens / St Morris Policy Area Principle of Development Control 5

Land division creating additional dwelling sites should not occur:

(a) in Trinity Gardens, along Canterbury and Hereford Avenues, Lechfield Crescent and the portion of Albermarle Avenue between Canterbury and Hereford Avenues;...

except where it involves:

(i) the redevelopment of existing multi-unit sites; or

(ii) the conversion of an existing dwelling into two (or more) dwellings where the building and the front yard maintain the original external appearance to the street.

These policies were not transitioned to the Code. Instead, to regulate the areas where land division should not occur, the minimum allotment size TNV was artificially increased to a figure unique to each street which would prevent the subdivision of these allotments. This is a crude and non-transparent replacement of Development Plan policy which provided clear instruction and intent.

Subzones

NPSP contains one (1) Code subzone which was a product of a former Ministerial Development Plan Amendment approved just prior to Code implementation which only affects one (1) specific site. Comparatively, under the Development Plan the Council had 53 Policy Areas. It is noted that some of the location specific policy in Policy Areas has been transitioned to the Code through Area Statements and TNVs, however as outlined in this submission these are not considered to be sufficiently detailed, instructive or articulate so as to replace Policy Areas. Although an aim of the Code framework was to ‘simplify’ and ‘standardise’ zones and subzones to make it easier for Code users, the reluctance to allow subzones has resulted in the significant loss of valuable policy. It is considered the Code can still operate in a clear and transparent way while accommodating more subzones and it is recommended that additional subzones are permitted where variation from zone policy is justified.

TNVs

TNVs are, for the most part, simplified numerical figures which do not provide the same contextual policy guidance as former Development Plan policy. Examples of the differences between Development Plan policy and TNVs are outlined in **Table 1** below:



TABLE 1	DEVELOPMENT PLAN POLICY (NUANCED POLICY)	CODE PROPOSED TNV (GENERALLY APPLIED POLICIES)
	Residential Zone – Medium Density Policy Area <i>Building Height: On sites that have a frontage to an arterial road, development of more than two (2) storeys above natural ground level, should only occur where it comprises a mix of residential and non-residential uses [in which case they can be three (3) storeys]</i>	Building Height: 3 storeys
	Residential Historic (Conservation) Zone – Norwood 3 Policy Area <i>The average site area per dwelling unit for residential development in the Norwood 3 Policy Area should not be less than 250 square metres except where: The site of the development does not contribute positively to the historic character of the Policy Area and is not identified in Tables NPSP/5, 6 or 7, the average site area per dwelling may be less than 250 square metres (but not less than 200 square metres) provided that the development will not be inconsistent with the predominant pattern of development on allotments in the immediate locality of the subject site.</i>	Site area: 200m ²

The Code has over-simplified policy requirements which now reduces the effectiveness of assessment planners’ negotiations for good design outcomes in the assessment process.

Recommendation: Additional opportunities for including local policy should be considered. One option is to include additional TNVs and amend some existing TNVs so they can include more detailed content, e.g. a description of when development can be up to 3 storey vs where it should be 2 storey, rather than just “3 storeys”. Additional subzones should also be used to differentiate areas which require more nuanced policy than the standard zone.

Code Policy Language, Structure and Applicability

In addition to lost local policy, another symptom of a State-wide policy document is that policies need to be worded generically enough to be applied in various locations and contexts. By comparison, former Development Plan policies were more specific and instructive. Examples of this are provided in the discussion regarding Character and Historic Area policies below.

Land Use Distribution

The Code Zones typically anticipate a broader range of land uses than the corresponding Development Plan Zone which demonstrated an intentional step away from basic land use planning. There was an increase of non-residential land uses anticipated in residential zones and vice versa, an increase in permissible floor areas in many commercial zones, and zones which focused on particular land uses transitioned to zones with a much broader mix of non-residential land uses. This is likely to lead to an increase in land use conflicts and may impact land availability for certain land uses. For example, the Council’s former Light Industry Zone listed shops greater than 250m² as non-complying. This zone has transitioned to the Employment Zone which anticipates bulky goods of any size. There is concern that the greater commercial return from retail may ‘push out’ typically lower return land uses such as small-scale light industry. The land supply reports released in 2021 provided some insight into the lack of available industry land in the eastern region, but further analysis is required to determine if and how Code Zones are affecting land use availability.



'Bonus' Building Height Policy

There are two policy mechanisms included in the Code which allow 30% additional building heights above the maximum specified in the TNV: Significant Development Sites (SDS) policy and the Affordable Housing Overlay policies. The Council does not support these mechanisms as it results in developments exceeding Code parameters in a non-strategic and non-transparent way. The Council advocated against this policy change in the transition to the Code but was obviously unsuccessful. Council staff have recently met with the PLUS Code Control Group regarding potential ways the Council can limit, influence or override the 'bonus height' policies. Staff were informed that, although the concerns were understood, there is 'little appetite' for a Commission led change but Councils could explore finding common ground and collectively advocating for policy review.

Significant Development Sites Policy

The intent of this policy is to incentivise the amalgamation of individual sites and encourage development outcomes which are "over and above" standard expectations. However, in NPSP's experience development has occurred on sites which have historically been under single ownership and the SDS policy criteria are not considered out of the ordinary or "above and beyond" what should be expected of large-scale developments. Notwithstanding the merits or otherwise of the criteria and intent, the outcome is development which exceeds specified maximum building heights. The maximum building heights have previously been set with intention – i.e. set at the maximum building height which is considered acceptable for that locality or site. While a citizen can read Code policies and relatively easily understand that a site has a maximum building height of, say, six (6) storeys, the significant development site policy allows up to eight (8) storeys. This does not achieve the upfront certainty and consistency which the planning reform program set out to achieve. An example of this occurring is the recent consent issued by the SCAP for 120 The Parade where the SDS policy facilitated eight (8) storeys in the Urban Corridor (Main Street) Zone where the TNV under DPF 3.1 sets out a maximum height of six (6) storeys.

Affordable Housing Overlay

The Affordable Housing Overlay provides policy incentives to include affordable housing which were not previously offered in Development Plans (i.e. the Development Plan stated a standard requirement for affordable housing in large developments without any bonus or incentives). Incentives in the Overlay include increased building heights (30% extra), reduced car parking rates and reduced allotment sizes. The Council is particularly concerned about the additional building height as this could have meaningful impacts on surrounding development, particularly as it's likely to occur on ad-hoc, isolated sites.

Sustainability Policies

State Planning Policy 5: Climate Change notes the way we manage our built environment will have a direct and long-term impact on our ability to adapt to climate change. Although climate change is an ever present and increasing risk, sustainability metrics do not form part of many Code assessments.

The opportunity of having a State-wide planning assessment framework and the importance of *State Planning Policy 5: Climate Change* combine to produce an imperative for South Australia to adopt a sustainability assessment tool which measures how a proposed development demonstrates sustainable design criteria at the Planning Consent stage.

The Code policies under the General Development Policies – Design in Urban Areas for All Development outline some sound environmental performance objectives, but this is not supported through any measurable sustainability criteria, as occurs in many other Australian states. To require a higher standard of climate-responsive buildings, the planning system needs to incorporate quantifiable metrics or ratings such as that used by planning authorities in other jurisdictions. Legislation introduced in New South Wales through the *Environmental Planning and Assessment Regulation 2000* enabled the creation of the Building Sustainable Index (BASIX) State Environmental Planning Policy, resulting in mandatory minimum standards to:

- reduce consumption of mains-supplied potable water,
- reduce emissions of greenhouse gases, and
- perform in a thermally efficient manner.



In Victoria the Sustainable Design Assessment in the Planning Process (SDAPP) has implemented the Built Environment Sustainability Scorecard (BESS) assessment tool for residential, non-residential and mixed-use developments with minimum standards for energy, water, stormwater and indoor environment quality.

Climate resilience and climate-smart buildings should be further addressed in Code policies and applied to common development types. Other opportunities include policy to avoid the use of dark materials which increase heat loading, suitable building orientation and ventilation, reduction of water use, use of double glazing etc. Although there are some policies, such as *Design in Urban Areas – All Development - Environmental Performance PO 4.1 - 4.3* (below), these policies are often not applied to developments and the generic nature of the policy makes it difficult to enforce or prioritise over other factors such as setbacks, car parking provision etc. It is noted that changes to the Nationwide House Energy Rating Scheme to require 7-star ratings will increase the need for better energy performance, but given that many of the required features are fundamental to the building layout design, it is important for these to be integrated at the earliest opportunity during the planning assessment stage.

FIGURE 1 - GENERAL DEVELOPMENT POLICIES IN THE PLANNING AND DESIGN CODE

Environmental Performance	
<p>PO 4.1</p> <p>Buildings are sited, oriented and designed to maximise natural sunlight access and ventilation to main activity areas, habitable rooms, common areas and open spaces.</p>	<p>DTS/DPF 4.1</p> <p>None are applicable.</p>
<p>PO 4.2</p> <p>Buildings are sited and designed to maximise passive environmental performance and minimise energy consumption and reliance on mechanical systems, such as heating and cooling.</p>	<p>DTS/DPF 4.2</p> <p>None are applicable.</p>
<p>PO 4.3</p> <p>Buildings incorporate climate responsive techniques and features such as building and window orientation, use of eaves, verandahs and shading structures, water harvesting, at ground landscaping, green walls, green roofs and photovoltaic cells.</p>	<p>DTS/DPF 4.3</p> <p>None are applicable.</p>

As raised in previous submissions on the Code, the Stormwater Management Overlay and Urban Tree Canopy Overlay policies in the Code are positive outcomes in terms of improved sustainability and climate resilience for residential development. However, the UTC and SM Overlays don't apply to non-residential developments in Neighbourhood Zones and also don't apply to any developments in mixed use and other non-residential zones. While there are some General Development Policies relating to landscaping and stormwater, they are not as extensive nor as prescriptive as the Overlay policies, and in any case, are often not prescribed in Table 3 in the Code so can't be applied to many developments. This is a missed opportunity and results in an inconsistent approach to tree planting/ retention and stormwater management across the metropolitan area and will undermine achieving the targets set out in the *30 Year Plan*. For example, a detached dwelling in the Business Neighbourhood Zone does not require a new tree(s) or rainwater tank, whereas an adjacent detached dwelling in the Established Neighbourhood Zone does. We recommend UTC and SM Overlays are applied to most or all zones and include additional policies to cater to non-residential developments. Alternatively, the Code should ensure the General Development Policies have commensurate requirements for the planting of trees and rainwater capture / reuse, relative to the scale / impact of the land use.

A minor suggestion with respect to the SM Overlay policies – the policies require roofed area to constitute 80% of the impervious area on a site which typically requires either an unusually small area of paving, or permeable paving. A recent analysis of a sample of applications in NPSP has indicated



that about one third of typical residential developments meet this requirement; the remaining two-third fall short by typically 10-20%. While we do not want to see the good intent of this policy undermined, it may be worth reviewing the applicability of this policy or the availability or awareness of permeable paving.

Another important sustainability consideration is biodiversity. *State Planning Policy 4: Biodiversity* notes that maintaining and enhancing a healthy, biologically diverse environment ensures greater resilience to climate change, increases productivity and supports a healthy society. The *Natural Resources and Environment Policy Discussion Paper* from 2018 also considered future biodiversity protection policy opportunities for ‘Generation 1’ and ‘Generation 2’ policy reform, such as managing the interface between protected areas and adjoining land uses. Some Code mechanisms, such as the Native Vegetation Overlay, provide opportunities for the planning system to prevent or mitigate impacts on biodiversity. However, opportunities for maintaining biodiversity in inner-metropolitan areas are more constrained. One option would be to introduce an Urban Biodiversity or Biodiversity Sensitive Urban Design (BSUD) Overlay which could be applied to known areas where biodiversity could be affected by new development and should be protected. This Overlay could allow relevant policies to be considered as part of development assessments.

Character and Heritage
State Planning Commission Proposals

- 1. In relation to prong two (2) pertaining to character area statements, in the current system, what is and is not working, and are there gaps and/or deficiencies?**

Complexity in Policy Framework

The deficiencies in the Character and Historic Area Statements are a symptom of the complexity of the Code policy framework. When assessing development in the Character or Historic Area Overlays (CAO and HAO), the assessing planner and applicant are expected to refer to a combination of Zone + Overlay + Area Statements + non-statutory Design Advisory and Common Styles Attributes Guidelines in order to understand what is considered an acceptable development outcome. It is worth noting that the non-statutory guides appear to be rarely used in practice.

The complexity of this framework has caused confusion for community members trying to interpret the Code. For example, Table 2 illustrates the policies which show up when enquiring about the applicable building heights for a selected property in College Park in the online Code:

TABLE 2 BUILDING HEIGHT POLICIES DISPLAYED IN AN ONLINE CODE ENQUIRY
Established Neighbourhood Zone DTS/DPF 4.1:
Building height (excluding garages, carports and outbuildings) is no greater than... 2 levels
Historic Area Overlay PO 2.2
Development is consistent with the prevailing building and wall heights in the historic area.
Historic Area Statement NPSP 1
Building Height: Single storey, two storey in some locations

The Code rules of interpretation state that in the event of any inconsistencies, Overlay policies take precedence over Zone policies. Therefore in the example above, if the prevailing height in the locality was single storey then new development would generally need to be single storey, notwithstanding that the zone policy indicates the height can be two storey. Unfortunately, the way the Code policies are presented in the ePlanning format, the hierarchy isn't clear and owners have expressed confusion about the conflicting policies. On multiple occasions for properties with similar policies, prospective applicants have brought in preliminary plans for two-storey designs based on the zone policy, but need to make substantial changes to comply with the Overlay / Area Statement. One way of avoiding some ambiguity would be for the Zone DPF / TNV dealing with building height to allow for more nuanced policy. That is, rather than being limited to selecting ‘1 level’ or ‘2 levels’, if the TNV could specify “mostly single storey but two storey in some locations” this would provide some consistency across the different policy layers.



Policy Clarity

Despite being more complex, the Code is not considered to deliver the same level of detail or clarity as former Development Plans. Under the former NPSP Development Plan, the Character and Historic Zone and Policy Area policies were more specific, instructive and tailored to the local area and locality. Although Policy Areas took precedence over the Zone, there was normally no direct conflict between corresponding Zone and Policy Area policies. Former Desired Character Statements also provided relevant contextual information on the history of the area and the desired future direction of development in the locality, which helped the interpretation of the Zone / Policy Area policy in the event of any ambiguity.

Due to the Code Zones applying to multiple locations across the State, the Zone policies are generically worded which often makes them difficult to interpret and apply. For example, it is difficult to justify to an applicant why an improved design is required when the policies are not specific about the desired outcome. The Overlay policies are also generically worded and rely on the Area Statements for reference to locally specific characteristics. In the transition to the Code, the Area Statements provided the only opportunity for Councils to transition local, descriptive policy from Development Plans, but the format of the Area Statements only allowed for brief descriptors of existing features which lack context and instruction. In this respect, it is very frustrating that the Overlay policies address *how* to undertake new development but *lack specific and local detail*, while the Statements contain a *greater level of local detail* but don't address *how* to undertake new development. Examples of this disparity is provided in Table 3 below:

TABLE 3 COMPARISON OF DEVELOPMENT PLAN AND CODE POLICIES	
Development Plan	Code
<p>Residential Historic (Conservation) Zone The Avenues Policy Area PDC 2 Development should comprise the erection, construction, conversion, alteration of, or addition to a detached dwelling</p> <p><i>(More instructive)</i></p>	<p>HAO PO 1.1 All development is undertaken having consideration to the historic streetscapes and built form as expressed in the Historic Area Statement.</p> <p style="text-align: center;">+</p> <p>The Avenues HAS NPSP 18 Eras, Themes & Context: <u>Detached dwellings.</u></p> <p style="text-align: center;">+</p> <p>Established Neighbourhood Zone PO 2.1 Allotments / sites for residential purposes are of suitable size and dimension to accommodate the anticipated dwelling form and are compatible with the prevailing development pattern in the locality.</p> <p style="text-align: center;">+</p> <p>DPF 2.1 + TNV Allotments / sites for residential purposes accord with the following... Minimum site area for detached dwelling is 600sqm... In relation to instances where... (the relevant dwelling type is not listed), then none are applicable and the relevant development cannot be classified as deemed-to-satisfy <i>(Noting that no min. site area is prescribed for other dwelling types, and this is intended to indicate that other dwelling types are not appropriate, but this is not clearly articulated in the policy)</i></p> <p><i>(Less instructive)</i></p>



<p>Residential Historic (Conservation) Zone</p> <p>Hackney South Policy Area PDC 10</p> <p><u>Vehicle access to sites and garaging should be from rear access lanes</u> where possible.</p> <p><i>(More instructive)</i></p>	<p>HAO PO 1.1</p> <p>All development is undertaken having consideration to the historic streetscapes and built form as expressed in the Historic Area Statement.</p> <p style="text-align: center;">+</p> <p>Hackney South HAS NPSP 3</p> <p>Setting, landscaping, streetscape and public realm features</p> <p>Consistent pattern of narrow streets and rear service lanes. <u>Rear lanes used for vehicular access and garages.</u></p> <p><i>(Less instructive)</i></p>
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In these examples, the Development Plan policy is considered to be clearer and more instructive. This has been demonstrated by a recent request for preliminary advice for an area in the HAO where only detached dwellings are envisaged. A planning consultant formed the view that the absence of guidance about other dwelling types meant these other dwelling types could be justified (i.e. they were not discouraged). While alternative dwelling types can be assessed on merit, it will be harder to justify why these alternative dwelling types should not occur. In the transition to the Code, Council staff advocated for a Code policy which explicitly communicated what dwelling types were envisaged but were informed by PLUS staff that the combination of Code policies shown in Table 3 were considered sufficient.

Exacerbating the issue of policy ambiguity is that many of the Overlay policies do not specifically refer to the Area Statement and instead refer to the 'character/historic area'. There is no consistency in which policies do, and which policies don't refer to the Statements. An example is the building height policy which states:

“Development is consistent with the prevailing building and wall heights in the character / historic area”

Although it is relevant and important to consider the area surrounding a development site, this policy provides no direct reference to the building height expressed in the Area Statement which is more instructive – e.g:

“Predominately single-storey, up to two storeys in some locations”

PO 1.1 does refer to development being undertaken in accordance with the Statements, but the reference to the Statements should be more consistent and direct. A preferred approach with less ambiguity is for the Overlay policy to read:

“Development is consistent with the prevailing building and wall heights and as described in the historic area statement”

Recommendation

The policy framework for historic and character areas should be simplified so users do not have to refer to Zone policies + Overlay policies + Area Statements + Guidelines. One way of achieving this is to allow more specific, instructive and localised policy at the Zone and Overlay level which may negate the need for Area Statements, or if Area Statements are retained, they should be allowed to contain more specific and instructive policy content.

2. Noting the Panel’s recommendations to the Minister on prongs one (1) and two (2) of the Commission’s proposal, are there additional approaches available for enhancing character areas?

In relation to both character and historic areas, as per the response to Question 1, a simplified policy framework with more specific and instructive policies would provide a greater level of clarity and consistency which in turn would improve development assessment processes and development outcomes.



An area of policy that should also be reviewed and improved in both historic and character areas is the design guidance for two-storey development (both new dwellings and dwelling additions). In areas where two-storey development may be appropriate, there should be clearer policies with more detailed design guidance for upper-level development, particularly with respect to impact on neighbours. The Overlay policies focus on streetscape impact which is valuable, but appearance and siting of buildings when viewed from neighbouring properties should also be included in the Overlay policies given this is an important aspect of the character and amenity of these areas. **Figure 2** includes examples of diagrams in the Council’s former Development Plan that were useful in guiding appropriate two-storey development in character areas.

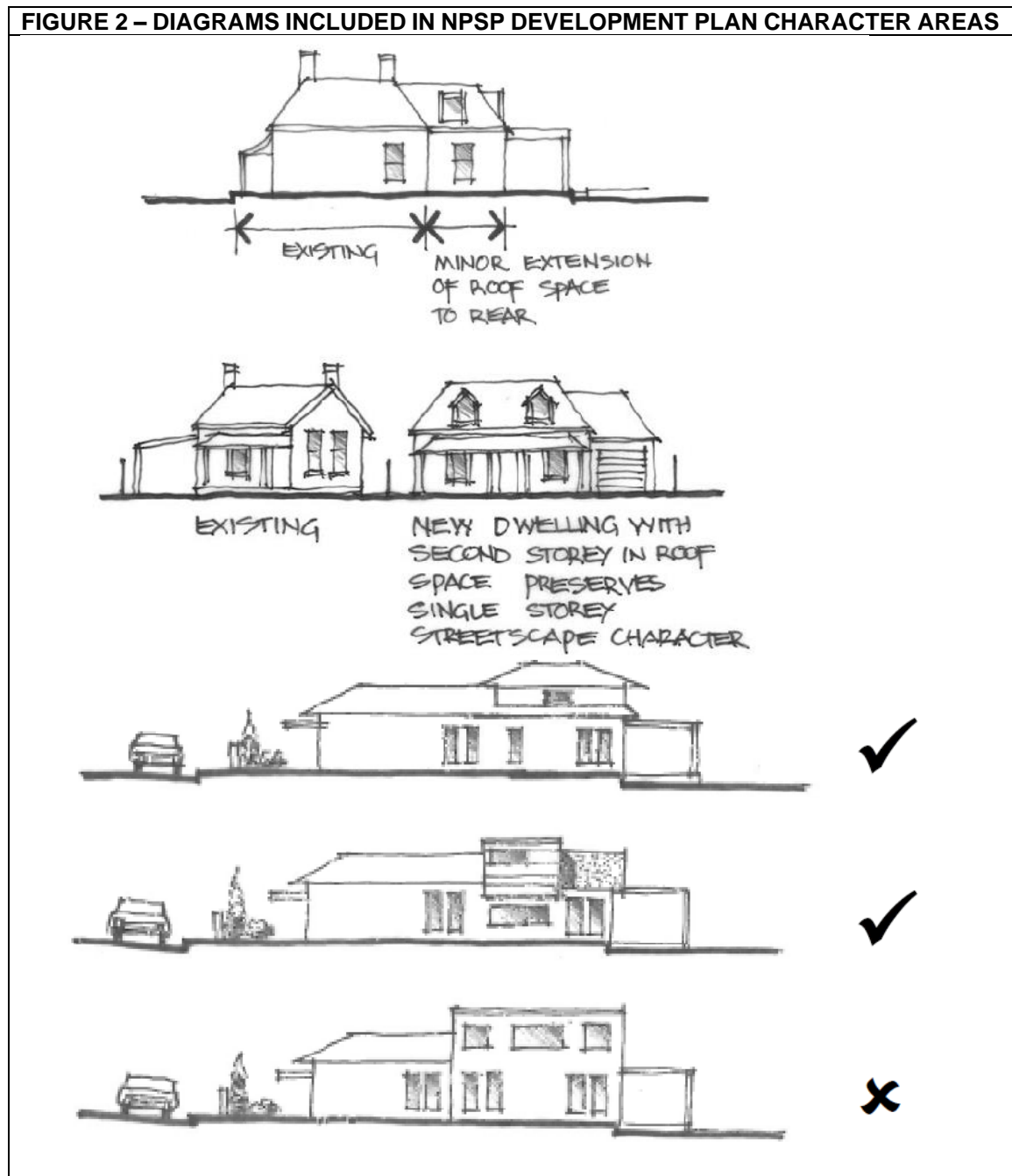


Table 4 also provides an example of a historic area policy included in the NPSP Development Plan

TABLE 4 TWO-STOREY DEVELOPMENT GUIDANCE FOR HISTORIC AREAS IN NPSP DEVELOPMENT PLAN	
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Residential Historic (Conservation) Zone PDC 17: (emphasis added)

Development of a new building or building addition should result in dwellings that have a single-storey appearance along the primary street frontage, where these are predominant in the locality, but may include:

- (a) sympathetically designed two-storey additions that utilise or extend roof space to the rear of the dwelling, such as the use of attics with dormer windows; or
 - (b) second storey components located to the rear of a building; and
 - (c) in either of these instances:
 - (i) should be of a building height, scale and form that is compatible with the existing single-storey development in the zone;
 - (ii) should not result in an excessive mass or scale that would adversely affect the visual outlook from adjoining residential properties;
 - (iii) should not overshadow or impact on the privacy of neighbouring properties;
 - (iv) should not compromise the heritage value of the building or the view of the building from the street; and
 - (v) the total width of second storey windows should not exceed 30 percent of the total roof width along each elevation and be designed so as to not overlook the private open space of adjoining dwellings.
-

Other suggestions for improving both character and historic areas include:

- diagrams included in Code policy rather than (or in addition to) underutilised non-statutory guides (such as the diagrams illustrated in Figure 1);
- clearer policies regarding corner sites, particularly addressing the secondary street frontage with appropriate setbacks and building design, noting that being on a corner site may limit opportunities for two-storey development due to streetscape impacts; and
- clearer policies regarding appropriate front fencing designs.

3. What are your views on introducing a development assessment pathway to only allow for demolition of a building in a Character Area (and Historic Area) once a replacement building has been approved?

Proposed pathway in Character Areas:

While improved outcomes in Character Areas are supported, the proposal to introduce “demolition controls” in Character Areas is likely to cause confusion and misunderstanding amongst the community.

Firstly, introducing any kind of demolition controls in Character Areas confuses the difference between Historic Areas and Character Areas. The primary intent of Historic Areas is the preservation of the existing buildings which have historic value, noting that although in isolation the buildings may not meet Local Heritage Place criteria, collectively they represent an era(s) or style of development which was important in the history of that local area and should be retained. If these buildings are demolished, it would eliminate the historic value of that area. Conversely, the primary intent of character areas is to preserve the general character and amenity of the area through (among other things) the size and siting of built form, allotment patterns, landscape settings etc, so in theory you could replace the existing buildings in a Character Area with appropriately designed new buildings but still maintain the character of the area. If a Character Area contains buildings that are worthy of retention due to their historic value, then either these buildings should be listed as Local Heritage Places or the area should be elevated to a Historic Area.

Secondly, the introduction of “demolition control” could create a misconception amongst the community that Councils can “control” the demolition of a building in a Character Area. That is, it would create a perception that the Council could refuse an application for demolition based on the character value of the building alone, which does not appear to be the intent of the proposal. The intent of the proposal appears to be on improved outcomes for replacement buildings and/or to prevent sites remaining vacant for extended periods of time. With respect to the quality of new dwellings, a new dwelling needs to be assessed against the same Code policies whether a



demolition is included in the proposal or not. Therefore, it is not clear what different outcomes this proposal would deliver. Concerns about the quality of new buildings need to be addressed through improvements to the policy contained in the Character Area Overlay and/or Area Statements. The Council supports improved policies in the Overlay (as outlined in comments above) and considers this should be the focus of future projects and reform, rather than a 'control' mechanism which does not necessarily achieve control. With respect to sites remaining vacant, this is not typically a problem in the City of Norwood Payneham & St Peters but this experience may differ across the State.

Proposed pathway in Historic Areas:

Similarly, the replacement building 'test' is not supported for Historic Areas as it undermines the purpose of demolition control in a historic area and creates no meaningful distinction from Character Areas. If this proposal is introduced in the Historic Area Overlay, the policy would need to be clear that the assessment of the demolition should be based solely on the historic value and condition of the existing building, and was not able to be justified based on a suitable replacement building.

4. What difficulties do you think this assessment pathway may pose? How could those difficulties be overcome?

Some of the potential difficulties have been outlined in the response to Question 3. From a procedural point of view, this assessment pathway would require an applicant to provide information relating to both the demolition and construction of the replacement building when they submit their application. If this pathway applies to demolition in Historic Areas (or heritage places), and if the demolition of the building is not supported, the assessment may not progress to an assessment of the replacement building. In these circumstances, the applicant may have wasted considerable resources preparing plans for the replacement building. In the former system, when assessing a demolition and replacement building in a historic area, it was common practice for the assessing planner to first assess the demolition and if the demolition could be supported in principle the planner would then request the information required for the replacement building. However, this would not work with the current verification process which needs to occur upfront because the details of the proposed building would need to be reviewed to determine public notification / referral triggers etc.

Another procedural implication relates to public notification. Where one element of a development requires public notification, other performance assessed elements are also subject to the same notification process even if they don't trigger notification in their own right. In some cases, applicants intentionally separate elements into different applications to minimise what parts of the development are subject to notification. In the proposed assessment pathway, both the demolition and the replacement building would need to be part of the same application, so in the Historic Area if demolition of the replacement building triggered public notification, then the other element(s) would also be subject to notification. In a Character Area, if the replacement building triggered notification (e.g. due to boundary wall height) members of the public may submit representations on the basis they oppose the demolition of the building, even if there was no policy justification for preventing demolition. This is not a significant concern, but in Character Areas may contribute to a misconception that demolition of buildings can be prevented.

Finally, if the assessment pathway specifically refers to 'replacement building' this could be confused with the defined land use of 'replacement building' outlined in Part 7 of the Code, which has a different meaning and is specifically a new building which is substantially the same as the previous building and is used to facilitate a Deemed to Satisfy pathway for 'like for like' replacements.

Other comments in relation to character and heritage

Elevating Character Area to Historic Areas

The Council supports the proposal of elevating worthy character areas to historic areas, and has already initiated a Code Amendment which includes a proposed elevation of a character to heritage area and commenced investigations for a similar future Code Amendment affecting additional areas. After years of proposed heritage and historic area policy amendments, the Council has found the 'threshold' of



what is considered a historic area has varied under different State Government planning administrations. In light of the new planning system and to inform the Council's Code Amendments, NPSP staff have previously held discussions with Department staff, members of the Commission and heritage sub-committee to determine if there is any current guidelines or expectations for proposing new historic areas. As part of these discussions, NPSP staff provided suggestions for historic area criteria (contained in **Attachment 1**). If the Commission supports and prioritises Code Amendments for this purpose, it is necessary for the Commission to provide clear and effective guidelines on what will or will not be supported for elevation. For example, the Commission could establish assessment criteria for new Historic Areas and templates to be used in the Code Amendment process so Councils understand the level of information and justification which is required to be submitted with a Code Amendment.

Representative Building

Representative Buildings were a last-minute inclusion in the Phase 3 Code following strong advocacy from Councils (particularly NPSP) for the retention of Contributory Items. Although NPSP supported a mechanism to transition Contributory Items, the Council remains concerned with the lack of clarity regarding the role and status of Representative Buildings.

Representative Buildings are provided with an administrative definition in the Code which states (in part) they are:

“buildings which display characteristics of importance in a particular area”

Other than this definition, and a brief reference in relevant Historic Area Statements, the Code policies themselves do not make reference to Representative Buildings. For example, the demolition policy in the Historic Area Overlay states:

Buildings and structures, or features thereof, that demonstrate the historic characteristics as expressed in the Historic Area Statement are not demolished, unless:

- a) the front elevation of the building has been substantially altered and cannot be reasonably restored in a manner consistent with the building's original style; or*
- b) the structural integrity or safe condition of the original building is beyond reasonable repair.*

Council staff have previously clarified whether a Representative Building should be assumed to be a building “*which demonstrate(s) the historic characteristics as expressed in the Historic Area Statement*” and therefore be considered a building which should not be demolished unless parts (a) or (b) were satisfied. The Code authors advised that the historic value of each building must be assessed individually and therefore no assumptions can be made that a Representative Building is automatically worthy of retention. Based on this advice, it is unclear what purpose Representative Buildings have in the Code framework. In Council's view, if the Representative Buildings are defined as “buildings which display characteristics of importance” and the policy seeks retention of buildings which “demonstrate the historic characteristics”, then Representative Buildings should generally be retained, subject to the demolition tests outlined above. Council staff have previously suggested alternative policy wording which would more clearly communicate the intent and purpose for Representative Buildings and provide more upfront certainty for both property owners and relevant authorities (contained in **Attachment 2**). These suggestions have not yet been adopted.

A further challenge is that a property owner is unable to find out if their building is a Representative Building via the Code, as they are only identified in a layer in SAPP. The visibility of Representative Buildings in SAPP is due to be improved through the Miscellaneous Technical Enhancement Code Amendment, but there appears to be no intent to embed Representative Buildings in the Code policy.

Assessment Triggers for State and Local Heritage Places

Table 1 and Table 2 of many zones prescribes certain developments as Accepted or Deemed-to-Satisfy other than where State or Local Heritage Overlays apply. This exclusion is supported in most circumstances, however, there are some large sites where the Overlay applies due to one (or more) buildings being heritage listed but there may be other buildings or portions of the site which are not part of the heritage listing – e.g. at large school campuses such as St Peters College or Prince Alfred College. At these sites, an internal fit out of a school building which is not heritage listed and is well removed from a heritage place cannot be processed as Accepted. Under the former *Development Regulations*, State and Local Heritage Places were also exempt from ‘building consent only’ development however the wording of Schedule 1A(1)(4)(a) allowed some discretion for what constituted



the “site” of the heritage place. That is, we could determine that the “site” of a Local Heritage Place on one end of the campus does not extend to the interior of a school building on the other end of the campus. Although the Miscellaneous Technical Enhancement Code Amendment is likely to introduce some flexibility with respect to the application of Overlays, it is unlikely to assist in this circumstance given the Overlay applies to the whole site. It is recommended that Tables 1 and 2 are reviewed and clauses or mechanisms are introduced to provide some flexibility for Accepted or DTS development which will clearly not affect a heritage place on the same property.

Trees

Tree Protections

9. What are the implications of reducing the minimum circumference for regulated and significant tree protections?

The obvious implication is an increase in the number of trees with legislative protection and an associated likely increase in tree retention. This would be a positive outcome with respect to increased tree canopy and associated environmental benefits and would assist in meeting the tree canopy target set out in the *30 Year Plan*, noting that the *30 Year Plan Report Card 2020-2021* indicates that progress against this target requires review.

An increase in the number of protected trees would logically lead to an increase in applications involving ‘tree damaging activity’ (tree removal, pruning or tree protection measures). This would create a level of inconvenience to developers as it would remove some applications from Accepted or Deemed to Satisfy pathways potentially lengthening assessment timeframes, and would also prevent some sites being totally cleared of vegetation at the time of demolition. However, on balance, the likely benefit of increased tree canopy is considered to outweigh these impacts on developers.

There is a perception that tree protections can lead to pre-emptive tree removal – i.e. tree owners removing a tree when it gets to 1.9m circumference to avoid not being able to remove the tree at a later date when it grows to 2m circumference. While this may occur in some cases, we are not aware of any evidence that demonstrates increased tree regulations leads to an increase in tree removal. Moving forward, improved access to LiDAR data will improve tree canopy monitoring which will help to identify any such trend, but in the interim, this is not considered to be a sufficient reason to not maintain or strengthen tree protections.

A suggested reduction in minimum circumference could be 1.5m for regulated trees and 2m for significant trees as this would increase the number of trees protected while still capturing trees that are likely to have meaningful environmental and aesthetic value. However, this figure should be set based on data, evidence and expert advice rather than selecting an arbitrary number.

10. What are the implications of introducing a height protection threshold, to assist in meeting canopy targets?

There is some support in principle for height being one of the triggers for legislative protection as this would capture some trees such as Corymbias which are typically tall with slender trunks and have high environmental and aesthetic value. That said, tree height in isolation may not be a good trigger as it could capture trees with limited environmental value (e.g. tall palms). An analysis should be undertaken to determine if there are a lot of trees which offer value due to their height but don’t meet current circumference minimums – that is, whether there is a meaningful gap in the current tree protections with respect to tall but skinny trees.

Consideration needs to be given as to how tree height is measured if this was introduced as a new criteria. LiDAR mapping can provide height ranges (e.g. 5-7m, 7-9m etc) but this doesn’t provide a high level of accuracy and the data may not always be available. A clinometer could be used, but this may require training for development assessment staff (and obviously access to a clinometer). Neither of these methods are as accurate, accessible or efficient as measuring the trunk or proximity to dwellings / swimming pools on the ground which can be done by anyone with a tape measure. Sometimes determining whether a tree is protected comes down to a matter of millimetres, so the potential for discrepancies, inaccuracies and lack of accessibility in measuring height is problematic.



A possible alternative is for the trunk circumference to be reduced (as referred to above) to capture trees such as Corymbias which tend to have more slender trunks, and for tree height to be recognised in Code policy as a factor to consider in support of tree retention. Guidelines could also be developed for a 'point based' system of assessing tree value, of which tree height can be a numerical factor.

11. What are the implications of introducing a crown spread protection, to assist in meeting canopy targets?

Similar to comments above, canopy spread in isolation may not be an appropriate trigger for legislative protection due to difficulty in accurately measuring this, particularly where multiple trees share canopy space. It is also unclear if there is a meaningful gap in the current tree protections for trees with wide canopies but skinny trunks that don't meet the current 2m circumference. As per above comments, canopy spread may be better considered as part of the policy test when assessing regulated tree removals.

In either case, it is worth considering that the use of canopy spread as either a legislative trigger or assessment factor could incentivise excessive canopy pruning which, notwithstanding pruning controls in the legislation, could lead to poor outcomes for trees.

12. What are the implications of introducing species-based tree protections?

The rationale behind current species exemptions and inclusions (e.g. eucalypts and willow myrtles) has never been well documented or justified since its introduction in 2011. It's understood some of the species' selections were based on interstate examples which may not be relevant to South Australia, and the decision to provide special protection for Eucalypts may not have intended to exclude Corymbias and Angophoras based on species categorisation at the time.

Moving forward, it is important that any species-based inclusions / exclusions are reviewed, relevant for the South Australian context and appropriately justified. In principle, it is considered that only species which are an identified weed should be excluded, and potentially only where that weed is recognised as a problem. It is recommended that if the 10m (or similar) exclusion is retained, that Corymbias and Angophoras are protected along with Eucalypts given these trees offer similar environmental benefit and it would also avoid the confusion around the identification of Eucalypts vs Corymbias. Including species-based tree protection whereby a species is protected regardless of trunk circumference should only occur for rare species where there is appropriate justification to do so.

Distance from Development

13. Currently you can remove a protected tree (excluding *Agonis flexuosa* (Willow Myrtle) or *Eucalyptus* (any tree of the genus) if it is within ten (10) metres of a dwelling or swimming pool. What are the implications of reducing this distance?

As with the species exemptions and inclusions, the rationale for the 10m exclusion is not well understood. It is presumably based on high-risk areas typically being located within 10m of a dwelling and / or the likelihood of root damage to dwellings and pools within a certain radius of the tree. However, given typical residential allotment sizes, increasing densities in some areas, dwelling setbacks and high number of swimming pools in metropolitan Adelaide, the 10m exclusion is presumably excluding a huge number of trees from protection as these can be removed as of right. In many cases it also prevents the planting of replacement trees pursuant to PDI Act Sec 127(5) and Regulation 59, further diminishing the ability to achieve the *30 Year Plan* canopy target of increasing trees by 20% by 2045.

It is recommended the 10m exclusion is either reduced (e.g. to 5m) or removed in the interest of increased tree retention. Increased risk due to limb / tree failure and damage to structures in close proximity to dwellings and pools can be assessed as part of a development application (also noting that construction techniques are continually improving so there is likely to be less damage to modern structures).



If a distance exclusion is retained in legislation, there should be greater clarification on how to measure this distance, particularly with respect to:

- What part of a dwelling should be included in the measurement – i.e. should a measurement be taken from an alfresco or porch which is integrated in the main dwelling slab but not be taken from a later ‘tack on’ verandah? Also, what part of the tree should be included in the measurements – noting that for some trees it is less clear where the trunk stops and the root base starts. The distance between a tree and a pool was considered in *HARGRAVES & ANOR v CITY OF HOLDFAST BAY [2018] SAERDC 41 (19 September 2018)* however this didn’t address the distance to a dwelling which is the more common scenario.
- At what stage during construction can a dwelling or pool be used to allow the removal of a tree – i.e. can a tree be removed if it is within 10m of a dwelling slab during construction or does the dwelling construction need to be completed?
- What assessment considerations should be given to a proposed dwelling or pool which, once constructed, would exclude an adjacent tree from being regulated? In our view, tree protection measures should be implemented during construction while the tree is still considered regulated, but this view is not shared by everyone.
- How to accurately measure distances when there are obstructions between the tree and the structure in question – e.g. how to measure the distance between a tree and the neighbour’s house when there’s a fence in the way.

14. What are the implications of revising the circumstances when it would be permissible to permit a protected tree to be removed (i.e. not only when it is within the proximity of a major structure, and/or poses a threat to safety and/or infrastructure)?

The obvious implication is a change in the number of regulated trees which will be removed; either an increase or decrease depending on the revised criteria. The current tests for removal (environmental and aesthetic contribution of the tree, risk to people and property, health and structure of the tree etc) are generally considered a reasonable range of considerations when assessing a tree removal.

Other comments on regulated trees

Pruning

- Exclusion from tree damaging activity set out in Regulation 3F(6) [e.g. <30% crown pruning etc] is not the same as "maintenance pruning" referred to in the definition of "Tree damaging activity" in Sec 3(1) in the PDI Act. Most people assume the exclusions in Sch4(18) are what constitutes "maintenance pruning" so this needs to be clearer.
- Regulation 3F(6) should be amended to ensure that excluded pruning works are not done in such a way as to detrimentally affect trees: e.g the following could be added "*and... (c) that does not jeopardise or detrimentally affect the health and structure of the tree*" Alternatively the regulation could reference the applicable Australian Standard (AS 4373-2007 Pruning of Amenity Trees). Determining ‘material risk’ when undertaking pruning should be determined by a person with minimum qualifications – e.g. Diploma in Arboriculture as per Regulation 37.
- Retrospectively determining whether pruning works complied with the legislative exemptions is very difficult. One way of mitigating this would be to require the person undertaking the pruning to document the tree before and after the pruning work (e.g. through photographs) and provide this documentation on request by the Council. Should the extent of pruning later need to be investigated, this may assist the Council in its investigations. It may also serve as a disincentive for excessive pruning in the first place.

Excluded species

- Excluded species and other exclusions in in Sch 4(18) should be incorporated into Regulation 3F rather than sitting in a separate location.



- Note that Regulation 59 states that replacement trees can't be an excluded species as per Regulation 3F. If Sch4(18) and Regulation 3F are not combined, then Regulation 59 should be amended so it also prevents replacement trees being those specified in Sch4(18)

Replacement trees

- When an applicant has applied to remove a tree on a neighbour's property and they wish to plant replacement trees, it's not clear if the replacement trees need to be on the subject land (i.e. the land where the tree was removed) or if they could be on the applicant's land. Assuming the trees need to be on the subject land, the applicant can't reasonably maintain these trees on an ongoing basis which would place the onus of maintenance on the tree owner, which is consistent with Sec 127(4), but what happens if the owner does not consent to trees being planted? Would this limit the applicant to paying into the fund? Sec 127 should be clearer about these circumstances.

Replacement trees are also problematic when the application involves the removal of a Council tree. Although a Council may have a replacement planting schedule, it won't necessarily be consistent with the number of trees required to be planted, especially at that specific location and particularly if it's the removal of a street tree with limited verge space. NPSP has its own Urban Tree Fund, so it's not logical for the Council to pay into its own fund in lieu of planting. Recommend including an exemption for circumstances where the applicant is a Council or where the tree is on public land.

- Comments relating to payments in lieu of replacement trees are provided in the response to Question 17

Urban Tree Canopy Off Set Scheme

15. What are the implications of increasing the fee for payment into the Off-set scheme?

Increasing the fee for payment into the off-set scheme would incentivise planting trees on private land and/or incentivise tree retention in lieu of planting new trees. In circumstances where the off-set fee is paid, it would increase funds available to Councils to plant trees on public land. That said, the preference is for trees to be planted on private land due to the limited amount of public land available for increased tree canopy, particularly in inner-metropolitan Adelaide.

Currently the off-set scheme applies in one zone in NPSP (Housing Diversity Neighbourhood) as well as sites with specified soil types, but to date no approvals have involved payment into the Off-set scheme. The rationale for including the Housing Diversity Neighbourhood Zone in the off-set scheme is understood but is considered a flawed approach; areas with a high proportion of medium density development (typically multi-dwelling sites with small setbacks, high levels of hard surfaces and in some cases more 'affordable' housing options compared to lower density areas) are more likely to benefit from trees provided on site. In NPSP the HDN Zone is an urban infill area with very limited land availability so it is unlikely Council can purchase additional land to provide increased tree canopy to these areas to make up for the lack of trees on private land. While verge space provides some opportunity, there is pressure on verge space for additional / wider crossovers due to subdivisions.

16. If the fee was increased, what are your thoughts about aligning the fee with the actual cost to a council of delivering (and maintaining) a tree, noting that this would result in differing costs in different locations?

This is supported in principle, however it could be difficult to determine and justify different costs in different localities. It may be more practical to increase the offset scheme payments to better reflect the average / typical cost of tree planting rather than the cost specific to a particular council or area.

17. What are the implications of increasing the off-set fees for the removal of regulated or significant trees?

This is partially supported. Where a Regulated Tree is removed to accommodate new development, the Urban Tree Fund payment should be increased to better reflect the actual cost



of Councils planting and maintaining trees and this cost can be factored in to the development. Alternatively, payment associated with regulated tree removal could be based on the value of the tree being removed. It is understood an Australian Standard is currently being developed for the valuation of trees, but there are other current methods such as the Maurer-Hoffman Formula.

However, increasing the required payment into the Urban Tree Fund could result in an unreasonable financial burden for tree owners who genuinely need to remove their tree (due to poor tree health, unreasonable risk or damage to structures) and who are not proposing an associated development. These applicants often already face considerable financial burden in having the tree removed and are not benefiting financially from a new development. In those circumstances, the current contributions should be retained or only slightly increased. It is noted that Sec 200(8) allows a 66.6% discount for tree owners who hold a Pensioner Concession Card, however there could be other tree owners who would also financially struggle with an increase in Urban Tree Fund contributions and aren't entitled to a discount.

Public Realm Tree Planting

18. Should the criteria within the Planning and Development Fund application assessment process give greater weighting to the provision of increased tree canopy?

Generally speaking, yes, however there is still a need for funding of recreational open space.

Other Comments Relating to Tree Planting Policies

As outlined under the comments relating to sustainability policies – the Urban Tree Canopy Overlay should be amended and applied more broadly than it currently is to provide greater consistency across different development types and areas. That is, there should be consistent tree planting requirements for the same dwelling types across different zones (noting there is a need for tailored approaches for apartments as opposed to detached dwellings). Stronger tree planting requirements should also apply to non-residential development. *Design in Urban Areas – All Development Car parking appearance DPF 7.4* requires parking areas with 10 or more parking spaces to include a shade tree to be provided for each 10 parking spaces. It is recommended that:

- a planting requirement is applied to all residential developments in Table 3 in the Code;
- the tree planting requirement applicable to car parks is increased; and
- there be a quantitative tree planting policy applied to other commercial developments where fewer than 10 parking spaces are proposed.

It is also worth noting that the Urban Tree Canopy Overlay allows existing trees to be retained rather than new trees being planted. While this is supported on the basis that established trees provide greater benefits than new trees, to date no applications in the City of Norwood Payneham & St Peters have adopted this option, indicating this policy mechanism may be under-utilised.

Infill

Design Guidelines

19. Do you think the existing design guidelines for infill development are sufficient? Why or why not?

State Planning Policy 2: Design Quality notes that good design improves the way our buildings, streets and places function, making them more sustainable, more accessible, safer and healthier. However, for most development in non-Character or Historic Areas, there is relatively limited design guidance included in the Code. The Local Design Review program was introduced with a view to improved design outcomes however there has been little appetite from Councils to opt in to this system. Various factors were cited as to why take-up rates of the program have been low, however some Councils are of the view that there is limited purpose in establishing a Panel to contribute to the assessment process if there are limited design policies which can be used during that assessment.

The lack of design policy may be intentional for some developments, so as to not create unreasonable burden for developers, but there is some scope for improvement. For example:

- Design in Urban Areas DPF 20.2 which prescribes minimum design features can be difficult to interpret and would benefit from greater clarification (e.g. are windows and roof included in the



area used to calculate percentages of material on the front building elevation as per part (g)? Do the eaves referred to in part (e) need to extend across the whole facade or can the design include parapet in lieu of a portion of the eaves?);

- While prescribing a minimum number of materials has some benefit, the quality of design is more likely to be determined by quality and colour of materials, although it's noted this will be difficult to quantify for DTS development;
- Design in Urban Areas DPF 20.1 allows double garages to occur on narrow sites where the dwelling is two-storey, even if the garage width is more than 50% of the site frontage. Although there are other policies regulating driveway width and driveway angle, it is considered that the 50% maximum garage width relative to frontage should apply to all sites to avoid garage dominance; and
- More nuanced design guidance should be provided for two-storey development (both new dwellings and dwelling additions). The Council receives feedback regarding big and bulky dwellings and rear additions, particularly when the addition is clad in dark materials

20. Do you think there would be benefit in exploring alternative forms of infill development? If not, why not? If yes, what types of infill development do you think would be suitable in South Australia?

In principle, yes, however it can be difficult to accommodate alternative infill development without compromises. For example laneway facing dwellings, which has occurred to an extent in NPSP, requires additional considerations such as access to services, safety and crime prevention (due to lack of passive surveillance and street lighting), and impacts on neighbours resulting from buildings at the rear of existing sites which are much bigger than typical domestic outbuildings. The former NPSP Development Plan included a much broader range of policies relating to laneway development than is currently included in the Code, which could lead to poorer outcomes when laneway development is proposed.

Community expectations with respect to dwelling size in comparison to allotment size is also a consideration. In the past NPSP has approved the creation of smaller allotments with a view to providing a broader range of housing choices; e.g. allowing a new small allotment to be divided off from existing dwelling site which is intended to accommodate a modest two bedroom home. However, when this allotment is on-sold, the new owners expect to build a large three or four bedroom / two living area dwelling with compromises to setbacks, open space etc. This creates a difficult assessment process, often with insufficient time and insufficient relevant policy. Based on the nature of applications submitted, there does not appear to be much appetite in NPSP for alternative dwelling types such as 'shop top' dwellings, other than large apartment complexes.

Strategic Planning

21. What are the best mechanisms for ensuring good strategic alignment between regional plans and how the policies of the Code are applied spatially?

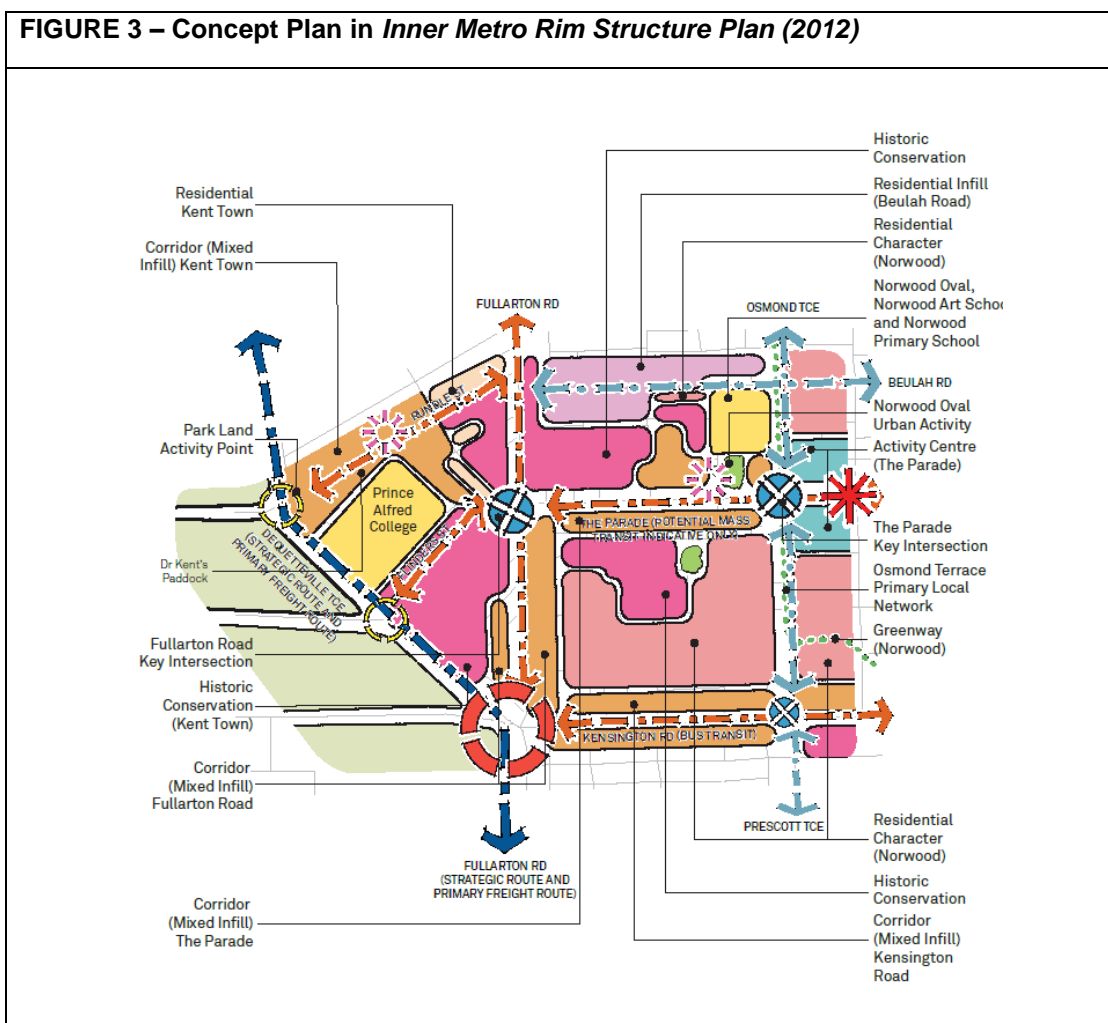
Under the new planning system, the private sector is dominating the Code Amendment program. This results in a Code Amendment program which is not driven by strategic outcomes or policy improvements by the State or Local Governments. Government agencies aren't sufficiently resourced to progress important Code Amendments and Councils are unable to influence the Code without first getting all other affected Councils to agree on and advocate for the change to the Commission or Minister. There is a need for an agreed program or framework between State and Local Governments which details how and when Code Amendments occur, after the development of Regional Plans – i.e. which agency undertakes which changes and at whose cost.

Specific, clear and instructive strategic planning is more important than ever in light of the generic wording of Code policies and private Code Amendments which can lead to ad-hoc, opportunistic and non-strategic rezoning of land. In some cases, private rezoning can occur without sufficient supporting infrastructure or logical connections to complementary zoned land. Managing the impacts of, and providing coordinated services for, substantial developments on isolated properties presents a bigger challenge and less efficiency than managing these



services on a precinct or nodal basis. Rezoning isolated sites also provides less certainty and clarity for the community, particularly where the proposed intensity is substantially at odds with the surrounding locality. It is unfortunate that the new regional plans were not updated prior to the development of the Code and subsequent private Code Amendments, as this would have been the logical order in establishing the new planning system.

The current 30 Year Plan envisages 85% of new infill established in urban Adelaide by 2045 but there is a lack of detailed spatial guidance for which areas across inner metropolitan Adelaide will be supported and prioritised for rezoning to facilitate this. While a Regional Plan cannot determine which properties will become commercially available, a Regional Plan (or subregional plan) can provide much clearer direction for the density and scale of development that can be planned for the future, taking into account proximity to established centres, open space, available infrastructure, and broader land use planning principles. A good way of communicating this is through Concept Plans, as was included in the *Inner Metro Rim Structure Plan (2012)* developed by the former DPTI with input from Councils. This level of spatial resolution needs to be replicated in subregional plans so future Code Amendments can be assessed against these intended outcomes. An example Concept Plan is illustrated in **Figure 3** below:



Concept Plans would also be prudent in light of Sec 75 complying Code Amendments, which do not require consultation if the Code change is consistent with a recommendation in the Regional Plan. There is considerable risk that community members will miss out on an appropriate consultation opportunity through the Sec 75 Amendment process. Firstly, it is unclear whether the Regional Plan consultation will involve notification to individually affected properties. If not, the Regional Plan consultation would not be an adequate substitute for the Code amendment consultation which is typically more refined and targeted. Secondly, community members are much less likely to be engaged with a broader strategic document than they are with a zone/policy



change which directly affects their property. Thirdly, it is expected that the initial Regional Plan consultation and any subsequent Code amendments reflecting the Regional Plan could be some years apart. It is likely that properties may change ownership or occupation during this time and as a result, the owners/occupants that were notified of the Regional Plan could be different to the owners/occupiers of the property at the time of the Code amendment. In this instance, the latter owners/occupiers would miss out completely. It is recommended some parameters are introduced around this process to ensure there is an appropriate level of detail included the Regional Plan, the consultation associated with the Regional Plan is sufficiently targeted, and there is a limited time between the Regional Plan consultation and the subsequent Code Amendment.

It is understood the new Regional Plan will be delivered in a primarily online format (rather than a published PDF document). This will be necessary to provide a full strategic picture of planning policy for any given area.

22. What should the different roles and responsibilities of State and local government and the private sector be in undertaking strategic planning?

Strategic planning should be undertaken by both State and Local Government (either collaboratively or in consultation) depending on the scale and spatial application of the document. For example, Councils should have the ability to lead or substantially contribute to subregional plans and/or more local strategic plans which guide land use distribution and the provision of local infrastructure and services. While all stakeholders (including the private sector) should be included in consultation on strategic planning documents, it is the State and Local governments which have a responsibility to represent the interests of the general public and to provide the services and infrastructure required to facilitate increased populations and changing land use distribution.

Carparking Code Policy

1. What are the specific car parking challenges that you are experiencing in your locality? Is this street specific and if so, can you please advise what street and suburb.

State Planning Policy 1 – Integrated Planning anticipates a planning system which integrates land use, transport and infrastructure and *State Planning Policy 11 – Strategic Transport Infrastructure* anticipates an integrated, dependable and sustainable transport system that provides connectivity. The current *30 Year Plan* also anticipates changed travel behaviour and targets for new housing in close proximity to fixed line and high frequency public transport. The comments below relate to car parking issues experienced in the City of Norwood Payneham & St Peters and the action the Council is taking to manage this. However, many of the issues stem from broader issues outside the Council boundaries, such as commuters (presumably some of whom live outside the Council) using local streets as an ad-hoc 'park and ride'. This indicates that improvements are required to State infrastructure, such as dedicated 'park and ride' facilities and improved public transport.

In residential areas such as the General Neighbourhood and Housing Diversity Neighbourhood Zones, increasing infill development is resulting in more driveway crossovers and therefore less kerb space for on-street parking. The Council is also nervous about the proposed Driveway Crossover Design Standard being prepared by the Commission and the potential for this to result in the loss of verge space due to wider / increased number of crossovers (Design Standards are discussed further under the PDI Act section of this Discussion Paper). There also appears to be an increasing proportion of larger cars, which are difficult to manoeuvre into the minimum size garages and car parking spaces, resulting in an increasing number of residents parking on the street, or in some cases parking in the garage but overhanging the footpath.

Suburbs in close proximity to the CBD or adjacent high frequency public transport such as Hackney, Norwood, College Park and Kent Town experience commuter parking issues where people park on the street all day and catch the bus, ride or walk into the CBD. Similar problems occur with employee parking near activity centres or arterial roads with high commercial activity such as The Parade or Magill Road in Norwood, or larger employment sites such as schools, childcare centres and Lifecare in Joslin, or large construction sites such as the Norwood Green or new townhouses on Beulah Road in Norwood. All day commuter or employee parking makes it



difficult for residents in these locations, particularly with respect to visitors, carers or tradespeople. This also poses a risk of disincentivising customers who want to drive to businesses in these areas.

The Council has recently endorsed a new Car Parking Policy and is currently implementing time limited parking to alleviate these issues. However, when timed parking is introduced in one street employees and commuters are just finding other streets to park in (or move their car every two hours) rather than finding alternative modes of transport. Any further reduction of off-street car parking will only work if there is a travel-mode shift to public transport, cycling and walking. The Council encourages sustainable transport where possible, but travel behaviour change incentives, education and encouragement programs is a metro-wide State Government responsibility.

2. **Should car parking rates be spatially applied based on proximity to the CBD, employment centres and/or public transport corridors? If not, why not? If yes, how do you think this could be effectively applied?**
3. **Should the Code offer greater car parking rate dispensation based on proximity to public transport or employment centres? If not, why not? If yes, what level of dispensation do you think is appropriate?**

As outlined above, the State Planning Policies and *30 Year Plan* anticipate better integration of transport and land use planning, so it is important for designated areas to be located in areas where this desired integration can be achieved.

The current designated area car parking rates generally work well in facilitating changes in land use. However, there are some locations slightly further out from the CBD where designated areas apply, but in reality, customers are much less likely to catch a bus, ride a bike or undertake a multi-purpose trip to certain land uses, especially if they are undertaking cross-suburb travel, e.g. if a person from Payneham is visiting their GP in St Morris. As such, a spatial review of the applicable designated areas is recommended. A metro-wide travel behaviour / incentive program is also required to ensure alternative modes of transport remain more appealing than driving.

4. **What are the implications of reviewing carparking rates against contemporary data (2021 Census and ABS data), with a focus on only meeting average expected demand rather than peak demand?**

Using contemporary data is generally supported, however data is required for not just car ownership but how / where people park their cars – e.g. the household may have two cars but park one on the street if the garage is used for storage. It would also be important to look at spatially specific data and using suburb level data rather than the average car ownership rate across metropolitan Adelaide. There does also still need to be consideration of peak demand in areas where residents or businesses are negatively affected on a regular basis.

5. **Is it still necessary for the Code to seek the provision of at least one (1) covered carpark when two (2) on-site car parks are required?**

Before covered car parking requirements are removed or reduced, research should first be conducted into consumer demand. New dwellings are typically proposed with double garaging and covered parking is a selling point for properties on the market. It is also not unusual for an increase in enquiries to planning departments about additional carports after a severe storm events or in extended hot weather. If a development is designed with no covered carparking it is likely that a future owner will apply for covered parking, which depending on the development design, may result in carports forward of the dwelling which is not desirable and not supported by Code policy.

Design Guidelines

6. **What are the implications of developing a design guideline or fact sheet related to off-street car parking?**

In principle, a fact sheet summarising Code policies and how to provide safe and convenient manoeuvring would assist some small-scale applicants. Designers of larger developments are generally aware of the requirements but it is unfortunately common for developments with common driveways or parking areas to provide insufficient or impractical manoeuvring area. This issue is



unlikely to be resolved with a fact sheet. It is also important that fact sheets are made more obvious and easily accessible on the PlanSA website as it appears current fact sheets are underutilised by applicants that are not aware they exist or have trouble finding them. An option is to provide hyperlinks via the Online Code to fact sheets which may be relevant to particular policy issues or development types.

Electric Vehicles

7. **EV charging stations are not specifically identified as a form of development in the PDI Act. Should this change, or should the installation of EV charging stations remain unregulated, thereby allowing installation in any location?**
8. **If EV charging stations became a form a development, there are currently no dedicated policies within the Code that seek to guide the design of residential or commercial car parking arrangements in relation to EV charging infrastructure. Should dedicated policies be developed to guide the design of EV charging infrastructure?**

It is not correct to state that activities not specifically identified in the Act is not development; the definition of development is very broad and constitutes various forms of unspecified building work and infrastructure. Whether or not EV charging stations constitute development depends on specific details. For example, some involve building work, illuminated advertising or require variations to approved car parking areas particularly if parking spaces are removed to accommodate the infrastructure. The legislation should be clearer about when EV charging stations constitute development. The Code should provide policies to assist in their assessment including:

- traffic management (e.g. safe and convenient access for cars using the chargers, impacts on car parking provision etc);
- design and appearance of the infrastructure; and
- buildings being appropriately designed to accommodate EV charging stations etc. Recently the Council was made aware that some residents of the East Park apartments in Kent Town have been limited in purchasing EVs as there is no provision for charging infrastructure in the communal parking area.

Car Parking Off-Set Schemes

9. **What are the implications of car parking fund being used for projects other than centrally located car parking in Activity Centres (such as a retail precinct)?**
10. **What types of projects and/or initiatives would you support the car parking funds being used for, if not only for the establishment of centrally located car parking?**

NPSP does not have a car parking fund however in principle car parking funds could be used for projects which reduce car dependence, such as cycling infrastructure. That said, it is considered there should be better strategic investment in public transport and integration with land use planning at a State Government level.

Commission Prepared Design Standards

11. **Do you think there would be benefit from the Commission preparing local road Design Standards?**

In general, Design Standards for the creation of new local roads in greenfield areas and large subdivisions could be beneficial. However, NPSP is generally concerned about Design Standards which affect the existing public realm (footpaths, roads etc) as they could override and be in conflict with existing Council policy and standards.

Other comments relating to car parking

- The current internal car parking dimensions for garages, while consistent with the Australian Standard, are not practical for many common car types. Even when cars can fit in the garages, there is little room for manoeuvring around the cars or ancillary storage. In an early draft of the Code the internal garage dimensions were larger and it is understood this dimension was reduced due to feedback from the development industry. However, it is important garaging meets modern needs, otherwise garages will be underutilised and residents will park on the street instead, causing issues discussed above.
- The Code should include policies relating to vertical car stackers which are an increasingly common solution for small sites, as well as on-ground car park stacking in commercial



developments (e.g. where one car 'parks in' another car) which may be acceptable for a small proportion of staff parking but only to a limited extent.

- The typical 5.5m setback of garaging or carports should be reviewed due to an increasing number of larger vehicles and to provide some 'buffer' space for imperfect parking and moving around cars



PDI ACT 2016 Reform Options Discussion Paper

General comments in relation to the legislation

Relevant Authorities

The PDI Act has created a complicated system of relevant authorities. This has created administrative burdens with respect to delegations and financial management / responsibility. With respect to Planning Consent, the PDI Act has removed substantial decision-making responsibility from delegates of the Council (as was the case under the Development Act) to an individual Assessment Manager. Notwithstanding that the Assessment Manager is appointed by the Council and is subject to accreditation and auditing, it seems contrary to good governance that the responsibility of these decisions rest with an individual rather than an elected body. It also 'personalises' the decision-making role as appeals of decisions are against the "Assessment Manager of X Council" rather than an appeal against "X Council". Building Consent Relevant Authorities are also complicated, given that CAPs are technically the Relevant Authority for Building Consent but they *refer* the decision-making ability to Councils who then *delegate* to Council staff. A review of relevant authorities in the Act would require substantial legislative change, but this is recommended in the interests of efficiencies, good governance and simplified roles and responsibilities.

On several occasions in the past, NPSP has opposed the appointment of the Commission as the relevant authority for development exceeding 4 storeys in specified areas. In the case of NPSP this applies to our 'uplift' areas where the Design Overlay / Urban Corridor Zones apply. Various decisions have been made by the Commission through the SCAP which involve development which exceed applicable height policy, which the Council has not supported. It is recommended these decision-making powers are returned to the Council.

Design Standards

Section 69 allows the Commission to prepare Design Standards that relate to the public realm or infrastructure. Design Standards will supplement the Code as they will form part of the 'planning rules' against which development should be assessed. The first Design Standard relating to vehicle crossovers is currently being prepared so it is not yet clear what, if any, local context or current Council policy content will be included in Design Standards. This could result in a single Design Standard which determines the specifications of driveways across public land for the whole of the State. If this is the case, this would undermine local Council policies, standards and guidelines which are currently used to assess applications for driveways. For example, NPSP has specific design guidelines for alterations to the public realm in Kent Town to provide consistent and fit for purposes public realm in conjunction with the large developments occurring in the Urban Corridor Zone, but this could be undermined by a State or metro-wide Design Standard which does not prescribe the same requirements.

In short, the fact that Design Standards set by the Commission can determine the nature of works which occurs on land under the care and control of the Council, even when the Council does not support the content of the design standard, is a significant concern.

Interaction with Local Government Act

It is important to note that pursuant to Section 221(3)(b) of the *Local Government Act 1999*, a Section 221 permit is not required for vehicle access approved as part of a development application, and impending amendments through the *Statutes Amendment (Local Government Review) Act 2021* will clarify that any physical alteration of the public realm related to the vehicle access will also be exempt. This includes development applications assessed by relevant authorities other than the council (i.e. private planning certifiers or State Government). The *Statutes Amendment Act* will further amend the LG Act such that where an application for a driveway is assessed by a non-Council relevant authority, they must *consult* with the Council (note, this is not a concurrence role) however when the driveway is consistent with a Design Standard there is no requirement to consult with the Council. The effect of this is that driveways which are inconsistent with the Council's public realm policies can be approved by a private relevant authority with no input from the Council. This will undermine the Council's coordination and oversight over the public realm.



It is also important to note that Schedule 6 Part 7 of the PDI Act, while not currently 'switched on', seeks to amend the Local Government Act even further. Specifically, any alteration to a road or use of a road for business purposes approved as part of a development application would not require a Section 221 or 222 permit from the Council under the LG Act. If enacted, this would have much broader and serious implications for Councils given the significant range of activities, alterations and structures which could be undertaken on public land without Council oversight nor the conditions, restrictions and requirements which are attached to Section 221 and 222 permits. It is understood there is no intention to 'switch on' this section of the PDI Act due to the potential ramifications of this amendment, and the *Statutes Amendment Act* has been written to 'pare back' these changes outlined in the PDI Act however it is recommended this section of Schedule 6 is removed entirely (noting this may have some associated implications for the *Statutes Amendment Act*).

ePlanning Levy

Pursuant to Section 56, Councils are required to make significant contributions to the ePlanning system. For NPSP and many other Councils, the ePlanning levy is in the order of \$59,000 per year. It is noted that the lodgement fee for development applications is also retained by the State Government for maintenance of the system. This is a significant investment from Councils and is in addition to the maintenance of Council's own systems which are still required to manage development applications (e.g. Development Act applications as well as PDI Act Crown developments) and GIS systems which are still required given SAPPA cannot do everything our GIS systems do (e.g. provide names and addresses for public notification or producing maps which illustrate specific features). Although improvements are regularly being made to the ePlanning system, it is not without its faults, frustrations and work arounds and in many respects does not perform as well as Council's own systems. In short, Councils are making significant financial contributions to a system which does not currently meet our needs, while we are also still needing to invest in our own systems. It is recommended the extent of contributions from Councils is reviewed and Local Government be given a larger say in the prioritisation of improvements to the ePlanning system.

Access to and provision of information

Section 55 exempts documents held in the Poral from the *Freedom of Information Act 1991*. This has created confusion and inconsistencies in the industry with respect to accessibility of documents. Under the *Development Regulations 2008*, Reg 101(4) and (5) allowed a person to inspect development documents at council offices, provided there were no copyright or security risks. In the interests of consistency and transparency, it is recommended a similar regulation regarding access to documents is reintroduced.

Navigating legislation + the Code

The *PDI General Regulations* have been structured to refer to the Code for various procedural triggers on the basis the Code can be more easily updated than the regulations. This is supported in principle, however it leads to a confusing and cumbersome line of enquiry. For example, to determine if a fence requires approval a person must:

1. refer to Schedule 4 of the PDI General Regs which states a fence is not exempt from approval if it is in a "designated flood zone, subzone or overlay identified under the Planning and Design Code"; then
2. refer to Regulation 3 which defines a 'designated flood zone, subzone or overlay' as "a flood zone, subzone or overlay identified under the Code as a designated flood zone, subzone or overlay"; and then
3. refer to Part 5 – Table 1 of the Code and find the relevant clause of the regulations to determine what constitutes a 'designated flood zone, subzone or overlay':

Areas identified as 'designated flood zone, subzone or overlay' for the purposes of clause 3(1) of the Regulations - Interpretation	Coastal Areas Overlay Hazards (Flooding) Overlay River Murray Flood Plain Protection Area Overlay
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While the intent of referring to the Code is understood, this is a difficult process to navigate. If possible, a note in the regulations could provide guidance on how to find the relevant information in the Code.

Practice Directions

Practice Direction 12 – Conditions

- Urban Tree Canopy Overlay condition requires review to address the following:
The condition refers to trees being planted *or* payment into the Scheme. Whether or not the applicant is planting or paying should be resolved at the time of Planning Consent. If the condition remains with both options, this could be misleading for applicants who are not eligible for the offset scheme (due to their zone or soil type).

More detail should be provided in this condition rather than just referring to the DPF 1.1 as this policy could be superseded by Code Amendments over time and it will be difficult to determine what the requirements were at the time of the consent, particularly for a future owner who may not realise trees on the site should be retained. It could be very complicated to specify all of the detail contained in DPF 1.1, however an abbreviated version could be included to provide a basic level of information with a reference to the policy for more detailed information. Alternatively, the condition could allow the relevant authority to provide more specific info based on the site area(s) of the dwelling(s).

- Stormwater Management Overlay Condition requires review to address the following:
Similar to the above, it is not practical to simply reference the DPF as it does not provide the level of information necessary in a condition. Although there is less risk in rainwater tanks being removed or altered after installation as compared to trees, the condition should still be clearer and more instructive.

It is noted that alternative stormwater management solutions may be considered as appropriate ways of managing stormwater as part of a development. However, given this is a mandatory condition, it precludes the relevant authority from determining a suitable alternative. Recommend the legality of applying mandatory conditions with respect to assessment criteria is reviewed.

- Regulated Tree Removal condition requires review to address the following:
Similar to the above, the condition should not be applied as written in the Practice Direction. It should specify that either trees are planted (and the number of trees to be planted is specified) or payment is made into the fund, depending on what the applicant and relevant authority have determined.

Note that additional comments on individual sections of the Act and Regulations are contained in **Attachment 3**.

Public Notifications and Appeals

1. What type of applications are currently not notified that you think should be notified?

The notification triggers in the Urban Corridor Zone should be reviewed so that proposals which exceed the building height TNV are subject to notification even where the development is not on a zone boundary. Although this is consistent with the notification triggers in former Development Plans, development which exceeds policy parameters should be notified regardless of location (other than minor departures). The original intent of the new planning system was that stronger consultation would be undertaken upfront on Code policies and therefore less notification would be required at the development assessment stage. However, this is undermined when development is assessed and approved well in excess of the policy parameters without notification and associated community oversight. It is also recommended that third party appeals are available for development which exceeds maximum building height policy, in the interests of a transparent and accountable planning assessment process.

2. What type of applications are currently notified that you think should not be notified?

The MTE Code Amendment is expected to sufficiently address this issue.



- 3. What, if any, difficulties have you experienced as a consequence of the notification requirements in the Code? Please advise the Panel of your experience and provide evidence to demonstrate how you were adversely affected.**

The new system condenses notification categories from a three (3) tiered system down to a two (2) tiered system. Under the former three (3) tiered system, the extent of notification was generally commensurate with the level of likely impact. For example, residential structures were typically Category 2 so only adjacent neighbours were notified, whereas non-residential development which often has broader impacts was typically Category 3 so broader notification and appeal rights applied. Under the PDI Act, however, the extent of notification required (all properties within 60m, sign on the land and plans being publicly available) is often excessive for residential development.

Some examples of this from NPSP include a proposed carport on a side boundary which required the distribution of 68 letters, and proposed tennis court lighting and fencing required 89 letters, most of which were far removed from the development site. By contrast, an application for 69 three storey dwellings on the former 'Otto's Timber' site at Stepney, did not trigger public notification as it did not exceed the new zone height and interface parameters. This is neither effective use of administrative resources nor an equitable and reasonable opportunity for public input to inform the decision-making process. It is noted some domestic ancillary structures will not require notification after the MTE Code Amendment is implemented, however various residential developments will still require notification. A solution would be to re-introduce a middle 'tier' of notification for smaller or residential development where impacts are unlikely to extend beyond immediate neighbours.

- 4. What, if any, difficulties have you experienced as a consequence of the pathways for appeal in the Code? Please advise the Panel of your experience and provide evidence to demonstrate how you were adversely affected.**

Based on discussions with members of the community affected by development, it appears most community members do not understand their appeal rights or processes and are often surprised they have limited appeal rights (as compared to former Category 3 development). Although third party appeal rights can disrupt planning processes and are not appropriate in every circumstance, in other circumstances they provide a healthy level of review and oversight over development decisions. It is recommended the current lack of third-party appeal rights for performance assessed development is reviewed.

- 5. Is an alternative planning review mechanism required? If so, what might that mechanism be (i.e. merit or process driven) and what principles should be considered in establishing that process (i.e. cost)?**

Aside from third party appeals as discussed above, generally the existing planning review processes are considered sufficient. It is recommended, however, that the following amendments be made to the review of the Assessment Manager's decision process:

- If a review of an AM decision is lodged with the CAP during an assessment (i.e. a procedural decision relating to categorisation etc) clarification be provided as to whether the assessment of this application should be put 'on hold' pending consideration of the review by the CAP or if the assessment of this application should continue; and
- ability for the required fee to be processed via the DAP and then distributed to councils with other fees. Currently the only option is for the fee to be paid via the council and evidence uploaded to the DAP, which is cumbersome and not integrated with the system.

Accredited Professionals

- 6. Is there an expectation that only planning certifiers assess applications for planning consent and only building certifiers assess applications for building consent?**
- 7. What would be the implications of only planning certifiers issuing planning consent?**
- 8. Would there be any adverse effects to Building Accredited Professionals if they were no longer permitted to assess applications for planning consent?**

Planning decisions should only be issued by planning professionals as they more likely to be aware of updated information and case law relating to planning policy, and are therefore better placed to



apply and interpret planning DTS criteria. We acknowledge this will reduce the amount of available work for private building professionals, however planning decisions is unlikely to be the primary source of work for private building certifiers.

Other comments regarding private planning certification

It is recommended that private planning professionals are not permitted to approve DTS development with any minor variations due to the subjective nature of assessing minor variations. While most private planning professionals will act professionally and with integrity, the fact that private planners have a financial incentive to determine that a development is DTS is not conducive with a transparent process.

There have been a number of examples under the former Development Act system where the Council has questioned minor variations to Rescode criteria issued by private planning certifiers. One example from 2021 involved a private planning certifier who processed two (2) dwellings and associated land division as a Rescode development despite a shortfall in site frontages. Although the shortfall was not significant, it was not considered minor by the Council and would have allowed an otherwise un-subdividable allotment to be subdivided. Importantly, the minimum frontage width was intentionally set in the Development Plan so as to only allow larger than average allotments to be subdivided (i.e. the policy did not envisage subdivision of the most common 15.24m wide allotment size in that area). The applicant appealed the Council's decision but this appeal was subsequently withdrawn and the development has not proceeded. This is an example of a minor variation decision made by a private planner which could have had meaningful planning implications with respect to allotment patterns in that locality. Another example from 2020 was a development for two (2) detached dwellings which involved a driveway encroaching on the tree protection zone of a regulated street tree, walls which exceeded the maximum wall height, and shortfalls in side and front setbacks. After the Council raised concerns, the applicant amended the plans however some of these issues remained unresolved and new issues also arose with the amended plans.

Impact Assessed Development

9. What are the implications of the determination of an Impact Assessed (Declared) Development being subject to a whole-of-Government process?

This is supported.

Infrastructure Schemes

- 10. What do you see as barriers in establishing an infrastructure scheme under the PDI Act?**
- 11. What improvements would you like to see to the infrastructure scheme provisions in the PDI Act?**
- 12. Are there alternative mechanisms to the infrastructure schemes that facilitate growth and development with well-coordinated and efficiently delivered essential infrastructure?**

The complexities and onerous requirements in the infrastructure scheme process is a deterrent to entering into the process, other than for very large developments. A refined infrastructure scheme process may assist infill Councils where smaller scale public realm works are needed to be part-funded by developers. Currently Councils are still having to set up costly and time-consuming legal agreements to leverage good public realm upgrades. For example, NPSP has not entered into any infrastructure schemes but has used mechanisms outside of the PDI Act to enter into agreements with developers to share public realm upgrade costs which benefit the Council, development and broader community. (Note this process is supplemented by the Council's *Kent Town Urban Design Framework* and *Kent Town Urban Design Manual*).

Local Heritage in the PDI Act

13. What would be the implications of having the heritage process managed by heritage experts through the Heritage Places Act (rather than planners under the PDI Act)?

There are a number of aspects of reform sought by the original 2014 Expert Panel on Planning Reform that have not yet been addressed. Specifically, under its *Reform 8: Place Heritage on renewed foundations* the Panel recommended:

- a single heritage statute (reform 8.1)



- terminology review (reform 8.2)
- integrated heritage authority for state and local listings (reforms 8.3 and 8.4)
- code of practice for listed properties for descriptions, maintenance and adaptive re-use (reform 8.5)
- role of accredited professionals in assessing works consistent with Code of Practice (reform 8.6)
- audit of heritage listings to accurately describe their attributes (reform 8.7)
- financing of heritage to support custodians of heritage (reform 8.8)

Many reviews, investigations and documents have been prepared since that time, without addressing these broader strategic reforms:

- Planning SA Local Heritage Discussion Paper 'Heritage Reform - An exploration of the opportunities' (2016)
- ERD Committee Inquiry into Heritage Reform (2019)
- Government response to ERD Committee recommendations (2019)
- Formation of Heritage Reform Advisory Panel (2021)

These remaining reform recommendations should now form part of the current Expert Panel's recommendations to improve heritage processes in the planning system.

A single statute and integrated Heritage Authority will enable more efficient and independent consideration of Local Heritage Place listing nominations. The Local Heritage Place identification and listing process through Heritage Surveys undertaken by Councils is costly, slow and subject to uncertainties during the policy amendment stage. The progress of the original Expert Panel (2014) recommendations and the Heritage Reform Advisory Panel (2021) will significantly improve local heritage processes and outcomes for local government. It is noted, however that sufficient resources will need to be made available to any future centralised heritage authority to ensure they are equipped to deal with the additional requests for heritage listing of Local Heritage Places.

Although the process for listing Local Heritage Places would benefit from sitting in a centralised statute, the assessment of development affecting Local Heritage Places should remain with Local Government. Referrals to State Heritage for development affecting State Heritage Places, while supported, adds time and cost to development applications. NPSP has 661 Local Heritage Places as compared to 73 State Heritage Places, so if the assessment of development affecting Local Heritage Places also required referral to a State-level heritage body, this would add time and cost to considerably more applications. Most Councils engage a heritage expert when required as part of the assessment of development a Local Heritage Place so there is generally appropriate expert oversight over these assessments.

14. What would be the implications of sections 67(4) and 67(5) of the PDI Act being commenced?

The discussion paper indicates these clauses relate to the designation of places of local heritage value. For clarity, these clauses were intended to relate to the designation of historic areas (currently Historic Area Overlay and formerly Historic Conservation Zones in some Development Plans) rather than individual Local Heritage Places, given that 67(4) refers to "heritage character or preservation zone". It is also noted that Section 202(1)(a) allows an owner of land which has been designated as a Local Heritage Place to appeal the designation to the Court. In this respect, the Act includes a separate 'check and balance' process for aggrieved Local Heritage Place owners. The following comments are made on the understanding these clauses relate to the designation of historic areas (e.g. Historic Area Overlay).

Properties within a historic area do have additional development restrictions, notably demolition controls and stronger design criteria for new development. It is understandable then that some property owners feel strongly about a Code Amendment which proposes to introduce historic area designation. However, there are other planning policy mechanisms which have a similar effect on development potential, such as minimum allotment sizes which prevent opportunities for subdivision or maximum building heights. No other planning policy mechanism is subject to 'popular vote' and it is incongruent with current planning processes to do so. It would also be an administrative nightmare for Councils in managing who is eligible to vote. When a similar



mechanism has been used by the Council in introducing localised car parking controls, there have been multiple challenges to the process with respect to who was entitled to vote or people who missed their opportunity to vote because they were away etc. Therefore, the Council supports the deletion of these clauses from the Act.

Deemed Consents

- 15. Do you feel the deemed consent provisions under the PDI Act are effective?**
- 16. Are you supportive of any of the proposed alternative options to deemed consent provided in this Discussion Paper? If not, why not? If yes, which alternative (s) do you consider would be most effective?**

Concerns with Deemed Consents

In principle, Deemed Consents are considered to be a punitive tool which penalises Local Government and ultimately does not produce good planning system outcomes. Although the Deemed Consent provisions are probably effective in ensuring more applications are determined within the required timeframe, the negative effects are considered to outweigh its effectiveness. Although very few applicants are likely to issue a Deemed Consent notice due to the administrative complexities and delays which would follow (e.g. the Council appealing the notice to the Court) the threat of a Deemed Consent 'hangs over' every application and places considerable additional stress on the assessing planner. Other Councils have indicated Deemed Consents are a factor in an increased loss of assessment planners from the Local Government sector, which is already in a constrained employment market. The primary risk of a Deemed Consent is development occurring which is significantly at odds with the Code, which could have significant impacts on surrounding properties and in some circumstances could result in unsafe development. It is particularly concerning that demolition or modification of heritage buildings could occur, or regulated trees could be removed, prior to an appeal being lodged with the Court. Notwithstanding the fact an applicant who does enact a Deemed Consent for demolition or tree removal consent runs the risk of the Deemed Consent being overturned by the Court, the outcome could be irreparable if the work has already occurred. Based on the above, Deemed Consents are considered to be a low-likelihood but high-risk scenario.

Ways of dealing with Deemed Consents

There are various ways of managing the risks associated with Deemed Consents. Approaches which either we are aware have been adopted in other councils, or are otherwise presumed likely to occur include:

- issuing refusals rather than negotiating improved outcomes with the applicant;
- exceeding verification timeframes in order to 'buy more time' for the assessment process;
- undertaking a rushed assessment which increases the risk of human error or oversight;
- granting consent to a finely balanced proposal which probably should not be approved but is accepted in light of the pressures and time constraints imposed by Deemed Consents;
- prioritising applications which pose more risk if a Deemed Consent were issued, to the detriment of other applications which were lodged earlier but pose less of a risk if a Deemed Consent is issued (resulting in longer assessment timeframes for these other, simpler developments).

None of the above are the preferred approach at NPSP. Rather, if an application doesn't warrant consent the planners will advise they aren't able to support the development and invite the applicant to put the application on hold in order to resolve the issues, or alternatively if they prefer, a refusal decision can be issued. Unfortunately given the limited assessment timeframes, this conversation usually occurs at the end of the assessment process. As a result, when amended plans are submitted there is very little time to re-assess the amended proposal (unless the changes are substantial in which case the assessment clock can be reset as per Reg 35) which places considerable stress on the planner to resolve the application before the assessment time runs out. This process also does not accurately reflect the time spent on any discussions or negotiations which may occur while the application is on hold. That is, the assessment timeframe statistics may 'look good' but misrepresent the reality of how long the process was for both the relevant authority and the applicant to achieve an acceptable outcome. In short, Deemed Consents are resulting in imperfect 'work-arounds' and are an additional complication and stress for the relevant authority.



Alternative options to Deemed Consents

In light of the above, it is recommended the Deemed Consent provision is removed from the Act. If an alternative mechanism is required in place of Deemed Consents, options include:

1. reintroduction of the former Development Act process where the applicant could apply to the Court for a direction for the relevant authority to issue a decision;
2. ability for applicants to apply to the Commission to take over the assessment and issue a decision, given this may be a more expeditious process than option 1 but still sufficient incentive for Councils to undertake assessments within time; or
3. ability for the applicant to issue a deemed refusal notice to allow an opportunity to take the matter to Court.

Two of the alternatives outlined in the discussion paper relate to final Development Approval, which is not a direct alternative to deemed Planning Consents. In any case, these are not supported for two reasons:

- in NPSP, delays with Development Approvals are typically a result of the applicant not yet complying with reserved matters or conditions of Planning Consent, or inconsistencies between planning or building documents so the Council is not in a position to issue Development Approval. Very occasionally there may be an administrative oversight, such as when a staff member is on leave, which causes a short delay (i.e. a day or so) until the application is reallocated and finalised; and
- it is important that Development Approval is issued by the Council (or the Commission where relevant) to ensure an appropriate level of oversight over private planning and building decisions, and appropriate time and respect needs to be given to this legitimate process.

Recommendations if Deemed Consents are retained

If Deemed Consents are retained, it is recommended the following is implemented:

- as recommended in the discussion paper and discussed further below, assessment timeframes should be increased to give a relevant authority a reasonable amount of time before there is a risk of Deemed Consent;
- Deemed Consents cannot be issued for development relating to a heritage place or historic area (or at the very least not apply to development which involves demolition);
- Deemed Consents cannot be issued for applications involving tree damaging activity (tree removal or pruning);
- for notified developments, a Deemed Consent can't be issued between the assessment time running out and the next Assessment Panel meeting; and
- for developments requiring statutory referrals, a Deemed Consent can't be issued until a response has been provided by the referral body to allow any conditions to be imposed as per Practice Direction 11.

Additionally, greater clarity should be provided regarding Deemed Consent documentation. We understand no planning decision notification forms are issued for Deemed Consents, and instead the Deemed Consent notice is used in lieu of the DNF. This is a flawed process as the notice does not contain any conditions. Instead, anyone needing to understand the planning conditions will need to refer to Practice Direction 11 in conjunction with the details of the proposal/ assessment to determine which conditions are relevant. This is not practical and would affect multiple stakeholders including building consent and Development Approval relevant authorities who need to issue a subsequent decision, for the council when dealing with subsequent compliance matters, and for property owners to understand the requirements of their consent (including subsequent property owners). It's also not clear if the Deemed Consent notice would be used in lieu of DNFs on a Section 7 search or on the online public register. It is recommended this administrative process is refined, perhaps requiring the Development Approval relevant authority to enter the required conditions for the full approval DNF, although noting this would not resolve the problem between Planning Consent being issued and Development Approval being granted.



Verification of development applications

17. What are the primary reasons for the delay in verification of an application?

At NPSP, the large majority of verifications are completed within the required timeframes and any delays which do occur are typically only a day or so. The most common reason for any delay is when additional investigation is required to determine the assessment pathway / relevant elements. For example:

- a site inspection is required to determine if a Regulated Tree will be affected (and therefore add tree damaging activity as an element);
- a site inspection is required to determine if a proposed driveway will affect street trees or infrastructure and therefore whether a development meets DTS criteria;
- investigations are required to determine if a development will materially affect a State Heritage Place, and therefore require a referral; or
- it is not always clear whether a proposal involves a change of use, particularly for undefined land uses, which requires additional consideration and in some rarer cases may require legal advice; and
- even when no special investigations are required, verification can still take a long time if there are multiple elements which all need to be checked against accepted and DTS provisions.

As referred to in Question 16 above, some Councils (not NPSP) will give precedence to assessments of applications over verifications in light of the risk posed by Deemed Consents.

For many applications, much of the assessment needs to be completed within the verification period. This is particularly difficult for the assessing planner if the application is allocated to the planner on day 2 or 3 of verification. Another reason for a longer verification process is that many applications are submitted with insufficient information. In these circumstances, applicants may perceive the verification taking longer than the required timeframe.

18. Should there be consequences on a relevant authority if it fails to verify an application within the prescribed timeframe?

No, a consequence is not supported. However, if the Panel are of a mind to recommend a consequence of some description, an option may be that if a relevant authority fails to verify an application, the applicant could apply to the Commission (or a delegate) to take over verification.

A 'deemed verification' process is impractical and not supported as the submission information provided by an applicant often needs to be amended or refined, requiring human oversight.

19. Is there a particular type or class of application that seems to always take longer than the prescribed timeframe to verify?

It is difficult to refine this to particular types of applications, but reasons for delays are outlined in the response to question 17.

20. What would or could assist in ensuring that verification occurs within the prescribed timeframe?

21. Would there be advantages in amending the scope of Schedule 8 of the PDI Regulations?

To improve the standard of information provided by applicants, it is recommended that information prompts are provided in the DAP during submission which summarise the required mandatory information based on the element(s) selected and the requirements of Schedule 8. An online checklist would also be useful for relevant authorities when verifying an application. In some cases, an application should not be able to be submitted without particular information; noting that relevant authorities have the ability to waive the need to provide information, but some information such as site plans are fundamental to an application.

It is recommended that Schedule 8 is amended to outline mandatory information for tree damaging activity both for tree removal (so a relevant authority can confirm if the tree is exempt due to species or proximity to dwellings and determine if the applicant intends to plant replacements or pay into the Urban Tree Fund), and for pruning (to determine if the pruning work is exempt).



Schedule 8 should also outline mandatory information for change of use applications given some change of use applications can be Accepted or DTS. Schedule 8 should also clarify that relevant authorities are able to request any other information which is required to determine the assessment pathway or to verify the elements, to account for applications where the nature of development is not prescribed in Schedule 8. It is also pertinent to review Schedule 8 to make sure any criteria required to be assessed for Accepted / DTS pathways are reflected in mandatory documentation. For example, one of the criteria for determining if a swimming pool is accepted is the extent of soft landscaping remaining on the site, but this is not included in the mandatory information in Schedule 8.

It is worth noting that in the interests of expediting assessment processes for applicants, the NPSP planners will sometimes indicate in the request for documentation that additional information will be required during the assessment– i.e. the RFD will make it clear what information is required for verification purposes but foreshadow further information which will be requested during the assessment. This is one example of how the current DAP processes do not recognise the iterative and non-linear process of assessing development applications.

Comments on assessment timeframes

The majority of applications processed by NPSP do not require public notification and are not subject to statutory referrals. However, many of these assessments are complex and require a detailed assessment such as a multi-dwelling proposal, development in the Character Area Overlay, multiple elements or various impacts on neighbouring properties. Many applications also require as many as 4 – 6 internal referrals for matters such as heritage, traffic, stormwater management, regulated or street trees, etc. In most cases, 20 business days is completely insufficient for these types of applications.

A recent example of a complex application with a 20 business day assessment timeframe is a proposal for ten (10) two-storey dwellings of varying design and allotment size for which assessment considerations have included:

- vehicle access issues for the common driveway and insufficient on-site and on-street parking;
- impacts on street trees including a request to remove a street tree;
- overshadowing and visual bulk impacts on neighbours;
- insufficient setbacks;
- tree damaging activity affecting an adjacent tree;
- insufficient soft landscaping and tree planting;
- complex stormwater assessment;
- varying site and floor levels; and
- waste management issues requiring a shared waste arrangement and special approval from Council's waste collection agency.

In the interests of facilitating good development, the Council has negotiated multiple, iterative amendments with the applicant, which have required subsequent review and re-referrals to internal experts, however these amendments have not been so substantial so as to reset the clock as per Regulation 35. Currently the DAP indicates the assessment timeframe so far is 19 business days, whereas in reality it has so far been a total of 189 business days since the lodgement date (noting many of those days have been waiting on the applicant to provide various pieces of outstanding information).

It is difficult to quantify in legislation what types of development should be provided with additional assessment time. For some applications an Overlay could be a trigger for additional assessment time, such as flood or historic area overlays, but other issues such as street tree removal, traffic and waste management are not indicated by an Overlay and require complex internal referrals and negotiation. The number of dwellings could not be used as a consistent trigger as the complexity of assessment could vary immensely depending on the nature of the proposal and context of the site. The complexity of non-residential development also varies too significantly to be used as a determining factor. On balance, it is recommended that most performance assessed applications are provided with a minimum of 30 business days assessment timeframe, and some typically minor forms of development such as ancillary residential structures could remain at 20 business days.



e-Planning System and the PlanSA website Reform Options Discussion Paper

General comments relating to the ePlanning system

Online Code

Opportunities to improve navigation and use of the Code are outlined below. It is noted that some of the issues identified below were recently also highlighted by Commissioner Rumsby in *Evanston South Pty Ltd vs Town of Gawler Assessment Panel [2022] SAERDC 14 (10 October 2022)*, particularly that “the digital planning system is not simple and easily understood”.

Code hierarchy

Many users of the Code are not familiar with the Code hierarchy. Typically, the user looks up what is relevant to their property or development and doesn't read the 'Rules of Interpretation' so they don't know that Overlays take precedence over the zone. When making a property specific enquiry, the Code displays the Zone policies first, then the Overlays, and the user needs to scroll through a large volume of policies, many of which are irrelevant to their site or development. It is understandable then, that a person sees a parameter such as “maximum height: 2 storeys” in the zone and fails to scroll far enough down to an overriding Overlay policy (e.g. Historic Area Overlay + Statement) which stipulates that development should be “single storey”. On numerous occasions applicants (even those who are familiar with the Code) have prepared preliminary plans for a two-storey development and NPSP planners have had to talk them through the limitations of the Overlays. Ways to resolve this would be to either provide an information prompt when inquiring on the Code to clarify the hierarchy, include a note on a zone policy that there may be an overriding Overlay policy, or display the Overlays above the zone.

Refine and reduce policy results

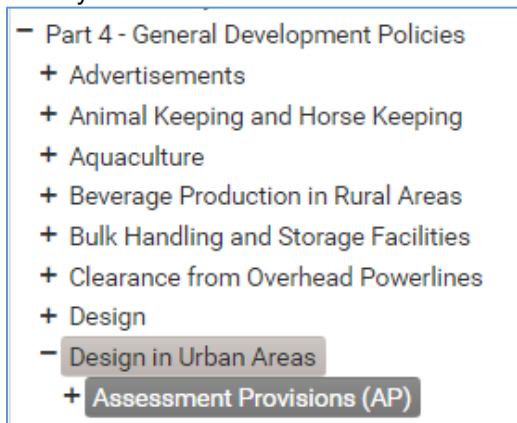
Even when the Code prescribes particular policies to a development in Table 3, the user still needs to sort through numerous irrelevant policies. For example, for an enquiry regarding a detached dwelling at a particular address, the Code 'doesn't know' the circumstances of the property or the configuration of the development so it needs to display policies relating to corner sites, rear access laneways and battle-axe style dwellings in case these are relevant. One solution is if the user could 'hide' policies from the results by indicating whether the subject land is a corner site, has a rear access lane or whether the dwelling is on a battle-axe allotment, and any policies relating to these issues would not be displayed. Note, this would require policies to be 'tagged' with topics or key words.

Clearer, static and collapsible headings

When scrolling through a large volume of policies it is very hard to keep track of what heading you're under and therefore whether the policy applies to the development you're assessing. For example when scrolling through Design in Urban Areas it is hard to keep track of whether the policy you're reading applies to 'Residential Development – Low Rise' or 'Residential Development – Medium and High Rise'. Section headers should be static (or have an option to be static) at the top of the page so the user can always keep track of what section of the Code they are looking at.

Subheadings in the navigation panel

Further to the above, it would help if in the navigation panel you could select just the relevant subheading i.e. be able to select 'Residential Development – Low Rise' so you can keep track of what section you're in rather than need to look at all policies at once (see snip below):





Search function

The search function in the online Code is difficult to use. The search results do not display the section / heading of the policy so you don't know if the policies are in a completely irrelevant zone / section:

15 Result(s) found in Content

PO 3.6
...Development avoids activities that result in a gap in the built form along a public road or thoroughfare (such as an open lot car park) for an extended period of time to minimise negative impacts on stree ...

PO 2.11
...Development avoids activities that result in a gap in the built form along a public road or thoroughfare (such as an open lot car park) for an extended period of time to minimise negative impacts on stree ...

Y2WYZKI - Detached dwelling
...relative to the street boundary so that there is no more than a 20 degree deviation from 90 degrees between the centreline of any dedicated car parking space to which it provides access (measured from the front of that ...

It is easier to navigate to a particular Zone / Overlay / Section and use the ctrl+F function in your web browser to find key words

Using the Code / Code extracts

Code snapshots produced through the online Code or through the DAP are in PDF format, which is reasonable in terms of content control, but it can be inconvenient to use when assessing an application:

- when trying to copy and paste a particular policy from the PDF into a report the text comes across in a strange format which requires considerable reformatting. This is a minor issue, but when this occurs multiple times every day, cumulatively it is causing inefficiencies. If there is a possibility for the PDF to allow easier copying and pasting or inserting of policies into reports that would be desirable;
- our planners download the Code extract and annotate the PDF (e.g. with 'tick' stamps and text annotations) but this is messy, time consuming, and creates a very large file size. It would be ideal if the DAP or online Code could produce 'checklists' which can be edited online where the assessing planner can tick / cross / make notes against each applicable policy; and
- the Code snapshots include the date the snapshot was produced, but don't include the date version of the Code. The assessment sheet templates requires the planner to enter the date version of the Code which requires the planner to look up the Table of Amendments. It would be easier if the Code snapshot also included the date of the version of the Code.

DAP

Opportunities to improve navigation and use of the DAP are outlined below:

Dashboard

It is understood PlanSA have been undertaking a review of the DAP dashboard, so this issue may be addressed as part of that enhancement. However, it is recommended the action / status and key dates associated with an application are more obviously displayed on the DAP dashboard. For example, an owner phoned up to check on the progress of the following application (identifying features omitted):

Demolition of a detached dwelling and decommissioning of a swimming pool	City of Norwood, Payneham and St. Peters	13 Jul 2022	Lodged
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The application displays NPSP as the relevant authority and an action of "lodged" so it's easy to assume it is pending a planning assessment by a colleague. However, Planning Consent has actually been granted and the building consent has been 'initialised' but not allocated to a relevant authority. We understand you can get the correct information by navigating into the application, or clicking the application in the list which will display a status summary at the bottom of the page, but it would be better if the status was clearer to see at a glance.

Another similar example is when an application is 'On Hold' but on the dashboard, the application displays as 'Lodged', rather than the current status which is 'On Hold':



Nature of Development	Relevant Authority	Lodged	Status	Days
Construction of two (2) residential flat buildings comprising total 10 dwellings, boundary fencing..	City of Norwood, Payneham and St. Peters	23 Mar 2022	Lodged	🕒 -

The 'Assigned to me only' filter on the dashboard is useful in many circumstances however it shows up all applications which have that officer's name attached to it. A planner may have finished the planning assessment and the application is now with the building officer, but it will still show up under "Assigned to me" for the planner. It would be preferable for applications to only show up under this filter when that officer is actively dealing with the application. While most users would want to see applications assigned to them as a default, there are also many users (e.g. in administration or managers) who don't have applications assigned to them who constantly need to untick this filter when trying to look up applications. It would be preferable to have a DAP setting which allows the user to decide if they want this filter on by default or not.

It is also recommended that the applicant's name is displayed on the dashboard rather than the owner, as we are more likely to identify an application by the applicant.

Search function

The search function in its current form only works with very precise inputs. For example if you search *1 First Avenue* or *1 First Ave* it will not return a result, instead you need to search *1 First Av*. It would be preferable for the search functionality to allow different abbreviations / full words to be used.

Clocks

The clocks can be confusing at a glance – for example an application which is under a planning assessment will ordinarily display the number of days left in the planning assessment but if there is another action such as "Upload evidence of sign on land" with, say, 2 days left on the clock the clock on the dashboard will display as '2'. This isn't hard to clarify, but it does confuse applicants who assume there is 2 days left for the total assessment.

Templates

Recommend additional correspondence templates are included in the DAP to avoid the Council needing to generate and upload a letter on our own letterhead for certain actions – e.g. notice to representatives of an upcoming CAP meeting or notification to the owner of a Regulated Tree pursuant to Regulation 48.

Document Management

The maximum file size for documents is 70MB which is insufficient for some documents, particularly Development Approval stamped plans (note that NPSP uses Trapeze which creates larger file sizes than Bluebeam).

Currently we can't upload email file types into the DAP so we need to convert an email to a pdf and then upload it, including stitching any attachments to the email. It would be preferable if either we could upload email file types, or if we could send emails (with attachments) in the DAP.

Document categories are very important but are not always used correctly. For example, in the past we have uploaded Development Approval stamped plans under the "Stamped Plans" category instead of "Stamped Plans – Development Approval" which means we can't issue Development Approval. We can't change the document category once the document is uploaded so we need to supersede the first document and upload them again under the correct category. Private Building Certifiers often upload stamped documents in separate documents (not just due to file size, but often because they haven't stitched the documents together). Notwithstanding the fact that several documents are cumbersome for the Council to process for Development Approval, it's particularly problematic when only one of those documents is uploaded as 'stamped plans' as only 'stamped plans' show up under the decision documents tab. It would also be useful to have a guide to document categories to save us clicking through different document types and categories to find an appropriate category when trying to upload a document.



Documents need to be uploaded under the correct consent. It is frustrating when you accidentally upload a document while under the main 'development application' window rather than the 'Planning Consent' window because those documents won't show up when you filter for planning documents. It would be good if we could 'move' a document from one section of the application to another so you don't need to supersede and upload the document again.

Functionality and user interface

The following is a brief compilation of issues which could be considered as part of improved user experience:

- action buttons are not always obvious or in a consistent spot;
- certain workflows, such as creating an appeal matter, require various steps and can be hard to follow. We often need to refer to the guide to make sure we follow the correct procedure and while it's very helpful to have the guide, it would be better if the process was more intuitive;
- when in a development application, it would be useful if the development description showed up in addition to the address. For example, a planner may have two tabs open – one for an original application and one for a variation. The addresses would be the same and the DA numbers could be very similar which makes it difficult to keep track of which application is which. This increases the chances of error if an action or document is uploaded in the wrong application.

Fees

Fee payment in the DAP must be via credit card. Some applications attract fees of greater than \$10,000 which prevents many credit cards from being used. On these occasions our accounts department have generated an invoice for the applicant to transfer the money which we then record in the DAP. Alternative payment options to avoid this issue should be explored.

Crown Developments

Crown developments are unable to be processed through the DAP. From what we understand there is a system limitation which currently prevents this. This should be resolved as soon as possible to avoid needing to work in separate systems.

PowerBI and Reporting

NPSP finds PowerBI to be not user friendly and significantly limits the statistics and reporting we can produce for DAP applications. Issues include:

- despite having some training from PLUS staff, we are frequently unsure what report function and filters we need to use to find the data we need. This may improve over time as we get more familiar with the system but the amount of time we spend searching and troubleshooting is frustrating;
- inconsistent results when collecting data through different functions – i.e. the number of X type of applications is different when you use the development trends report as opposed to a Council report function. We understand this can be due to issues such as one function including transitional applications and one not, but we have no way of knowing which is which;
- limited data which can be extracted – e.g. for some reports you can only get underlying data with limited data fields. In the past we have run a report where the data extract tells us the day of the week the application was lodged but not the more critical information of the date a consent was granted. In another example there was an application ID but not a property address;
- some data is extracted from PowerBI while other data is extracted from the reporting landing page. For example, if you want to run a report on internal referrals, you need to do this through the reports landing page rather than PowerBI; and
- the advanced search function in the DAP can be useful and is more user friendly, but you can't extract data from the DAP.

Below are examples of information we have been unable to get through PowerBI / Reporting:

- the number of new dwellings approved (preferably by suburb and/or zone and within a defined time period). We can search for the number of applications which involve new dwelling(s) but this doesn't tell us how many dwellings total have been approved. This is a fundamental statistic relevant to different council projects and reports. The number of dwellings is recorded in the



DAP for the purposes of ABS stats, and we've been informed it is possible for this data to be captured by PowerBI, but it's not yet available;

- data relating to tree planting as per Urban Tree Canopy Overlay requirements. Again, there is a question in the DAP which collects this information but it's not yet available through PowerBI. We have had to spend a long time manually collecting this information for our tree canopy projects; and
- searching by condition of consent or fee type (these would help us refine and find different types of approvals).

This information is critical in reviewing and improving policy or analyzing progress of the *30 Year Plan* targets

SAPPA

It would be useful is SAPPA enabled us to:

- switch on or select layers with more precision, so that you could produce a map which only shows the location of relevant layers. For example being able to select one specific zone or one specific building height TNV at a time if you wanted to show the locations in the Housing Diversity Neighbourhood Zone where the building height TNV was 3 storeys;
- identify the spatial location of individual Area Statements. Currently the CAO and HAO show faint grey lines to delineate the Area Statement areas but these are not labelled and not able to be switched on in isolation. Previously these were individual Policy Areas which we could map individually in our own GIS system;
- search the layers tab – often you know the layer you want to switch on but end up clicking through various layer tabs to find it;
- save which default layers switch on when SAPPA loads (this may require a log in); and
- street numbers should be switched on by default as this would be useful information for most users and can be switched off if they're not necessary; and
- switch layer labels on and off – e.g. switch on the LGA boundaries but switch off the council name.

User Experience

Website Re-Design

1. Is the PlanSA website easy to use?

The site is easy to use if you are familiar with the site navigation but it can be overwhelming for members of the public who aren't familiar with the planning system. There appears to have been improvements to the search bar functionality overtime, but it can sometimes still be hard to find the page or document you want, particularly if you use slightly incorrect terminology. When searching directly in the resources tab, sometimes you need to use the specific document title to get a successful result.

The following is a summary of what we have heard from users about their experience with the website:

- some prospective applicants have difficulty in finding where to lodge an application;
- community members have difficulty finding applications on notification, particularly as some community members struggle to use the QR code on their notification letters;
- confusion regarding the Accredited Professionals register as on a few occasions people have contacted accredited Council staff seeking assistance with applications in a private capacity;
- the 'Approval wizard' is a useful tool for people wanting to find out if they need approval, but Council still gets numerous queries around this which suggests it could be made more obvious or accessible; and
- based on queries we receive it seems the fact sheets are underutilised, but a review of website visits would be required to determine if this is the case.



2. What improvements to the PlanSA design would you make to enhance its usability?

- Improved search functionality both on the home page and in the resources tab;
- more obvious and simple submission process;
- contact details and direct phone numbers for Department staff responsible for particular projects so you know who to contact regarding that project;
- improved clarity on the Accredited Professionals register page around the purpose of the register and who can assist in a private capacity (we are aware some additional clarification was added to this page some time ago, but it is considered more could be done); and
- the option of signing up for notification of applications is currently based on the Council area, however a person at one end of the Council is unlikely to be interested in a development at the other end of the Council. A more refined option could be suburb-based notifications so you could select your suburb and surrounding suburbs.

Mobile Application for Submission of Building Notifications and Inspections

3. **Would submitting building notifications and inspections via a mobile device make these processes more efficient?**
4. **Where relevant, would you use a mobile submission function or are you more likely to continue to use a desktop?**

Mobile functionality would be useful, mostly for external users such as builders on site, but also for Council staff conducting site inspections.

Online Submission Forms

5. **Is there benefit to simplifying the submission process so that a PlanSA login is not required?**
6. **Does requiring the creation of a PlanSA login negatively impact user experience?**
7. **What challenges, if any, may result from an applicant not having a logon with PlanSA?**

Generally speaking, not requiring a log on would simplify the submission process for one-time users, especially those not familiar with online processes. However, not having a log on would prevent the applicant from actioning various steps in the DAP (e.g. uploading additional information, applying for next consent etc). There is the option for applicants to submit their application in hard copy and the hard copy lodgement fee assists in offsetting the administrative costs for Councils. As such, for the foreseeable future it may be best to retain a log on for whoever is managing an application.

Increase Relevant Authority Data Management

8. **What would be the advantages of increasing relevant authorities' data management capabilities?**
9. **What concerns, if any, do you have about enabling relevant authorities to 'self-service' changes to development applications in the DAP?**

Improved autonomy for relevant authorities over certain DAP functionality is supported, if it avoids the need for us to submit requests to the PlanSA helpdesk. The helpdesk is usually very helpful and we understand the need for a certain level of quality control but it is frustrating to not be able to troubleshoot or correct errors in the same way we did in our previous systems. We acknowledge that system improvements are continuing to be made, for example public notification processes can now be stopped and restarted by Councils to correct an error rather than waiting out a full notification period or getting PlanSA to reset the process on our behalf. However, it would be worth reviewing the requests submitted to PlanSA and determining if there are common requests for assistance which could be undertaken by the relevant authority without risk of undermining system integrity or legislative requirements. An example of a useful change would be to allow relevant authorities to change the property address after verification. Given verification often happens in a rush to complete it in 5 business days, it is not uncommon for a relevant parcel to be missed by both the applicant and the relevant authority and this go unnoticed until the assessment is underway. It would also be an improvement if Councils had more autonomy over reporting statistics rather than being confined to the limitations of PowerBI.



Inspection Clocks

10. What are the advantages of introducing inspection clock functionality?

Ability to observe the time taken for an inspection to be undertaken by Council.

11. What concerns, if any, would you have about clock functionality linked to inspections?

None

12. What, if any, impact would enabling clock functionality on inspections be likely to have on relevant authorities and builders?

No impacts that we can foresee.

Collection of lodgement fee at submission

13. Would you be supportive of the lodgement fee being paid on application, with planning consent fees to follow verification?

14. What challenges, if any, would arise as a consequence of 'locking in' the Code provisions at lodgement? How could those challenges be overcome?

This is generally supported as it would avoid needing to re-check a development against Code criteria to confirm there have been no Code Amendments affecting relevant policy between verification and assessment. The biggest inconvenience would be for applicants who need to pay a lodgement fee at submission, then planning fees after verification, then building fees after building verification, then potentially building compliance fees if these weren't paid at the time of building verification.

It's possible that applicants will submit an application with the lodgement fee and minimal information in order to get an application lodged under the current version of the Code, in advance of an unfavourable upcoming Code Amendment. This happened to a huge extent the day before we switched to the new system as people attempted to lodge their application under the Development Act, which caused a significant administrative burden. On balance, however, this is unlikely to be a common or persistent problem.

Combined Verification and Assessment Processes

15. What are the current system obstacles that prevent relevant authorities from making decisions on DTS and Performance Assessed applications quickly?

16. What would be the advantages of implementing a streamlined assessment process of this nature?

This would be beneficial for DTS development and for a small number of performance assessed applications (many performance assessed DAs would still require further assessment beyond the initial verification). However, there should be an option to cancel the decision before it's issued in case of any unforeseen circumstances. For example, it is not uncommon for the applicant to amend their proposal after lodgement because they've decided to change or add an aspect of their development.

Even for applications which don't use this streamlined assessment process, it would be useful if the assessment report document could be generated at verification so the planner can start recording assessment notes against the relevant criteria. Currently if they want to keep notes during verification to be used during a later assessment, they need to either put this into a file note, upload a separate document, or keep the notes outside of the DAP.

17. What, if any, impact would a streamlined assessment process have for non-council relevant authorities?

No comment

**Automatic Issue of Decision Notification Form**

18. **What are the advantages of the e-Planning system being able to automatically issue a Decision Notification Form?**
19. **What do you consider would be the key challenges of implementing an automatic system of this nature?**
20. **If this was to be implemented, should there be any limitations attached to the functionality (i.e., a timeframe for payment of fees or the determination will lapse)?**

As above, this would be useful for DTS and a small number of performance assessed DAs, provided the DNF could be appropriately previewed to ensure any conditions or notes were correct and in a desirable order, and also for the process to be interrupted to deal with unforeseen circumstances.

Building Notification through PlanSA

21. **Would you be supportive of mandating building notifications be submitted through PlanSA?**

Yes

22. **What challenges, if any, would arise as a consequence of removing the ability for building notifications to be received by telephone or in writing to a relevant council? How could those challenges be overcome?**

There may be challenges in providing the necessary notifications by some owners/builders who do not know how to use the PlanSA portal, particularly in one-off situations. This may result in notifications not being submitted. If building notifications are to be submitted to PlanSA portal only, there may be an influx of phone calls and emails to Councils in regard to how to submit building notifications by owners/builders who have not used the portal previously or who do not have access to a particular development application. Owners/builders providing a building notification on the PlanSA portal who aren't familiar with the system and require support should be able to phone the Plan SA desk and be guided on how to submit a building notification, rather than being directed to call Council.

23. **Would this amendment provide efficiencies to relevant authorities?**

Yes

Remove Building Consent Verification

24. **Would you be supportive of removing the requirement to verify an application for building consent?**

No. verification of a Building Rules Consent is important step for assessment authority to request necessary documentation and also issue an invoice for the assessment. This step is important because it gives the applicant an overview of what documentation is required and what the assessment fees are for the application.

25. **What challenges, if any, would arise as a consequence of removing building consent verification? How could those challenges be overcome?**

Relevant authorities will have to commence the assessment of an application immediately to request necessary documentation before actually undertaking an assessment of the required documentation. Although it may streamline the assessment process it will put pressure on the assessing authority. The current assessment timeframes for building rules assessment does not need to be reduced any further.



Concurrent Planning and Building Assessment

26. What would be the implications of enabling multiple consents to be assessed at the same time?

It would be beneficial for some applications, but for most applications there is a risk that changes required as part of the planning assessment may result in inconsistencies between planning and building consents which would cause further delays. Perhaps it could be limited to certain minor applications and should be accompanied by sufficient information for applicants regarding the risks of going through a concurrent process.

Innovation

Automatic Assessment Checks for DTS Applications

1. What do you consider would be the key benefits of implementing an automatic system of this nature?
2. What do you consider would be the key challenges of implementing an automatic system of this nature?

It is assumed this is referring to the system 'reading' plans submitted with an application. If possible, this would create system efficiencies which is a positive outcome. However, as we have experienced with the implementation of the current system, there is always a risk of system errors so it is likely many councils would still oversee this process. Although the quality of plans has improved overtime, some plans are still hand drawn, have multiple 'layers' of information on the one plan which makes them hard to read, or the detail may be included in written schedules (e.g. material schedules) or section details. Human oversight over plans can also identify inconsistencies or errors in the plans which an automated system may not be able to do.

3. Would you be supportive of the Government investing in developing this technology so that it may integrate with the e-Planning system?

There are higher priorities within the existing system which require time and resourcing which should be the Government's focus.

3D Modelling for Development Application Tracker and Public Notification

4. What do you consider would be the key benefits of the e-Planning system being able to display 3D models of proposed developments?
5. Do you support requiring certain development applications to provide 3D modelling in the future? If not, why not? If yes, what types of applications would you support being required to provide 3D modelling?

This is supported in principle, however 3D models can sometimes misrepresent the details of a proposal e.g. depending on the perspective or if a feature is emphasised or understated, so there should be some caution around this approach. Also, the current development tracker can be slow to load, so an expansion of the tracker should take this into consideration.

6. Would you be supportive of the Government investing in developing this technology so that it may integrate with the e-Planning system?

This is more achievable and useful than automatic assessment checks, but should not be prioritised over other system improvements. Note that processing and storage of files may be difficult due to file size limitations.

Augmented Reality Mobile Application

7. Would you be supportive of the Government investing in developing this technology so that it may integrate with the e-Planning system?

This would be a useful feature in the future, but as above, consideration should be given to the accuracy of the information the augmented reality is based on (e.g. if renders are used) and this should not be prioritised over other more urgent or practical system improvements.

Accessibility through Mobile Applications

8. Do you think there is benefit in the e-Planning system being mobile friendly, or do you think using it only on a computer is appropriate?



9. Would you be supportive of the Government investing in developing this technology so that the PlanSA website and the e-Planning system is functional on mobile?

Some features of the system, such as SAPPA, are not conducive to use on mobile devices so the user interface on mobiles should be improved. Noting, as above, that other more urgent system improvements should be prioritised.

Guidelines for new areas to be included in the Historic Area Overlay

(Included in presentation to members of the Commission and PLUS staff – 2 May 2022)

The below criteria were provided as a suggested basis for guidelines for assessing new Historic Areas. It was not envisaged that an area must meet every criteria, but rather they be used as part of an the assessment of an area to determine if elevation to Historic Area is justified.

ERA

High concentration of buildings from the same era which contribute to the historic characteristics of the area

HISTORIC CHARACTERISTICS

Cohesive physical attributes which contribute to historic character (consistent building form/ siting, building materials, era of construction, style of building, landscaped setting)

CONTEXT

Area which tells a culturally important 'story' about the history of the community e.g. an area which saw heavy development post WW1 with State Bank Bungalows

CONFIGURATION

HAO should generally apply on both sides of a street (to provide a consistent streetscape) other than in exceptional circumstances eg:

- it relates to one side of an arterial road (e.g. Portrush Road) given both sides of the street are not typically viewed concurrently
- other side of the street is in a different Council area
- distinct zone difference or land use mix where the zoning intent of one side of the street would be incompatible with the HAO
- HAO extends slightly further on one side of the street

ZONING

HAO should be accompanied by appropriate zoning e.g. Established Neighbourhood or Business Neighbourhood, not Urban Corridor or Housing Diversity Neighbourhood

COMMUNITY SUPPORT

Guidelines to include reference to the mandatory Sec 67(3)(b) consultation requirements and any suggestions relating to the engagement plan

DOCUMENTATION STANDARD

Guidelines to include minimum information provided with Code Amendment applying new HAO (e.g. heritage surveys, maps showing existing/ new Representative Buildings)

Code Policy Options for the Historic Area Overlay and Representative Buildings
(Included in presentation to members of the Commission and PLUS staff – 2 May 2022)

<u>Historic Area Overlay – Current</u>
<p>HAO Demolition: PO 7.1</p> <p><i>Buildings and structures, or features thereof, that <u>demonstrate the historic characteristics as expressed in the Historic Area Statement</u> are not demolished, unless:</i></p> <ul style="list-style-type: none"> a) <i>the front elevation of the building has been substantially altered and cannot be reasonably restored in a manner consistent with the building's original style</i> <p>or</p> <ul style="list-style-type: none"> b) <i>the structural integrity or safe condition of the original building is beyond reasonable repair.</i>

<u>Option 1 – Change to current Policy Wording – No Representative Building Overlay</u>
<p>HAO Demolition: PO 7.1</p> <p><i>Buildings and structures, or features thereof, that are either identified as Representative Buildings or otherwise <u>demonstrate the historic characteristics as expressed in the Historic Area Statement</u> are not demolished, unless:</i></p> <ul style="list-style-type: none"> a) <i>the front elevation of the building has been substantially altered and cannot be reasonably restored in a manner consistent with the building's original style</i> <p>or</p> <ul style="list-style-type: none"> b) <i>the structural integrity or safe condition of the original building is beyond reasonable repair.</i>

<u>Option 2 – Introduce Separate Representative Building Overlay</u>
<p>HAO Demolition: PO 7.1</p> <p><i>Buildings and structures, or features thereof, that are not Representative Buildings, but do demonstrate the historic characteristics as expressed in the Historic Area Statement are not demolished, unless:</i></p> <ul style="list-style-type: none"> a) <i>the front elevation of the building has been substantially altered and cannot be reasonably restored in a manner consistent with the building's original style</i> <p>or</p> <ul style="list-style-type: none"> b) <i>the structural integrity or safe condition of the original building is beyond reasonable repair.</i>

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<p>Representative Building Overlay PO X.X</p> <p><i>Buildings and structures that are designated Representative Buildings are not demolished, unless:</i></p> <ul style="list-style-type: none"> a) <i>the front elevation of the building has been substantially altered and cannot be reasonably restored in a manner consistent with the building's original style</i> <p>or</p> <ul style="list-style-type: none"> b) <i>the structural integrity or safe condition of the original building is beyond reasonable repair</i>

Additional Comments on PDI Act		
Section	Issue	Recommended Change
s4 (1)(d)	The Code can prescribe an increase in intensity of land use as a change of use. At present there is no prescription.	Prescribe what constitutes an increase in intensity of land use for the purposes of this clause
s4 (3)	The Code can allow for the revival of a use after a period of discontinuance to be regarded as the continuance of an existing use.	Consider the introduction of principles into the Code for the purposes of this section.
s4 (6)	The Code can specify land use classes whereby a change in use within a use class will not be regarded as a change in use.	Consider the introduction of appropriate use classes into the Code for the purposes of this section.
s4 (7)	The Code can specify a change of use as a minor change which will not be regarded as a change in use.	Consider introduction into the Code of appropriate specifications for the purposes of this section.
s18	Review constitution of the State Planning Commission to introduce a greater emphasis on qualifications and experience in planning and urban design.	Consider amendment to s18 (2).
s18	The ex-officio public sector employee on the State Planning Commission should not have a voting right	Consider amendment to 18(1)(b) - In previous iterations of the Development Policy Advisory Committee there was no Departmental membership, it was comprised of independent representatives. What is the justification for a seat on the Commission rather than an independent advice/ service TO the Commission?
s35 and s36	The onerous nature of the legislation has resulted in no planning agreements being entered into or joint planning boards established. The section does not recognise existing established organisations such as Regional Local Government Association which could perform the functions of a joint planning board	Consider amendments to s35 and s36
s42	Practice Directions and Practice Guidelines are statutory instruments, they should be subject to public consultation in accordance with the Community Engagement Charter, currently they are excluded from the public participation process.	We need to have clear boundaries for process and policy change which occurs through practice directions

s75	Complying changes to the Code - Consultation on a Code Amendment is not required if it's consistent with a Regional Plan	Include maximum timeframe between consultation of the regional plan and the complying Code Amendment. We understand the rationale for permitting complying Code Amendments is that the intent of the change has already been the subject of consultation in a Regional Plan. There is a risk that the community will not engage with consultation on a Regional Plan in the same way the community would engage with a Code Amendment, but putting this aside, there should be a maximum timeframe between consultation being undertaken on the Regional Plan and the Complying Code Amendment being implemented. This would reduce the risk that there have been property owner or occupier changes between the Regional Plan consultation and the Code Amendment.
s66 (2)(c)	The Planning and Design Code is to include definitions and land use classes. It is yet to include land use classes.	Code amendment to establish and introduce classes for the purposes of s66 (2)(c) of the Act.
s73(2)(b)	Councils are being encouraged to work together to pursue a Code Amendment affecting more than 1 council, however s73(2)(b)(iv) suggests only 'a council' can only prepare or amend a designated instrument	Amend s73(2)(b)(iv) to read 'a council or more than one council'
s83(1)(b)(i)	Stipulates only one CAP member can be a member of a council. Query whether this limitation extends to appointing a second member who is a member of a different Council to that establishing the CAP.	Clarify whether limitation applies to membership of any council.
s83	The requirements relating to the establishment of a Council assessment Panel also apply to Panels established by the Minister, including membership and requirements relating to accreditation	Amend s84 to be consistent with s83
s93 (1)	Where an application does not involve a proposed "development"; such as a variation of a condition limiting operational hours; it is unclear as to who is the relevant authority as the application does not involve a category of development nor have a defined assessment pathway.	Amendment to designate relevant authority in these circumstances, an appropriate assessment pathway and clarification as to whether notification is required. Note that Dev Act s39(7)(c) previously clarified that a variation to a Cat 3 development required notification if there were any reps relating to any aspect of the development that is the subject of the variation.
s100	Only allows delegation by a "relevant authority". This is to be compared to the broader delegation power in Section 20 of the former <i>Development Act</i> . This has meant that Council delegations have been required pursuant to the <i>Local Government Act</i> involving increased complexity. Further, PDI Act powers sitting with Council CEO's cannot be delegated.	Amend s100 to enable powers of any body, person or entity under the PDI Act to be delegated pursuant to s100(1) - for example Practice Direction 2 (Preparation and Amendment of Designated Instruments) requires a Private Proponent to consult with the CEO of a Council and this would benefit from an opportunity for delegation.

s110 (10)	While the Commission in assessing restricted development must take into account the relevant provisions of the Code; it is not bound by those provisions. Query why restricted development should not simply be assessed against the Code like other code assessed development.	Consider amendment to achieve this -- we can understand that Impact Assessed (not Restricted) developments may be of such a scale or unique nature that an assessment against the Code may not be practical or appropriate (e.g. assessment against other relevant documents / standards is required) but Restricted developments should be assessed against the Code, noting that additional policies may be required in the Code
s120 (2)	Outline consents may be granted in circumstances specified by practice direction. To date, no such practice direction has been issued by the Commission.	It is not clear how effective or beneficial outline consents will be, particularly if it requires a relevant authority to grant a consent 'in principle' for an element of development that may be integrated with other elements that have not yet been proposed (e.g. for a mixed use development with multiple new structures on the site and removal of a regulated tree). Recommend outline consents are actually removed from the Act. Preliminary advice can be used, or the applicant can submit a formal application for assessment
s127 (2)(c)	A condition can be varied or revoked by way of further application. There is no assessment pathway nor relevant authority prescribed where such applications do not involve "development".	Amendment to clarify assessment pathway and relevant authority in such circumstances.
s128	Variations of a development authorisation may be sought. Where these do not involve "development" no assessment pathway or relevant authority is prescribed. Further, it is unclear as to how a variation of a historical non-complying category 3 authorisation would be assessed.	Amendment to clarify the assessment pathy and relevant authority in such circumstances .
s131 (13)	Crown development is only subject to public notice if the total value of all work exceeds \$10,000,000 (see previously s49(7d) of the <i>Development Act</i> where the relevant figure was \$4,000,000).	Consider amendment to reduce the expenditure quantum to allow for greater public participation.

Additional Comments on PDI General Regulations		
Regulation	Issue	Recommendation
Regulation 3(4)	Contains a definition for the natural surface of the ground for the purposes of the Regulations. Query whether it should be better aligned with case authority with respect to the term "natural ground level".	Review definition and consider benefit of introducing a definition in Part 8 of the Code.
Regulation 3G	Above ground and inflatable pool provisions, where capable of being filled to a depth exceeding 300mm, have created uncertainty with respect to safety fencing obligations.	Review the provision in association with a general review of legislation as it relates to swimming pool safety features.
Regulation 3 (general)	Include a definition of 'storeys'	It is recommended that a definition be provided for 'storeys' in the regulations as the term 'storeys' is used to determine the appropriate relevant authority. Under the Development Act, NPSP had to seek legal advice about what constitutes a storey to determine who would be the relevant authority. Note that 'Building Level' is defined in the Code rather than 'storey' but the Code does refer to storeys.
Regulation 23(2)(b)	Where the Commission is the relevant authority and development is occurring in a council area, the Council CEO may provide a report within 15 business days on a range of matters limited by Regulation 23(c). Potential issues include that the CEO is unable to delegate this power and the restriction on the scope of his or her response.	Consider amendment to remove restrictions on the scope of any report together the timeframe and with the expansion of the delegation power in Section 100 of the Act. 15 BD is not sufficient to provide a response.
Regulation 34(2)	Provides for the assessment clock to restart after 1 year from an applicant's request pursuant to Section 119(11) of the Act for a deferral to address a matter associated with their application. This has the potential to increase the risk of a deemed consent notice being given.	Delete Regulation 34(2) so that there is no automatic restarting of the assessment clock in these circumstances.

Regulation 38(2)	Lapsing of Applications - permits a relevant authority to lapse an application if at least 1 year has passed since the lodgement date. When would this clause would be applied rather than refusing an application based on a non-supply of information or on the merits of the proposal, or the application is withdrawn by the applicant if they're not proceeding. It is noted that this is a carryover from the Development Regulations (and this clause was introduced in 2001 as part of the "System Improvement Program Amendment") but clarity in the new Regs would be appreciated.	Either amend Reg 38 or provide supplementary information as to when an application can be lapsed rather than a decision being issued. Note that the Council previously had a matter relating to this regulation determined by the Court: <i>Maddern & Anor v The Corporation of the City of Norwood Payneham & St Peters [2017] SAERDC 20</i> . In this matter, the Court determined an application should not be lapsed if the Council was able to issue a decision (i.e. either grant consent or refuse the application) and indicated an application could be lapsed if the application had been abandoned, but it's not clear in what circumstances an application could be considered to be abandoned, but the relevant authority is not able to determine the application.
Regulation 47	Imposes requirements with respect to notification of an application for performance assessed and restricted development in association with Practice Direction 3. Uncertainty arises as to the effect of a notice on land not being in place for the required period.	Consider addressing this by legislative clarification. Also confirmation as to whether the notice needs to be on the land from 12:01am on the first day of notification and if there are any ramifications if the notice is installed in advance of the notification period (e.g. 2 days before) or not taken down at the end of the notification (e.g. left up for 2 days after the notification period ends). We outsource the notice installation of a third party so we can't always control the exact day and time it's installed
Regulation 57	Requires notice of a decision pursuant to Section 126 to be given in the prescribed form. The prescribed Decision Notification Form needs amendment to accommodate different consents such as the open space consent and any associated conditions.	Ministerial amendment to the prescribed DNF.
Regulation 65	For the purposes of Section 128(2)(b) of the Act a variation to a development authorisation can be treated by a relevant authority as minor in nature and approved without a further application. An issue arises where the variation does not involve "development" as to who is the relevant authority.	Amend legislation to clarify who is the relevant authority in these circumstances. Also to clarify who is the relevant authority when a private Accredited Professional issues a DTS consent and the variation results in the development no longer being DTS
Regulation 120	This imposes an obligation on the relevant authority to ensure that a range of matters in respect of an application for development authorisation are recorded on the SA Planning Portal.	Given these details are automatically displayed on the PlanSA website based on information entered into the DAP, both of which are under the administration of the Department, should it be relevant authorities which are responsible for this or could this regulation be amended to reflect to say " <i>the Portal should reflect the following information:...</i> " etc

Schedule 3	Schedule 3 identifies where excavating or filling is development. There appears to be no limit/ triggers for the extent of excavating and filling that can be undertaken outside of these specific circumstances. If a site which is not captured in Sch 3 is excessively filled pre-development, this could lead to confusion about what is natural ground level as well as issues such as overlooking etc.	Recommend including a trigger for excavation and filling on any site as being development
Schedule 4(4)(1)(d)(ii) and (iia)	A fence cannot be exempt from development if it is on the boundary between an allotment and a road. If a fence is not strictly on the boundary (i.e. it is set in from the boundary) then this exclusion doesn't apply. This is not a problem for front fencing because of the additional requirements in clause (iia), but it does not resolve the problem if the fence is slightly set in from the side boundary adjacent a secondary street.	Revise clause (ii) such that any fencing between a building and a public road requires approval.
Schedule 4(1)(h)	A moveable sign under the Local Gov Act doesn't require approval but this is only on a public footpath (i.e. you move the sign from the footpath to the front yard and it suddenly needs approval). NPSP have previously recommended that moveable signs on private property should also be incorporated in Sch4, provided there are some parameters as to size and location.	Review Sch4(1)(h) to allow small, moveable signs on private land without development approval (limit one per site?)
Schedule 4(4)(1)(g)	A 10m ² / 4m high water tank can be installed in front of a dwelling which can have poor streetscape outcomes.	Recommend amending this to include a clause that water tanks require approval where they are forward of the dwelling, other than in bushfire areas
Sch4(4)(1)(k)	Permeable screens attached to existing structures are not development however clarification is required as to whether the following require approval: <ul style="list-style-type: none"> • café blinds attached to carports, verandahs etc; ?... • freestanding screens (e.g. are they considered to be fences for the purposes of Sch4(4)(1)(d)?) 	Amend Sch 4(4)(1)(k) to clarify whether other forms of screens are development

Sch4(4)(3)	The height of shade sails should be measured above ground level only, rather than floor level given other Sch4 structures are measured from ground level.	Amend Sch4(4)(3) such that shade sails are max 3m high above ground level
Sch4(4)(5)(c)	Pergolas can be up to 4m high without needing approval	The maximum height of pergolas should be reduced to 3 metres above ground level, or require posts to be a maximum of 3 metres and the total structure height to 4 metres.
Sch4(10)	Demolition of buildings doesn't require approval (other than heritage / HAO etc)	Although we aren't opposed to demolitions not requiring approval (other than specified Overlays) there are two issues which have arisen: 1. NPSP undertake dilapidation reports prior to work commencing on site for developments where damage to council infrastructure is likely to occur but we can no longer do this for demos. We have experienced several issues of damage to Council / service infrastructure without knowing who caused the damage and/or having any dilapidation reports undertaken prior to work commencing to use to successfully pursue action. 2. This is less of an issue, but we can no longer calculate easily calculate net dwelling increase in a given area because we can't subtract demolitions from number of new dwellings (noting the DAP currently can't give us the number of new dwellings anyway). A possible solution is for the regs to require property owners to notify the Council X days in advance prior to demolition occurring.
Sch6(4)	SPC is the relevant authority for development over 4 storeys in specified areas.	Recommend returning these decision making powers to Councils
Additional Comment on PDI Accredited Professionals Regulations		
Regulation 30	Sets out the circumstances where an accredited professional may not act. These include where the accredited professional has a direct or indirect interest in any body associated with the development and if the accredited professional is employed by any body associated with the development. While these prohibitions do not apply to an officer or employee of the Crown; they do capture a local government employee where an application is made by the Council that employs them.	Amend Regulation 30(2) to include an officer, employee or agent of a council. Could further guidance also be provided as to whether an AM can be the RA for an application where a relative or colleague is the applicant? e.g. is delegating to another staff member or consultant sufficient?

11.2 ST MORRIS RESERVE CONCEPT PLAN

REPORT AUTHOR: Manager, Economic Development & Strategy
GENERAL MANAGER: Chief Executive Officer
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FILE REFERENCE: qA109147
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to present the *St Morris Reserve Draft Concept Plan* to the Council for its consideration and endorsement prior to the release of the draft document for community consultation and engagement.

BACKGROUND

At its meeting held on 4 March 2019, the Council considered a report which outlined the new City Wide Floodplain Mapping and the associated Long Term Stormwater Drainage Program. At that meeting, the Council adopted the “service levels” for the various drainage catchments within the City and a fifteen (15) year Stormwater Drainage Program. Included as part of the Stormwater Drainage Program, was the *Trinity Valley Stormwater Upgrade Project* (the Project).

In accordance with the Council’s resolution, an open tender process was conducted to select a suitably qualified consultant to deliver the design documentation for the *Trinity Valley Stormwater Upgrade Project*. Subsequently, at its meeting held on 3 February 2020, the Council appointed Cardno Pty Ltd as the Council’s Consultant for the Project.

Subsequently, at its meeting held on 7 September 2020, the Council considered a report regarding the concept design for the Project as prepared by Cardno Pty Ltd. At that meeting the Council resolved to design and deliver the Project in four (4) stages, consisting of:

- **Stage 1** – overland flow interception and trunk drainage capacity upgrades within the suburbs of Stepney and Maylands;
- **Stage 2** – overland flow interception and detention storage within Albemarle Avenue, Trinity Gardens;
- **Stage 3** – overland flow interception and detention storage within Jones Avenue, Trinity Gardens; and
- **Stage 4** – overland flow interception and detention storage (ie Detention Basin) within St Morris Reserve, St Morris.

As part of the decision, the Council resolved to construct an underground storage tank at St Morris Reserve for the detention and storage of stormwater referred to as part of Stage 4. This decision was made despite Cardno recommending an open basin at St Morris Reserve for the detention of stormwater.

At its meeting held on 4 April 2022, the Council considered a report regarding the progress of the Project. As part of that report, the Council was advised that Stage 1 through Stepney and Maylands would be reviewed with the assistance of the University of Adelaide’s Smart Stormwater Project, in an attempt to identify alternative innovative upgrade options, which do not require the removal of the street trees along Henry Street, Stepney.

At that meeting, the Council was also presented with additional information regarding the detention tank options for St Morris Reserve and the comparison of this option to an open basin. Through the investigations which were undertaken by staff, it was identified that the only suitable detention tank options, based on the maintenance, detention capacity and asset life criteria, were either an in-situ or precast concrete tank. The Council was also advised that in comparison to the open basin option (which was the model originally recommended by the Consultant), the underground detention tanks would cost the Council an additional \$5m to construct, and would require ongoing maintenance, would have a finite asset life and landscaping above the tank structure would not be possible. Following consideration of the additional information, the Council resolved to construct an open detention basin at St Morris Reserve.

In April 2022, the Council was advised that it had been successful in its application under the Federal Government's *Preparing Australian Communities Local Stream Program*, for 50% of the total construction and project management costs estimated for the delivery of all four (4) stages of the Project. This equates to approximately \$9.9m. In accordance with the Grant funding criteria, the Council is required to contribute at least 50% of the cost and the Project is required to be completed by May 2025 - to achieve this it will need to be delivered across the 2022-2023, 2023-2024 and 2024-2025 financial years.

The *Preparing Australian Communities Local Stream Program* is one component of the Federal Government's *Preparing Australia Program* aimed at supporting locally identified and locally led projects that will improve the resilience of communities against natural hazards, such as bushfires, flood and tropical cyclones. The Program is based on the impact risk level of local areas informed by the Australian Climate Service and State and Territory Governments, of which the City of Norwood Payneham & St Peters has been identified for flood risk. The intended outcome of the grant program is to support communities to undertake disaster risk reduction initiatives that provide public benefit through reducing:

- the impact of future natural hazards on communities: and
- the burden (cost and time) of recovery in communities following future disasters.

Given that each of the four (4) stages (Stage 1 through to Stage 4) of the Project provide a flood risk reduction benefit as a standalone project, with maximum benefit to flood risk reduction occurring at the completion of all four (4) stages, the construction of the four (4) stages does not need to occur in a sequential order, (ie they can each be delivered as a standalone project).

In order to deliver the entire Project within the timeframe required by the Federal Grant Funding Agreement, the order of the delivery of the four (4) stages of the Project are now based on the complexity of each stage, with the more complicated stages being scheduled later in the project program. As a result, Stages 2 & 3, are scheduled for construction first in the 2023-2024 financial year, followed by Stage 4 in the 2023-2024 financial year, with Stage 1 to be constructed at the end of the program in 2024-2025.

The detailed design and construction documentation for Stages 2 & 3, has been completed and is ready to proceed to tender. The detailed design of Stage 4 has commenced and will include the refinement of the technical aspects of the detention basin at St Morris Reserve and connecting pipe infrastructure.

Moving forward, the reference to the four (4) stages will be amended to reflect their construction order as follows:

- **Construction Phase 1** – overland flow interception and detention storage within Albemarle Avenue, Trinity Gardens;
- **Construction Phase 2** – overland flow interception and detention storage within Jones Avenue, Trinity Gardens;
- **Construction Phase 3** – overland flow interception and detention storage within St Morris Reserve, St Morris; and
- **Construction Phase 4** – overland flow interception and trunk drainage capacity upgrades within the suburbs of Stepney and Maylands.

The Council's decision to construct an open detention basin at St Morris Reserve has created the opportunity for the Council to renew and upgrade all of the open space and recreational assets within St Morris Reserve.

At its meeting held on 22 August 2022, the Council considered a report on the progress of the *Trinity Valley Stormwater Upgrade Project* and the level of community consultation and engagement required for the different components of the Project, including the construction of the proposed detention basin and the open space and recreational assets at St Morris Reserve.

Following consideration of the report, the Council resolved the following:

1. *That the Council notes that a detailed concept plan for the St Morris Reserve will be presented to the Council for consideration at the conclusion of the 2022 Local Government Election Caretaker period.*
2. *That the Communication Strategy for the Trinity Valley Stormwater Upgrade Project, as set out in this report, be endorsed by the Council.*

Following the meeting held on 22 August 2022, the Consultants have finalised the detention basin concept design together with the associated stormwater drainage infrastructure and have developed a draft Concept Plan for the recreational and open space assets at St Morris Reserve.

The purpose of this report is therefore to present the Draft Concept Plan for St Morris Reserve, which includes a recreation and open space concept design, to the Council for its endorsement to enable staff to proceed to community consultation and engagement.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

City Plan 2030 – Shaping Our Future

The relevant Strategic Outcomes and Objectives as set out in the Council's Strategic Management Plan **City Plan 2030 – Shaping Our Future** are as follows;

Outcome 1: Social Equity

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

Strategy 1.1.3: Design and provide safe, high quality facilities and spaces for all people.

Objective 1.3: An engaged and participating community.

Strategy 1.3.2: Provide opportunities for community input in decision-making and program development.

Objective 1.4: A strong, healthy, resilient and inclusive community.

Strategy 1.4.1: Encourage physical activity and support mental health to achieve healthier lifestyles and well-being

Outcome 2: Cultural Vitality

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

Objective 4.1: Sustainable and efficient management of resources.

Strategy 4.1.1: Make better use of water resources including the harvesting and re-use of stormwater.

Strategy 4.1.6: Manage stormwater to reduce the risks of flooding.

Open Space Strategy

The Council's *Open Space Strategy* provides a framework for the Council to manage, maintain, enhance and develop its open space network. The Strategy provides an overview of the types of open spaces which exist within the City, with recommended priorities for action based on the needs and demographics of the community.

The *Open Space Strategy* classifies St Morris Reserve as a 'District' level open space area, due principally to the size of the Reserve. The existing playspace and the activities which are conducted on the Reserve are generally reflective of a District Level Reserve. In respect to St Morris Reserve specifically, the Strategy recommends that the existing facilities be upgraded and that toilets be installed.

The *Open Space Strategy* also highlights that the eastern portion of the City, where St Morris Reserve is located, is deficient in high quality open space to meet the needs of the current and future population. In order to address this, the Strategy recommends that the Council upgrade existing reserves with a mix of activities and facilities to cater for the needs of a broad range of users. The upgrade of St Morris Reserve will enable the Council to address the gaps and action the recommendations identified in the *Open Space Strategy*.

Playground Strategy Report

The *Playgrounds Strategy Report* provides the long term strategic direction for the future provision and management of the playgrounds throughout the City of Norwood Payneham & St Peters. More specifically, the *Playgrounds Strategy Report* identifies the key issues associated with each of the playgrounds throughout the City and outlines an integrated and strategic framework for the enhancement of these important community assets.

One of the more significant outcomes of the *Playgrounds Strategy Report*, is the establishment of a hierarchy of playgrounds, which aims to achieve different levels of provision and the best use of resources. The hierarchy ranges from regional and district level playgrounds, which provide innovative, unique or higher standard settings, through to neighbourhood and local play opportunities. A playground’s designated level in the hierarchy will ultimately determine the level of development and the quality of the playground.

The playground at St Morris Reserve is designated as a ‘Neighbourhood Level’ Playground, which indicates that the play equipment should be good quality and could include equipment for different age groups. However, it should comprise of predominately standard rather than unique equipment and surrounds, and cater for the local neighbourhood.

In general terms, the playgrounds within the City of Norwood Payneham & St Peters are well maintained, good quality and are well used.

FINANCIAL AND BUDGET IMPLICATIONS

The available budget for the detail design and construction of Phase 3 is \$5,152,545.

As outlined in the Background section of this report, the Council has received grant funding through the Federal Government’s *Preparing Australian Communities Local Stream Program* for fifty percent (50%) of the construction and project management costs associated with the *Trinity Valley Stormwater Upgrade Project*, which includes the upgrade to St Morris Reserve. The estimated cost for all four (4) stages of the Project, is approximately \$19.8m of which the Council has received \$9.9m in grant funding.

The cost estimate used for the grant submission was prepared by Rider Levett Bucknall (RLB) Cost Consultants in December 2021. Whilst every attempt was made, at the time, to establish a realistic cost estimate, it is recognised that cost escalation in the market and the availability of some materials will have an impact on the final tender price.

The Grant funding is being provided to the Council over four (4) financial years commencing in 2021-2022 and concluding in 2024-2025. The schedule of Grant payments is set out in **Table 1** below.

TABLE 1: SCHEDULE OF GRANT PAYMENTS

	2021-2022 (\$)	2022-2023 (\$)	2023-2024 (\$)	2024-2025 (\$)
Grant Payment	3,000,000	3,651,827	2,239,081	1,022,266

The cost estimate for each space is contained in **Table 2** below.

TABLE 2: COST ESTIMATES

	Design Stage 1 / Construction Phase 4	Design Stage 2 / Construction Phase 2	Design Stage 3 / Construction Phase 1	Design Stage 4 / Construction Phase 3
Cost Estimate	\$7,402,156	\$5,562,250	\$1,709,397	\$5,152,545

The Council’s contribution to the construction and management of the Project from 2022-2023 to 2024-2025 is set out in **Table 3** below.

TABLE 3: COUNCIL FUNDING

Design Stage	Construction Phase	2022-2023 (\$)	2023-2024 (\$)	2024-2025 (\$)
1	4			4,140,809
2	2	2,562,250		
3	1	1,709,397		
4	3		1,500,718	
Total		\$4,271,647	\$1,500,718	\$4,140,809

The funding details set out in **Table 3** above have been calculated by subtracting the Grant payment for the prior financial year from the construction cost estimates for the Stages being constructed. Grant payments from both the financial year of construction and the previous financial year will be allocated to Stage 1 of the Project.

EXTERNAL ECONOMIC IMPLICATIONS

There are a number of external economic factors which have the ability to impact on the delivery outcomes of the Project. The first relates to the requirements of the Grant funding set out in the Grant Agreement between the Council and the Department of Industry, Science, Energy and Resources, with the second relating to the current macro-economic climate.

Grant Funding

The key requirements of the Grant funding are as follows:

- the Grant funding has a fixed end date of 28 May 2025, with no extensions possible (all four (4) stages of the Project are required to be completed by this date);
- should any part of the Project be removed or changed, such that the Project outcomes are varied then a formal variation application is required to be submitted:
 - the variation application would then be reviewed to ensure the intended outcomes of the Grant Program are maintained;
 - if the variation does meet the Grant requirements, then the Project milestones will be adjusted, together with the payment schedule and overall Grant amount (maximum 50% of project expenditure); and
 - if the variation does not meet the Grant requirements, then the Grant is no longer valid; and
- should expenditure milestones not be met as per the milestones set out in the Grant, the Grant progress payment schedule may be adjusted to match expenditure.

Macro-Economic Climate

Recent State and Federal Government stimulus funding for infrastructure projects has created a large demand for professional services, consultants and contractors to undertake projects. The high demand has also resulted in a shortage of labour and materials in some industries, with some companies turning down work or advising of significant delays to complete work or supply materials. COVID-19 and the War in the Ukraine are also having an impact on the availability of services, goods and inflation.

Unfortunately, the trend of cost escalation, caused by a number of factors including the degree of saturation of consultant and contractor capacity and the availability of local and imported materials, is predicted to continue despite the recent increase in interest rates. During 2021 and 2022, the significant volume of Government stimulus works in the market, labour shortages and the rising cost of materials have significantly increased construction costs.

Notwithstanding this, the *St Morris Reserve Upgrade Project* together with three (3) of the other stages will have a direct contribution to the economy and will deliver flow-on supply-chain benefits in terms of the local purchase of goods and services.

SOCIAL ISSUES

In general, the Norwood, Payneham & St Peters community values the Council's open space and recreation assets. This is particularly important as backyards decrease in size and people seek respite from the highly urban environment through different active and passive recreational opportunities. As the population within the City changes, it will be important for the Council to provide open spaces which cater to a broad range of demographics, interests and abilities.

There is no question that flooding of properties is of concern and inconvenience to the respective property owners and the community in general. The flood risk of the Trinity Valley Catchment is forecast to increase in time, due to the impacts of climate change, namely increasing rainfall intensity. The implementation of this Project will improve the long-term resilience of the local community by reducing the risk of flood within the Trinity Valley Catchment and reduce the cost and time of recovery in the community following future flooding events.

CULTURAL ISSUES

The ability to provide well designed open spaces contributes to the fabric of the Norwood Payneham & St Peters community. The opportunity to develop this Concept Plan and undertake this Reserve Upgrade concurrently with the *Trinity Valley Stormwater Upgrade Project* will not only ensure an integrated and environmentally sustainable outcome but will also deliver social and cultural benefits to the wider community.

ENVIRONMENTAL ISSUES

There are some significant environmental benefits that will be achieved through the *Trinity Valley Stormwater Upgrade Project* and more specifically through the establishment of a detention basin at St Morris Reserve. It is well recognised that flooding can result in a multitude of environmental issues including the following:

- pollution of rivers and coastlines due to contaminated flood water;
- silt and sediment deposition; and
- damage to home and contents resulting in increased pressure on landfill and increasing consumption for replacement items.

Stormwater management utilising detention storage aims to remove surface flood waters and reduce the peak flow rate during flood events. This in turn can reduce environmental impacts of flooding on home and contents and the environment. Detention storage is susceptible to capturing silt and sediment following engagement and will require maintenance to remove build-up of silts and sediments, should it be required.

RESOURCE ISSUES

The development of the Concept Plan for St Morris Reserve is being managed by Council staff. Landskap Urban Design & Landscape Architects have been appointed as the lead consultant to prepare the *St Morris Reserve Concept Plan*. Landskap has been working in close collaboration with both Cardno and Council staff to ensure a positive outcome for the St Morris Reserve, which takes into consideration the Council's and the community's requirements.

RISK MANAGEMENT

Given the complexities of the *Trinity Valley Stormwater Upgrade Project* and the timeframe for the delivery of all elements within the Project, a Project Team consisting of the Council's Manager, WHS & Risk, Manager, City Assets, Manager, Communications & Community Relations, Manager, City Projects, Acting Project Manager, Assets and Project Manager, Civil has been established to oversee the Project and mitigate the risks.

The Project Team has undertaken a series of workshops with the aim of identifying all potential risks associated with the Project. Delays to the Project caused by a number of factors including the Council not endorsing the Concept Plan for community consultation and engagement or subsequently, not endorsing the final draft when it is presented in April 2023, have been identified as part of the potential risks to the Project. The risk ratings for the top four (4) risks associated with this stage of the *St Morris Reserve Draft Concept Plan* are summarised in **Table 4** below.

TABLE 4: KEY RISKS ASSOCIATED WITH THE ST MORRIS RESERVE DRAFT CONCEPT PLAN

Risk ID	Risk Event	Impact Category	Risk Rating	Primary Mitigation	Impact Category	Residual Rating
1	Council not endorsing the concept plan for consultation	Financial	Medium 19	Provision of detailed Council report and Concept Plan.	Financial	Low 21
		Services / Programs	Substantial 13		Services / Programs	Medium 17
		Environment	Medium 19		Environment	Low 21
2	Broader Community not supporting proposed upgrade	Financial	Medium 19	Communication strategy/ development of frequently asked questions/ open days. Detailed education program supported by targeted consultation program.	Financial	Low 21
		Services / Programs	Substantial 13		Services / Programs	Medium 17
		Reputation	Medium 19		Reputation	Low 21
		Environment	Medium 19		Environment	Low 21
3	Localised area and adjacent properties not supporting proposed upgrade	Financial	Medium 19	Targeted consultation, one-on-one information session, open days, development of frequently asked questions and education program to inform the community of the outcome and benefits and mitigate the risk.	Financial	Low 21
		Services / Programs	Substantial 13		Services / Programs	Medium 17
		Reputation	Substantial 13		Reputation	Low 21
		Environment	Medium 19		Environment	Low 21
4	Misunderstanding of the intent generating wide spread community concerns	Financial	Medium 19	Ensuring clarity of project intent is well communicated.	Financial	Low 21
		Services / Programs	Substantial 13		Services / Programs	Medium 17
		Reputation	Medium 19		Reputation	Low 21
		Environment	Medium 19		Environment	Low 21

The potential concerns from the community regarding construction of a detention basin at St Morris Reserve, has also been identified as one of the potential risks to the successful delivery of this Project. It is therefore critical that the communication strategy in relation to this element of the Project in particular, is well executed.

Whilst extremely unlikely, the need for the Council to eliminate the detention basin from the Project will result in a change to the overall scope of the works, resulting in reduced flood mitigation and the Council not being able to utilise all available grant funding. If this occurs, it would have financial, service, reputational and environmental impacts.

The programme for the delivery of all four (4) stages of the *Trinity Valley Stormwater Upgrade Project*, has been based on a very tight timeframe and is based on the assumption that consultation with the Community on the *St Morris Reserve Draft Concept Plan* will commence in late January 2023. Compressing the construction timeframe any further, may have implications for the Grant Funding. Also, given the current state of the construction industry any delays to this Project will more than likely generate additional costs to the Project. Therefore, it has been identified that the key element to ensuring the successful delivery of this Project is effective communication throughout all stages.

COVID-19 IMPLICATIONS

Over the last two years, the Council has experienced significant delays in the delivery of Projects as a result of COVID-19, with key staff from both the Council, consultants and contractors being unavailable for periods of time. In addition, field investigation staff and service authority staff responsible for identifying exact locations and depths of third party key infrastructure have also been unavailable, which has contributed to delays on projects.

At this stage, unless further restrictions are imposed by the State and/or Federal Governments, there are no known COVID-19 implications that would restrict the detail design and construction documentation from progressing, or for the proposed construction for each of the projects to be undertaken. However, with the continued uncertainty regarding the progression and future impacts of COVID -19, it is likely that further impacts could occur despite ongoing mitigation measures.

CONSULTATION

- **Elected Members**
The Council has previously considered the *Trinity Valley Stormwater Upgrade Project* on four (4) separate occasions, at the commencement of the Project (**3 February 2020**) where Cardno Pty Ltd was appointed, consideration of the draft concept design (**7 September 2020**), a progress report on the design including detention tank options (**4 April 2022**) and a progress report and community consultation options (**22 August 2022**). In addition an Information Session for Elected Members was held on **10 August 2020**.
- **Community**
To date, there has not been any community consultation or engagement. It is proposed that a detailed community consultation and engagement process will be undertaken regarding the draft Concept Plan, to ensure that the wider community is consulted and engaged. This includes two (2) Park Days scheduled for Saturday 4 February 2023 and Tuesday 7 February 2023. The purpose of the Park Days is to capture information about the Community's ideas for the types of facilities and features that they would like included in St Morris Reserve. The Park Day will include interactive displays where all members of the community are given the opportunity to provide their thoughts and ideas.
- **Staff**
General Manager, Urban Services
General Manager, Corporate Services
Manager, WHS & Risk
Manager, Communications & Community Relations
Manager, City Projects
Project Manager, Civil
Acting Project Manager, Assets
- **Other Agencies**
Department of Industry Science Energy & Resources (Preparing Australian Communities Local Stream Program)
Department for Environment & Water (Green Adelaide and Stormwater Management Authority)
University of Adelaide

DISCUSSION

The *Trinity Valley Stormwater Upgrade Project* is a significant investment and undertaking for the Council and has a broad geographical footprint across the City, which will directly impact a significant number of properties through the construction works, recreational outcomes and flood risk reduction.

Given the significance of this Project, the need to engage with the community regarding the details and outcomes of the stormwater drainage work is vital, particularly for those residents in close proximity to the proposed works and any resident impacted by the proposed works (i.e. residents that have flood risk reduction due to the works). In respect to this component of the *Trinity Valley Stormwater Upgrade Project*, the Council has agreed to adopt an inform and educate approach. This is based on the fact that a large percentage of the proposed work is predominately associated with infrastructure upgrades.

In respect to the upgrade of the recreational and open space elements at St Morris Reserve, the Council has acknowledged that it is a long-standing practise of this Council to undertake consultation with the community regarding any project associated with the upgrade of reserves and playground equipment. On this basis, at its meeting held on 22 August 2022, the Council resolved to undertake a formal consultation process regarding the upgrade of the recreational and open space elements at St Morris Reserve.

Upgrade of St Morris Reserve – Detention Basin Works

The proposed detention basin at St Morris Reserve is designed to ensure that stormwater is captured and overland flow is diverted from entering the City from Glynburn Road up to the 1% Annual Exceedance Probability (AEP) rainfall event (i.e. a rainfall event that occurs on average once every 100 years).

Stormwater will be transferred to the open detention basin by the installation of a new 900mm pipe running along Glynburn Road and Third Avenue between the existing open drainage channel on the eastern side of Glynburn Road and Williams Avenue, St Morris and a new 750mm pipe along Green Street, St Morris between Third Avenue, St Morris and the detention basin. A new 450mm pipe will discharge stormwater from the detention basin to the existing drainage along Gage Street, St Morris.

The grassed area of the St Morris Reserve will be fenced off during the construction of the detention basin, which is expected to take approximately three (3) months. The playground area will remain open and accessible during the construction period. Following the completion of the detention basin, the construction of the playground will commence.

As the construction works need to be undertaken in the drier months of the year, it is planned that the construction of the detention basin will commence in September 2023.

St Morris Reserve – Upgrade of Facilities

One of the benefits of an open detention basin is that different elements within the Reserve such as the playground, landscaping and the introduction of water sensitive urban design, can be incorporated into the overall design.

The current playground at St Morris Reserve is nearing the end of its useful life and therefore, this upgrade presents an ideal opportunity for the Council to consider the replacement of the equipment as part of the Project, noting that the playground at St Morris Reserve is only classified as a Neighbourhood Level Playground.

Funding for the Project, including the Grant Funding which has been received by the Council, incorporates this upgrade of the facilities at St Morris Reserve as part of the Project.

Whilst the elements that will be included in the final Concept Plan will be determined following consultation with the community, the draft Concept Plan for recreational and open space at St Morris Reserve, consists of the following components to assist the community in understand the future vision for the Reserve and to provide the community with a foundation in which to provide comment:

- the existing playground equipment will be renewed with new contemporary equipment in the current location in accordance with the Council's *Infrastructure and Asset Management Plan* schedule. The decision for the playground to be kept out of the detention zone is to ensure accessibility immediately following a flood event;
- opportunities for new recreational elements to integrate with the form of the detention basin (ie nature play area);
- relocation of the existing basketball facilities closer to the playground as the existing location will be excavated for the detention basin and will be subject to flooding;
- a new all accessible path around the Reserve and into the detention basin, with an all abilities access ramp into the open space in the detention basin;
- a new Entry Statement located at the north eastern entrance at the corner of Seventh Avenue and Green Street;
- a new shelter with a barbeque and all accessible toilet facilities;

- new irrigation;
- location of the inlet and outlet close together so that only limited portions of the Reserve are impacted during frequent storm events;
- a total of 24 trees retained, 39 trees removed and 106 new trees planted as part of the Project. None of the proposed trees to be removed for the Project are classified as Regulated Trees; and
- design of turf subgrade to limit risk of the Reserve becoming boggy following detention engagement.

A copy of the draft Concept Plan for St Morris Reserve is contained in **Attachment A**.

St Morris Reserve Concept Plan

The *St Morris Reserve Concept Plan* is being developed in two (2) stages. Stage 1, which comprises the preparation of the draft Concept Plan for community consultation and engagement and Stage 2, which involves the preparation of the final Concept Plan based on the feedback received through the community consultation and engagement. A summary of the key components of each of the two (2) stages is provided below.

- Stage 1 – Draft Concept Development

The key objective of Stage 1, is to identify at a 'conceptual level', all of the potential uses that could be incorporated into St Morris Reserve (in addition to the proposed detention basin) and to determine the best location for these uses in the context of the whole Reserve.

In accordance with the Council's Consultation Policy, it is proposed that the community consultation and engagement period will commence on 30 January 2023 and will extend for a period of 21 days. As part of the community consultation and engagement, two (2) Park Days at St Morris Reserve are proposed, the first on Saturday 3 February 2023 and the second on Tuesday 7 February 2023, to provide an opportunity for the community to share its thoughts and ideas regarding the proposed redevelopment of St Morris Reserve.

Whilst it is not the intent of the Council to consult on the proposed stormwater drainage works and the location of the detention basin, all other elements within the St Morris Reserve (ie playground equipment, etc) as depicted in the draft Concept Plan contained in **Attachment A**, will be subject to community consultation. For this reason the consultation and engagement in relation to this Project will be separated into two (2) parts:

- the drainage works (inclusive of the detention basin at St Morris Reserve) which will take the form of informing and educating the community; and
- the proposed recreational changes to St Morris Reserve, which will be the primary focus of consultation with the community.

The results of the community consultation will be used to inform the final draft Concept Plan.

Due to the restricted timeframe available to deliver the Concept Plan and the total Project, it is proposed that only one (1) round of consultation be undertaken.

Whilst the consultation will predominately focus on the open space and recreational features within the Reserve, it will also provide an opportunity to educate the community on a number of aspects including the role of the detention basin in the Reserve through the preparation of Frequently Asked Questions, such as:

- the reasons why the playground is being kept out of the detention zone;
- other examples of where the Council has used reserves to also act as a detention basin in storm events, namely the new reserve constructed by Renewal SA in Felixstow and the imminent upgrade of Burchell Reserve;
- inlet and outlet close together so that limited portions of the Reserve are impacted during frequent storm events;
- design of turf subgrade to limit risk of the Reserve becoming boggy following detention engagement; and
- the frequency of and potential depth of water resulting from the different storm events.

- **Stage 2 – Preparation of the Final Concept Plan**

Stage 2 of the St Morris Reserve concept development entails the preparation of the final Concept Plan, taking into account the location and design of the detention basin and the feedback received from the community on the draft Concept Plan released as part of Stage 1.

OPTIONS

Given that the Council has already committed to a stormwater detention basin at St Morris Reserve as a fundamental component of the *Trinity Valley Stormwater Upgrade Project*, the Council has three (3) options available in relation to the remaining elements within St Morris Reserve.

1. Do Nothing

With this option, the Council can choose to simply construct the detention basin as part of the *Trinity Valley Stormwater Upgrade Project*, with only the irrigation and trees replaced. No upgrade to the recreation and open space elements will be undertaken.

This option is not recommended on the basis that the existing playground is reaching the end of its useful life and the construction work associated with the detention basin will create an opportunity to upgrade the whole Reserve.

2. Endorse the *St Morris Reserve Draft Concept Plan* for Community Consultation

With this option, the Council can resolve to endorse the draft Concept Plan contained in **Attachment A** and consult the community on the upgrade of the recreation and open space assets at St Morris as described in the Discussion Section of this report.

This is the recommended option.

3. Amend and endorse the *St Morris Reserve Draft Concept Plan*

With this option, the Council would make changes to the draft Concept Plan prior to releasing it for community consultation and engagement. This option is not recommended on the basis that the purpose of the draft Concept Plan is to gauge the community's views on specific elements.

CONCLUSION

The Council has received grant funding for the *Trinity Valley Stormwater Upgrade Project* through the Federal Government's *Preparing Australian Communities Local Stream Program*. The construction of the detention basin and upgrade of the recreation and open space elements at St Morris Reserve are scheduled to occur in the 2023-2024 financial year.

To ensure that the location and configuration of the detention basin meets both the requirements of the *Trinity Valley Stormwater Upgrade Project* as well as the desires of the community, Council staff and Landskap have worked closely with the Trinity Valley Stormwater Upgrade Lead Design Consultants, Cardno, to achieve the best outcome.

To ensure that both the St Morris Reserve recreation and open space upgrade and the *Trinity Valley Stormwater Upgrade Project* are able to progress in a timely manner, the Council needs to endorse the draft Concept Plan for the purposes of undertaking the community consultation and engagement.

COMMENTS

Given that there is a significant amount of grant funding attached to this Project it is critical that the *St Morris Reserve Draft Concept Plan* be endorsed by the Council for community consultation and engagement and that the Project in generally, be progressed in a timely manner.

RECOMMENDATION

1. That *St Morris Reserve Draft Concept Plan*, as contained in Attachment A, be endorsed as being suitable for release for community consultation and engagement for a period of twenty-one (21) days.
2. That the Chief Executive Officer be authorised to make any minor amendments to the *St Morris Reserve Draft Concept Plan* resulting from consideration of this report and as necessary to finalise the document in a form suitable for release for community consultation and engagement.
3. That the Council notes that the results of the community consultation and engagement together with the final Concept Plan will be presented to the Council at its April 2023 meeting.

Attachments – Item 11.2

Attachment A

St Morris Reserve Concept Plan

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City of
**Norwood
Payneham
& St Peters**

ST MORRIS RESERVE

DRAFT CONCEPT PLAN

Project	St Morris Reserve
Ref No.	20.054
Client	City of Norwood, Payneham & St Peters
Date	30.11.2022
Engineer	Stantec / Cardno
Issue	Draft Concept

- 01 PROJECT INTRODUCTION
- 02 TRINITY VALLEY STORMWATER UPGRADES - LOCATION MAP & STAGING
- 03 TRINITY VALLEY STORMWATER UPGRADES - ROLE OF ST MORRIS RESERVE
- 04 EXISTING SITE
- 05 ROLE OF THE DETENTION BASIN
- 06 CONCEPT PLAN
- 07 TREES
- 08 CROSS SECTIONS
- 09 POSSIBLE IDEAS FOR THE RESERVE
- 10 VIEWS



City of
Norwood
Payneham
& St Peters

LANDSKÅP

PROJECT INTRODUCTION

In March 2019, the Council resolved to invest \$38.4 million over 15-years to upgrade the City's stormwater drainage network to help reduce the impacts of flooding, protect residents, homes and properties, as well as the City's assets such as footpaths, kerbing and street trees. The Trinity Valley Stormwater Upgrade Project, which comprises of four individual phases, is one component of the overall Stormwater Drainage Program.

In recognition of the importance of the Trinity Valley Stormwater Upgrade Project the Federal Government, through the Preparing Australian Communities Local Stream Program, is contributing approximately \$9.9m, to assist the Council with the construction and project management costs of delivering all four phases of the Trinity Valley Stormwater Upgrade Project. In order to meet the requirements of the Federal Government's grant, all four phases of the Trinity Valley Project need to be completed by May 2025.

The purpose of the Federal Government's Preparing Australian Communities Local Stream Program is to target local projects across the nation, with a focus on improving resilience against natural disasters, such as floods.

Each of the four phases (Phase 1 through to Phase 4) of the Trinity Valley Stormwater Upgrade Project will provide a flood risk reduction benefit as a standalone project, with maximum benefit to flood risk reduction occurring at the completion of all four phases. In order to maximise the flood risk protection a Detention Basin needs to be constructed in St Morris Reserve.

The Detention Basin in St Morris Reserve will take the form of an open basin, which will require excavation and grading of the Reserve. The Council's decision to construct an open Detention Basin at St Morris Reserve has created the opportunity for the Council to renew and upgrade all of the open space and recreational assets within St Morris Reserve.

While the Detention Basin, which will help to manage stormwater and flooding risk, is not the subject of consultation, it will be the foundation for delivering better outcomes for residents by providing the opportunity for an improved playground, new recreational facilities, and new vegetation and trees throughout the Reserve.

The purpose of this draft Concept Plan is to illustrate the opportunities available for St Morris Reserve and to seek the community's views on the proposed upgrades and the recreational elements that the community would like to see included in St Morris Reserve.



Community consultation & feedback



Existing St Morris Reserve



Stormwater infrastructure upgrades

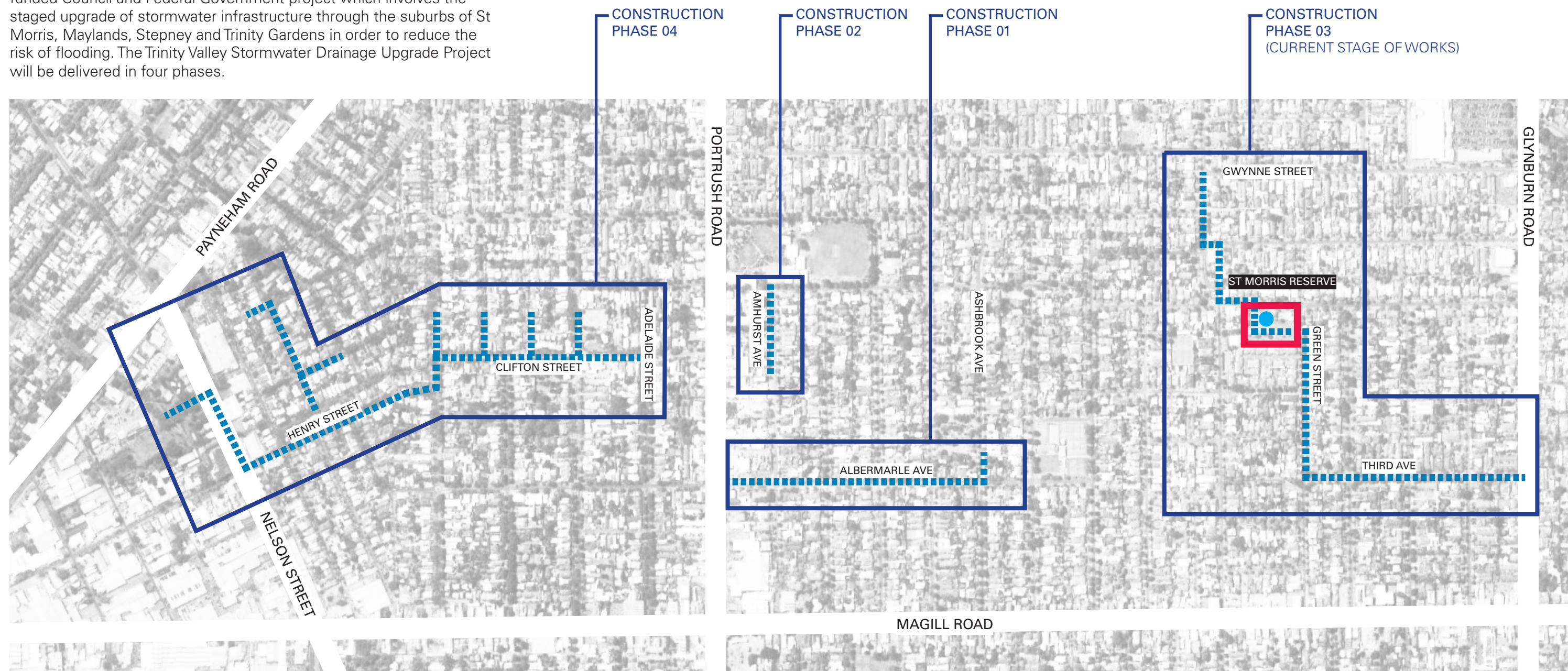


New facilities in St Morris Reserve

TRINITY VALLEY STORMWATER UPGRADES

LOCATION MAP & STAGING

The Trinity Valley Stormwater Drainage Upgrade Project is a jointly funded Council and Federal Government project which involves the staged upgrade of stormwater infrastructure through the suburbs of St Morris, Maylands, Stepney and Trinity Gardens in order to reduce the risk of flooding. The Trinity Valley Stormwater Drainage Upgrade Project will be delivered in four phases.



- ■ ■ ■ Stormwater infrastructure upgrades
- St Morris Reserve
- Detention basin location

Phase 1

Overland flow interception and detention storage within Albermarle Avenue, Trinity Gardens. Scheduled to be delivered in 2023-2024.

Phase 2

Overland flow interception and detention storage within Jones Avenue and associated pipework along Amhurst Avenue, Trinity Gardens. Scheduled to be delivered in 2023-2024.

Phase 3

Overland flow interception and detention storage (ie Detention Basin) within St Morris Reserve, St Morris. Scheduled to be delivered in 2023-2024.

Phase 4

Overland flow interception and trunk drainage capacity upgrades within the suburbs of Stepney and Maylands. Scheduled to be delivered in 2024-2025.

TRINITY VALLEY STORMWATER UPGRADES

ROLE OF ST MORRIS RESERVE



Detention Basin Works

The St Morris Reserve detention basin is designed to ensure that stormwater is captured and overland flow is diverted from entering the Council from Glynburn Road up to the 1% Annual Exceedance Probability (AEP) rainfall event (i.e. a rainfall event that occurs on average once every 100 years).

Stormwater will be transferred to the open detention basin at St Morris Reserve by the installation of a new 900mm pipe running along Glynburn Road and Third Avenue between the existing open drainage channel on the eastern side of Glynburn Road and Williams Avenue, St Morris and a new 750mm pipe along Green Street, St Morris between Third Avenue, St Morris and the detention basin. A new 450mm pipe will discharge stormwater from the detention basin to the existing drainage along Gage Street, St Morris.

The grassed area of the St Morris Reserve will be fenced off during the construction of the Detention Basin, which is expected to take approximately three (3) months to complete. The playground area will remain open and accessible during the construction period of the Detention Basin. Following completion of the Detention Basin, the construction of the playground together with all of the other recreation elements will commence.

- ■ ■ ■ Stormwater infrastructure upgrades
- St Morris Reserve
- Detention basin location

Upgrade of Facilities

One of the benefits of an open Detention Basin is that different elements within the Reserve such as the playground, landscaping and the introduction of water sensitive urban design can be incorporated into the overall design.

The current playground at St Morris Reserve is nearing its end of life and therefore this project presents an ideal opportunity for the Council to consider the replacement of the equipment as part of the Project.

The playground at St Morris Reserve is classified as a Neighbourhood Level Playground, which indicates that the play equipment should be good quality and could include equipment for different age groups. However, should comprise of predominately standard rather than unique equipment and surrounds, and cater for the needs of the local neighbourhood.

The elements that will be included in the final Concept Plan will be determined following the consultation with the community. The role of this draft Concept Plan is to provide a range of recreational and open space options to assist the community in understanding the future vision for the Reserve and to provide the community with a foundation in which to provide comment.

ST MORRIS RESERVE EXISTING SITE

- 1 Play
- 2 Basketball court
- 3 Bin & water fountain
- 4 Irrigated lawn
- 5 Perimeter fencing
- Project scope



ST MORRIS RESERVE EXISTING SITE



View 01: Open space and existing playground beyond (facing north-east)



View 02: Existing playground (facing north-east)



View 03: View of basketball ring and playground beyond (facing east)



View 04: View of Seventh Avenue and playground (facing east)

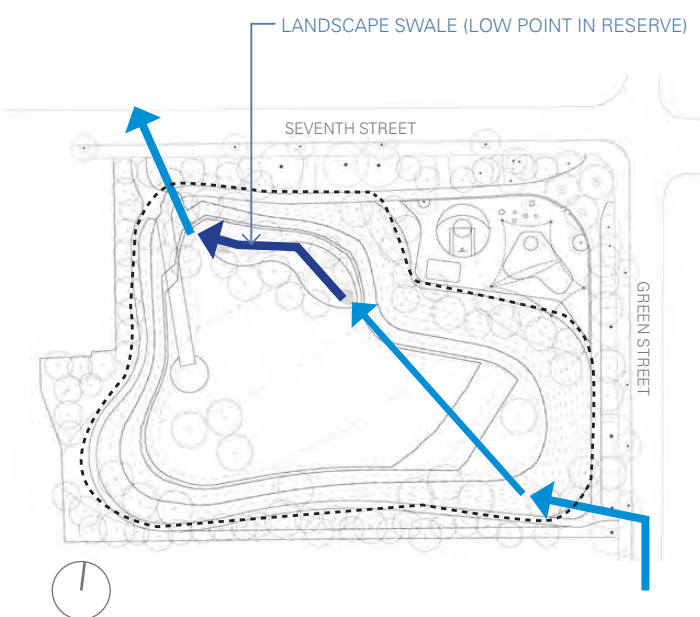
ROLE OF THE DETENTION BASIN

The diagrams below show potential flood levels in St Morris Reserve, once the new stormwater infrastructure upgrades are implemented. Flood levels are shown at:

- 20% probability of flooding in a given year
- 5% probability of flooding in a given year
- 1% probability of flooding in a given year

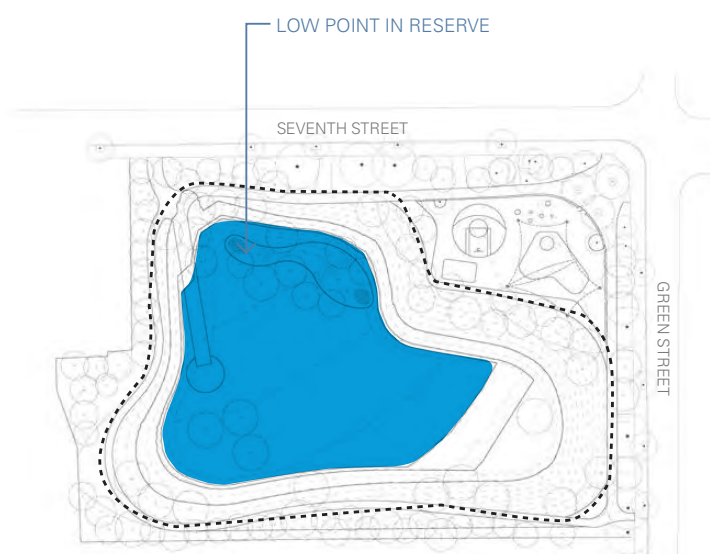
By way of example, during a 1% probability event where it rains for 180 minutes, the basin will take approximately 3 hours to fill and the detention basin is expected to hold water for approximately 7-8 hours after the end of the rain event.

Note: the detention basin (levels & grading) is not subject to community consultation.



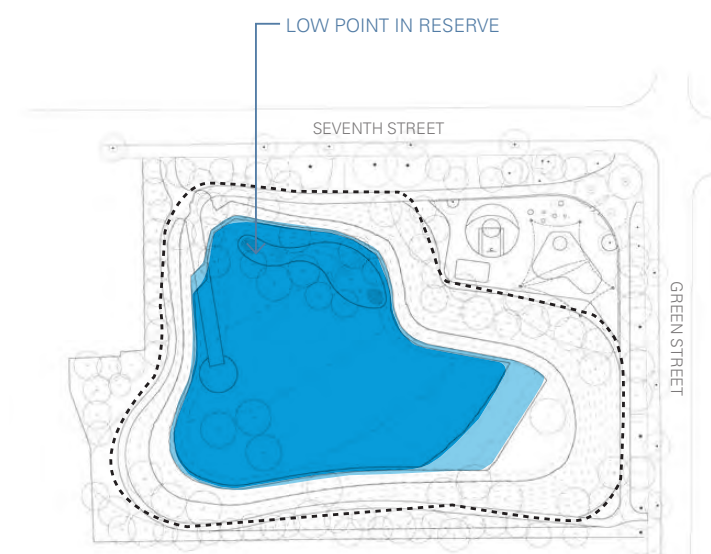
Proposed stormwater upgrades

- ← New stormwater pipe
- ← New landscape swale
- Extent of basin
- Extent of inundation



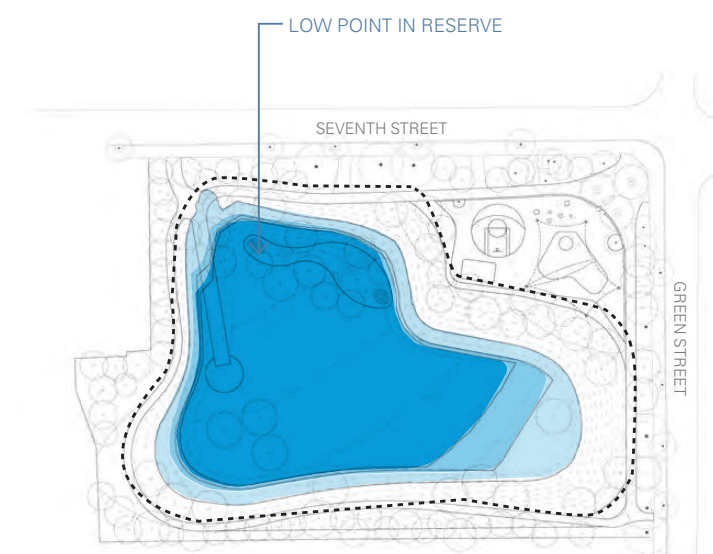
20% probability of flooding

Max depth: 0.86m
(at deepest point in detention basin)



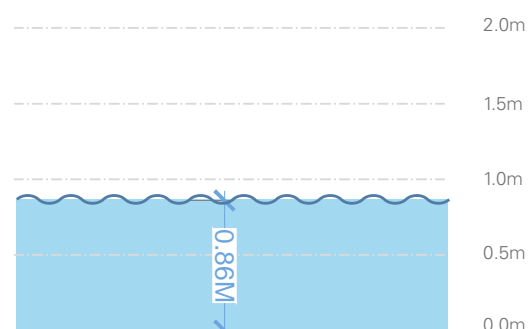
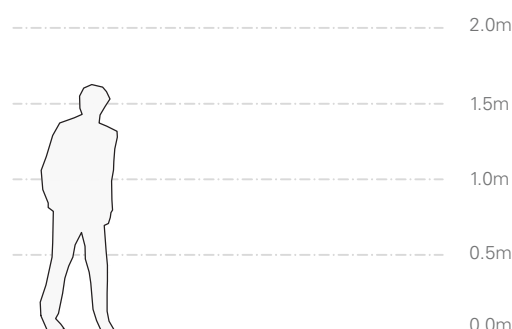
5% probability of flooding

Max depth: 0.98m
(at deepest point in detention basin)

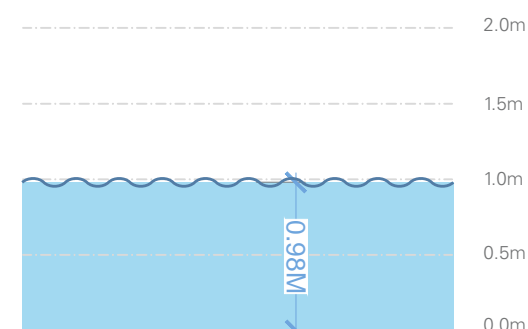


1% probability of flooding

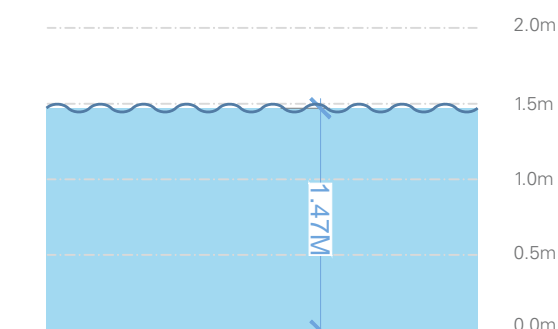
Max depth: 1.47m
(at deepest point in detention basin)



0.86m at deepest point in detention basin



0.98m at deepest point in detention basin



1.47m at deepest point in detention basin

CONCEPT PLAN



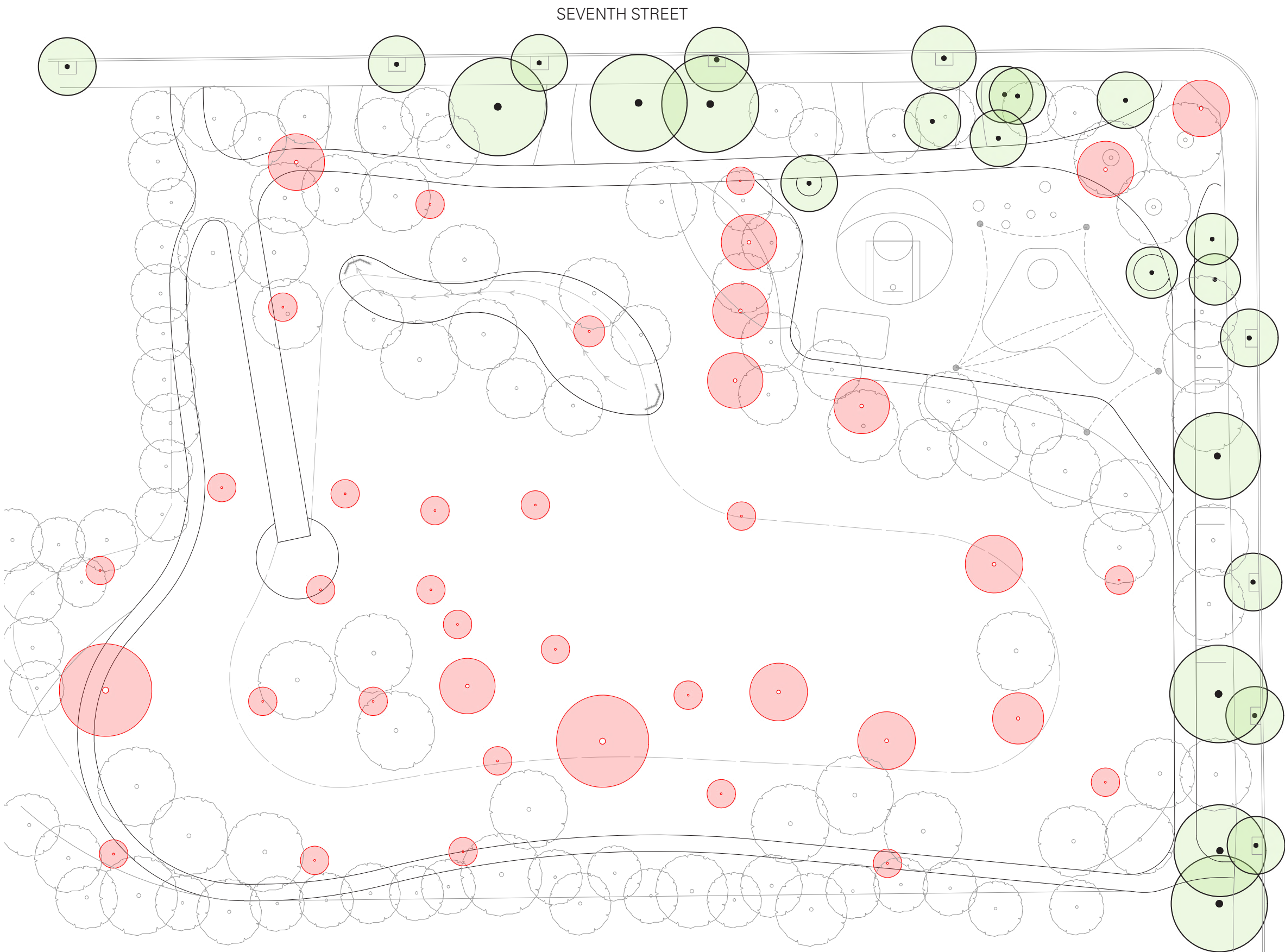
- 1 Playground
- 2 Entry statement
- 3 Basketball court
- 4 Possible shelter / toilet
- 5 Graded lawn bed
- 6 Path
- 7 Lawn / detention basin
- 8 Garden beds / landscaping
- 9 Stormwater outlet/inlet
- 10 Boundary fencing
- 11 Playground fence + gate
- 12 Landscaped swale
- 13 Maintenance access path
- 14 Steps

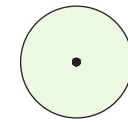
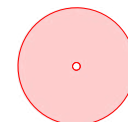

-  New tree
-  Existing tree

Notes
 The location of the detention basin and path are fixed.
 The elements within the basin, the playground, planting, trees, materials and other elements are subject to community consultation.



TREES

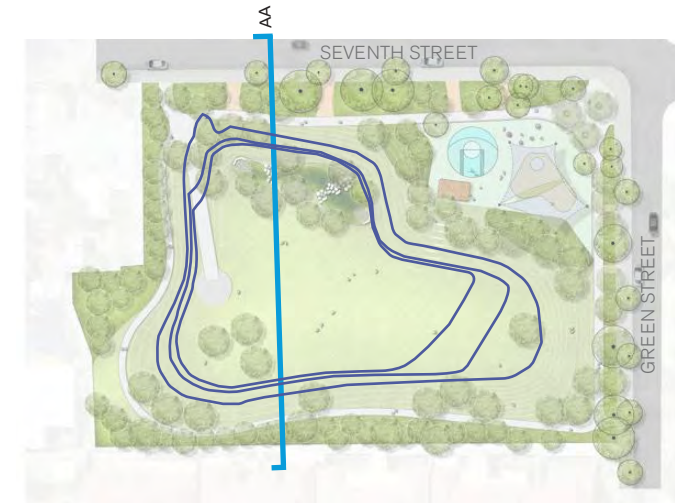


-  Existing tree to remain
-  Existing tree proposed for removal
-  Potential new trees

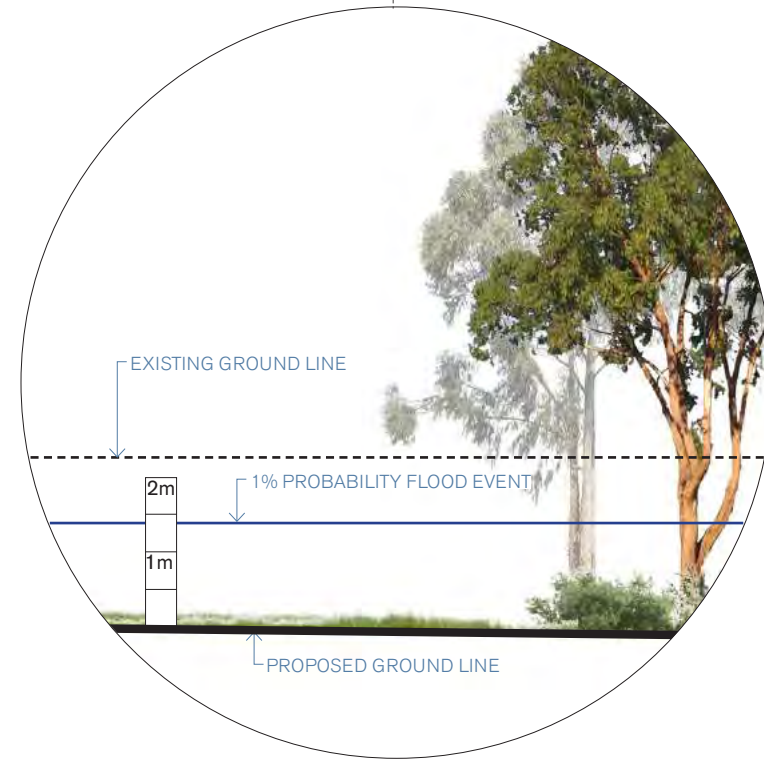
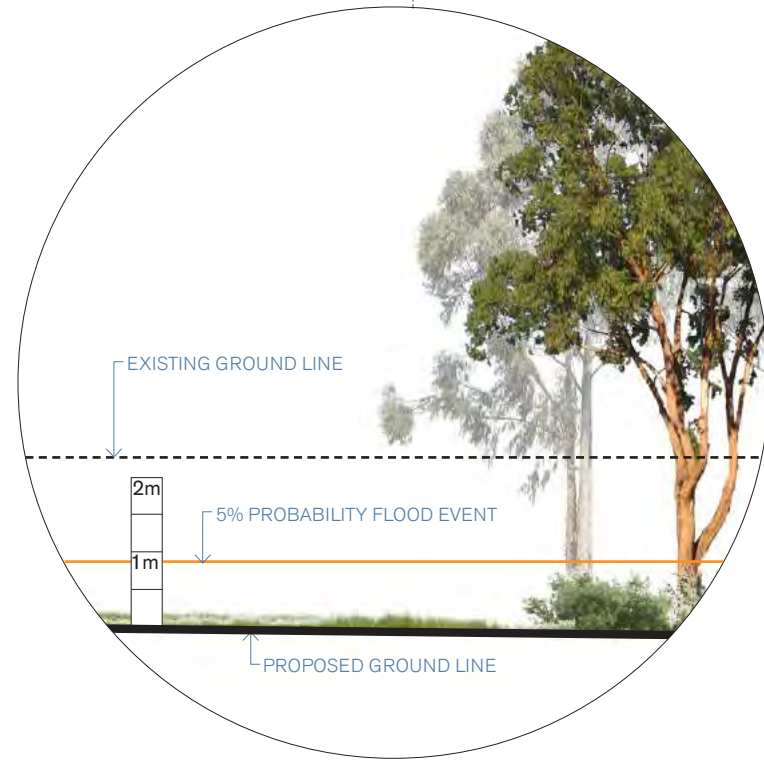
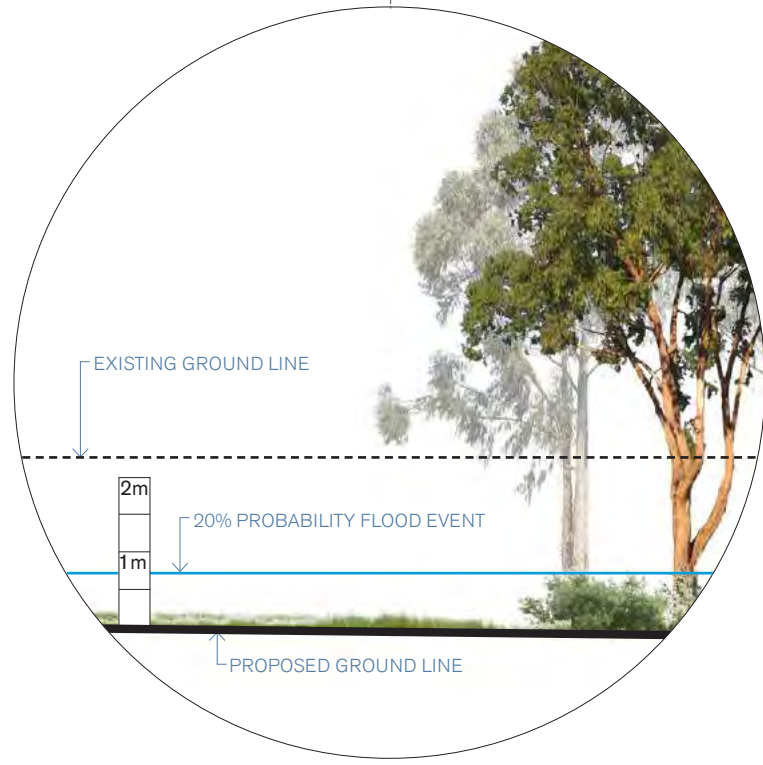
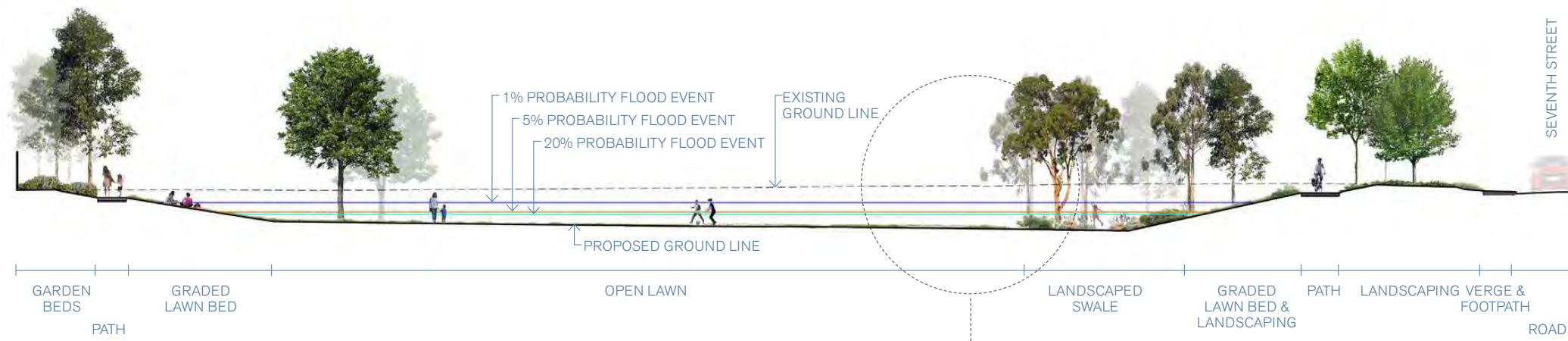
Notes
 Trees in detention basin must be removed due to the re-grading of site for the proposed detention basin.
 Final tree removals are subject to detailed design.



CROSS SECTIONS



SECTION AA

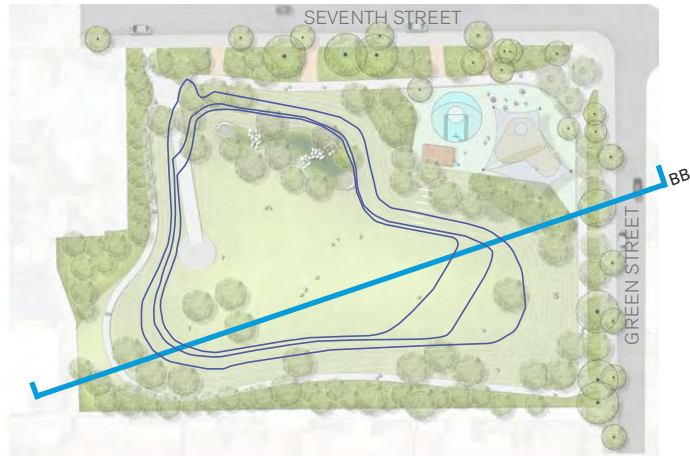


NOT TO SCALE

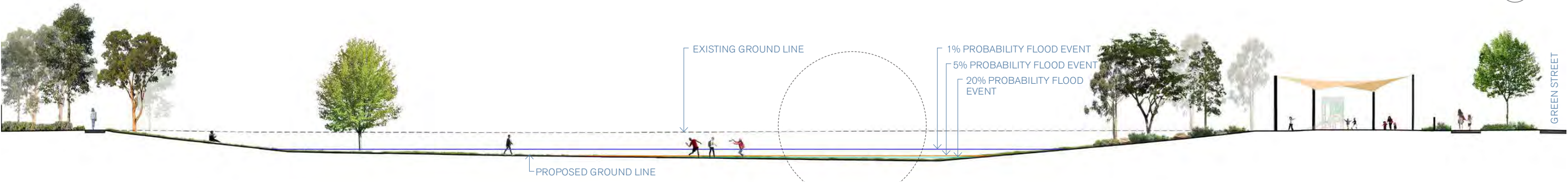
SECTION SCALE 1:300 / A3



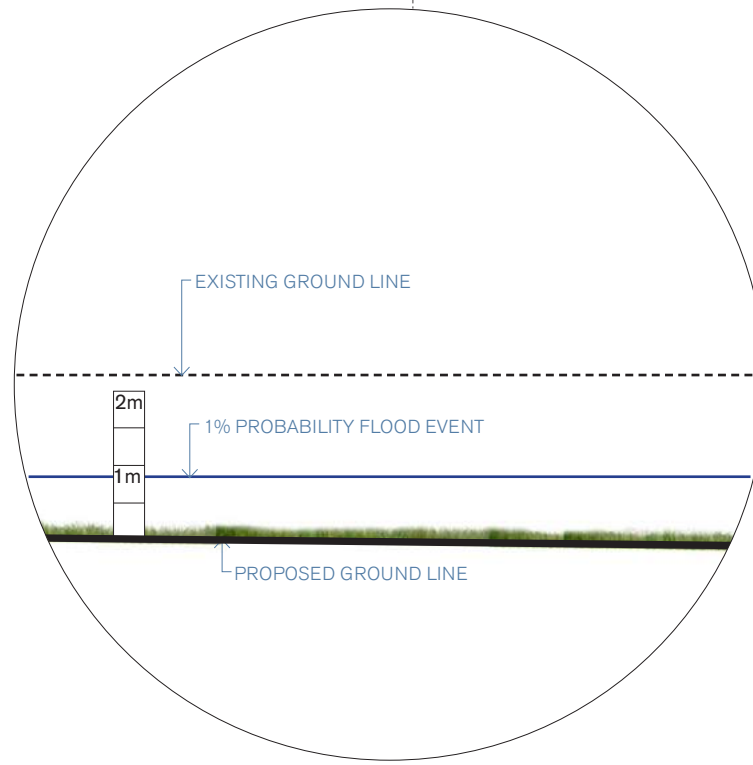
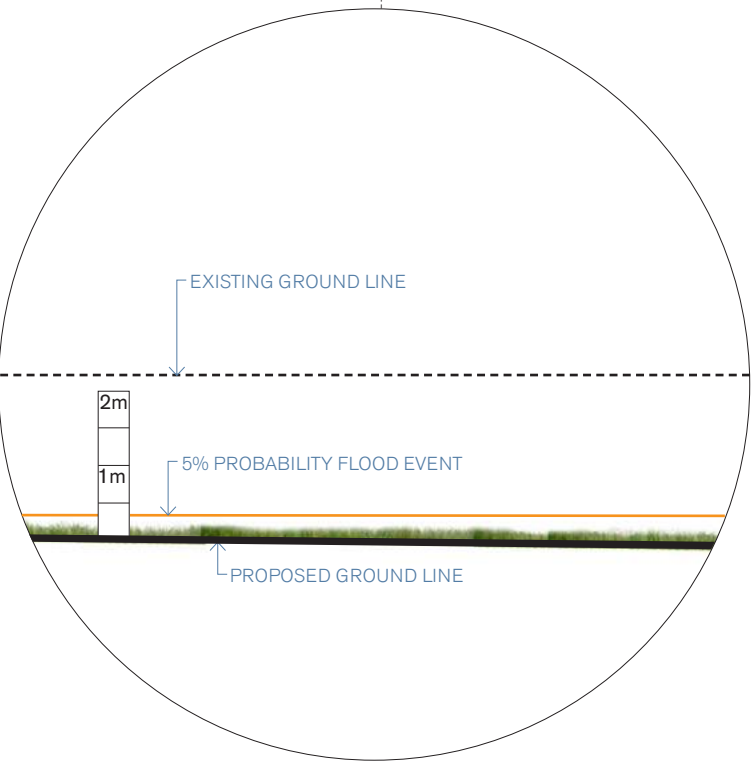
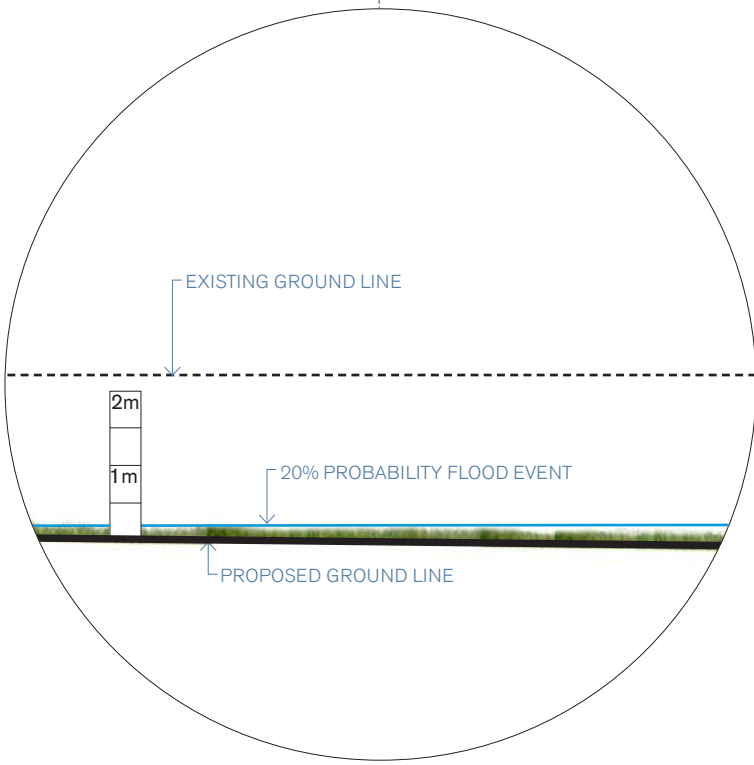
CROSS SECTIONS



SECTION BB



GARDEN BEDS PATH GRADED LAWN BED OPEN LAWN GRADED LAWN BED & LANDSCAPING PLAYGROUND & SHADESAIL PATH VERGE & ROAD FOOTPATH GREEN STREET



NOT TO SCALE

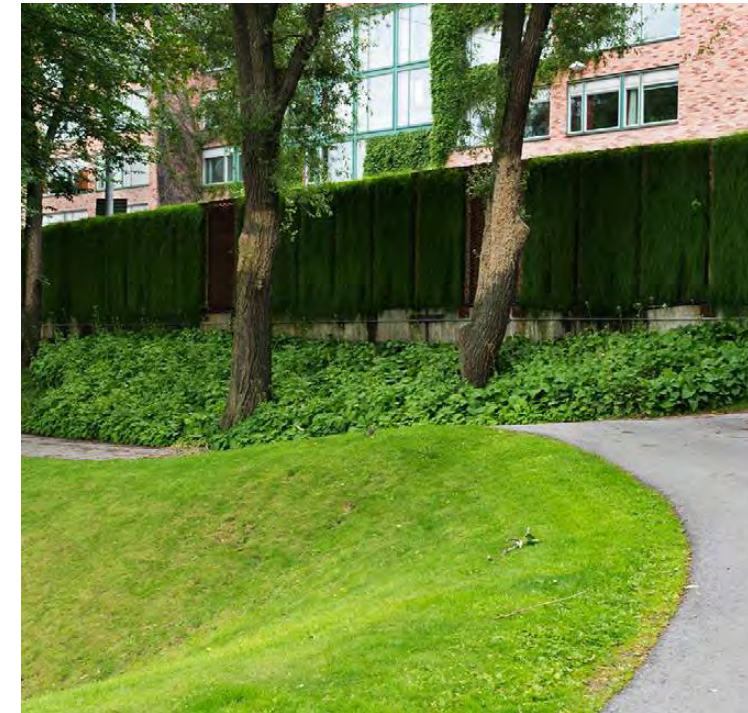
OPEN SPACE POSSIBLE IDEAS



PLAY & RECREATION POSSIBLE IDEAS



PATH & EDGES POSSIBLE IDEAS



VIEW 01
EXISTING



VIEW 01

ARTIST IMPRESSION (CONCEPT ONLY)



VIEW 02
EXISTING



VIEW 02
ARTIST IMPRESSION (CONCEPT ONLY)



URBAN DESIGN, LANDSCAPE
ARCHITECTURE & GARDENS

HELLO@LANDSKAP.COM.AU
LANDSKAP.COM.AU



11.3 SERVICE EXCELLENCE FRAMEWORK

REPORT AUTHOR: Manager, Organisational Development & Performance
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4564
FILE REFERENCE: qA64185
ATTACHMENTS: Service Excellence Framework (Organisational Culture)

PURPOSE OF REPORT

This report is to present to the Council an update on the Council's *Service Excellence Framework* and its implementation and additional actions that will be undertaken in 2023 as part of progressing its implementation.

BACKGROUND

In 2016, an *Organisational Culture Program* was developed to assist the organisation to continuously improve its operating culture with the aim of achieving a constructive culture, which is high-performing, effective and efficient. The Program sets out that the '*Organisational Culture*' and the '*Organisational Effectiveness*' (ie. Performance) will be measured through two (2) Staff Survey tools, every three (3) years and the data from the measures is assessed and used to develop '*interventions*' to improve the Council's operations in this area.

As part of the Program, the Organisational Culture was measured in 2017 and 2020 and the data from the 2017 results, showed that staff thought there was an opportunity to improve how they worked together to deliver cross-organisational service and to recognise when they delivered great service.

As a result, an organisational-wide, staff-centric project was undertaken to design a *Service Framework* for the organisation, which would provide the foundation required to improve service skills and practices of staff and improve service from an organisational assessed rating of '*good*' to a rating of '*great*'.

The Project team, which was compromised of staff representatives from each key function in area's of the organisation, worked in collaboration with their staff groups to create the Council's *Service Excellence Framework*, (a copy of which is contained in **Attachment A**). The Framework was designed to expand on and provide more detail on the Council's already established Organisational Value of *Service* so that staff were provided with improved information and direction on this expectation.

The *Service Excellence Framework* was developed between September 2019 and July 2020 and approved by the Executive Leadership Team in August 2020. The outcomes and deliverables of the Service Project were implemented during 2020 and were presented to the Council at a briefing held on 30 November 2020.

The implementation of the organisational *Service Excellence Framework* is one of the Chief Executive Officers Key Performance Indicators. This report therefore provides an update of the progress of the implementation of the *Service Excellence Framework*.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The *Service Excellence Framework* is established under the Council's Organisational Values and the Organisational Strategy areas of Continuous Improvement, Capability and Culture and Change.

In particular, the Council's Organisational Values set out the constructive and effective behaviours and values that staff are expected to represent, as an employee of the organisation and in turn create the espoused Culture for the organisation.

The *Service Excellence Framework* was established under the organisation's Value of Service, namely,

'*Service: we seek to improve quality of life for our citizens and our community and we treat all stakeholders with respect*'.

The Framework has become a subset of a more detailed interpretation for the staff of:

- how the Value of Service is to be delivered throughout the organisation; and
- the Council's expectations their performance and conduct in this area of operation.

The strategic design of *Service Excellence Framework* and its implementation will result in better service delivery to the City's citizens, stakeholders and between staff.

FINANCIAL AND BUDGET IMPLICATIONS

An ongoing budget of approximately \$30,000 over a three (3) year period, is contained in the Council's Budget to deliver the Council's *Organisational Development Program*.

The funds are used to undertake Staff Surveys, the 360^o reviews for the Senior Managers and any planned intervention or projects identified from the survey results and data.

The budget is planned and cast annually, over the three (3) year period, to accommodate the actual activities being undertaken as part of the *Culture Development Plan*, where may vary year to year and therefore each annual budget which is approved is bespoke to the planned works under the *Culture Development Plan*.

EXTERNAL ECONOMIC IMPLICATIONS

There are no direct external Economic Implications associated with this program.

SOCIAL ISSUES

There are no direct external social issues associated with this program.

CULTURAL ISSUES

There are no direct external cultural issues associated with this program.

ENVIRONMENTAL ISSUES

There are no direct external environmental issues associated with this program.

RESOURCE ISSUES

Resource requirements for each activity of the program are planned using project methodology and approved by the Executive Leadership Team, prior to commencing any activity.

RISK MANAGEMENT

Organisational risks associated with each activity of the program are planned using project methodology and mitigating strategies are approved by the Executive Leadership Team, prior to commencing any activity.

As the activities are generally associated with people-orientated behaviours and performance, typical risks that may impede any activity or project include:

- insufficient budget resources;
- insufficient '*buy-in*' from staff for any significant change in behaviours or performance to have traction; and
- inability to obtain suitable providers to deliver aspects of the programming, such as bespoke training content.

As such, typical mitigating strategies include:

- using project management tools to plan and approve budget and resources, prior to commencing any activity; and
- developing communication and training plans to ensure staff skills, knowledge and abilities are suitable to progress behaviour changes and operational changes in the workplace.

CONSULTATION

- **Elected Members**
There is no direct consultation required with Elected Members as part of this program.
- **Community**
There is no direct consultation required with the Community as part of this program.
- **Staff**
There is no direct consultation required with staff as part of this program.
- **Other Agencies**
There is no direct consultation required with other Agencies as part of this program.

DISCUSSION

As discussed, this report serves to provide a briefing on the Council's *Service Excellence Framework* which has been developed as a part of the Council's *Organisational Culture Development Program*.

The Framework was developed as a '*Continuous Improvement*' opportunity, as part of the Council's *Organisational Strategy* and a result of the data analysed from the *Organisational Culture Survey* undertaken in October 2017.

The Framework was developed by a staff-centric project team that was guided by an external Facilitator from SynergyIQ, who had expertise in service excellence, facilitation and organisational culture development. An external facilitator was chosen so that an objective and accountable model of project management was undertaken to complete the project and so that areas of Council operations were independently and objectively challenged and assess during the project.

Notwithstanding this, the Council's Manager, Organisational Development & Performance, is an Accredited and experienced practitioner in Organisational Culture Development and as such, also provided project support and expertise, to reduce the over-all cost of project and provide in-house knowledge and expertise to ensure the project outcomes met the project plan and expectations.

The Project Team completed five (5) facilitated workshops and worked with the staff in their Units to advise on and a create the *Service Excellence Framework*.

Deliverables of the project include:

- the *Service Excellence Framework* which comprised of:
 - a *Service Philosophy*; that all staff could adopt;
 - *Pillars of Service*; which are simple statements for staff to demonstrate;
 - *People We Serve*; which identifies the customer needs; and
 - *Service Behaviours and Capabilities*; to help staff self-identify their performance and development needs against the Service expectations;
- a revised *Staff Induction Program* to include the *Service Excellence Framework* and *Service Expectations* for staff;
- a revised staff *Performance Development Review Program* to include the *Service Behaviours* expected of staff;
- a review of the *Corporate Training Program* each year as part of the Council's *Training Needs Analysis*, to include course content related to Service Excellence;
- a series of workshops which we ran with the Senior Management Group and staff to implement the *Service Excellence Framework* and to develop the capabilities required in staff to deliver on the new expectations; and

- a Departmental *Service Excellence Plan* developed by staff, which sets out a three (3) year strategy for improved service, for each department, identifying focus areas for staff to improve on and deliver, in respect to their Departmental level of Service.

Notwithstanding the effective work completed to date on this project, the impact of COVID-19 and staff turnover has resulted in some actions, such as staff refresher training, being required to ensure a consistent approach to ongoing service improvement the Organisational Development & Performance Unit will undertake some further actions in respect to the *Service Excellence Framework* over the next twelve (12) months.

Additional actions include:

- undertaking an all staff refresher training program in service quality, service expectations and the desired service behaviours set out in the *Service Excellence Framework*;
- undertaking a Service Improvement Project, which will be based on ‘*systems thinking*’ and comprise of an assessment of the service needs each of the Council’s functional Units and identifying the processes and knowledge that will be required of the Citizen Services Unit staff and each Unit’s staff, to meet those needs; and
- establishing *Service Level Agreements* for each Uni, which will set out the Service Requirements, Service Standards and expectations to improve the external provision of service from each Unit and the intra-service provision between the Citizen Services Unit and each functional Unit.

OPTIONS

There are no options associated with this matter.

CONCLUSION

It has been identified that there is a need to measure the Organisational Culture and Organisational Effectiveness (performance) and undertake continuous improvement interventions that build a constructive, effective and efficient Organisational Culture and business performance.

One (1) of the continuous improvement actions that as resulted from the *Culture Development Program* is the development a *Service Excellence Framework* which will assist in creating and driving high-quality, effective and efficient service provision in the organisation and to empower staff to provide ‘*great*’ service.

Continually assessing the quality and effectiveness of the organisation’s service provision, providing refresher workshops and training to existing and new staff and identifying additional opportunities to improve service, under the *Service Excellence Framework* ensures that the Council is providing excellence in service and is adaptable and responsive to any changing needs and expectations in the delivery of Service.

COMMENTS

There are no comments associated with this matter.

RECOMMENDATION

1. That the progress of the implementation of the *Service Excellence Framework* be noted.
2. The Council’s notes that future updates will be provided to the Council as part of the Chief Executive Officers Key Performance Indicators.

Attachments – Item 11.3

Attachment A

Service Excellence Framework

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

Telephone 8366 4555
Facsimile 8332 6338
Email townhall@npsp.sa.gov.au
Website www.npsp.sa.gov.au



City of
**Norwood
Payneham
& St Peters**

Strategic Overview Document

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.



Strategic Overview Document

Service

We seek to improve quality of life for our citizens and our community and we treat all stakeholders with respect.

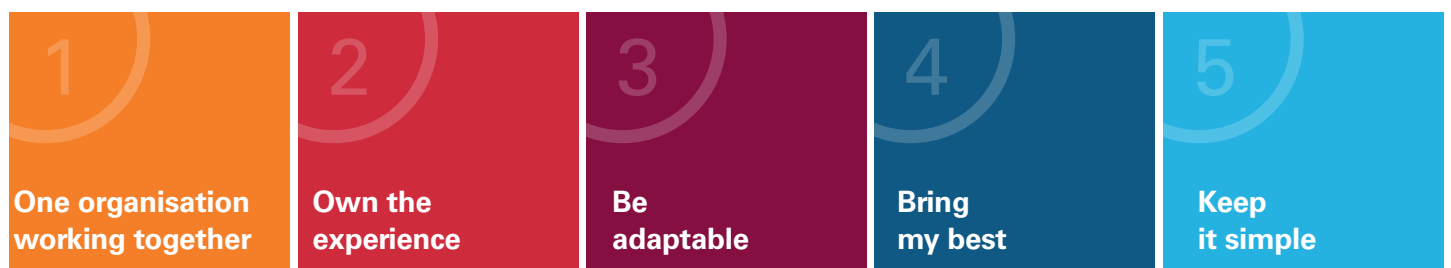


Service Excellence Framework

Philosophy

Our People are empowered to deliver an outstanding experience by providing genuine, adaptable, agile and accessible service.

Five Pillars of Service



People We Serve



Five Pillars of Service

Identifying the Pillars of Service required to provide excellence in service enables us to understand what we need to bring as staff to deliver excellent service and self-reflect on where we may need to improve in our service style.

1

One organisation working together

We believe that by working together seamlessly we can provide an outstanding service experience.

2

Own the Experience

We know that the service we provide is outstanding because each of us owns the whole experience from initial contact to the outcome.

3

Bring my Best

We know that we impact upon the people we are serving so we choose to make a positive impact every time.

4

Be Adaptable

We know who we are serving and adapt our style to deliver what they need.

5

Keep it simple

We remove barriers and blockers that get in the way of providing outstanding service.



Commitment Statement

Section/unit name

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Department Unit

.....

Staff Members

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.....

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Date

.....

Our services (service which the team provide)

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Our customers (profiles/descriptions of actual stakeholders)

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Working together (other groups we work with)

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Our service goals (service goals we want to be known for)

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Continuous improvement

(service behaviours and capabilities that we agree to over a 12 month period and the actions we will take to improve ourselves and as a group)

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Service Behaviours and Capabilities

Our People demonstrate the following service behaviours and use the capabilities to train, develop and focus our skills to ensure we are equipped to provide excellent service

	Behaviours	Capabilities
<p>One Organisation working together</p> <p>We believe that by working together seamlessly we can provide an outstanding service experience</p>	<ul style="list-style-type: none"> • I will collaborate to get better outcomes • I will deliver within a mutually agreed timeframe • I will reflect on how my actions contribute to the whole experience 	<ul style="list-style-type: none"> • Understanding of Systems Thinking and the impact of your actions and decisions • Role clarity and understanding your role and the role of others
<p>Own the Experience</p> <p>We know that service we provide is outstanding because each of us owns the whole experience from initiation to the outcome</p>	<ul style="list-style-type: none"> • I will put myself in the citizens shoes which will guide my actions • I will be courageous to give the citizen the best experience I can • I will follow up and follow through 	<ul style="list-style-type: none"> • Ability to be courageous in addressing customers' needs and trying new solutions • Emotional Intelligence • Ability to follow up the service through the system • Active listening skills
<p>Bring my Best</p> <p>We know that we impact the people we are serving so we choose a positive impact every time</p>	<ul style="list-style-type: none"> • I will be professional and positive at all times • I will ask for feedback and reflect on the service I have provided so i can improve • I will practice self-regulation, self-care and know when to ask for help 	<ul style="list-style-type: none"> • Skilled in giving and receiving constructive feedback • A commitment to stay up to date in technical skills and knowledge • Strategies to maintain personal and professional resilience
<p>Be Adaptable</p> <p>We know who we are serving and adapt our style to deliver what they need</p>	<ul style="list-style-type: none"> • I will ask enough questions to understand what service is needed • I will adjust my approach to suit the situation • I will be proactive, consider alternatives and creative solutions 	<ul style="list-style-type: none"> • Skilled in being agile and adaptable • Ability to look for alternatives for best outcomes
<p>Keep it Simple</p> <p>We remove barriers and blockers that get in the way of outstanding service</p>	<ul style="list-style-type: none"> • I will use language that is easy to understand • I will actively listen and stay focused on the situation at hand • I will offer relevant answers and solutions 	<ul style="list-style-type: none"> • Ability to communicate well and use positive and constructive language



Section 2 – Corporate & Finance
Reports

11.4 MONTHLY FINANCIAL REPORT – OCTOBER 2022

REPORT AUTHOR: Financial Services Manager
GENERAL MANAGER: General Manager, Governance & Civic Affairs
CONTACT NUMBER: 8366 4585
FILE REFERENCE: qA101554
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 2022.

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

Not Applicable.

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 \$861,695 for the 2022-2023 Financial Year.

The First Budget update presented at this meeting proposes that the Operating Surplus be reduced by \$141,731 to \$719,964 for the 2022-2023 Financial Year. Due to the early stages of most Operating Projects with the exception of Carried Forward Operating Projects, no major material cost variances have been proposed to the 2022 – 2023 Adopted Project Budget. It is expected that a more accurate understanding of cost variances will be available as part of the Mid-Year Budget review.

For the period ended October 2022, the Council's Operating Surplus is \$1,717,000 against a budgeted Operating Surplus of \$1,178,000, resulting in a favourable variance of \$539,000.

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 2022, the Council's Operating Surplus is \$1,717,000 against a budgeted Operating Surplus of \$1,178,000, resulting in a favourable variance of \$539,000.

User Charges are \$107,000 unfavourable to the Adopted Budget. The St Peters Childcare Centre and Preschool is currently showing a \$45,677 deficit in revenue compared to the Adopted Budget and this reduction is being directly offset by a reduction in staffing costs. The remaining variance relates to the Norwood Concert Hall, however this relates to a delay in invoicing that was rectified in full in November.

Employee expenses are \$523,000 (9%) favourable to the adopted Budget. The driving factors behind this variance are as follows:

- budgeted staff positions that were vacant at the commencement of the financial year. Some of these positions are now filled and others are currently undergoing recruitment. Where required, activities and functions have been back filled by utilisation of temporary staff or consultants.

There are no individual significant variances to the Budget and are primarily due to expenditure timings compared to actual expenditure which is not uncommon for the beginning of the Financial Year. The Monthly Financial report is contained in **Attachment A**.

OPTIONS

Not Applicable.

CONCLUSION

Not Applicable.

COMMENTS

Not Applicable.

RECOMMENDATION

That the October 2022 Monthly Financial Report be received and noted.

Attachments – Item 11.4

Attachment A

Monthly Financial Report October 2022

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

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Website www.npsp.sa.gov.au

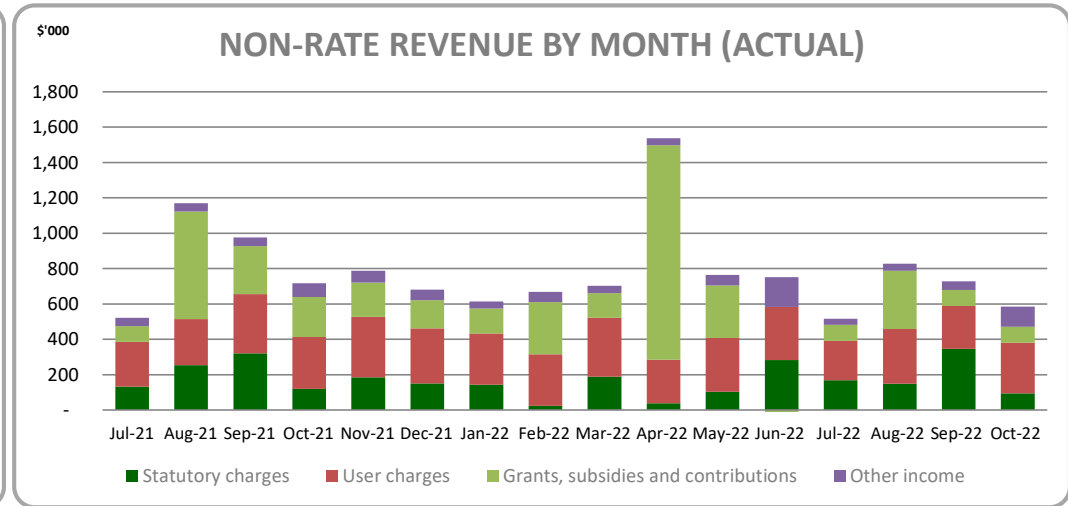
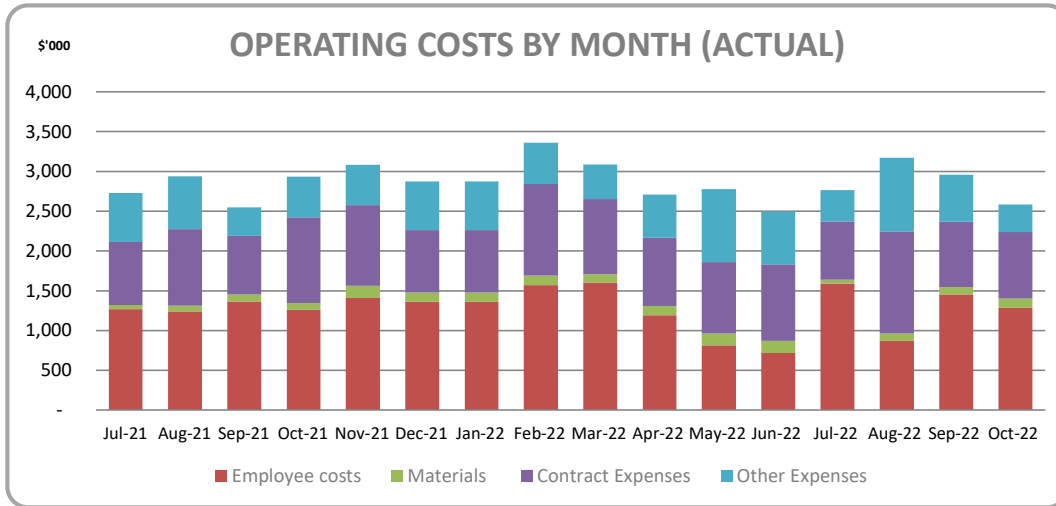


City of
**Norwood
Payneham
& St Peters**

CITY OF NORWOOD PAYNEHAM & ST PETERS

Financial Performance for the period ended 31 October 2022					
LYTD Actual		YTD Actual	YTD Budget	Var	Var %
\$'000		\$'000	\$'000	\$'000	
	Revenue				
12,575	Rates Revenue	13,327	13,307	20	0%
827	Statutory Charges	759	785	(26)	(3%)
1,145	User Charges	1,060	1,167	(107)	(9%)
1,196	Grants, Subsidies and Contributions	601	595	6	1%
4	Investment Income	58	15	43	283%
216	Other	182	151	30	20%
4	Reimbursements	4	6	(2)	(29%)
15,968	Total Revenue	15,990	16,027	(36)	(0%)
	Expenses				
5,131	Employee Expenses	5,201	5,724	523	9%
3,337	Contracted Services	3,530	3,446	(84)	(2%)
165	Energy	117	160	43	27%
264	Insurance	299	274	(25)	(9%)
239	Legal expense	148	58	(90)	(154%)
86	Materials	110	138	28	20%
211	Parts, Accessories and Consumables	236	290	55	19%
19	Water	111	156	45	29%
1,502	Sundry	1,661	1,641	(19)	(1%)
2,631	Depreciation, Amortisation and Impairment	2,790	2,790	-	-
154	Finance Costs	72	172	100	58%
105	Net Loss - Joint Ventures & Associates	-	-	-	-
13,845	Total Expenses	14,273	14,848	575	4%
2,123	Operating Surplus/(Deficit)	1,717	1,178	539	46%

Summary of Net Cost of Divisions for the period				
Division	YTD Actual	YTD Budget	Var	Var %
	\$'000	\$'000	\$'000	
Chief Executive Office	(1,380)	(1,450)	70	5%
Corporate Services	(4,436)	(4,461)	25	1%
Governance and Community Affairs	(426)	(698)	272	39%
Urban Planning and Environment	(714)	(783)	69	9%
Urban Services	(4,653)	(4,736)	83	2%
Operating Surplus/(Deficit) (before Rate Revenue)	(11,609)	(12,129)	519	4%
Rate Revenue	13,327	13,307	20	0%
Operating Surplus/(Deficit)	1,717	1,178	539	46%



CITY OF NORWOOD PAYNEHAM & ST PETERS

Project Summary for period ended 31 October 2022

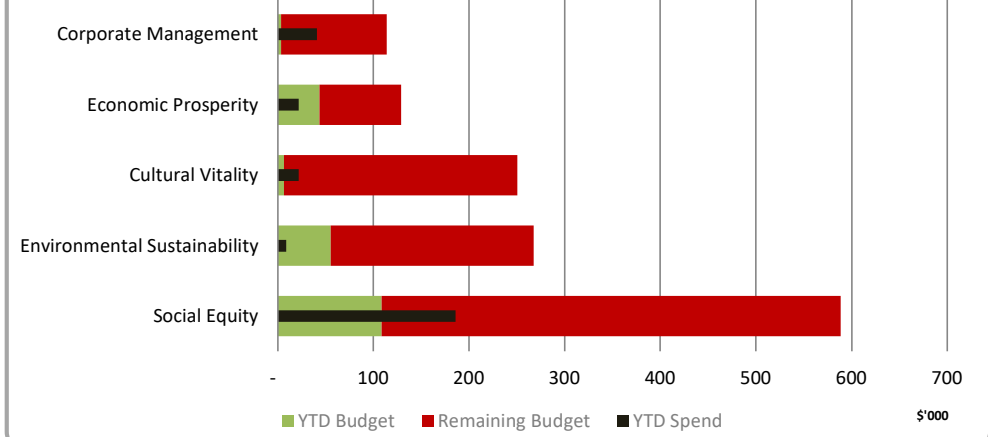
	YTD Actual	YTD Budget	Remaining Budget
	\$'000	\$'000	\$'000
Operating Projects			
Income			
Social Equity	-	-	477
Environmental Sustainability	-	-	-
Cultural Vitality	-	-	-
Economic Prosperity	-	-	-
Corporate Management	-	-	-
Total Income	-	-	477
Expenses			
Social Equity	186	666	480
Environmental Sustainability	9	221	212
Cultural Vitality	22	266	244
Economic Prosperity	22	107	85
Corporate Management	41	110	70
Total Expenses	279	1,370	1,092

Net Cost of Operating Projects	(279)	(1,370)	(614)
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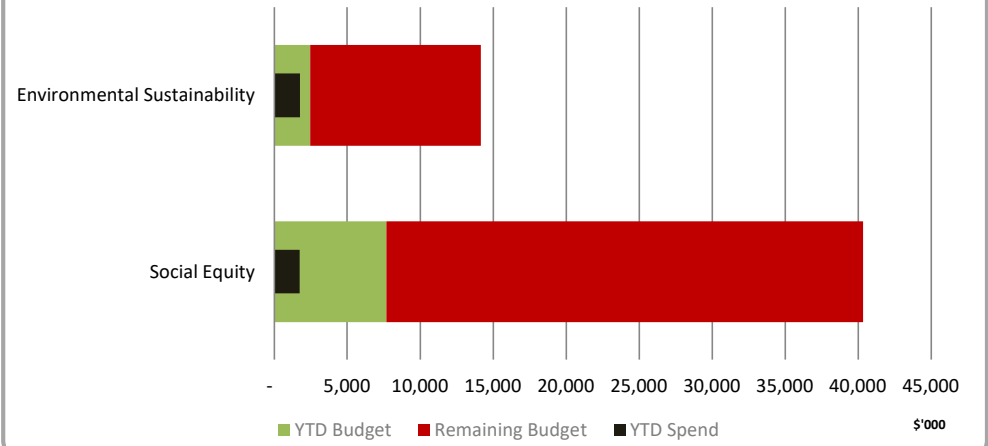
	YTD Actual	YTD Budget	Remaining Budget
Capital Projects			
Income			
Social Equity	-	2	(4,858)
Environmental Sustainability	-	909	(5,186)
Cultural Vitality	-	-	-
Economic Prosperity	-	-	-
Corporate Management	-	-	-
Total Income	-	911	(10,044)
Expenses			
Social Equity	1,739	7,684	32,649
Environmental Sustainability	1,745	2,466	11,686
Cultural Vitality	98	86	161
Economic Prosperity	198	782	-
Corporate Management	5	24	278
Total Expenses	3,786	11,043	44,773

Net Cost of Capital Projects	(3,786)	(10,132)	(54,817)
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SERVICE INITIATIVES (inc. Carry Forwards)



NEW ASSETS & RENEWALS (inc. Carry Forwards)

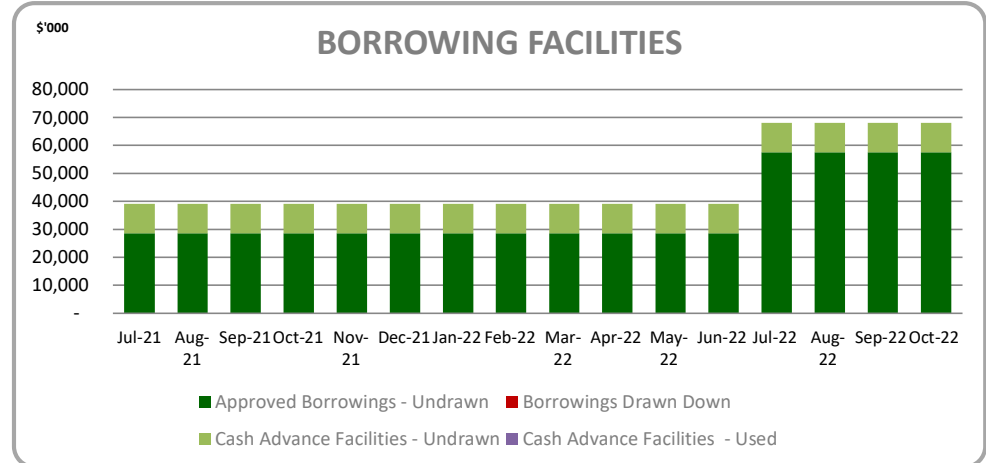
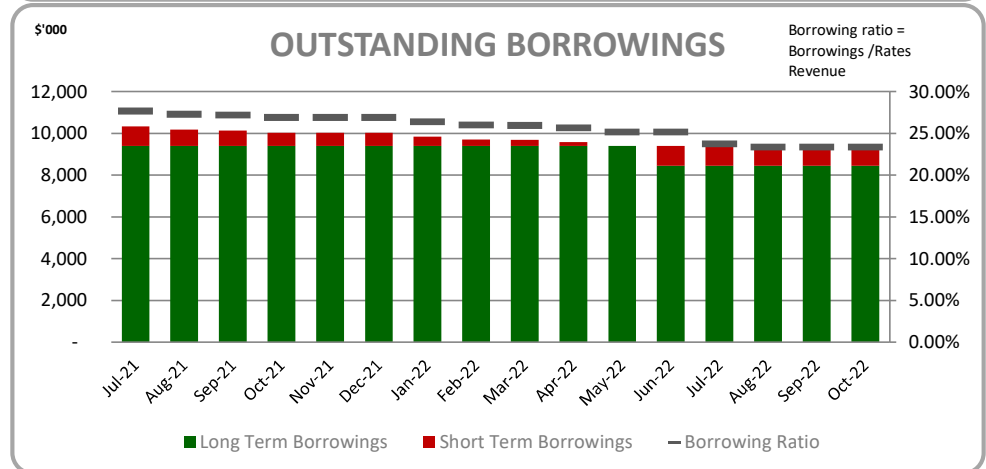
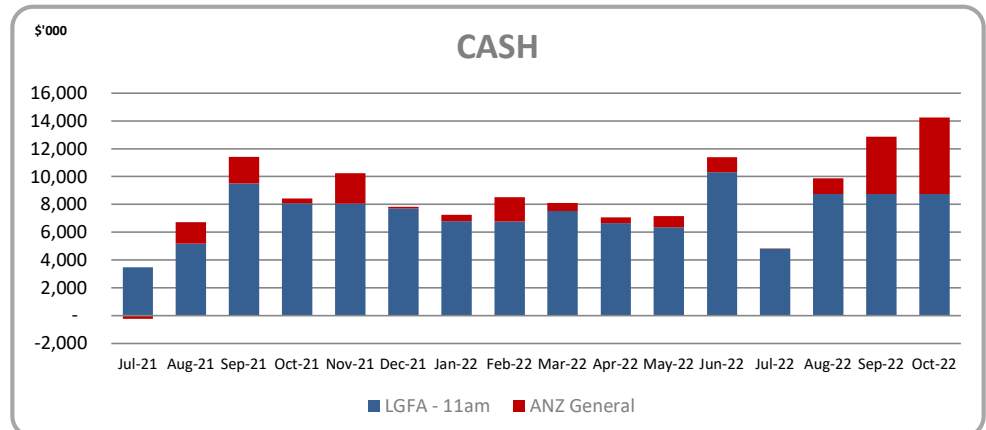


CITY OF NORWOOD PAYNEHAM & ST PETERS

Statement of Financial position as at 31 Oct 2022

	Oct-22	Sep-22	Movement	June 2022
	Actual	Actual		
	\$'000	\$'000	\$'000	\$'000
ASSETS				
Current Assets				
Bank and Cash	9,265	12,070	(2,806)	11,393
Accounts receivables	27,777	28,474	(697)	3,255
Less : Provision for Bad Debts	(580)	(580)	-	(580)
Total Current Assets	36,462	39,964	(3,503)	14,068
Non-current Assets				
Financial Assets	113	113	-	113
Investments in Joint Ventures	2,131	2,131	-	1,931
Infrastructure, Property, Plant and Equipment	549,023	547,129	1,894	548,034
Total Non-current Assets	551,267	549,373	1,894	550,078
Total Assets	587,728	589,337	(1,609)	564,146
LIABILITIES				
Current Liabilities				
Trade and Other Payables	35,390	38,188	(2,799)	13,031
Borrowings	1,021	1,021	-	1,021
Provisions	3,004	3,004	-	3,004
Total Current Liabilities	39,415	42,213	(2,799)	17,056
Non-current Liabilities				
Borrowings	8,250	8,364	(114)	8,527
Provisions	1,104	1,089	15	1,280
Investments in Joint Ventures	864	904	(40)	864
Total Non-current Liabilities	10,218	10,357	(139)	10,671
Total Liabilities	49,632	52,570	(2,938)	27,727
NET ASSETS	538,096	536,767	1,329	536,419
EQUITY				
Accumulated Surplus	64,426	63,097	1,329	62,709
Asset Revaluation Reserves	473,670	473,670	-	473,670
TOTAL EQUITY	538,096	536,767	1,329	536,379

Key areas to highlight YTD :



11.5 2022-2023 FIRST BUDGET UPDATE

REPORT AUTHOR: Accountant
GENERAL MANAGER: General Manager, Governance & Civic Affairs
CONTACT NUMBER: 8366 4549
FILE REFERENCE: A520538
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 2023, 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 2022-2023 Financial Year, provides an opportunity to amend the 2022-2023 Adopted Budget, to reflect any changes in projections based on:

- audited results to 30 June 2022;
- the first quarter results to September 2022; and
- new decisions by the Council, subsequent to the adoption of the Budget on 4 July 2022.

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 2022 and has no direct external economic impact.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

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.

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 2022-2023 Adopted Operating Budget has forecast an Operating Surplus of \$861,000. As a result of the First Budget Update, the Operating Surplus is forecast to be \$720,000, a decrease of \$141,000. 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 2022 – 2023 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 2022-2023 Recurrent Operating Budget forecast a Recurrent Operating Surplus of \$2.025 million. Following the First Budget Update, the Recurrent Operating Budget Surplus is decreased to \$1.869 million with a decrease of \$157,000 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 the increased number of appeals lodged with Environment, Resources and Development (ERD) Court, additional funding of \$55,000 is requested for legal cost and \$20,000 is requested for engaging consultants.	75,000
Following the resignation of the Manager of Development Assessment at the beginning of the 2022-2023 Financial Year, additional funding is requested to engage contract staff.	60,000
As demolishing of the Payneham Memorial Swimming Centre has not started as planned, funding is required for the basic maintenance and electricity cost incurred for the car park.	14,690
Additional funds are requested for libraries' small plant purchase and additional coffee consumables for library users.	5,000
Funding is requested for Compliance Officers to purchase uniforms.	2,000

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 2021-2022 Annual Financial Statements. Additional expenditure required for Operating Projects which have not been completed at the end of the 2021-2022 Financial Year, is incorporated in the 2022-2023 Budget as part of First Budget Update.

Carried Forward Operating Projects expenditure from 2021-2022, was estimated as part of the Adopted Budget to be \$185,000. Following the First Budget Update, the value of carried forward expenditure is \$271,041. 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 2022-2023 Financial Year are contained in **Attachment A**.

Taking into account the Carried Forward Operating Project expenditure and new projects endorsed by the Council, the 2022-2023 Adopted Operating Projects Budget forecast a total expenditure of \$1.655 million.

Following the First Budget Update, the total cost is estimated at \$1.701 million, an increase of \$46,041. 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 2022-2023 from the Adopted Budget	
Street Tree Planting program.	31,549
It is proposed to carry forward unspent funds for the project of Greening of Verges Program to continue to cover the cost of excavating compacted materials and supplying and spreading loam for approved applications to green verges during the 2022-2023 Financial Year.	19,436
The Dog & Cat Management Plan Education Campaign budget is proposed to be carried forward. The project aims to implement an education campaign as required by the Council's 2019-2024 Dog & Cat Management Plan.	10,000
The Council appointed Tonkin Consulting to undertake the Council's condition audit and valuation of Open Space assets. Tonkin Consulting has completed the condition assessment during 2021-2022 Financial Year, however the project will be finalised during 2022-2023 Financial year.	9,550
The budget to prepare a Traffic Study for the suburbs of Glynde, Payneham, Payneham south, Trinity Gardens & St Morris is proposed to be carried forward and the project will be finalised during the 2022-2023 Financial Year.	8,342
Additional funds are requested to be carried forward to progress the Council's Cultural & Business Excellence Development (\$4,559) and Work Health & Safety Initiatives (\$2,605).	7,164
New or Additional Project Expenditure Since Adoption of Budget	
The Spring Fest Event which was scheduled to be held in the Concert Hall in October was cancelled by the organiser. The Council sponsorship towards the Event is therefore not required.	(75,000)
Following the adoption of the Council's On-Street Parking Policy, additional funding is required to implement engage the consultants to implement the Policy.	20,000
Funding is required to review the Council's Smart City Plan as a result of the Council's resolution to install Smart Parking technology in the Webbe Street Car Park.	15,000

Details of the status of Operating Projects planned to be completed during 2022-2023 is contained in **Attachment A**.

B. Capital Projects

The Council adopted a Capital Budget of \$49.641 million for 2022-2023, which comprised funding allocations for New Capital Projects involving new or the upgrading of existing assets (\$26.906million), the renewal/replacement of existing assets (\$8.794 million) and Carried Forward Projects from 2021-2022 (\$13.941million). As a result of the First Budget Update, the capital spend is forecast to be \$50.813 million, an increase of \$1.172 million primarily due to expenditure timing variations to the Adopted Budget. The \$1.172 million increase is made up of an increase in Carried Forward funding of \$752,000 and new funding requirements of \$420,000, which are detailed in Table 3 below.

Details of the Capital Projects which have been carried forward to the 2022-2023 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)	
Delays have been encountered in the St Peters Street Streetscape Upgrade project due to the wet weather and the impacts of COVID-19. In addition, the budget of \$212,557 for Joslin Valley Seventh Avenue drainage work is being transferred from Burchell Reserve Upgrade to St Peters Street Streetscape.	424,844
The funds are being carried forward and transferred to the Remediation of Riverbank Erosion \$(380,000) due to the tender received by the Council is higher than the budget. Additionally, \$4,000 is carried forward to complete the installation of Third Creek trash rack gate.	384,000
The detail design and construction of the drainage upgrade at Hatswell Street and Regent Street, Hackney, will be undertaken and completed during the 2022-2023 Financial Year.	141,443
Road resealing of the Parade West, Kent Town, will be undertaken in the 2022-2023 Financial year due to the change of scope of works. Staff are currently preparing the design of drainage on The Parade West and plan to complete the construction of drainage before the road resealing. The project will be finalised during the 2022-2023 Financial Year.	206,454
Additional funds are carried forward according to the grants received from Department of Infrastructure and Transport to install lightings along the linear Park Path between Battams Road and Oaklands Avenue.	229,213
The purchase of Water Truck is delayed due to the high demand in the Motor Vehicle market as a result of COVID-19 and Queensland Flood. The purchase order for the vehicle has been placed and the vehicle is expected to be delivered either at the end of 2022 or the beginning of 2023 within the budget.	140,000
The design of the Payneham Memorial Swimming Centre Upgrade Project is currently behind schedule and as a result demolishing and construction works are now scheduled to start from April 2023.	104,289
The Borthwick Park Creek Improvements project was started and completed within the 2021-2022 Financial Year.	(378,602)
As part of Burchell Reserve Upgrade, the construction of drainage works along Seventh Avenue started from the 2021-2022 Financial Year, instead of the 2022-2023 Financial Year which was planned in the project schedule.	(308,613)
The adopted Carried Forward budget for the implementation of The Parade Master Plan is reduced due to timing variances with expenditures.	(210,958)
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:	20,296
<ul style="list-style-type: none"> • “All Things are One” Art Work Installation \$49,027 • Dunstan Adventure Playground Redevelopment Project \$41,309 • Private Laneways \$27,123 • Meeting Room 3 TV screen installation \$9,700 • Cycling Plan Implementation 2021-2026 \$3,200 • Kent Town Streetscape Upgrade \$2,500 • Norwood Library Strategic Review & Concept Plan \$(5,200) • Cruickshank Reserve Facility Upgrade \$(14,863) • Major Public Art Funding Project – Year 1-4 \$(92,500) 	

Capital Project	Increase/ (Decrease) \$
New or Additional Project Expenditure Since Adoption of Budget	
The upgrade of stairs at Twelftree Reserve was suspended during the 2021-2022 Financial Year due to issues associated with the construction of the sleeper retaining wall. Additional funding is required to complete the construction of stairs following a variation from the contractor as a result of a redesign of the retaining wall.	288,452
The cost to purchase sand filters for the Norwood Swimming Centre has significantly increased during the past 12 months as a result of production issues due to COVID-19 and an increase in transport costs due to tighter cross-border processes and controls fuelled by concerns regarding the transition of COVID-19. Additional funding is requested in according to the quotes from the awarded contractor.	112,000
The funding is required to replace Norwood Swimming Centre chlorine and acid pump.	10,000
Additional funding is required to install bollards on the northern side of the new pedestrian crossing to stop vehicles from entering shared path along the Langman Grove Road.	10,000

While there is a proposed increase in Capital Expenditure, it is too early to determine if additional borrowing will be required to fund the increasing capital expenditure. The borrowing requirements will be re-assessed 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 resulting from 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.

Attachments – Item 11.5

Attachment A

2022-2023 First Budget Update

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

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Facsimile 8332 6338
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Website www.npsp.sa.gov.au



City of
**Norwood
Payneham
& St Peters**

FINANCIAL YEAR 2022-2023 FIRST BUDGET REVIEW OPERATING PROJECTS PROGRESS

Project Description	2022-2023 Budget	First Budget Review Additional Carry Forward Budget	First Budget Update Request	First Budget Update	YTD Spending by September 2022	Has Project Commenced? (Y/N)	If Not, When will Commence?	Has Project Completed? (Y/N)	Forecasted Completion Date
TOUR DOWN UNDER	55,000			55,000	7,458	Y		N	Feb-23
ACCESS & INCLUSION ACCESS PLAN	10,000			10,000		N	Mar-23	N	Jun-23
LAND & BUILDING VALUATION	75,000			75,000		N	Jan-23	N	Jun-23
YOUTH ARTS & EVENTS PROGRAM					100	Y		N	Jun-23
RESILIENT EAST PROJECT	13,000			13,000		N	Jun-23	N	Jun-23
OPEN SPACE ASSETS CONDITION AUDIT & VALUATION		9,550		9,550		Y		N	Jun-23
LOCAL GOVERNMENT ELECTIONS	200,000			200,000	541	Y		N	Dec-22
SUSTAINABLE GARDEN AWARDS	11,000			11,000	653	Y		N	Mar-23
CHILDREN BOOKWEEK PROGRAM					2,200	Y		Y	
CITY WIDE PARKING REVIEW	10,000		20,000	30,000		N	Jan-23	N	Jun-23
PEOPLE PLACE & ACTIVITY STRATEGY	30,000			30,000		N	Feb-23	N	Jun-23
CITY WIDE BUSINESS AWARDS	40,000			40,000	660	Y		N	Jun-23
AGE FRIENDLY WAYFINDING PROGRAM	20,000			20,000		N	Feb-23	N	Jun-23
STREET TREE PLANTING	100,000	31,549		131,549		N	Nov-22	N	Jun-23
CULTURE & BUSINESS EXCELLENCE DEVELOPMENT		4,559		4,559		Y		N	Jun-23
ADDITIONAL LEVEL ON THE WEBBE ST PARKING	25,000			25,000	621	Y		N	Jun-23
WORK HEALTH & SAFETY INITIATIVES		2,605		2,605		Y		N	Jun-23
STREET LIGHTING RENEWAL & UPGRADE	40,000			40,000	18,490	Y		N	Jun-23
SMART CITY TECHNOLOGY PLAN			15,000	15,000		N	Dec-22	N	Jun-23
REGIONAL PUBLIC HEALTH & WELLBEING PLAN	10,000			10,000		N	Jan-23	N	Jun-23
DOG & CAT MANAGEMENT PLAN EDUCATION CAMPAIGN	20,000	10,000		30,000	2,268	Y		N	Jun-23
RAISING THE BAR ADELAIDE	37,000			37,000	17,645	Y		N	Jun-23
TRAFFIC MANAGEMENT	101,000			101,000	39,935	Y		N	Jun-23
TREE MANAGEMENT POLICY AND STRATEGY	45,000			45,000	1,497	Y		N	Jun-23
CORPORATE UNIFORM	10,394			10,394		Y		N	Jun-23
SPEED LIMIT IMPLEMENTATION	25,000			25,000	3,132	Y		N	Jun-23
TRAFFIC STUDY		8,342		8,342	25,019	Y		N	Jun-23
YOUTH STRATEGY	45,000			45,000	2,404	Y		N	Jun-23
ENERGY & WATER AUDITS						N		N	Jun-23
URBAN GREENING PROGRAM 2022	25,000			25,000		N	Dec-22	N	Jun-23
GREENING OF VERGES PROGRAM	25,000	19,436		44,436		N	Dec-22	N	Jun-23
DIGITISATION OF COUNCIL CIVIL & BUILDING PLANS						N	Feb-23	N	Jun-23
PUBLIC ART STRATEGY	30,000			30,000		N	Feb-23	N	Jun-23
ADOPT A TREE	2,000			2,000	1,440	Y		N	Jun-23
OPEN SPACE & PLAYGROUND STRATEGY	15,000			15,000		N	Jan-23	N	Jun-23
MARRYATVILLE PRECINCT MASTER PLAN	40,000			40,000		N	Feb-23	N	Jun-23
SERVICE REVIEWS	100,000			100,000	14,383	Y		N	Jun-23
CONCERT SERIES IN NORWOOD CONCERT HALL	36,000			36,000	5,258	Y		N	Jun-23
SPRINGFEST	75,000		(75,000)			N		N	Jun-23
SIGNALISED PAC MAGILL ROAD	230,000			230,000		N	Feb-23	N	Jun-23
SYDNEHAM ROAD LIGHTING UPGRADE	60,000			60,000	13,110	Y		N	Jun-23
40KPH EVALUATION STEPNEY & MAYLANDS	25,000			25,000		N	Jan-23	N	Jun-23
HERITAGE PROTECTION OPPORTUNITIES	70,000			70,000	660	Y		N	Jun-23
Total	1,655,394	86,041	(40,000)	1,701,435	157,474				

Attachment B

2022-2023 First Budget Update

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

Telephone 8366 4555
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City of
**Norwood
Payneham
& St Peters**

FINANCIAL YEAR 2022-2023 FIRST BUDGET REVIEW CAPITAL PROJECTS PROGRESS

Project Description	2022-2023 Adopted Budget	First Budget Review Additional Carry Forward	Budget Transfer	First Budget Update Funding Request	First Budget Update	Work-in-Progress as at 30 June 2022	YTD Spending by September 2022	Has Project Commenced? (Y/N)	If Not, When will Commence?	Has Project Completed? (Y/N)	Forecasted Completion Date
ANNUAL ACQUISITION OF LIBRARY BOOKS	202,000				202,000		7,631	Y		N	Jun-23
MAJOR PUBLIC ART FUNDING PROJECT - YEAR 1-4	258,762	(92,500)			166,262	92,500	127,343	Y		Y	
PLANT REPLACEMENT	136,000	140,000			276,000		7,066	Y		N	Jun-23
REC & OPEN SPACE INF WORKS PROGRAME	460,000	4,000	380,000		844,000		30,656	Y		N	Jun-23
CAPITALISATION OF PROJECT MANAGEMENT ON-COST	1,280,124				1,280,124		9,245	Y		N	Jun-23
NORWOOD SWIMMING CENTRE				10,000	10,000			N	Nov-22	N	Feb-23
CAPITAL PROJECTS CARRIED FORWARD TO 2023-2024	(400,000)				(400,000)			N	Jun-22	N	Jun-23
FLOAT FOR NORWOOD CHRISTMAS PAGEANT	25,000				25,000		2,330	Y		N	Dec-22
NPSP WEBSITE DEVELOPMENT	10,000				10,000		-	N	Jan-23	N	Jun-23
IPAD REFRESH FOR ELECTED MEMEBERS	18,400	0			18,400		-	N	Jun-23	N	Jun-23
"ALL THINGS ARE ONE" INSTALLATION		49,027			49,027	973	3,318	Y		N	Jun-23
LINEAR PARK PATH UPGRADE	2,770,918	229,213		288,000	3,288,131	177,604	16,437	Y		N	Jun-23
ST PETERS STREET STREETScape	3,076,042	424,844	212,557		3,713,443	948,972	524,199	Y		N	Jun-23
BURCHELL RESERVE UPGRADE	3,232,557	(308,613)	-212,557		2,711,387	59,233	108,460	Y		N	Jun-23
STANDBY POWER FOR ST PETERS LIBRARY	78,550	0			78,550		-	N	Jan-23	N	Jun-23
ELECTRONIC DOCUMENT MANAGEMENT SYSTEM	123,000	0			123,000		-	N	Jan-23	N	Jun-23
PRIVATE LANEWAY	190,000	27,123			217,123		48	Y		N	Jun-23
CAPITAL WORK PROGRAM TRAFFIC CONTROL	180,000	380,000	(380,000)		180,000		(60,600)	N	Jan-23	N	Jun-23
KENT TOWN STREETScape UPGRADE		2,500			2,500		-	Y		N	Jun-23
CAPITAL WORKS PROGRAM ROAD RESEALING	4,719,080	206,454			4,925,534		(6,085)	Y		N	Jun-23
CAPITAL WORKS PROGRAM KERB	1,663,978				1,663,978		271,396	Y		N	Jun-23
CAPITAL WORKS PROGRAM FOOTPATH	647,042				647,042		79,782	Y		N	Jun-23
DRAINAGE PROGRAM	7,584,205	141,443			7,725,648		161,181	Y		N	Jun-23
BUILDING WORKS PROGRAM	1,076,000			112,000	1,188,000		87,691	Y		N	Jun-23
BORTHWICK PARK CREEK IMPROVEMENTS DESIGN & CONSTRUCTION	400,000	(378,602)			21,398		-	Y		Y	
NORWOOD LIBRARY STRATEGIC REVIEW & CONCEPT PLAN	50,000	(5,200)			44,800	5,200	3,165	Y		N	Jun-23
GEORGE STREET UPGRADE	800,000				800,000		-	N	Feb-23	N	Jun-23
LANGMAN GROVE ROAD RECONSTRUTION				10,000	10,000		2,980	Y		N	Jun-23
CYCLING PLAN IMPLEMENTATION 2021-2026		3,200			3,200		-	Y		N	Jun-23
MEETING ROOMS UPGRADE	38,740	9,700			48,440		5,361	Y		N	Jun-23
DUNSTAN ADVENTURE PLAYGROUND REDEVELOPMENT	1,285,000	41,309			1,326,309	58,691	8,107	Y		N	Jun-23
LANGMAN GROVE TRAFFIC MANAGEMENT CONTROL	48,000				48,000	12,370	1,520	Y		N	Jun-23
CRUICKSHANK RESERVE FACILITY UPGRADE	889,000	(14,863)			874,137	14,863	13,864	Y		N	Jun-23
WI-FI REFRESH	26,000				26,000		-	N	Jan-23	N	Jun-23
IPADS FOR FIELD STAFF	7,000				7,000		-	Y		N	Jan-23
BLACK SPOT GRANT	170,000				170,000		-	N	Feb-23	N	Jun-23
CIVIL CAPITAL UPGRADE WORKS PROGRAM	434,225				434,225		11,007	Y		N	Jun-23
PAYNEHAM MEMORIAL SWIMMING CENTRE UPGRADE	16,500,000	104,289			16,604,289	395,711	325,499	Y		N	Sep-23
THE PARADE MASTER PLAN	1,661,000	(210,958)			1,450,042	391,822	127,505	Y		N	Jun-23
Total	49,640,623	752,366		420,000	50,812,989	2,157,939	1,869,106				

Attachment C

2022-2023 First Budget Update

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

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City of
**Norwood
Payneham
& St Peters**

UNIFORM PRESENTATION OF FINANCES
for the year ended 30 June 2023

Actual 2020-2021	Actual 2021-2022		Adopted Budget 2022-2023	Revised Budget 2022-2023	Variance	Actual YTD September 2022
45,473,055	47,929,577	Income	49,257,544	49,318,544	61,000	12,078,307
(44,362,836)	(45,284,090)	less Expenses	(48,395,849)	(48,598,580)	(202,731)	(11,690,166)
1,110,219	2,645,487	Operating Surplus / (Deficit)	861,695	719,964	(141,731)	388,142
		less Net Outlays on Existing Assets				
9,651,815	8,937,416	Capital Expenditure on renewal and replacement of Existing Assets	15,757,121	15,757,121	-	782,002
(9,968,299)	(10,765,876)	less Depreciation, Amortisation and Impairment	(11,158,733)	(11,158,733)	-	(2,789,684)
(25,659)	(47,869)	less Proceeds from Sale of Replaced Assets	(25,000)	(25,000)	-	-
(342,143)	(1,876,329)		4,573,388	4,573,388	-	(2,007,682)
		less Net Outlays on New and Upgraded Assets				
5,507,612	6,941,204	Capital Expenditure on New and Upgraded Assets	33,883,502	33,883,502	-	699,036
(2,625,998)	(5,785,317)	less Amounts received specifically for New and Upgraded Assets	(10,024,823)	(10,024,823)	-	-
(11,040)	(1,909)	Proceeds from Sale of Surplus Assets				
2,870,574	1,153,978		23,858,679	23,858,679	-	699,036
(1,418,212)	3,367,838	Net Lending / (Borrowing) for Financial Year	(27,570,372)	(27,712,103)	(141,731)	1,696,788

11.6 EXTERNAL AUDITORS REPORT 2021-2022

REPORT AUTHOR: Accountant
GENERAL MANAGER: General Manager, Governance & Civic Affairs
CONTACT NUMBER: 8366 4549
FILE REFERENCE: qA105726
ATTACHMENTS: A - C

PURPOSE OF REPORT

The purpose of this report is to provide the Council with the Audit Opinion and Auditors Report regarding the 2021-2022 Financial Statements.

BACKGROUND

Pursuant to Section 129 (3) of the *Local Government Act 1999* (the Act), the Council's Auditor must provide to the Council, an audit opinion with respect to:

- the Financial Statements; and
- whether the internal controls of the Council are sufficient to provide reasonable assurance that the financial transactions of the Council have been conducted properly and are in accordance with law.

Pursuant to Section 129 (4) of Act, the Council's Auditor must provide written advice on any particular items that have arisen from the audit.

Pursuant to Section 129 (5b) (a) of the Act, the opinion and the advice must be presented to the Council at the next ordinary meeting of the Council.

RELEVANT STRATEGIC DIRECTIONS AND POLICIES

Nil

FINANCIAL AND BUDGET IMPLICATIONS

Nil

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

There are no risk management issues arising from this report which has been prepared in accordance with the statutory requirements.

CONSULTATION

- **Elected Members**

A report on the draft Annual Financial Statements and draft Audit Report, was presented and considered by the Council at its meeting held on 7 November 2022.

- **Community**

Not Applicable.

- **Staff**

Not Applicable.

- **Other Agencies**

Not Applicable.

DISCUSSION

The Council's External Auditors, BDO Advisory (SA) Pty Ltd, have completed the statutory audit of the City of Norwood Payneham & St Peters for the 2021-2022 Financial Year.

As advised at the Council meeting held on 7 November 2022, the External Auditors have issued an unqualified Audit Report on the Annual Financial Statements for the financial year ended 30 June 2022. A copy of the Audit Opinion is contained in **Attachment A**.

In addition to the Audit Report on the Annual Financial Statements, the External Auditors are required to undertake an audit of the internal controls exercised by the Council during the respective financial year in relation to the receipt, expenditure and investment of money, the acquisition and disposal of property and the incurring of liabilities, so that the Auditors can form an opinion as to whether the internal controls which have been established by the Council, are sufficient to provide reasonable assurance that the financial transactions undertaken by the Council, have been conducted properly and are in accordance with the legislative requirements. A copy of the Internal Controls Audit Opinion is contained in **Attachment B**.

In summary, in the Auditors opinion, the Council has complied, in all material aspects, with Section 129(1)(b) of the Act in relation to the internal controls which have been established by the Council relating to the receipt, expenditure and investment of money, the acquisition and disposal of property and the incurring of liabilities.

Pursuant to Section 129 (4) of the Act, the Auditors are required to provide to the Council, in writing, details of any issues that arose from the statutory audit. A copy of the correspondence from the Auditors is contained in **Attachment C**.

OPTIONS

Not Applicable.

CONCLUSION

Nil.

COMMENTS

Nil.

RECOMMENDATION

1. That the Audit Opinion regarding to the 2021-2022 Financial Statements, as contained in **Attachment A**, be received and noted.
2. That the Audit Opinion on the Council's Internal Controls, as contained in **Attachment B**, be received and noted.
3. That the Auditor's report to the Council regarding to the 2021-2022 Financial Statements, as contained in **Attachment C**, be received and noted.

Attachments – Item 11.6

Attachment A

External Auditor's Report 2021-2022

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

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Adelaide SA 5000
GPO Box 2018 Adelaide SA 5001
Australia

INDEPENDENT AUDITOR'S REPORT TO THE PRINCIPAL MEMBER OF CITY OF NORWOOD PAYNEHAM & ST PETERS

Report on the Audit of the Financial Report

Opinion

We have audited the financial report of City of Norwood Payneham & St Peters (the Council), which comprises the statement of financial position as at 30 June 2022, the statement of comprehensive income, the statement of changes in equity and the statement of cash flows for the year then ended, and notes to the financial report, including a summary of significant accounting policies, and the certification of the financial statements.

In our opinion the accompanying financial report presents fairly, in all material respects, the Council's financial position as at 30 June 2022, and its financial performance and its cash flows for the year ended in accordance with Australian Accounting Standards, the *Local Government Act 1999*, and the *Local Government (Financial Management) Regulations 2011*.

Basis for opinion

We conducted our audit in accordance with Australian Auditing Standards. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Report section of our report. We are independent of the Council in accordance with the Local Government Act 1999 and the ethical requirements of the Accounting Professional and Ethical Standards Board's *APES 110 Code of Ethics for Professional Accountants (including Independence Standards)* (the Code) that are relevant to our audit of the financial report in Australia. We have also fulfilled our other ethical responsibilities in accordance with the Code.

We confirm that the independence declaration required by the *Local Government Act 1999*, which has been given to the Council, would be in the same terms if given to the Council as at the time of this auditor's report.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Information Other than the Financial Report and Auditor's Report Thereon

Management is responsible for the other information. The other information obtained at the date of this auditor's report is the annual reports of the regional subsidiaries which for the year ended 30 June 2022, which we obtained prior to the date of this auditor's report, and the Annual Report, which is expected to be made available to use after that date.

Our opinion on the financial report does not cover the other information and accordingly we do not express any form of assurance conclusion thereon.

In connection with our audit of the financial report of the City of Norwood Payneham & St Peters, our responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial report or our knowledge obtained in the audit, or otherwise appears to be materially misstated.



If, based on the work we have performed, we conclude that there is a material misstatement of this other information, we are required to report that fact. We have nothing to report in this regard.

Council's Responsibility for the Financial Report

The Council's officers are responsible for the preparation and fair presentation of the financial report in accordance with Australian Accounting Standards, the *Local Government Act 1999* and the *Local Government (Financial Management) Regulations 2011* and for such internal control as the Council's officers determine is necessary to enable the preparation and fair presentation of the financial report that is free from material misstatement, whether due to fraud or error.

In preparing the financial report, the Council's officers are responsible for assessing the Council's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the Council's officers either intend to liquidate the Council or to cease operations, or has no realistic alternative but to do so.

Auditor's responsibilities for the audit of the Financial Report

Our objectives are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of this financial report.

A further description of our responsibilities for the audit of the financial report is located at the Auditing and Assurance Standards Board website (<http://www.auasb.gov.au/Home.aspx>) at: http://www.auasb.gov.au/auditors_files/ar4.pdf.

This description forms part of our auditor's report.

A handwritten signature in blue ink that reads 'BDO'.

BDO Audit (SA) Pty Ltd

A handwritten signature in blue ink that reads 'G K Edwards'.

G K Edwards
Director

Adelaide, 15 November 2022

Attachment B

External Auditor's Report 2021-2022

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

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INDEPENDENT ASSURANCE REPORT

ON THE INTERNAL CONTROLS OF THE CITY OF NORWOOD PAYNEHAM & ST PETERS

Opinion

We have undertaken a reasonable assurance engagement on the design and the operating effectiveness of controls established by City of Norwood Payneham & St Peters ('the Council') in relation to financial transactions relating to the receipt, expenditure and investment of money, acquisition and disposal of property and incurring of liabilities, throughout the period 1 July 2021 to 30 June 2022 relevant to ensuring such transactions have been conducted properly and in accordance with law.

In our opinion, in all material respects:

- (a) The controls established by Council in relation to financial transactions relating to the receipt, expenditure and investment of money, acquisition and disposal of property and incurring of liabilities were suitably designed to ensure such transactions have been conducted properly and in accordance with law; and
- (b) The controls operated effectively as designed throughout the period from 1 July 2021 to 30 June 2022.

Basis for opinion

We conducted our engagement in accordance with Standard on Assurance Engagements ASAE 3150 *Assurance Engagements on Controls* issued by the Auditing and Assurance Standards Board.

We believe that the evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

The Council's responsibilities for the internal controls

The Council is responsible for:

- a) The receipt, expenditure and investment of money, acquisition and disposal of property and incurring of liabilities;
- b) Identifying the control objectives
- c) Identifying the risks that threaten achievement of the control objectives
- d) Designing controls to mitigate those risks, so that those risks will not prevent achievement of the identified control objectives; and
- e) Operating effectively the controls as designed throughout the period.

Our independence and quality control

We have complied with the independence and other relevant ethical requirements relating to assurance engagements, and apply Auditing Standard ASQC 1 *Quality Control for Firms that Perform Audits and Reviews of Financial Reports and Other Financial Information, and Other Assurance Engagements* in undertaking this assurance engagement.



Assurance practitioner's responsibilities

Our responsibility is to express an opinion, in all material respects, on the suitability of the design to achieve the control objectives and the operating effectiveness of controls established by Council in relation to financial transactions relating to the receipt, expenditure and investment of money, acquisition and disposal of property and incurring of liabilities. ASAE 3150 requires that we plan and perform our procedures to obtain reasonable assurance about whether, in all material respects, the controls are suitably designed to achieve the control objectives and the controls operated effectively throughout the period.

An assurance engagement to report on the design and operating effectiveness of controls involves performing procedures to obtain evidence about the suitability of the design of controls to achieve the control objectives and the operating effectiveness of controls throughout the period. The procedures selected depend on our judgement, including the assessment of the risks that the controls are not suitably designed or the controls did not operate effectively. Our procedures included testing the operating effectiveness of those controls that we consider necessary to achieve the control objectives identified. An assurance engagement of this type also includes evaluating the suitability of the control objectives.

Limitations of controls

Because of the inherent limitations of an assurance engagement, together with any internal control structure it is possible that, even if the controls are suitably designed and operating effectively, the control objectives may not be achieved and so fraud, error, or non-compliance with laws and regulations may occur and not be detected.

An assurance engagement on operating effectiveness of controls is not designed to detect all instances of controls operating ineffectively as it is not performed continuously throughout the period and the tests performed are on a sample basis. Any projection of the outcome of the evaluation of controls to future periods is subject to the risk that the controls may become inadequate because of changes in conditions, or that the degree of compliance with them may deteriorate.

A handwritten signature in blue ink that reads 'BDO'.

BDO Audit (SA) Pty Ltd

A handwritten signature in blue ink that reads 'G K Edwards'.

G K Edwards
Director

Adelaide, 15 November 2022

Attachment C

External Auditor's Report 2021-2022

City of Norwood Payneham & St Peters
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City of
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Payneham
& St Peters**

CITY OF NORWOOD PAYNEHAM & ST PETERS

Annual completion report

YEAR ENDED 30 JUNE 2022

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Dear Audit Committee Members

We are pleased to present this report to the Audit Committee of City of Norwood Payneham & St Peters in relation to the 30 June 2022 annual audit.

As at the date of this report, we have substantially completed our audit and subject to the satisfactory resolution of the matters outlined in the Executive Summary, we expect to issue an unmodified audit report.

We have set out in this document the significant matters arising from our audit. This summary covers those matters we believe to be material in the context of our work.

We look forward to the Audit Committee meeting on 24 October 2022 where we will have the opportunity to discuss this report.

Should you require clarification on any matter in this report before this date, please do not hesitate to contact me on +61 8 7324 6082.

We would like to take this opportunity to extend our appreciation to management for their assistance and cooperation throughout the course of our audit.

Yours faithfully



Geoff Edwards
Engagement Partner

Adelaide, 21 October 2022



EXECUTIVE SUMMARY

PURPOSE

The purpose of this report is to communicate significant matters arising from our audit to the Audit Committee. This report has been discussed with management.

SCOPE

Our audit was conducted in accordance with Australian Auditing Standards, the Local Government Act 1999 and the Local Government (Financial Management) Regulations 2011 for the year ended 30 June 2022.

STATUS OF THE AUDIT

Our audit of the financial report is substantially complete. We expect to issue an unmodified audit report, subject to satisfactory completion of the following:

- ▶ Final review of the financial statements
- ▶ Satisfactory review by our appointed engagement quality review partner;
- ▶ Receipt of management representations on various matters
- ▶ Review of subsequent events post 30 June 2022; and
- ▶ Receipt of formally adopted financial statements and agreement of these to the draft provided to us to date.

A draft of the proposed audit report is included at [Appendix 1](#).

SUMMARY OF MISSTATEMENTS

We have identified misstatements during our audit. The list of uncorrected misstatements is included in the respective [section](#) of this report.

OTHER AREAS OF AUDIT FOCUS

In performing our audit, we have identified those matters that, in the auditor's judgement, were of the most significance in the audit of the financial report. Our audit procedures also focused on areas that were considered to represent significant risks of material misstatement. These areas of focus are outlined below:

- ▶ Revaluation, depreciation, useful lives and residual values of infrastructure assets
- ▶ Accounting treatment of capital work in progress (WIP)
- ▶ Accounting treatment for grant funding
- ▶ Management override of controls

Refer to the relevant section for details on the key audit matters, significant risk areas and other areas focused on during the audit.

AREAS OF AUDIT FOCUS

We identified the risk areas as part of our risk assessment procedures undertaken during the planning phase and continued to be alert for risks during the course of the audit. Our audit procedures focused on areas that were considered to represent risks of material misstatement.

REVALUATION, DEPRECIATION, USEFUL LIVES AND RESIDUAL VALUES OF INFRASTRUCTURE ASSETS

Description	Audit work performed	Summary of findings
Council's infrastructure, property, plant and equipment are carried at valuation. There is a risk that these balances are misstated as a result of the application of inappropriate valuation methodologies, or incorrect underlying assumptions.	<p>This year certain classes of Council assets were revalued by Council employees based on an indexation reflecting annual average movement value of like assets. We have obtained details of these calculations and tested their accuracy.</p> <p>Certain other classes of Council assets were revalued by independent valuers. We evaluated the competence, capability and objectivity of the independent valuers, obtained an understanding of their work and evaluated appropriateness of conclusions reached.</p>	<p>We noted the revaluation has resulted in the following increments:</p> <ul style="list-style-type: none"> • Land \$23,286,090 • Buildings \$3,436,677 • Infrastructure Assets \$7,739,579 <p>There were no other findings noted during our testing.</p>

ACCOUNTING TREATMENT OF CAPITAL WORK IN PROGRESS (WIP)

Description	Audit work performed	Summary of findings
There is a risk that the accounting treatment of items captured within capital WIP may not be in accordance with Australian Accounting Standards.	We have obtained the WIP schedule and reviewed in detail a sample of projects outstanding at the end of the year to ensure they are likely to generate assets. We have also reviewed a sample of assets transferred out of capital WIP to ensure that the categorisation and value allocated to assets are appropriate.	Throughout the testing on WIP additions and WIP transfers to the relevant asset classes, there have been no misstatements noted. Our detailed WIP transfer testing reflected there had been no indication of incorrect categorisations or values adopted.

AREAS OF AUDIT FOCUS *CONTINUED*

ACCOUNTING TREATMENT FOR GRANT FUNDING

Description	Audit work performed	Summary of findings
There is a potential risk of error in the calculation of grant income recognised and deferred at year end by reference to grant agreements and Australia Accounting Standards.	We have obtained a schedule of grant income recognised at year end. We have selected a sample of grants and obtained the agreements to review in detail and ensure that they have been recognised in accordance with applicable accounting standards.	Where funding is received to construct an asset, a liability is recognised until the performance obligations of the grant agreement have been satisfied. It was noted in one instance that the funding received of \$635,174 should have been deferred at 30 June 2022. This has been included in the Summary of Misstatements section below as an uncorrected misstatement which falls below our materiality level.

MANAGEMENT OVERRIDE OF CONTROLS

Description	Audit work performed	Summary of findings
Australian Auditing Standards require that we presume there is a risk that management has the ability to manipulate accounting records and override controls that otherwise appear to be operating effectively.	We have tested general journals posted during the year and at the end of the reporting period to consider whether they are appropriate. We considered accounting estimates for management biases or fraud. We sought to corroborate management explanations with independent supporting evidence whenever possible.	No evidence of management override of controls was noted during the course of the audit.

SUMMARY OF MISSTATEMENTS

UNCORRECTED MISSTATEMENTS

We detail below the uncorrected misstatements which we have identified during the audit, and that were determined by management to be immaterial, both individually and in aggregate to the financial report taken as a whole.

Misstatements have not been included if they are considered to be clearly trivial which we have set at \$45,100. Matters which are clearly trivial are regarded as clearly inconsequential when taken individually or in aggregate.

We will seek representation from management to acknowledge that:

- ▶ Uncorrected misstatements have been brought to their attention by us; and
- ▶ They have considered the effect of any uncorrected misstatements, aggregated during and pertaining to the latest period, on the financial report and consider the misstatements are immaterial individually and in aggregate to the financial report taken as a whole.

Description	Assets	(Liabilities)	Reserves	(Profit)/Loss
Recognition of deferred revenue in line with AASB 1058 Income for Not-for-profits entities (refer detail above)	-	(635,174)	-	635,174
Net effect of corrected misstatements	-	(635,174)	-	635,174

INTERNAL CONTROL

CURRENT YEAR

In accordance with *ASA 265 Communicating Deficiencies in Internal Control to Those Charged with Governance and Management*, we are required to communicate in writing, significant deficiencies in internal control identified during our audit to those charged with governance on a timely basis.

The standard defines a deficiency in internal control as:

1. A control is designed, implemented or operated in such a way that it is unable to prevent, or detect and correct, misstatements in the financial report on a timely basis; or
2. A control necessary to prevent, or detect and correct, misstatements in the financial report on a timely basis is missing.

Significant deficiency in internal control means a deficiency or combination of deficiencies in internal control that, in the auditor's professional judgement, is of sufficient importance to merit the attention of the Audit Committee.

Our audit procedures did not identify any significant deficiencies that in our professional judgment are of sufficient importance to merit the attention of the Audit Committee.

INTERNAL CONTROL RISK ASSESSMENT

We have completed the testing of internal controls for the purpose of providing an audit opinion on Council's internal controls. This work focuses on controls exercised by the Council in relation to the receipt, expenditure and investment of money, the acquisition and disposal of property and the incurring of liabilities are sufficient to provide reasonable assurance that the financial transactions of the Council have been conducted properly and in accordance with law.

Our assessment of internal controls is based on the criteria in the Better Practice Model - Financial Internal Control for South Australian Councils as issued by the Local Government Association of South Australia.

The Better Practice Model emphasises a risk based approach to internal financial controls. It states that a Council should design and implement internal financial controls activities and monitoring systems that prioritise extreme and high financial risk as identified by the Council's risk tolerance framework.

We have been advised by the management that no risk assessment was performed for this financial year. Instead, self-assessment was performed over all 'core controls' that are suggested per Better Practice Model.

For the purpose of our internal control audit opinion, we have performed our own risk assessment to identify the key financial risks facing the Council, determine the inherent risk level and evaluate core controls activities to address this risk. Based on this work, we have not noted any material exceptions that would lead to a qualification to the audit report on internal controls.

OTHER REPORTING REQUIREMENTS

INDEPENDENCE AND ETHICS

In conducting our audit, we are required to comply with the independence requirements of the *Local Government Act 1999 and the Local Government (Financial Management) Regulations 2011* and Part 4A of APES 110 *Code of Ethics for Professional Accountants (including Independence Standards)*.

We have obtained independence declarations from all staff engaged in the audit.

We also have policies and procedures in place to identify any threats to our independence, and to appropriately deal with and if relevant mitigate those risks.

We have not become aware of any issue that would cause any member of the engagement team, BDO or any BDO network firm to contravene any ethical requirement or any regulatory requirement that applies to the audit engagement.

The *Local Government Act 1999 and the Local Government (Financial Management) Regulations 2011* requires the lead auditor to make a declaration to the directors regarding independence. We are in a position to make this declaration, a draft of which has been included at [Appendix 2](#).

NON-COMPLIANCE WITH LAWS AND REGULATIONS

We have made enquiries in relation to any non-compliance with laws and regulations during the course of our audit. We have not identified any instances of non-compliance with laws and regulations as a result of our enquiries.

We have not identified any reportable matters during the course of our audit.

FRAUD

Management have confirmed that there were no matters of fraud identified for the period under audit, or subsequently. It should be noted that our audit is not designed to detect fraud however should instances of fraud come to our attention we will report them to you.

We have not identified any instances of fraud during the course of our audit.

APPENDIX 1 PROPOSED AUDIT REPORT

INDEPENDENT AUDITOR'S REPORT

TO THE PRINCIPAL MEMBER OF CITY OF NORWOOD PAYNEHAM & ST PETERS

Report on the Audit of the Financial Report

Opinion

We have audited the financial report of City of Norwood Payneham & St Peters (the Council), which comprises the statement of financial position as at 30 June 2022, the statement of comprehensive income, the statement of changes in equity and the statement of cash flows for the year then ended, and notes to the financial report, including a summary of significant accounting policies, and the certification of the financial statements.

In our opinion the accompanying financial report presents fairly, in all material respects, the Council's financial position as at 30 June 2022, and its financial performance and its cash flows for the year ended in accordance with Australian Accounting Standards, the *Local Government Act 1999*, and the *Local Government (Financial Management) Regulations 2011*.

Basis for opinion

We conducted our audit in accordance with Australian Auditing Standards. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Report section of our report.

We are independent of the Council in accordance with the Local Government Act 1999 and the ethical requirements of the Accounting Professional and Ethical Standards Board's *APES 110 Code of Ethics for Professional Accountants (including Independence Standards)* (the Code) that are relevant to our audit of the financial report in Australia. We have also fulfilled our other ethical responsibilities in accordance with the Code.

We confirm that the independence declaration required by the *Local Government Act 1999*, which has been given to the Council, would be in the same terms if given to the Council as at the time of this auditor's report.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Information Other than the Financial Report and Auditor's Report Thereon

Management is responsible for the other information. The other information obtained at the date of this auditor's report is the annual reports of the regional subsidiaries which for the year ended 30 June 2022, which we obtained prior to the date of this auditor's report, and the Annual Report, which is expected to be made available to use after that date.

Our opinion on the financial report does not cover the other information and accordingly we do not express any form of assurance conclusion thereon.

In connection with our audit of the financial report of the City of Norwood Payneham & St Peters, our responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial report or our knowledge obtained in the audit, or otherwise appears to be materially misstated.

APPENDIX 1 PROPOSED AUDIT REPORT CONTINUED

If, based on the work we have performed, we conclude that there is a material misstatement of this other information, we are required to report that fact. We have nothing to report in this regard.

Council's Responsibility for the Financial Report

The Council's officers are responsible for the preparation and fair presentation of the financial report in accordance with Australian Accounting Standards, the *Local Government Act 1999* and the *Local Government (Financial Management) Regulations 2011* and for such internal control as the Council's officers determine is necessary to enable the preparation and fair presentation of the financial report that is free from material misstatement, whether due to fraud or error.

In preparing the financial report, the Council's officers are responsible for assessing the Council's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the Council's officers either intend to liquidate the Council or to cease operations, or has no realistic alternative but to do so.

Auditor's responsibilities for the audit of the Financial Report

Our objectives are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of this financial report.

A further description of our responsibilities for the audit of the financial report is located at the Auditing and Assurance Standards Board website (<http://www.auasb.gov.au/Home.aspx>) at: http://www.auasb.gov.au/auditors_files/ar4.pdf.

This description forms part of our auditor's report.

BDO Audit (SA) Pty Ltd

G K Edwards
Director

Adelaide, XX Month 2022

APPENDIX 1 PROPOSED AUDIT REPORT CONTINUED

INDEPENDENT ASSURANCE REPORT ON THE INTERNAL CONTROLS OF THE CITY OF NORWOOD PAYNEHAM & ST PETERS

Opinion

We have undertaken a reasonable assurance engagement on the design and the operating effectiveness of controls established by City of Norwood Payneham & St Peters ('the Council') in relation to financial transactions relating to the receipt, expenditure and investment of money, acquisition and disposal of property and incurring of liabilities, throughout the period 1 July 2021 to 30 June 2022 relevant to ensuring such transactions have been conducted properly and in accordance with law.

In our opinion, in all material respects:

- (a) The controls established by Council in relation to financial transactions relating to the receipt, expenditure and investment of money, acquisition and disposal of property and incurring of liabilities were suitably designed to ensure such transactions have been conducted properly and in accordance with law; and
- (b) The controls operated effectively as designed throughout the period from 1 July 2021 to 30 June 2022.

Basis for opinion

We conducted our engagement in accordance with Standard on Assurance Engagements ASAE 3150 *Assurance Engagements on Controls* issued by the Auditing and Assurance Standards Board.

We believe that the evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

The Council's responsibilities for the internal controls

The Council is responsible for:

- a) The receipt, expenditure and investment of money, acquisition and disposal of property and incurring of liabilities;
- b) Identifying the control objectives
- c) Identifying the risks that threaten achievement of the control objectives
- d) Designing controls to mitigate those risks, so that those risks will not prevent achievement of the identified control objectives; and
- e) Operating effectively the controls as designed throughout the period.

Our independence and quality control

We have complied with the independence and other relevant ethical requirements relating to assurance engagements, and apply Auditing Standard ASQC 1 *Quality Control for Firms that Perform Audits and Reviews of Financial Reports and Other Financial Information, and Other Assurance Engagements* in undertaking this assurance engagement.

APPENDIX 1 PROPOSED AUDIT REPORT CONTINUED

Assurance practitioner's responsibilities

Our responsibility is to express an opinion, in all material respects, on the suitability of the design to achieve the control objectives and the operating effectiveness of controls established by Council in relation to financial transactions relating to the receipt, expenditure and investment of money, acquisition and disposal of property and incurring of liabilities. ASAE 3150 requires that we plan and perform our procedures to obtain reasonable assurance about whether, in all material respects, the controls are suitably designed to achieve the control objectives and the controls operated effectively throughout the period.

An assurance engagement to report on the design and operating effectiveness of controls involves performing procedures to obtain evidence about the suitability of the design of controls to achieve the control objectives and the operating effectiveness of controls throughout the period. The procedures selected depend on our judgement, including the assessment of the risks that the controls are not suitably designed or the controls did not operate effectively. Our procedures included testing the operating effectiveness of those controls that we consider necessary to achieve the control objectives identified. An assurance engagement of this type also includes evaluating the suitability of the control objectives.

Limitations of controls

Because of the inherent limitations of an assurance engagement, together with any internal control structure it is possible that, even if the controls are suitably designed and operating effectively, the control objectives may not be achieved and so fraud, error, or non-compliance with laws and regulations may occur and not be detected.

An assurance engagement on operating effectiveness of controls is not designed to detect all instances of controls operating ineffectively as it is not performed continuously throughout the period and the tests performed are on a sample basis. Any projection of the outcome of the evaluation of controls to future periods is subject to the risk that the controls may become inadequate because of changes in conditions, or that the degree of compliance with them may deteriorate.

BDO Audit (SA) Pty Ltd

G K Edwards
Director

Adelaide, XX Month 2022

APPENDIX 2 AUDITOR INDEPENDENCE DECLARATION

CERTIFICATION OF AUDITOR INDEPENDENCE

I confirm that, for the audit of the financial statements of the City of Norwood Payneham & St Peters for the year ended 30 June 2022, I have maintained my independence in accordance with the requirements of APES 110 *Code of Ethics for Professional Accountants (including Independence Standards)* (the Code), Part 4A, published by the Accounting Professional and Ethical Standards Board, in accordance with the *Local Government Act 1999* and the *Local Government (Financial Management) Regulations 2011* made under that Act.

This statement is prepared in accordance with the requirements of Regulation 22 (5) *Local Government (Financial Management) Regulations 2011*.

G K Edwards
Director

BDO Audit (SA) Pty Ltd

Adelaide, XX Month 2022

APPENDIX 3 NEW DEVELOPMENTS

We wish to bring to your attention some upcoming changes in financial reporting which may cause significant changes to your future reported financial position and performance.

AASB 2020-1 AMENDMENTS TO AUSTRALIAN ACCOUNTING STANDARDS - CLASSIFICATION OF LIABILITIES AS CURRENT OR NON-CURRENT

Effective for annual reporting periods beginning on or after 1 January 2023, there are four main changes to the classification requirements within AASB 101 *Presentation of financial statements*:

- ▶ The requirement for an ‘unconditional’ right has been deleted from paragraph 69(d) because covenants in banking agreements would rarely result in unconditional rights.
- ▶ The right to defer settlement must exist at the end of the reporting period. If the right to defer settlement is dependent upon the entity complying with specified conditions (covenants), the right to defer only exists at reporting date if the entity complies with those conditions at reporting date.
- ▶ Classification is based on the right to defer settlement, and not intention (paragraph 73), and
- ▶ If a liability could be settled by an entity transferring its own equity instruments prior to maturity (e.g. a convertible bond), classification is determined without considering the possibility of earlier settlement by conversion to equity, but only if the conversion feature is classified as equity under IAS 32.

As these amendments only apply for the first time to the 30 June 2024 balance sheet (and 30 June 2023 comparative balance sheet), companies are not yet able to make an assessment of the impacts regarding the right to defer settlement, compliance with bank covenants, and intention to settle.

AASB 2021-2 AMENDMENTS TO AUSTRALIAN ACCOUNTING STANDARDS - DISCLOSURE OF ACCOUNTING POLICIES, AND DEFINITION OF ACCOUNTING ESTIMATES

Applicable to annual reporting periods commencing on or after 1 January 2023, this amending standard defines an ‘accounting estimate’ as monetary amounts in the financial statements that are subject to estimation uncertainty. This captures, for example, expected credit losses for receivables, or the fair value of an item recognised in the financial statements at fair value.

Accounting estimates are developed using measurement techniques including estimation techniques (such as used to determine expected credit losses or value in use) and valuation techniques (such as the income approach to determine fair value), and inputs. This amending standard clarifies that a change in an estimate occurs when there is either a change in a measurement technique or a change in an input.

It further clarifies that only material accounting policy information must be disclosed in the financial statements. This is the case when it relates to material transactions, other events or conditions, and:

- ▶ The entity has changed its accounting policy during the period
- ▶ There are one or more accounting policy options in Accounting Standards
- ▶ The accounting policy was developed applying the hierarchy in AASB 108
- ▶ Significant judgement was required in applying the accounting policy
- ▶ The accounting is complex.

APPENDIX 3 NEW DEVELOPMENTS CONTINUED

REVISED AUDITING STANDARD - ASA 315, IDENTIFYING AND ASSESSING THE RISKS OF MATERIAL MISSTATEMENT

Australian Auditing Standard 315 *identifying and Assessing the Risks of Material Misstatement (Revised)* (ASA 315) is effective for financial reporting periods beginning on or after December 15, 2021. It requires a more granular process of identification risks of material misstatement (RMM) in an entity, with a separate assessment of inherent risk and control risk for assertion level RMMs, to drive a more efficient and risk-responsive audit.

HOW HAS IT CHANGED?

- ▶ Requirement to perform a separate assessment of inherent risk and control risk for risks of material misstatement (RMMs) identified at the assertion level
- ▶ Spectrum of inherent risk, based on the likelihood and magnitude of an RMM
- ▶ Use of inherent risk factors (complexity, subjectivity, change, uncertainty or susceptibility to misstatement due to management bias or fraud) to drive risk identification.
- ▶ Identification of 'risks arising from the use of IT' based on integrity of information in the information system; risks arising from ineffective design or non-application of controls
- ▶ Understanding controls over processes that support the effective operation of the IT environment

HOW CAN YOU ASSIST US TO TRANSITION TO THIS REVISED STANDARD?



Document your policies and procedures surrounding business processes, from initiation and processing, through to recording and reporting, of transactions, account balances and disclosures



Review your procedures in advance so we can have robust discussions about where the risk areas arise and the controls you have in place.



Familiarise yourself with your IT environment and how your IT systems are being used to help us identify risks arising from use of IT.

APPENDIX 4 ESG AND YOUR BUSINESS

WHAT IS ESG?

ESG is the acronym for Environmental, Social and Governance. It is a holistic concept about an organisation's ability to create and sustain long-term value in a rapidly changing world, and managing the risks and opportunities associated with these changes.

ESG metrics are not part of mandatory [financial reporting](#) required by Australian Accounting Standards or International Financial Reporting Standards, but organisations across the world are increasingly making disclosures in their annual report or in a standalone sustainability report.

ESG is used as a framework to assess how an organisation manages risks and opportunities that changing market and non-market conditions create. ESG also puts a heavy emphasis on risk management, because monitoring and mitigating risks across all three dimensions is an important priority for any company that is serious about ESG. The three categories of ESG factors are as follow:-

- ▶ **Environmental** factors address an organisation's environmental impact and environmental stewardship. It is focused on improving the environmental performance of an organisation.
- ▶ **Social** factors refers to how an organisation manages relationships with, and creates value for, stakeholders. The social dimension is focused on an organisation's impact on its employees, customers and the community.
- ▶ **Governance** factors refers to an organisation's leadership and management philosophy, practices, policies, internal controls, and shareholder rights. The governance dimension is focused on an organisation's leadership and structure.

WHY IS ESG IMPORTANT FOR YOUR BUSINESS?

Investors across the globe are increasingly demanding organisations to outline their ESG framework and approach in order to assess the organisation's long-term sustainability. ESG has a potential significant impact on the following fundamental business issues relevant to the long-term success of the organisation:

- ▶ **Corporate reputation** - ESG can enhance a company's license to operate making it easier to accomplish business objectives and respond to crisis scenarios with key stakeholder groups.
- ▶ **Risk reduction** - ESG can assist with the identification of immediate and long-term risks depending on the industry and business model.
- ▶ **Opportunity management** - Shifting market and non-market conditions can expose unmet needs for new products and/or services, potential customer bases, and potential strategic relationships for addressing ESG issues.
- ▶ **Culture & intrinsic value** - ESG maturity is an indicator of a company's commitment to building a high performing, purpose-driven workforce and inclusive culture.

A robust ESG strategy can help attract the right talent and investors. To achieve a shift in sustainability we need to stop viewing ESG as a 'nice to have', it should be part of business strategy and risk management which can have a direct and positive impact on financial performance.

If you would like to speak with us about implementing an ESG framework in your organisation or providing assurance on your framework, please contact your audit engagement partner initially.

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We have prepared this report solely for the use of City of Norwood Payneham & St Peters. As you know, this report forms part of a continuing dialogue between the company and us and, therefore, it is not intended to include every matter, whether large or small, that has come to our attention. For this reason we believe that it would be inappropriate for this report to be made available to third parties and, if such a third party were to obtain a copy of this report without prior consent, we would not accept any responsibility for any reliance they may place on it.

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Section 3 – Governance & General Reports

11.7 ESTABLISHMENT OF COMMITTEES

REPORT AUTHOR: General Manager, Governance & Civic Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: fa925
ATTACHMENTS: A - F

PURPOSE OF REPORT

The purpose of the report is to present the draft Terms of Reference for the Council's consideration as part of the process of establishing the following Committees:

1. Audit & Risk Committee;
2. Council Assessment Panel;
3. St Peters Child Care Centre & Pre-School Committee;
4. Traffic Management & Road Safety Committee;
5. Business & Economic Development Advisory Committee; and
6. Norwood Parade Precinct Committee.

BACKGROUND

Section 41 of the *Local Government Act 1999* (the Act), provides the decision making framework for councils and sets out the requirements in terms of the conduct of Council meetings as part of the decision making process.

The Act makes provision for the establishment of committees to assist the Council in the performance of its functions. Specifically, Section 126 of the Act requires Councils to establish an Audit & Risk Committee.

Section 41 of the Act stipulates that Councils may also establish Committees to assist the Council in the performance of its functions.

However, in accordance with the Act, at the conclusion of the 2022 Local Government Election, all Committees, including the Council's Audit Committee which were established by the former Council, were disbanded and therefore are no longer in operation.

This report presents the draft Terms of Reference to the Council for consideration to enable the Council to establish the prescribed Audit Committee and a number of discretionary committees to assist the Council as part of its decision making framework.

RELEVANT POLICIES & STRATEGIC DIRECTIONS

Not Applicable.

DISCUSSION

1. Audit & Risk Committee

The principal objective of the Audit & Risk Committee (the Committee) is to provide independent assurance and advice to the Council on accounting, financial management, internal controls, risk management and governance matters, to assist the Council in discharging its responsibilities that facilitates the organisation's environmental, social, governance and economic development.

Recent amendments to the *Local Government Act 1999* (the Act), have expanded the role of the Audit Committee and the title of the Committee has changed to the 'Audit and Risk Committee'. The intention of the amendments is to provide better quality, independent advice to Councils on a range of critical financial, governance and risk management matters.

Whilst the changes to the Act (ie changing the Committee and its functions to the Audit & Risk Committee), must be implemented by November 2023, as the Council is required to establish the Audit & Risk Committee following the 2022 Local Government Election, it is recommended that the Terms of Reference of the new Committee reflect the amended provisions as set out in Section 84 of the *Statutes Amendment (Local Government Review) Act 2021*.

As such, the functions of the Audit & Risk Committee, as set out in Draft Terms of Reference reflect the new requirements of the Act and include:

- monitoring the responsiveness of the council to recommendations for improvements based on previous audits and risk assessments, including those raised by the Council's Auditor;
- where the Council has an Internal Audit Function, provide oversight of planning and scoping of the internal audit work plan and reviewing and commenting on reports provided by the person primarily responsible for the internal audit function, at least on a quarterly basis;
- reviewing and evaluating the effectiveness of the policies, systems and procedures which the Council has in place which identify, assess, monitor, manage and review strategic, financial and operational risks; and
- reviewing Prudential Management Reports which are commissioned by the Council.

The duties and responsibilities have been reviewed with reference to the amendments to the Act and categorised under the following headings:

- Financial Reporting;
- External Audit;
- Internal Audit;
- Service Reviews;
- Internal Controls and Risk Management; and
- Other.

Given the emphasis on enhanced quality and increased independent advice, the Membership and Conditions of Appointment to the Audit & Risk Committee have also been reviewed and updated, to reflect the requirement to now have a majority of Independent Members and the required skillset, knowledge and experience for Committee Members (when considered as a whole).

The *Local Government (Financial Management) Regulations 2011*, set out the minimum and maximum numbers of Members the Audit & Risk Committee, which are set at a minimum of three (3) and a maximum of five (5) Members. It is recommended that the Committee Membership be retained at five (5) members, comprising of:

- the Mayor and one (1) Elected Member appointed by the Council; and
- three (3) Independent Members who are appointed by the Council.

At its meeting held on 24 October 2022, the Council's former Audit Committee considered a draft Terms of Reference for the new Audit & Risk Committee and recommended that the Council, when determining the Terms of Reference for the Committee take into account the draft Terms of Reference which was considered by the Committee, which included the membership arrangements of the Committee and the appointment of "two (2) Councillors, as determined by the Council" to the Committee.

The Audit & Risk Committee is a statutory Committee established to "provide independent assurance and advice to the council on accounting, financial management, internal controls, risk management and governance matters" (*Statutes Amendment (Local Government Review) Act 2021* Section 84(4)).

On the basis of this legislative requirement, the nature of the matters which fall within the role of the Committee and the role of the Mayor, and in particular the role of the Mayor as the Principal Spokesperson of the Council, it is recommended, as set out in the draft Terms of Reference contained within Attachment A, that the Mayor be appointed to the Committee.

On the basis that the Audit & Risk Committee is a new Committee, comprising new Independent Members who may not be well versed in the provisions of the *Local Government (Procedures at Meetings) Regulations 2013*, it is also recommended that the Council appoints the Mayor as the Presiding Member of the Audit & Risk Committee.

The Membership and Condition of Appointment clause contained within the draft Terms of Reference, establish the term of appointment for Elected Members and Independent Members to coincide with the Local Government Election cycle or for an alternative timeframe as determined by the Council, to provide the opportunity for rotation of Elected Members on the Audit & Risk Committee during the term of the Council.

It is recommended that the term of membership for Elected Members be retained at two (2) years, to allow for rotation of Elected Members during the term of the Council.

It is also recommended that the term of membership for Independent Members be set between three (3) to five (5) years to ensure an orderly rotation and continuity of membership, despite potential changes to the Council's Elected Member representatives who are appointed to the Committee by the Council.

In respect to the Independent Members, the Council will be required to call for Expressions of Interest from suitably qualified persons to be considered for appointment to the Committee.

An Expression of Interest will be prepared inviting suitably qualified persons to be appointed as Independent Members to the Committee, with the final selection of the Independent Members to be determined by the Council. Applicants will be required to submit a resume and a statement of interest.

The Sitting Fee applicable to the Independent Members of the former Audit Committee was \$440 per meeting. The Audit & Risk Committee generally meets four (4) times a year. The Elected Members appointed to the Committee are not paid a Sitting Fee.

It is recommended that the Sitting Fee of \$440 per Meeting for Independent Members be retained at the current rate.

A copy of the draft Terms of Reference for the Audit & Risk Committee is contained within **Attachment A**.

2. Council Assessment Panel

The Council Assessment Panel (CAP) commenced operation on 1 October 2017. The CAP replaced the former Development Assessment Panel (DAP), in accordance with the provisions of the *Planning, Development and Infrastructure Act 2016*, (PDI Act).

The CAP is responsible for the assessment of a range of Development Applications which Council staff do not have delegated authority to assess.

The CAP is required to have a maximum of five (5) Members, one of which may be an Elected Member of the Council.

Members, other than Elected Members, are required to have relevant expertise and be an 'accredited professional', pursuant to requirements of the PDI Act.

The Specialist External Members on the CAP include:

- Mr Terry Mosel (as Presiding Member);
- Ms Jenny Newman;
- Mr Mark Adcock; and
- Mr Ross Bateup.

The Specialist External Members of the CAP have been appointed by the Council until 18 April 2024.

As former Councillor John Minney was not re-elected as part of the 2022 Local Government Election, and as such, his term has expired, there is now a vacancy on the CAP.

It is therefore necessary for the Council to appoint a replacement Member to the CAP. Such Member may either be an Elected Member of the Council or a Specialist External Member.

In this respect, it is recommended that the Council continue with its practise of appointing an Elected Member, which will ensure continued Elected Member representation on the CAP.

Whilst there is no legislative criteria in terms of the expertise or experience required of an Elected Member who is appointed to the CAP, it would be preferable for the appointed Elected Member to have had some experience with Development Assessment and/or Planning policy, such as through involvement with similar committees.

As former Councillor Carlo Dottore did not contest the 2022 Local Government Election, his term on the CAP has also expired.

The Council therefore may determine to appoint a Deputy Member to the CAP. A Deputy Member is not a legislative requirement however, a Deputy Member is beneficial as it allows an Elected Member to sit on the Panel on those occasions when the substantive sitting Elected Member is unable to attend CAP meetings.

As the term of membership of the Specialist External Members of the CAP does not expire until 18 April 2024, there is no need to review their appointment at this time. Similarly, it is not considered necessary to review the delegations of the CAP at this time, as that will also occur upon review of the membership arrangements prior to 18 April 2024.

It is recommended that the term of the new Member and Deputy Member commence at the date of the next scheduled meeting of the CAP (19 December 2022) and conclude on 18 April 2024, to align with the term of the current Members of the CAP.

A copy of the Terms of Reference for the Council Assessment Panel (for information purposes only) is attached, however there is no need for the Council to consider or approve the Terms of Reference for the CAP at this meeting. The Manager Development Assessment will undertake a review of the Terms of Reference early in 2023 to coincide with the two (2) year anniversary of the introduction of the *Planning, Development & Infrastructure Act 2016*.

A copy of the Terms of Reference for the Council Assessment Panel (for information purposes only), is contained within **Attachment B**.

3. St Peters Child Care Centre & Pre-School Committee

The St Peters Child Care Centre & Pre-School Committee has provided valuable assistance in the general oversight of issues associated with child welfare and programme safety.

It is for these reasons that the re-establishment of the St Peters Child Care Centre & Pre-School Committee is being recommended to the Council.

The proposed role of the St Peters Child Care Centre & Pre-School, as set out in the draft Terms of Reference, is as follows:

- to provide comments and oversight on the implementation of the Centre's Strategic Plan and Business Plan; and
- to undertake, under the direction of the Council and on behalf of the Council, the general oversight of issues related to child welfare and programme safety of the Centre.

The draft Terms of Reference specify that the Committee will continue to operate until 31 October 2024.

In addition, the draft Terms of Reference set out the Membership arrangements of the Committee as follows:

- two (2) Elected Members as determined by resolution of the Council; and
- three (3) Parent/Carer Representatives as determined by the Chief Executive Officer.

The Terms of Reference also stipulate that the Council will appoint the Presiding Member and that the Presiding Member shall be an Elected Member.

A copy of the draft Terms of Reference for the St Peters Child Care Centre & Pre-school Committee is contained within **Attachment C**.

4. Traffic Management & Road Safety Committee

In 2012, the Council undertook a detailed review of how it considers and addresses traffic management issues.

At the conclusion of the review, the Council made a number of decisions with respect to this matter, including:

- the adoption of the Local Area Traffic Management Policy; and
- the establishment of the Traffic Management & Road Safety Committee.

The objective of the Traffic Management & Road Safety Committee is to:

- make a final determination on traffic management issues which are referred to the Committee as provided for and in accordance with the requirements of the Council's Local Area Traffic Management Policy ("the Policy"); and
- to consider proposals and recommendations regarding parking which seek to improve road safety throughout the City (noting that the Committee has not responsibility for general car parking issues).

The Committee comprises six (6) members - three (3) Elected Members, and three (3) Specialist Independent Members with qualifications and experience in traffic management and/or road safety.

Prior to the 2022 Local Government Election, the Traffic Management & Road Safety Committee comprised the following Members:

- Cr Kevin Duke (Presiding Member);
- Cr Carlo Dottore (former Councillor);
- Cr Fay Patterson (former Councillor);
- Mr Shane Foley (Specialist Independent Member);
- Mr Nick Meredith (Specialist Independent Member) and;
- Mr Charles Mountain (Specialist Independent Member).

Mr Foley is a traffic and transport planning consultant with over 40 years' experience and is a Member of the Australian Institute of Traffic Planning and Management.

Mr Meredith has approximately 40 years' experience as a Traffic Engineer with the Department of Planning, Transport & Infrastructure and in the private sector.

Mr Mountain is employed as the Senior Manager, Road Safety at the RAA and has held previous positions as Traffic Engineer at the Cities of Adelaide and Unley.

Mr Foley, Mr Mountain and Mr Meredith have all expressed a desire and interest to be re-appointed to the Committee.

Advice is also obtained from SAPOL regarding traffic management and road safety matters as required, by the Manager, Traffic & Integrated Transport.

The sitting fee applicable to the Specialist Independent Members of the former Traffic Management & Road Safety Committee was \$300 per meeting, however, it is recommended that this be increased to \$400 per meeting to be more commensurate with current day remuneration expectations for committees of this nature.

The Elected Members appointed to the Committee have previously not been paid a Sitting Fee. The draft Terms of Reference stipulate that the Presiding Member of the Committee will be determined by the Committee at the first meeting of the Committee.

The term of the Committee is two (2) years.

Given the difficulty in sourcing traffic management specialists to sit on Committees such as this and given that the existing Specialist Independent Members wish to continue, it is recommended that Mr Shane Foley, Mr Charles Mountain and Mr Nick Meredith be appointed to the Committee.

A copy of the draft Terms of Reference for the Traffic Management & Road Safety Committee is contained within **Attachment D**.

5. Business & Economic Development Advisory Committee

The former Business & Economic Development Committee was established by the Council to provide advice to the Council in respect to business and economic development. The Committee traditionally included five (5) representatives from across a range of business sectors. The Committee's structure was designed to ensure that the Council takes a 'whole-of-city' approach to business and economic development and to provide high level strategic advice to the Council.

Given the impact that the Pandemic has had on many business sectors over the last two (2) years, the current economic climate both nationally and internationally and the importance of having a strong economy to contribute to a healthy community, it is proposed that the number of independent members be increased from five (5) to seven (7) in an attempt to incorporate a broader skill set and provide the Council with well-informed contemporary expert advice.

The membership arrangements of the Committee therefore reflect this recommendation and are set out in Clause 3 of the draft Terms of Reference, as follows:

- the Mayor;
- two (2) Councillors; and
- seven (7) Specialist Members with a background and experience in (but not limited to) business and economic development, multimedia, tourism, strategic planning, property, marketing or similar areas of expertise and who are regarded as leading practitioners in their respective fields.

Clause 3.3 of the Terms of Reference provides for Members of the Committee to be appointed for a term of two (2) years, or an alternative period, as determined by the Council.

Subject to the Council's decision to re-establish the Committee, a call for Expressions of Interest from suitably qualified persons to be appointed to the Committee as Specialist Members will be undertaken.

Following the conclusion of the Expressions of Interest period, appointment of the Specialist Members will be made by the Council. Applicants will be required to submit a resume and a statement of interest.

The Terms of Reference for this Committee focuses predominately on providing high level strategic advice on economic development matters and employment growth opportunities in the City of Norwood Payneham & St Peters, as well as having oversight of the implementation of the Council's Business & Economic Development Strategy.

On the basis that the Council is seeking input from professional Specialist Members, it is recommended that the Specialist Members who are appointed to the Committee, receive a sitting fee of \$300 for each meeting they attend.

The Council currently pays a sitting fee to external independent members of the Council Assessment Panel, Audit Committee, Traffic Management & Road Safety Committee (and the former Quadrennial Public Art Panel), on the basis that the external members are suitably qualified experts in their relevant fields and have therefore, been appointed to their role on the basis of their skills and knowledge.

Unlike these Committees, the Business & Economic Development Advisory Committee has never offered a sitting fee to its independent members. Given the current state of the employment market and the shortage of qualified experts, it is anticipated that a sitting fee will help to attract a higher calibre of experts willing to provide their time to assist the Council. It is for these reasons that a sitting fee should be applicable to external experts appointed to the Business & Economic Development Advisory Committee.

A copy of the draft Terms of Reference for the Business & Economic Development Advisory Committee is contained within **Attachment E**.

6. Norwood Parade Precinct Committee

There has been significant progress made in the area of business and economic development over the last few years, however, remaining contemporary and relevant is necessary if the Council is to respond successfully to the ever changing business and economic climate. Given the current state (and projected state) of the State's economy, the role of Local Government in this area is fundamentally important.

In respect to the City's business precincts and in particular the Norwood Parade Precinct, the contribution and support of the Council is extremely important if these precincts are going to continue to thrive in this ever changing economic climate. In addition, given the successful delivery of a number of economic based initiatives over the last few years there is also a high expectation from the business community that a Committee for the Norwood Parade Precinct be established to oversee the marketing and promotion of this Precinct.

Unique to the Norwood Parade Precinct, the Council has set in place a Separate Rate for the Norwood Parade Precinct (which will expire at the end of the 2023-2024 Financial Year, and therefore there is an expectation (and indeed a legislative requirement) that these funds will be expended in the manner which has been approved by the Council.

The Terms of Reference for The Parade Precinct Committee require the Committee to maintain a strategic focus, which if executed correctly, will ensure that the outputs and outcomes, which the Council has set, are able to be delivered, given the tight resource environment within which all function areas of the organisation are required to operate within.

The Norwood Parade Precinct Committee's primary function is to determine an Annual Business Plan and Budget for the Council's consideration and approval and to have oversight of the implementation of the Annual Business Plan, following its approval by the Council. In addition, the Committee has oversight of the implementation of the approved marketing and promotional plan for The Parade.

The membership arrangements of the Committee are set out in Clause 3 of the draft Terms of Reference, which specify the membership of the Committee as set out below:

- the Mayor;
- two (2) Councillors; and
- eight (8) representatives who must be either a current property owner/trader/business owner, currently trading or owning a property within the Precinct boundaries as defined by Map 1 (attached), selected and appointed by the Council as representing, in the opinion of the Council, the interests of business and property owners within the Norwood Parade Precinct.

Clause 3.4 of the Terms of Reference provides for Members of the Committee to be appointed for the term of the Committee (31 October 2024) or an alternative period, as determined by the Council.

Subject to the Council's decision to re-establish the Committee, a call for Expressions of Interest from suitably qualified persons to be appointed to the Committee as External Members will be undertaken.

Following the call for Expressions of Interest, the final selection of the External Members will be provided to the Council for approval. Applicants will be required to submit a statement of interest.

There is no sitting fee for Members of this Committee.

A copy of the draft Terms of Reference for the Norwood Parade Precinct Committee is contained within **Attachment F**.

Cultural Heritage Committee

The Council's Cultural Heritage Program requires a methodical and planned approach to ensure that its implementation is approached from a City-wide perspective. The Council has previously established a Cultural Heritage Committee which has provided oversight of the implementation of the Council's Cultural Heritage Program.

However, on the basis that a review of this function is being undertaken and that recruitment for a new Cultural Heritage Advisor is currently in progress, it is recommended that the Council gives consideration to the establishment of the Cultural Heritage Committee following the appointment of the successful candidate in the new year.

RECOMMENDATION

Audit & Risk Committee

1. That pursuant to Section 41 of the *Local Government Act 1999*, the Council establishes the City of Norwood Payneham & St Peters Audit & Risk Committee, in accordance with the Terms of Reference as contained in Attachment A.
2. That the City of Norwood Payneham & St Peters Audit Committee comprise five (5) Members made up of the Mayor and one (1) Councillor of the City of Norwood Payneham & St Peters and three (3) Independent Members, who have qualifications and experience relevant to the functions of the Audit & Risk Committee.
3. That the following Elected Member be appointed to the City of Norwood Payneham & St Peters Audit Committee for the term of the Committee:

Cr _____
4. That Mayor Bria be appointed as the Presiding Member of the City of Norwood Payneham & St Peters Audit & Risk Committee for the term of the Committee.
5. That Expressions of Interest for the Independent Members to be appointed to the City of Norwood Payneham & St Peters Audit & Risk Committee for the term of the Committee be sought from suitably qualified people for consideration and appointment by the Council.
6. That a report be prepared for the Council's consideration following the closure of Expressions of Interest in order to enable the Council to appoint Members to the Committee.
7. That the Sitting Fee applicable to the Independent Members of the Audit & Risk Committee be set at \$400 per meeting.

Council Assessment Panel

1. That _____ be and is hereby appointed to the City of Norwood Payneham & St Peters Council Assessment Panel for a period commencing on 19 December 2022 until 18 April 2024.
2. That _____ be and is hereby appointed as the Deputy Member to the City of Norwood Payneham & St Peters Council Assessment Panel for a period commencing on 19 December 2022 until 18 April 2022.

St Peters Child Care Centre & Pre-School Committee

1. That pursuant to Section 41 of the *Local Government Act 1999*, the Council establishes the St Peters Child Care Centre & Pre-School Committee, in accordance with the Terms of Reference as contained in Attachment C.
2. That the following Elected Members be appointed to the Committee:

_____ ; and
_____.
3. That _____ be appointed as the Presiding Member.

Traffic Management & Road Safety Committee

1. That pursuant to Section 41 of the *Local Government Act 1999*, the Council establishes the Traffic Management & Road Safety Committee, in accordance with the Terms of Reference as contained in Attachment D.
2. That the following Elected Members be appointed to the Committee:

_____ ;
_____ ; and
_____.
3. That the following Specialist Independent Members be appointed to the Committee:

Mr Shane Foley;
Mr Nick Meredith; and
Mr Charles Mountain.
4. That the Sitting Fee applicable to the Independent Members of the Traffic Management & Road Safety Committee be set at \$400.00 per meeting.

Business & Economic Development Advisory Committee

1. That pursuant to Section 41 of the *Local Government Act 1999*, the Council establishes the City of Norwood Payneham & St Peters Business & Economic Development Advisory Committee, in accordance with the Terms of Reference as contained in Attachment E.
2. That the City of Norwood Payneham & St Peters Business & Economic Development Advisory Committee comprise ten (10) Members made up of the Mayor, two (2) Councillors of the City of Norwood Payneham & St Peters and seven (7) Specialist Members, who have qualifications and experience relevant to the functions of the Business & Economic Development Advisory Committee.
3. That Mayor Bria and the following two (2) Councillors be appointed to the City of Norwood Payneham & St Peters Business & Economic Development Advisory Committee for the term of the Committee:

Cr _____ ; and
Cr _____.
4. That Mayor Bria be appointed as the Presiding Member of the City of Norwood Payneham & St Peters Business & Economic Development Advisory Committee for the term of the Committee.
5. That Expressions of Interest for the Independent Members to be appointed to the City of Norwood Payneham & St Peters Business & Economic Development Advisory Committee for the term of the Committee be sought from suitably qualified people for consideration by the Council.

6. That a report be prepared for the Council's consideration following the closure of Expressions of Interest in order to enable the Council to appoint Members to the Committee.
7. That the Sitting Fee applicable to the Independent Members of the Business & Economic Development Advisory Committee be set at \$300.00 per meeting.

Norwood Parade Precinct Committee

1. That pursuant to Section 41 of the *Local Government Act 1999*, the Council establishes the City of Norwood Payneham & St Peters Norwood Parade Precinct Committee, in accordance with the Terms of Reference as contained in Attachment F.
2. That the City of Norwood Payneham & St Peters Norwood Parade Precinct Committee comprise eleven (11) Members made up of the Mayor, two (2) Councillors of the City of Norwood Payneham & St Peters and eight (8) Members who must be either a current property owner/trader/business owner, currently trading or owning a property within the Precinct boundaries.
3. That Mayor Bria and the following two (2) Councillors be appointed to the City of Norwood Payneham & St Peters Norwood Parade Precinct Committee for the term of the Committee:

Cr _____; and
Cr _____.
4. That Expressions of Interest for the Independent Members to be appointed to the City of Norwood Payneham & St Peters Norwood Parade Precinct Committee for the term of the Committee be sought from current property owners/ traders/business owners, currently trading or owning a property within the Precinct boundaries as defined by Map 1.
5. That a report be prepared for the Council's consideration following the closure of Expressions of Interest in order to enable the Council to appoint Members to the Committee.

Attachments – Item 11.7

Attachment A

Establishment of Committees

Audit & Risk Committee

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

Telephone 8366 4555
Facsimile 8332 6338
Email townhall@npsp.sa.gov.au
Website www.npsp.sa.gov.au



City of
**Norwood
Payneham
& St Peters**



City of
Norwood
Payneham
& St Peters

AUDIT & RISK COMMITTEE

TERMS OF REFERENCE

1. ESTABLISHMENT

- 1.1. The City of Norwood Payneham & St Peters Audit & Risk Committee is established under Section 41 of the *Local Government Act 1999* and the Regulations thereunder, for the purposes of Section 126 of the *Local Government Act 1999*.
- 1.2. The Committee will be known as the Audit & Risk Committee.
- 1.3. These Terms of Reference were adopted by the Council on _____ 2022.

2. PURPOSE

The Audit & Risk Committee is an independent advisory Committee of the Council.

The purpose of an audit and risk committee established by a council is to provide independent assurance and advice to the council on accounting, financial management, internal controls, risk management and governance matters.

3. FUNCTION

- 3.1. The functions of the Audit & Risk Committee include:
 - a) reviewing Annual Financial Statements to ensure that the Statements present fairly the state of affairs of the Council; and
 - b) proposing, and providing information relevant to, a review of the Council's strategic management plans or annual business plan; and
 - c) monitoring the responsiveness of the Council to recommendations for improvement based on previous audits and risk assessments, including those raised by the Council's External Auditor; and
 - d) proposing, and reviewing, the exercise of powers under Section 130A of the *Local Government Act 1999*; and
 - e) liaising with the Council's External Auditor in accordance with any requirements prescribed by the regulations; and
 - f) reviewing the adequacy of the accounting, internal controls, reporting and other financial management systems and practices of the Council on a regular basis; and
 - g) providing oversight of planning and scoping of the Internal Audit work plan; and
 - h) reviewing and commenting on reports provided by the person primarily responsible for the Internal Audit function at least on a quarterly basis; and
 - i) reviewing and evaluating the effectiveness of policies, systems and procedures established and maintained for the identification, assessment, monitoring, management and review of strategic, financial and operational risks on a regular basis; and
 - j) reviewing any report obtained by the Council pursuant to Section 48(1) of the *Local Government Act 1999*; and
 - k) performing any other function determined by the Council or prescribed by the regulations.

4. DELEGATED AUTHORITY

- 4.1 Pursuant to Section 44 of the *Local Government Act 1999*, the Audit & Risk Committee does not enjoy the delegation of any powers, functions and duties of the Council. All decisions of the Committee will, therefore, constitute only recommendations to the Council.

5. DUTIES AND RESPONSIBILITIES

- 5.1 To ensure the purpose and functions of the Audit & Risk Committee are delivered, the duties and responsibilities of the Audit & Risk Committee are as follows:

Financial Reporting

- a) Review the Council's draft Annual Financial Statements, focusing on:
 - accounting policies and practices and changes therewith;
 - the process used in making significant accounting estimates;
 - significant adjustments to the financial report (if any) arising from the audit process;
 - compliance with accounting standards and other reporting requirements; and
 - significant variances from prior years.
- b) Recommend adoption of the Annual Financial Report to the Council and review any significant changes that may arise subsequent to any such recommendation but prior to the financial report being signed.
- c) Discuss with the External Auditor, issues arising from the audit of the Annual Financial Statement, including any management letter which is issued by the Auditor and the resolution of such matters.
- d) Review the Council's strategic management plans, which includes the Annual Business Plan and Budget, Long Term Financial Plan, Corporate Plan and Asset Management Plans and provide recommendations to the Council regarding actions which may be taken to enhance financial governance and sustainability.
- e) Review Prudential Management reports which are prepared pursuant to Section 48 of the *Local Government Act 1999* and recommendations contained in business cases developed by, or for, the Council in respect of significant activities, commercial services or major projects. The Audit and Risk Committee will consider prudential management principles when undertaking a review.

External Audit

- a) Review and recommend for endorsement by the Council the engagement of the External Auditor.
- b) Review the scope of the External Audit Plan and programme and the effectiveness of the proposed external audit work. This review should consider whether, over a period of years, the External Audit Plan systemically addresses:
 - i. internal controls over significant areas of risk, including non-financial management control systems;
 - ii. internal controls over revenue, expenditure, assets and liability processes;
 - iii. the efficiency, effectiveness and economy of significant Council programmes; and
 - iv. compliance with regulation, policies, best practice guidelines, instructions and contractual arrangements.
- f) Critically analyse and follow up any External Audit Report which raises significant issues relating to risk management, internal controls, financial reporting, governance issues and any other matters relevant under the Committee's Terms of Reference and review management's response to and actions taken as a result of the issues raised.
- g) Review the appropriateness of special external audit assignments undertaken by external audit at the request of the Council or the Chief Executive Officer.

Internal Audit

- a) Review and recommend for endorsement by the Council the engagement of the Internal Auditor.
- b) Review the scope of the Internal Audit Plan and Programme and the effectiveness of the proposed Internal Audit Work. This review should consider whether, over a period of years, the Internal Audit Plan systemically addresses:
 - internal controls over significant areas of risk, including non-financial management control systems;
 - the efficiency, effectiveness and economy of significant Council programmes
 - compliance with relevant legislation, policies, best practice guidelines, instructions and contractual arrangements; and
 - business improvement and performance efficiency reviews.
- c) Monitor that the Internal Annual Work Plan is linked with and covers the material business risks.
- d) Review all audit reports and provide advice to the Council on significant issues identified in audit reports and action to be taken on issues raised, including identification and dissemination of best practice.
- e) Monitor management's implementation of audit recommendations.

Service Reviews

- a) Review the appropriateness of special assignments which are undertaken by the Internal audit and service reviews.
- b) Review and provide advice on service reviews and in particular:
 - the scope of the review before it is commenced;
 - input into the questions to be asked and the data to be collected and analysed; and
 - comment on all draft service review reports before the final report is presented to the Council.
- c) Review the level of resources allocated to service reviews and the scope of the review and authority.
- d) Facilitate liaison between the internal audit/service review provider and external Auditor to promote compatibility, to the extent appropriate, between their programs.

Internal Controls and Risk Management

- a) Review whether management has in place relevant policies and procedures and that the policies and procedures are periodically reviewed and updated as required.
- b) Review whether appropriate policies and supporting procedures are in place for the management and exercise of delegations.
- c) Review the adequacy of the Council's Internal Financial Controls against the *Better Practice Model—Internal Financial Controls*.
- d) Monitor the risk exposure of the Council by determining if appropriate risk management processes and adequate management information systems are in place. The Audit & Risk Committee will review, at least annually, the Council's Risk Register, Risk Strategy and mitigation measures.
- e) Provide comments to the Council on the appropriateness of the Council's risk framework, risk appetite and management of risks as required.
- f) Receive and provide advice to the Council on any risk or governance audits which are undertaken on the Council and its activities.
- g) Monitor the progress of any major litigation against the Council.

Other

- a) Keep informed of the findings of any examinations by regulatory agencies and any auditor (external) observations and monitor management's response to these findings.
- b) Obtain regular updates from management about compliance matters.

- c) Monitor ethical standards and related party transactions by determining whether the systems of control are adequate.
- d) Review issues relating to National Competition Policy, financial reporting by the organisation and comparative performance indicators.
- e) Identify and refer specific projects or investigations deemed necessary through the Chief Executive Officer and the Council if appropriate and have oversight of any subsequent investigations, including the investigation of any suspected cases of fraud within the organisation.
- f) Address issues which are brought to the attention of the Audit & Risk Committee, including responding to requests from the Council for advice in respect to issues which are within the parameters of the Committee's Terms of Reference.
- g) Review the annual performance statement and recommend its adoption to the Council.
- h) The Audit & Risk Committee in conjunction with the Council and the Chief Executive Officer should develop the Committee's performance indicators.

5.2 The Audit & Risk Committee, through the Chief Executive Officer and following authorisation from the Council and within the scope of its responsibilities, may seek information or obtain expert advice on matters as required.

6. MEMBERSHIP AND CONDITIONS OF APPOINTMENT

6.1 Membership of the Committee will comprise:

- the Mayor and one (1) Councillor as determined by the Council; and
- three (3) Independent Members who are appointed by the Council and who are determined by the Council to have experience relevant to the functions of the Audit & Risk Committee.

Elected Member Representatives

- Elected Members will be appointed for a term of two (2) years or some other period as determined by the Council.
- The Council may resolve to re-appoint the Councillors to this Committee for consecutive terms.

Independent Members

- Independent Members will have senior business, financial management/reporting, governance, legal and risk management knowledge and experience, in particular, experience relevant to the functions of the Council's Audit & Risk Committee and be conversant with the financial and other reporting requirements.
- A Selection Panel comprising the Mayor and the Chief Executive Officer and the Councillors appointed to the Audit & Risk Committee or as otherwise determined by the Council will evaluate potential independent Members,
- The assessment of the candidates shall take into account the experience and qualifications of candidates and their ability to apply appropriate analytical and strategic management skills.
- The appointment of Independent Members will be subject to the endorsement of the Selection Panels' recommendation by the Council.
- The term of the appointment will be determined by the Council. To ensure succession planning for the Committee, the term of the appointment should be arranged to ensure an orderly rotation and continuity of membership.
- The Council may resolve to re-appoint the Independent Members to this Committee for consecutive terms.
- Where a vacancy exists, Expressions of Interest from Independent Members shall be made by the Council by way of a public advertisement.
- Remuneration will be paid to each Independent Member of the Committee (based on a set fee per meeting attended) as determined by the Council.

6.2 The Council will appoint the Presiding Member of the Committee.

6.3 The role of the Presiding Member is to:

- oversee and facilitate the conduct of meetings in accordance with the *Local Government Act 1999* and *Local Government (Procedures at Meetings) Regulations 2013*;
- ensure that the Guiding Principles set out in Regulation 5 of the *Local Government (Procedures at Meetings) Regulations 2013*, are observed and that all Committee members have an opportunity to participate in discussions in an open and responsible manner; and
- call the meeting to order and move the debate towards finalisation when a matter has been debated significantly and no new information is being discussed.

7. REMOVAL OF A MEMBER

7.1 Membership of the Audit & Risk Committee continues for the respective Members' term of appointment, unless a Member resigns from the Committee or is removed earlier by resolution of Council.

7.2 If the Council proposes to remove a Member of the Committee, it must give written notice to the Member of its intention to do so and provide that Member with the opportunity to be heard at a Council meeting which is open to the public, if that Member so requests.

8. OPERATIONAL MATTERS

8.1. The Committee shall act at all times in strict accordance with the *Local Government Act 1999* and any other relevant legislation.

8.2 In particular, the Committee shall act at all times in strict accordance with the *Local Government Act 1999* and Part 2 of the *Local Government (Procedures at Meetings) Regulations 2013*, provided that the Committee may alter in whole or in part the application of Part 2 of the Regulations, where it forms the opinion that such alterations are necessary for the better operation of its meetings.

8.3 The Committee shall meet at the Council's Principal Officer, the Norwood Town Hall, 175 The Parade, Norwood, in accordance with the responsibilities imposed upon it at Clause 5 of these Terms of Reference and otherwise on such dates and at such times as the Presiding Member of the Committee or the Committee, by resolution, may determine.

8.4 A quorum for a meeting of the Committee shall be three (3) Members of the Committee, two (2) of whom shall be Independent Members.

8.5 If the Presiding Member of the Committee is absent from a meeting, then the Members present will determine between themselves who will preside at the meeting.

8.6 All decisions of the Committee shall be made on the basis of a majority decision of the members present.

8.7 Insofar as the *Local Government Act 1999* (and associated Regulations) and these Terms of Reference do not prescribe the procedure to be observed in relation to the conduct of a meeting of the Committee, the Committee may determine its own procedure.

9. MEETINGS

9.1 The Committee shall meet at least quarterly (i.e., at least four (4) times each year) at appropriate times in the reporting and audit cycle and otherwise as required.

9.2 A schedule of meetings will be developed and agreed to by the Committee, or as determined by the Chief Executive Officer.

As an indicative guide, meetings will be arranged to coincide with relevant Council reporting deadlines, the development of Strategic Plans, the Annual Business Plan and Budgets and to coincide with the finalisation of the Financial Statements and the draft Annual Report to the Minister.

- 9.3 Notice of each meeting confirming the venue, time and date, together with an Agenda of items to be discussed, shall be forwarded to each Member of the Audit & Risk Committee, no later than three (3) clear business days before the date of the meeting. Supporting papers, reports and documents shall be sent to the Members of the Audit & Risk Committee at the same time.
- 9.4 Additional meetings shall be convened at the discretion of the Presiding Member or at the written request of the Chief Executive Officer, any member of the Committee or the External Auditor.
- 9.5 Representatives of the External Auditor as appointed by the Council may be invited to attend at the discretion of the Presiding Member but **must** attend meetings at which the draft Annual Financial Report and results of the External Audit are considered.
- 9.6 The Council shall provide secretarial and administrative support to the Committee, through the Chief Executive Officer or their delegate.

10. REPORTING TO THE COUNCIL

- 10.1 Pursuant to Section 41(8) of the *Local Government Act 1999*, all decisions of the Audit & Risk Committee will be referred to the Council as recommendations of the Committee. The reporting of the decisions of the Committee in this manner, will satisfy the requirements of Section 41(8) of the *Local Government Act 1999*.
- 10.2 In addition, the Committee shall report annually to the Council summarising the activities of the Committee during the previous financial year, with a copy of the Annual Report of the Audit & Risk Committee included in the Council's Annual Report.

11. MINUTES OF MEETINGS

- 11.1 The Chief Executive Officer shall ensure that the proceedings and resolutions of all meetings of the Audit & Risk Committee, including recording the names of those present and in attendance, are minuted and that the Minutes otherwise comply with the requirements of the *Local Government (Procedures at Meetings) Regulations 2013*.
- 11.2 Minutes of the Audit & Risk Committee meetings shall be circulated within five (5) days after a meeting to all Members of the Audit & Risk Committee and to all Members of the Council and will (as appropriate) be available to the public.

12. TERM OF THE COMMITTEE

- 12.1 The Committee will be wound up without further action by the Council at the conclusion of the term of the Committee.
- 12.2 The term of the Committee expires on 31 October 2026.

Attachment B

Establishment of Committees

Council Assessment Panel

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

Telephone 8366 4555
Facsimile 8332 6338
Email townhall@npsp.sa.gov.au
Website www.npsp.sa.gov.au



City of
**Norwood
Payneham
& St Peters**



COUNCIL ASSESSMENT PANEL

TERMS OF REFERENCE

Adopted 10 February 2021

1. ESTABLISHMENT

- 1.1 The City of Norwood Payneham & St Peters Council Assessment Panel (**CAP**) was appointed as a relevant authority under Section 82 and 83 of the *Planning, Development and Infrastructure Act 2016 (Act)* by resolution of the City of Norwood Payneham & St Peters (**the Council**) on 4 September 2017.
- 1.2 The CAP is a relevant authority under the Act and, during transition to the Act, will act as a delegate of the Council for the purpose of the *Development Act 1993*.

2. MEMBERSHIP OF COUNCIL ASSESSMENT PANEL

Appointment of Members

- 2.1 The CAP will be constituted of 5 Members (**CAP Members**), to be appointed by the Council, comprising:
 - 2.1.1 one Member of the Council (**Council Member**); and
 - 2.1.2 4 Independent Members (**Specialist External Members**), not being Members of the Council or State Parliament.
- 2.2 The Council may determine that the CAP will be constituted by a different number of members for different classes of development, in which case the relevant details will be specified by the Council.
- 2.3 When appointing CAP Members, the Council may have regard to the following:
 - 2.3.1 the candidate's knowledge of the operation and requirements of the Act and, during transition to the Act, the Development Act;
 - 2.3.2 in relation to Independent Members, the candidate's qualifications or experience in a field that is relevant to the activities of the CAP;
 - 2.3.3 in relation to the Council Member, the candidate's experience in local government;
 - 2.3.4 that a balance of qualifications and experience among CAP Members is desirable;
 - 2.3.5 that gender diversity among CAP Members is desirable; and
 - 2.3.6 such other matters as the Council considers relevant.

Appointment of Deputy Members

- 2.4 The Council may appoint one or more Deputy Members to the CAP for the purpose of filling in for a CAP Member who is unable to attend a CAP meeting or part of a CAP meeting.
- 2.5 Subject to clause 2.6, a Deputy Member must not be a Member of the Council or State Parliament.
- 2.6 Where a Deputy Member appointed for the Council Member is also a member of the Council, that person may not act as a deputy for any other CAP Member (whereas a Deputy Member who is not a member of the Council may act as a deputy for any CAP Member).
- 2.7 Where more than one Deputy Member is appointed, the Council must specify the circumstances in which each Deputy Members (or any one or more of them) will be invited to attend a CAP meeting.
- 2.8 In appointing a Deputy Member, the Council may have regard to the matters in clause 2.3, as well as to the qualifications and experience of the CAP Member or CAP Members to whom the candidate will be a deputy.
- 2.9 Unless the context otherwise requires, a reference to a CAP Member in this document includes a Deputy Member.

Expression of Interest

- 2.10 The Council will call for expressions of interest for appointment of CAP Members. The nature and extent of the call for expressions of interest may change from time to time at the discretion of the Assessment Manager.

Presiding Member and Acting Presiding Member

- 2.11 The Council will appoint a Specialist External Member to be the Presiding Member of the CAP for such term and on such conditions as determined by the Council.
- 2.12 The Presiding Member will preside at any CAP meeting at which he or she is present.
- 2.13 In the event that the Presiding Member is not present at a meeting (or part thereof) an Acting Presiding Member will be appointed by those CAP Members who are present at the meeting.
- 2.14 A Presiding Members is eligible to be reappointed as the Presiding Member at the expiry of his or her term of office as Presiding Member.
- 2.15 In the event that the Presiding Member resigns or is removed from office, the Council will appoint an Independent Member to be the Presiding Member for such term and on such conditions as determined by the Council.

Term of Appointment

- 2.16 Subject to clause 5, Independent Members will be appointed for a term of up to two (2) years and on such other conditions as determined by the Council.
- 2.17 Subject to clause 5, the Council Member will be appointed for a term of up to two (2) years and on such other conditions as determined by the Council.
- 2.18 Deputy Members will be appointed for a term of up to two (2) years and on such other conditions as determined by the Council.
- 2.19 A CAP Member is eligible for reappointment for a further term, or further terms, upon the expiry of his or her current term.
- 2.20 A CAP Member whose term of office has expired may nevertheless continue to act as a Member until the vacancy is filled or for a period of six months from the expiry of the Member's term of office, whichever occurs first.

3. VACANCY IN MEMBERSHIP

- 3.1 In the event of a vacancy arising in the office of a CAP Member, the Council may appoint a person to be a CAP Member for the balance of the original CAP Member's term of office as soon as is reasonably practicable in the same manner as the original CAP Member was appointed.
- 3.2 The CAP Member appointed to fill a vacancy may be a Deputy Member in which case that person will automatically cease to be a Deputy Member.
- 3.3 In appointing a CAP Member pursuant to clause 3.1, the Council may have regard to the matters in clause 2.2 or 2.8 as the case requires.
- 3.4 A vacancy in the membership of the CAP will not invalidate any decisions of the CAP, provided a quorum is maintained during meetings.

4. CONDITIONS OF APPOINTMENT

- 4.1 At all times, CAP Members must act honestly, lawfully, in good faith, and in accordance with any code of conduct applicable to CAP Members.
- 4.2 CAP Members may be remunerated as determined by the Council for the reasonable time and costs incurred by CAP Members in attending CAP meetings.
- 4.3 Different levels of remuneration may be fixed by the Council for Independent Members, the Council Member, the Presiding Member and Deputy Members.
- 4.4 Upon the commencement of Section 83(1)(c) of the Act:
- 4.4.1 CAP Members, excluding a Member who is a Member or former Member of the Council, must be accredited professionals under the Act; and
- 4.4.2 CAP Members who are Members or former Members of the Council must have sufficient experience in local government to satisfy the Council that they are appropriately qualified to act as a Member of the CAP.

5. REMOVAL FROM OFFICE

- 5.1 A CAP Member will automatically lose office where:
- 5.1.1 the CAP Member has become bankrupt or has applied to take the benefit of a law for the relief of insolvent debtors;
- 5.1.2 the CAP Member has been convicted of an indictable offence punishable by imprisonment;
- 5.1.3 in the case of a Council Member, the Member ceases to be a member of the Council.
- 5.2 Subject to Clause 5.4, the Council may by resolution remove a CAP Member from office where, in the opinion of the Council, the behaviour of the CAP Member amounts to:
- 5.2.1 a breach of a condition of his or her appointment as a CAP Member;
- 5.2.2 misconduct;
- 5.2.3 a breach of any legislative obligation or duty of a CAP Member;
- 5.2.4 neglect of duty in attending to role and responsibilities as a CAP Member;

- 5.2.5 a failure to carry out satisfactorily the duties of his or her office;
 - 5.2.6 a breach of fiduciary duty that arises by virtue of his or her office;
 - 5.2.7 inability to carry out satisfactorily the duties of his or her office.
 - 5.2.8 except in relation to Deputy Members, a failure without reasonable excuse to attend three consecutive CAP meetings without the CAP previously having resolved to grant a leave of absence to the CAP Member; or
 - 5.2.9 in relation to a Deputy Member, a failure without reasonable excuse on three consecutive occasions to attend a meeting of the CAP when requested to do so; or
 - 5.2.10 for any other reason the Council considers appropriate.
- 5.3 The removal of the CAP Member pursuant to clause 5.2 will take effect upon the Council passing a resolution to remove the CAP Member from office (unless the Council resolves otherwise), and such resolution will be confirmed in writing to the CAP Member within 7 days of being passed.
- 5.4 Prior to resolving to remove a CAP Member from office pursuant to clause 5.2, the Council must:
- 5.4.1 give written notice to the CAP Member of:
 - 5.4.1.1 its intention to remove the CAP Member from office pursuant to clause 5.2; and
 - 5.4.1.2 the alleged behaviour of the CAP Member falling within clause 5.2.1 or reason the Council considers it appropriate to remove the CAP Member, not less than 7 days before the meeting of the Council at which the matter is to be considered;
 - 5.4.2 give the CAP Member an opportunity to make submissions to the Council on its intention to remove the CAP Member from office either orally at the Council meeting at which the matter is to be considered, or in writing by such date as the Council reasonably determines; and
 - 5.4.3 have due regard to the CAP Member's submission in determining whether to remove the CAP Member from office.

6. DELEGATIONS

- 6.1 The Council Assessment Panel is responsible for assessing Development Applications lodged prior to 19 March 2021 in accordance with the delegations conferred by the Council pursuant to Section 34(23) of the *Development Act 1993*.
- 6.2 The Council Assessment Panel is responsible for assessing Development Applications lodged on or after 19 March 2021 in accordance with Section 93 of the *Planning, Development and Infrastructure Act 2016* and the delegations conferred by the Council Assessment Panel to the Assessment Manager pursuant to Section 100 of the *Planning, Development and Infrastructure Act 2016*.

7. COUNCIL ASSESSMENT PANEL MEETINGS

Ordinary Meetings

- 7.1 Subject to clause 7.2, ordinary meetings of the City of Norwood Payneham & St Peters Council Assessment Panel (**CAP**) will be held at such times and places as determined by the CAP.
- 7.2 The time and place of the first meeting of the CAP following its establishment will be determined by the Assessment Manager. The Assessment Manager must give notice of the first CAP meeting to the CAP and the public in accordance with clauses 7.4 and 7.6.
- 7.3 Notice of an ordinary meeting will be given to all CAP Members by the Assessment Manager not less than 3 clear days prior to the holding of the meeting in accordance with clause 7.4
- 7.4 Notice of a meeting of the CAP must:
- 7.4.1 be in writing;
 - 7.4.2 set out the date, time and place of the meeting;
 - 7.4.3 be signed by the Assessment Manager;
 - 7.4.4 contain or be accompanied by the agenda and any documents and/or reports that are to be considered at the meeting (in so far as practicable); and
 - 7.4.5 be given to a CAP Member personally, by post to a place authorised in writing by the Member or by other means authorised by the Member as being an available means of giving notice.
- 7.5 A notice that is not given in accordance with clause 7.4 is taken to have been validly given if the Assessment Manger considers it impracticable to give the notice in accordance with that clause and takes action the Assessment Manager considers reasonably practicable in the circumstances to bring the notice to the attention of the Member.
- 7.6 A copy of the agenda for all meetings of the CAP will be available for viewing by the public on the Council's website and at the Council's offices as soon as practicable after the time that notice of the meeting has been given to CAP Members.
- 7.7 The Assessment Manger may, with leave or at the request of the Presiding Member, include in the agenda an item to be considered at the meeting to which the agenda relates after notice of the meeting has been given to CAP Members. In such instance, the Assessment Manger shall provide an updated agenda and any documents and/or reports relating to that item to be considered at the meeting to Members as soon as practicable. The Assessment Manager will also make an updated agenda available to the public.
- 7.8 The Presiding Member may adjourn a CAP Meeting to a future date and time, unless the CAP resolves to continue the meeting.
- 7.9 Meetings of the Panel shall conclude at 11.00pm. In the event that matters are outstanding the meeting will be adjourned to reconvene on the fourth Monday of the month or as determined by the Council's Chief Executive Officer in consultation with the Presiding Member. However, the Presiding Member may use his/her discretion to extend the meeting by 15 minutes, provided that all Panel Members are in agreement to extend the meeting and provided that, in the opinion of the Presiding Member, there is a reasonable chance that the Panel's business will be concluded by 11.15pm.

Special Meetings

- 7.10 The Presiding Member, or two or more CAP Members, may by delivering a written request to the Assessment Manager require a special meeting of the CAP to be held. The written request must be accompanied by the agenda for the special meeting.
- 7.11 On receipt of a request pursuant to clause 7.10, the Assessment Manager must determine the date, time and place of the special meeting and give notice to all CAP members at least 4 hours before the commencement of the special meeting.

8. DEPUTY MEMBERS

- 8.1 If a CAP Member is unable or unwilling to attend a meeting or part of a meeting, he or she must use his or her best endeavours to notify the Presiding Member or Assessment Manager at his or her earliest opportunity.
- 8.2 If notification pursuant to clause 8.1 is given, the Presiding Member may request a Deputy Member attend the meeting in place of the CAP Member for the meeting or part of the meeting.
- 8.3 Unless the context otherwise requires, a reference to a Member in these Meeting Procedures includes a Deputy Member.

9. COMMENCEMENT OF MEETINGS

- 9.1 A quorum for a meeting of the Development Assessment Panel, shall be the total number of members of the Development Assessment Panel in office, divided by two (2) (ignoring any fraction) and adding one (1) and no business shall be transacted at a meeting unless a quorum is present.
- 9.2 Subject to a quorum being present, a meeting of the CAP will commence as soon as possible after the time specified in the notice of a meeting.
- 9.3 If the number of apologies received by the Assessment Manager or Presiding Member indicates that a quorum will not be present at a meeting, the Presiding Member may adjourn the meeting to a specified day and time.
- 9.4 If at the expiration of thirty minutes from the commencement time specified in the notice of the meeting a meeting a quorum is not present, the Presiding Member may adjourn the meeting to a specified date and time.
- 9.5 In the event that the Presiding Member is absent from a meeting, the Assessment Manager, or such other person as nominated by the Assessment Manager, will preside at the meeting until such time as the meeting appoints an Acting Presiding Member.

10. DECISION MAKING

- 10.1 The Presiding Member may in his or her discretion exclude:
- 10.1.1 a representation or response to representation(s) which is received out of time;
 - 10.1.2 a representation in relation to Category 2 development from a person who was not entitled to be given notice of the application; or
 - 10.1.3 a representation or response to representation(s) which is otherwise invalid.
- 10.2 The Presiding Member may in his or her discretion accept and allow to be considered by the CAP any new or additional material submitted by a representor or applicant. The CAP may defer consideration of the application to enable full and proper assessment of the further information.

- 10.3 Any material to be considered by the CAP pursuant to clause 10.2 must be provided to the applicant and/or representor(s) (as the case may be) and those parties be provided with an opportunity to respond, either in writing or verbally, at the discretion of the Presiding Member.
- 10.4 In relation to each application it considers, the CAP must:
- 10.4.1 consider whether the proposal is seriously at variance with the Development Plan; and
 - 10.4.2 provide reasons for granting or refusing Development Plan consent and for the imposition of any conditions.
- 10.5 If the CAP determines that a proposal is seriously at variance with the Development Plan, it must refuse Development Plan consent to the application.
- 10.6 In relation to each application to be considered and determined by the CAP:
- 10.6.1 a person who has lodged a representation in relation to a Category 2 or 3 application which has not been excluded pursuant to clause 10.1 and who has indicated that they wish to be heard on their representation is entitled to appear before the CAP and be heard in support of their representation, in person or by an agent;
 - 10.6.2 where one or more representors are heard by the CAP, the applicant is entitled to appear before the CAP to respond to any relevant matter raised by a representor, in person or by an agent;
 - 10.6.3 where no representors appear at the meeting, the Presiding Member may, in his or her discretion, allow an applicant to address the CAP, for the purpose of answering any questions that the CAP may have;
 - 10.6.4 representors and applicants will be allowed five minutes each to address the CAP. The Presiding Member may allow a party additional time at his or her discretion;
 - 10.6.5 CAP members may question and seek clarification from a representor or applicant who has addressed the CAP at the conclusion of their address; and
 - 10.6.6 following addresses from representors and the applicant, the Presiding Member will invite all Members to speak on any matter relevant to the application.
- 10.7 As determined by the Presiding Member, meetings of the Panel may involve tele-conferencing.
- 10.8 Each Member present at a meeting of the CAP, including a Deputy Member who has been requested to attend the meeting or part of the meeting in place of a Member who is unable or unwilling to attend the meeting, is entitled to one vote on any matter arising for decision. If the votes are equal, the Presiding Member is entitled to a second or casting vote. Additional Members appointed to the CAP to provide expert advice and assistance are not entitled to vote.
- 10.9 Subject to a Member of the Development Assessment Panel having a direct or indirect personal or pecuniary interest, each Member present at a meeting of the Development Assessment Panel, must vote on a question arising for decision.
- 10.10 Matters arising for decision at a meeting of the CAP will be decided by a majority of the votes cast by Members present at the meeting and entitled to vote.
- 10.11 The Presiding Member may adjourn a meeting in the event of a disruption or disturbance by any person (including a CAP Member, applicant, representor or other member of the public) to a specified date and time.

- 10.12 The Presiding Member may ask a member of the public (including an applicant, representor or other member of the public) to leave a meeting where he or she is, in the opinion of the Presiding Member:
- 10.12.1 behaving in a disorderly manner; or
 - 10.12.2 causing an interruption or disruption to the meeting.
- 10.13 Prior to calling for a motion, the Presiding Member in facilitating comment/discussion, will utilise his/her discretion, to allow discussion of any matter and to conclude the opportunity for discussion/comment only after each Panel Member present at the meeting, has been provided with the opportunity to speak.
- 10.14 An outcome to comment or discussion must be given effect by and shall only be valid when presented as a motion by a mover and seconder.
- 10.15 A motion will lapse if it not seconded at the appropriate time.
- 10.16 The CAP will excluding the public from attendance and meet in camera when receiving, discussing or considering potential compromises in respect to appeals which are before the Environment Resources and Development Court.
- 10.17 Where the CAP excludes the public from attendance pursuant to clause 10.16, the Presiding Member may, in his or her discretion, allow an applicant to address the CAP prior to being excluded from attendance, for the purpose of answering any questions that the CAP may have.
- 10.18 When the CAP is undertaking a review of the Assessment Manager's decision, it may ask questions of staff and the Applicant in public, however the CAP will excluding the public from attendance and meet in camera to deliberate and make a final determination.

11. MINUTES AND REPORTING

- 11.1 The CAP must ensure that accurate minutes are kept of all meetings.
- 11.2 The Assessment Manager, or a person nominated by the Assessment Manager, will take minutes of all meetings.
- 11.3 The minutes will record:
- 11.3.1 the names of all Members present;
 - 11.3.2 the names of all Members from whom apologies have been received;
 - 11.3.3 the name and time that a Member enters or leaves the meeting;
 - 11.3.4 the name of every person who makes a representation;
 - 11.3.5 in relation to each application determined by the CAP, the reasons for refusing Development Plan consent and for the imposition of any conditions;
 - 11.3.6 if an application is not determined by the CAP, the deferral of the application and the reasons for the deferral;
 - 11.3.7 a decision to exclude the public from attendance pursuant to the Regulations;
 - 11.3.8 any disclosure of a direct or indirect pecuniary interest in any aspect of a development or anybody associated with any aspect of a development made by a Member in accordance with Section 83(1)(g) of the Act, and the nature of the interest;

11.3.9 any disclosure of a conflict of interest made by a Member pursuant to the Code of Conduct adopted by the Minister under Clause 1(1)(c) of Schedule 3 of the Act (**Code of Conduct**), and the nature of the interest; and

11.3.10 if a meeting is adjourned by the Presiding Member, the reason for the adjournment and the date and time to which the meeting is adjourned.

11.4 All minutes must be confirmed by the Assessment Manager in conjunction with the Presiding Member as being accurate prior to, or at the commencement of, the following CAP meeting.

12. ADDITIONAL PROCEDURES

12.1 Insofar as any procedure to be followed by the CAP is not prescribed by the Act and Regulations (and, during the transition to the Act and Regulations, the Development Act and *Development Regulations 2008*), the CAP's Terms of Reference, the Code of Conduct or these Meeting Procedures - the CAP may by resolution determine the procedure for itself. Any such determination may be added to these Meeting Procedures.

12.2 The CAP may call for and consider such professional assistance from the Assessment Manager and, in consultation with the Assessment Manager, other professional advisors as it deems necessary and appropriate from time to time.

13. AUTHORISATIONS

13.1 The CAP authorises the Assessment Manager or his or her delegate to attend to the conduct of all administrative tasks associated with appeals to the Environment Resources and Development Court, including but not limited to appearing on behalf of the CAP at conferences and directions hearings in the Court and engaging legal representation and experts to represent the Panel.

Attachment C

Establishment of Committees

St Peters Child Care Centre & Pre-School Committee

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

Telephone 8366 4555
Facsimile 8332 6338
Email townhall@npsp.sa.gov.au
Website www.npsp.sa.gov.au



City of
**Norwood
Payneham
& St Peters**



ST PETERS CHILD CARE CENTRE & PRE-SCHOOL COMMITTEE

TERMS OF REFERENCE

1. ESTABLISHMENT

- 1.1 The Council has established the St Peters Child Care & Pre-School Committee (referred to in these Terms of Reference as "the Committee") pursuant to Section 41 of the *Local Government Act 1999* (the Act).
- 1.2 The Committee will be known as the St Peters Child Care Centre & Pre-School Committee.
- 1.3 The Committee may be wound up at any time by resolution of the Council.
- 1.4 These Terms of Reference were adopted by the Council on _____.

2. OBJECTIVES

- 2.1 The Committee is established to fulfil the following functions:
 - 2.1.1 to provide comments on the St Peters Child Care & Pre-School Centre's Strategic Plan and Business Plan;
 - 2.1.2 to undertake general oversight of issues related to child welfare, programming and safety at the Centre; and
 - 2.1.3 to execute such powers as the Council may lawfully delegate to it.

3. MEMBERSHIP

- 3.1 The Committee will comprise five (5) Members.
- 3.2 Membership of the Committee will comprise:
 - 3.2.1 two (2) Elected Members as determined by resolution of the Council:
 - Cr _____;
 - Cr _____; and
 - 3.2.2 up to three (3) Community Representatives as determined by the Chief Executive Officer.
- 3.3 Subject to Clause 1.3 of these Terms of Reference, Membership of the Committee is for the term of the Committee *unless* a Member resigns or is otherwise incapable of continuing as a Member or is removed from office by the Council.
- 3.4 The Committee must report to the Council where a Member has failed (without the leave of the Committee) to attend three (3) consecutive meetings of the Committee.
- 3.5 Community Representatives are eligible for re-appointment to the Committee for a further two (2) year term, subject to agreement by the Chief Executive Officer and the Community Representatives

4. PRESIDING MEMBER

- 4.1 The Presiding Member of the Committee will be appointed by the Council.
- 4.2 The Council will appoint one (1) of the Elected Member Representatives as the Presiding Member.
- 4.3 If the Presiding Member of the Committee is absent from a meeting then a Member of the Committee chosen from those present will preside at the meeting until the Presiding Member is present.
- 4.4 The role of the Presiding Member includes:
- 4.4.1 overseeing and facilitating the conduct of meetings in accordance with the Act and *the Local Government (Procedures at Meetings) Regulations 2013*;
 - 4.4.2 ensuring all Committee Members have an opportunity to participate in discussions in an open and encouraging manner; and
 - 4.4.3 where a matter has been debated significantly and no new information is being discussed to call the meeting to order and ask for the debate to be finalised and the motion to be put.

5. DELEGATION

- 5.1 The Council delegates to the Committee the functions set out in Clause 2.1 of these Terms of Reference necessary for the Committee to achieve its objectives.
- 5.2 Clause 5.1 is subject to these Terms of Reference being adopted by the Council pursuant to Clause 1.4.

6. NOTICE OF MEETINGS

- 6.1 Notice of the meetings of the Committee will be given in accordance with Sections 87 and 88 of the Act. Accordingly, notice will be given:
- 6.1.1 to Members of the Committee by email or as otherwise agreed by Committee Members at least three (3) clear days before the date of the meeting; and
 - 6.1.2 to the public as soon as practicable after the time that notice of the meeting is given to Members by causing a copy of the notice and agenda to be displayed at the Council's offices and on the Council's website.

7. PUBLIC ACCESS TO MEETINGS

- 7.1 The Committee shall meet at the St Peters Child Care Centre & Pre-School located at 42 Henry Street, Stepney or at a location determined by the Chief Executive Officer.
- 7.2 Members of the public are able to attend all meetings of the Committee, unless prohibited by resolution of the Committee under the confidentiality provisions of Section 90 of the *Local Government Act 1999*.

8. MEETING PROCEDURES

- 8.1 The Committee shall act at all times in strict accordance with the Act and Part 2 of the *Local Government (Procedures at Meetings) Regulations 2013*.
- 8.2 Insofar as the Act, the Regulations, or these Terms of Reference do not prescribe the procedure to be observed in relation to the conduct of a meeting of the Committee, the Committee may determine its own procedure.

- 8.3 All decisions of the Committee shall be made on the basis of a majority of the Members present.
- 8.4 A quorum for a meeting of the Committee is three (3) Members.
- 8.5 All Members of the Committee must (subject to a provision of the Act or Regulations to the contrary) vote on any matter arising for decision at a meeting of the Committee.
- 8.6 In the event of a tied vote the Presiding Member does not have a casting vote.
- 8.7 The Council will provide a support officer for the purposes of co-ordination and preparation of Agendas and Reports for and Minutes of Committee meetings and as a point of contact for all Committee Members.

9. REPORTING

- 9.1 Pursuant to Section 41(8) of the *Local Government Act 1999*, all decisions of the Committee will be reported to the Council for the purpose of information only.
- 9.2 The Committee shall report on:
 - 9.2.1 all decisions made pursuant to Clause 2.1.3; and
 - 9.2.2 the operation of the Committee in fulfilling its objectives.

10. TERM OF THE COMMITTEE

- 10.1 The Committee will be wound up without further action by the Council at the conclusion of the term of the Committee.
- 10.2 The term of the Committee expires on 31 October 2024.

Attachment D

Establishment of Committees

Traffic Management & Road Safety Committee

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

Telephone 8366 4555
Facsimile 8332 6338
Email townhall@npsp.sa.gov.au
Website www.npsp.sa.gov.au



City of
**Norwood
Payneham
& St Peters**



TRAFFIC MANAGEMENT & ROAD SAFETY COMMITTEE

TERMS OF REFERENCE

1. ESTABLISHMENT

- 1.1 The Council has established the Traffic Management & Road Safety Committee (referred to in these Terms of Reference as "the Committee") pursuant to Section 41 of the *Local Government Act 1999* ("the Act").
- 1.2 The Committee will be known as the Traffic Management & Road Safety Committee.
- 1.3 The Committee may be wound up at any time by resolution of the Council.
- 1.4 These Terms of Reference were adopted by the Council on _____.

2. OBJECTIVES

- 2.1 The Committee is established to fulfil the following functions:
 - 2.1.1 To make a final determination on traffic management issues which are referred to the Committee in accordance with the requirements of the Council's Local Area Traffic Management Policy ("the Policy"); and
 - 2.1.2 To consider proposals and recommendations regarding traffic and parking which seek to improve traffic management and road safety throughout the City, other than when the Manager has delegation to investigate and determine the matter.

3. MEMBERSHIP

- 3.1 The Committee will comprise six (6) members.
- 3.2 Membership of the Committee will comprise:
 - _____ (Elected Member);
 - _____ (Elected Member);
 - _____ (Elected Member);
 - Specialist Independent Member;
 - Specialist Independent Member; and
 - Specialist Independent Member.
- 3.3 Subject to Clause 1.3 of these Terms of Reference, membership of the Committee is for the two year term of the Committee *unless* a Member resigns or is otherwise incapable of continuing as a Member or is removed from office by the Council.
- 3.4 The Committee must report to the Council where a Member has failed (without the leave of the Committee) to attend three (3) consecutive meetings of the Committee.
- 3.5 Specialist Independent Members are eligible for re-appointment to the Committee for a further two (2) year term, subject to agreement by the Council and the Member.

4. PRESIDING MEMBER

- 4.1 The Presiding Member of the Committee will be determined by the Committee at the first meeting of the Committee.
- 4.2 If the Presiding Member of the Committee is absent from a meeting, then a Member of the Committee by resolution of the Committee will preside at the meeting until the Presiding Member is present.
- 4.3 The role of the Presiding Member includes:
- 4.3.1 Overseeing and facilitating the conduct of meetings in accordance with the Act and *the Local Government (Procedures at Meetings) Regulations 2013*.
 - 4.3.2 Ensuring all Committee Members have an opportunity to participate in discussions in an open and encouraging manner.
 - 4.3.3 Where a matter has been debated significantly and no new information is being discussed, to call the meeting to order and ask for the debate to be finalised and the motion to be put.

5. DELEGATION

- 5.1 The Council delegates to the Committee the functions set out in clause 2.1 of these Terms of Reference necessary for the Committee to achieve its objectives.
- 5.2 Clause 5.1 is subject to these Terms of Reference being adopted by the Council pursuant to Clause 1.4.

6. NOTICE OF MEETINGS

- 6.1 Notice of the meetings of the Committee will be given in accordance with Sections 87 and 88 of the *Local Government Act 1999*.

Accordingly, notice will be given:

- 6.1.1 To Members of the Committee by email or as otherwise agreed by Committee Members at least three (3) clear days before the date of the meeting.
- 6.1.2 To the public as soon as practicable after the time that notice of the meeting is given to Committee Members by causing a copy of the notice and agenda to be displayed at the Council's offices and on the Council's website.

7. PUBLIC ACCESS TO MEETINGS

- 7.1 The Committee shall meet at the Offices of the Council located at the Norwood Town Hall, 175 The Parade, Norwood or at a location determined by the Chief Executive Officer.
- 7.2 Members of the public are able to attend all meetings of the Committee, unless prohibited by resolution of the Committee under the confidentiality provisions of Section 90 of the *Local Government Act 1999*.

8. MEETING PROCEDURES

- 8.1 The Committee shall act at all times in accordance with the *Local Government Act 1999* and Part 2 of the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations).
- 8.2 Insofar as the Act, the Regulations, or these Terms of Reference do not prescribe the procedure to be observed in relation to the conduct of a meeting of the Committee, the Committee may determine its own procedure.
- 8.3 The Committee shall meet at the Norwood Town Hall, 175 The Parade, Norwood, on such dates and at such times as the Committee by resolution may determine, or as determined by the Chief Executive Officer.
- 8.4 All decisions of the Committee shall be made on the basis of a majority of the Committee Members present.
- 8.5 A quorum for a meeting of the Committee is four (4) Committee Members.
- 8.6 All Committee Members (subject to the provisions of the *Local Government Act 1999* or *Local Government (Procedures at Meetings) Regulations 2013*), must vote on any matter arising for decision at a meeting of the Committee.
- 8.7 Every Committee Member has a deliberative vote only. The Presiding Member of the Committee has a deliberative vote on a question arising for decision at the meeting but does not, in the event of an equality of votes, have a casting vote.
- 8.8 The Council will provide a support officer for the purposes of the co-ordination and preparation of agendas and reports for and minutes of Committee meetings and to act as a point of contact for all Committee Members.
- 8.9 The Committee may hold Information or Briefing Sessions from time to time in accordance with the provisions of Section 90(8a) of the *Local Government Act 1999* and the *Local Government (General) Regulations 2013*.

9. REPORTING

- 9.1 Pursuant to Section 41(8) of the *Local Government Act 1999*, all decisions of the Committee will be reported to the Council for the purpose of information only.

10. TERM OF THE COMMITTEE

- 10.1 The Committee will be wound up without further action by the Council at the conclusion of the term of the Committee.
- 10.2 The term of the Committee expires on 31 October 2024.

Attachment E

Establishment of Committees

Business & Economic Development Advisory Committee

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

Telephone 8366 4555
Facsimile 8332 6338
Email townhall@npsp.sa.gov.au
Website www.npsp.sa.gov.au



City of
**Norwood
Payneham
& St Peters**



BUSINESS & ECONOMIC DEVELOPMENT ADVISORY COMMITTEE

TERMS OF REFERENCE

1. ESTABLISHMENT

- 1.1 The Council has established the Business & Economic Development Advisory Committee (referred to in these Terms of Reference as the Committee) pursuant to Section 41 of the *Local Government Act 1999* (the Act).
- 1.2 The Committee will be known as the Business & Economic Development Advisory Committee.
- 1.3 The Committee may be wound up at any time by resolution of the Council.
- 1.4 These Terms of Reference were adopted by the Council on .

2. PURPOSE & OBJECTIVES

- 2.1 The primary role of the Business & Economic Development Advisory Committee is to provide high-level independent expert advice to the Council on economic development and employment growth opportunities in the City of Norwood Payneham & St Peters and to have oversight of the continued implementation of the Council's Economic Development Strategy.
- 2.2 To identify issues, opportunities, and initiatives which impact on business and economic development in the City of Norwood Payneham & St Peters.
- 2.3 To provide advice to the Council and recommend actions, including the conduct of studies associated with business and economic development, as required, in order to facilitate the identification of opportunities, issues, strategies and actions.
- 2.4 To assist the Council to facilitate and promote economic growth and development in the City of Norwood Payneham & St Peters.
- 2.5 To provide advice to the Council as required, to facilitate the creation of business networks (both within South Australia and Australia), which provide benefits for the City of Norwood Payneham & St Peters and the business sector.
- 2.6 To provide strategic direction and leadership to ensure that members of the business community are able to participate in the development and implementation of the City's business and economic development outcomes.
- 2.7 Conduct forums to identify and articulate relevant information in respect to services and activities in the City of Norwood Payneham & St Peters that contribute to the City's economic growth.
- 2.8 Advocate and work actively with State and Federal Governments and their agencies, the private sector and relevant peak bodies on key economic priorities which deliver positive outcomes for the City and community.
- 2.9 Consider and advise the Council on medium and long term matters relevant to business and economic development within the City of Norwood Payneham & St Peters.

3. MEMBERSHIP

- 3.1 The Committee will comprise of ten (10) Members.
- 3.2 Membership of the Committee will comprise of:
- 3.2.1 the Mayor;
 - 3.2.2 two (2) Councillors as determined by resolution of the Council; and
 - 3.2.3 seven (7) Specialist Members with a background and experience in (but not limited to) business and economic development, multimedia, tourism, strategic planning, property, marketing and similar areas of expertise and who are regarded as leading practitioners in their respective fields.
- 3.3 Subject to Clause 1.3 of these Terms of Reference, membership of the Committee is for a term of two (2) years, or some other period as determined by the Council, unless a Member resigns or is otherwise incapable of continuing as a Member or is removed from office by the Council.
- 3.4 Independent Members are eligible for re-appointment to the Committee for a further two (2) year term, subject to agreement from both the Council and the Independent Member.
- 3.5 The Committee must report to the Council where a Member has failed (without the leave of the Committee) to attend three (3) consecutive meetings of the Committee.
- 3.6 All Members of the Committee must comply with the Conflict of Interest provisions set out in the *Local Government Act 1999*.

4. SELECTION PROCESS

- 4.1 All nominations for appointment to the Committee will be assessed according to the following selection criteria:
- 4.1.1 a requirement for representatives to live, work or study in metropolitan Adelaide;
 - 4.1.2 a statement of purpose submitted by the representatives, setting out their reasons for applying; and
 - 4.1.3 a list of the skills, knowledge and/or experience they will bring to the Committee.
- 4.2 Applications for the Committee will be assessed against the selection criteria by an Assessment Panel as determined by the Chief Executive Officer.
- 4.3 The full list of applicants, together with the recommendations of the Assessment Panel will be presented to the Council for its consideration and endorsement.
- 4.4 Applicants will be advised in writing of the outcome of their nomination.

5. PRESIDING MEMBER

- 5.1 The Mayor will be appointed as the Presiding Member of the Committee.
- 5.2 If the Mayor does not wish, or is unable to be appointed as the Presiding Member, the Council will appoint the Councillor Representative as the Presiding Member of the Committee.
- 5.3 If the Presiding Member of the Committee is absent from a meeting, an Acting Presiding Member will be chosen from those present and will preside at the meeting until the Presiding Member.

5.6 The role of the Presiding Member includes:

- 5.6.1 overseeing and facilitating the conduct of meetings in accordance with the *Local Government Act 1999* and the *Local Government (Procedures at Meetings) Regulations 2013*;
- 5.6.2 ensuring all Committee Members have an opportunity to participate in discussions in an open and encouraging manner; and
- 5.6.3 where a matter has been debated significantly and no new information is being discussed to call the meeting to order and ask for the debate to be finalised and the motion to be put.

6. DELEGATED AUTHORITY

- 6.1 Pursuant to Section 44 of the *Local Government Act 1999*, the Business & Economic Development Advisory Committee does not enjoy the delegation of any powers, functions and duties of the Council. All decisions of the Committee will, therefore, constitute only recommendations to the Council.

7. MEETINGS

- 7.1 Notice of the Meetings of the Committee will be given in accordance with Sections 87 and 88 of the *Local Government Act 1999*. Accordingly, notice will be given:
 - 7.1.1 to Members of the Committee by email, or as otherwise agreed by the Committee at least three (3) clear days before the date of the Meeting; and
 - 7.1.2 to the public as soon as practicable after the time that Notice of the Meeting is given to Members by causing a copy of the Notice and Agenda to be displayed on the Council's website.
- 7.2 The Committee shall meet a minimum of four (4) times in every calendar year on dates to be set out in advance for each year or as determined by the Chief Executive Officer, at the Council's Principal Office, the Norwood Town Hall, 175 The Parade, Norwood or as determined by the Chief Executive Officer and in accordance with the responsibilities imposed upon them within these Terms of Reference.
- 7.3 Members of the public are able to attend all meetings of the Committee, unless prohibited by resolution of the Committee under the confidentiality provisions of Section 90 of the *Local Government Act 1999*.
- 7.4 A Special Meeting can be called by the Presiding Member of the Committee to deal with any urgent business. A request for a Special Meeting must include details of the time, location and purpose of the meeting, which will be included in the Notice of the Special Meeting.
- 7.5 The Committee shall act at all times in strict accordance with the *Local Government Act 1999* and Part 2 of the *Local Government (Procedures at Meetings) Regulations 2013* and any other relevant legislation.

8. QUORUM

- 8.1 A quorum for a meeting of the Committee shall be six (6) Members of the Committee.

9. REPORTING

- 9.1 Pursuant to Section 41(8) of the *Local Government Act 1999*, all decisions of the Committee will be referred to the Council as recommendations of the Committee. The reporting of the decisions of the Committee in this manner will satisfy the requirements of Section 41(8) of the Act.

10. TERM OF THE COMMITTEE

10.1 The Committee will be wound up without further action by the Council at the conclusion of the term of the Committee.

10.2 The term of the Committee expires on 31 October 2024.

DRAFT

Attachment F

Establishment of Committees

Norwood Parade Precinct Committee

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

Telephone 8366 4555
Facsimile 8332 6338
Email townhall@npsp.sa.gov.au
Website www.npsp.sa.gov.au



City of
**Norwood
Payneham
& St Peters**



NORWOOD PARADE PRECINCT COMMITTEE

TERMS OF REFERENCE

1. ESTABLISHMENT

- 1.1 The Council has established the Norwood Parade Precinct Committee (referred to in these Terms of Reference as the Committee) pursuant to Section 41 of the *Local Government Act 1999* (the Act).
- 1.2 The Committee will be known as the Norwood Parade Precinct Committee.
- 1.3 The Committee may be wound up at any time by resolution of the Council.
- 1.4 These Terms of Reference were adopted by the Council on

2. FUNCTIONS & RESPONSIBILITIES

- 2.1 To develop and have oversight of the Annual Business Plan and Budget based on the Separate Rate for The Parade Precinct.
- 2.2 The Budget developed by the Norwood Parade Precinct Committee must be considered in conjunction with the Annual Business Plan and the amount recommended to the Council for approval by the Council, is required to meet the objectives set out in the Annual Business Plan.
- 2.3 To have oversight of the implementation of the Annual Business Plan as approved by the Council.
- 2.4 Through the initiatives as set out in the Annual Business Plan ensure the development and promotion of The Parade as a vibrant shopping, leisure and cultural destination for businesses, residents and visitors.
- 2.5 To initiate and encourage communication between businesses within the Precinct.

3. MEMBERSHIP

- 3.1 The Committee will comprise of eleven (11) Members.
- 3.2 Membership of the Committee will comprise of:
 - 3.2.1 The Mayor and two (2) Councillors, one (1) being from the Kensington/East Norwood Ward and one (1) being from the West Norwood/Kent Town Ward as determined by resolution of the Council; and
 - 3.2.2 Eight (8) Independent Member Representatives who must be either a current property owner/trader/business owner, currently trading or owning a property within the Precinct boundaries as defined by Map 1 (attached), selected and appointed by the Council as representing, in the opinion of the Council, the interests of all business and property owners within the Norwood Parade Precinct.
- 3.3 A Committee Member position will become vacant if:
 - 3.3.1 An Elected Member, appointed by the Council to the Committee, ceases to hold a position as an Elected Member of the Council; and

- 3.3.2 An Independent Member Representative appointed in accordance with Clause 3.2.2:
- the Member resigns their position from the Committee; or
 - the Member is no longer a property owner/trader/business owner, trading or owning a property within the Precinct.
- 3.4 Subject to Clause 1.3 of these Terms of Reference, Membership of the Committee is for the term of the Committee unless a Member resigns or is otherwise incapable of continuing as a Member, or is removed from office by the Council.
- 3.5 The Committee must report to the Council where a Member has failed (without the leave of the Committee) to attend three (3) consecutive meetings of the Committee.

4. PRESIDING MEMBER

- 4.1 The Mayor will be appointed as the Presiding Member of the Committee.
- 4.2 If the Presiding Member of the Committee is absent from a meeting, then an Acting Presiding Member will be chosen from those present and will preside at the meeting until the Presiding Member is present.
- 4.5 The role of the Presiding Member includes:
- 4.5.1 overseeing and facilitating the conduct of meetings in accordance with the Act and the *Local Government (Procedures at Meetings) Regulations 2013*;
 - 4.5.2 ensuring all Committee Members have an opportunity to participate in discussions in an open and encouraging manner; and
 - 4.5.3 where a matter has been debated significantly and no new information is being discussed to call the meeting to order and ask for the debate to be finalised and the motion to be put.

5. DELEGATED AUTHORITY

- 5.1 Pursuant to Section 44 of the *Local Government Act 1999*, the Committee does not enjoy the delegation of any powers, functions and duties of the Council. All decisions of the Committee will, therefore, constitute only recommendations to the Council.

6. MEETINGS

- 6.1 Notice of the meetings of the Committee will be given in accordance with Sections 87 and 88 of the *Local Government Act 1999*. Accordingly, notice will be given:
- 6.1.1 to Members of the Committee by email or as otherwise agreed by the Committee at least three (3) clear days before the date of the meeting; and
 - 6.1.2 to the public as soon as practicable after the time that notice of the meeting is given to Members by causing a copy of the notice and agenda to be displayed at the Council's offices and on the Council's website.
- 6.2 The Committee shall meet at the Council's Principal Officer, the Norwood Town Hall, 175 The Parade, Norwood, or as determined by the Chief Executive Officer.
- 6.3 The Committee shall meet a minimum of four (4) times in every calendar year.
- 6.4 A Special Meeting can be called by the Presiding Member of the Committee or the Chief Executive Officer to deal with any urgent business. A request for a Special Meeting must include details of the time, location and purpose of the meeting, which will be included in the Notice of the Special Meeting.
- 6.5 The Norwood Parade Precinct Committee shall act at all times in accordance with the *Local Government Act 1999* and any other relevant legislation.

6.6 All Committee Members (subject to the provisions of the *Local Government Act 1999* and the *Local Government (Procedures at Meetings) Regulations 2013*), must vote on any matter arising for decision at a meeting of the Committee.

8.7 Every Committee Member has a deliberative vote only. The Presiding Member of the Committee has a deliberative vote on a question arising for decision at the meeting but does not, in the event of an equality of votes, have a casting vote.

7. QUORUM

7.1 A quorum for a meeting of the Committee shall be six (6) Members of the Norwood Parade Precinct Committee, comprising of a minimum of five (5) property owner/trader/business owner representations and one (1) Elected Member, which may or may not be the Mayor.

8. PUBLIC ACCESS TO MEETINGS

8.1 Members of the public are able to attend all meetings of the Committee, unless prohibited by resolution of the Committee under the confidentiality provisions of Section 90 of the *Local Government Act 1999*.

9. REPORTING

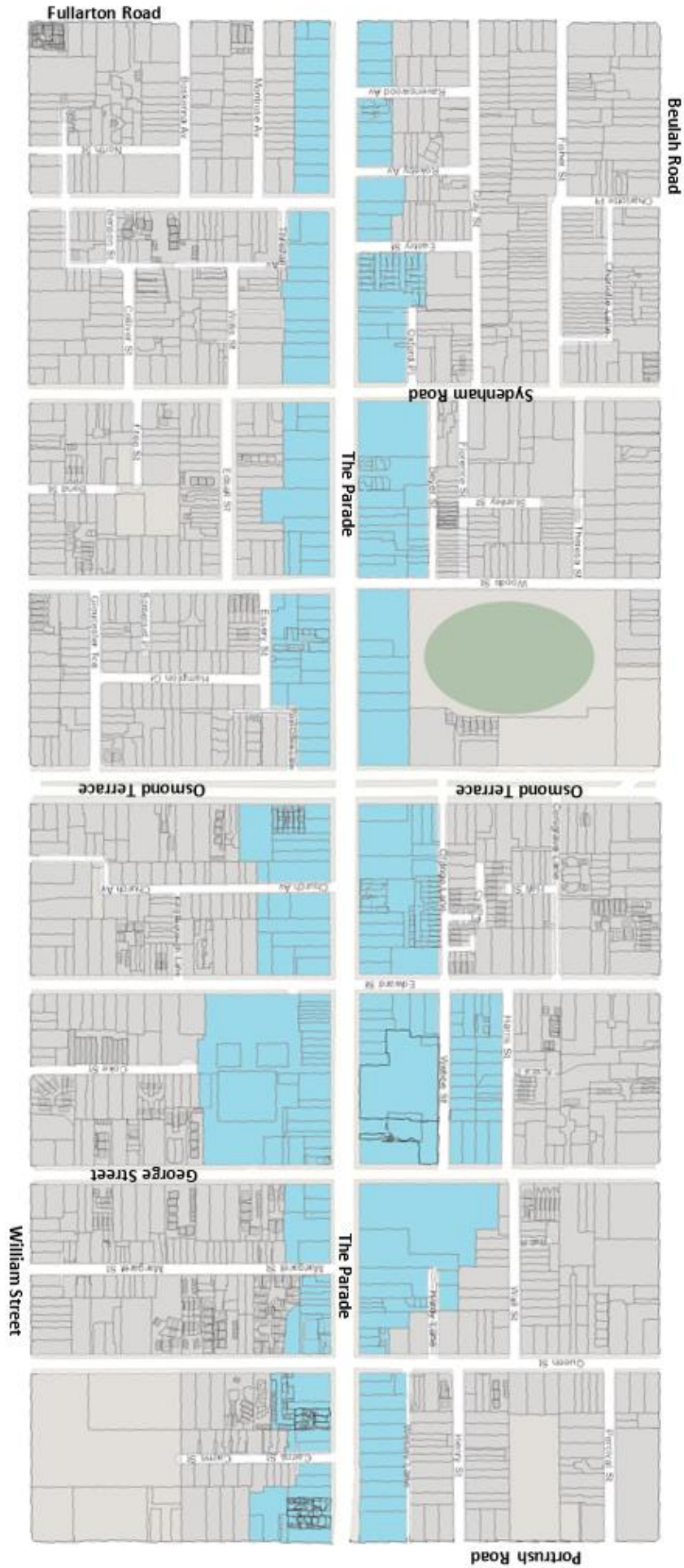
9.1 Pursuant to Section 41(8) of the *Local Government Act 1999*, all decisions of the Precinct Committee will be referred to the Council as recommendations of the Precinct Committee. The reporting of the decisions of the Committee in this manner will satisfy the requirements of Section 41(8) of the *Local Government Act 1999*.

10. TERM OF THE COMMITTEE

10.1 The Committee will be wound up without further action by the Council at the conclusion of the term of the Committee.

10.2 The term of the Committee expires on 31 October 2024.

The Parade Precinct Boundaries



11.8 CHANGES TO COUNCIL'S RISK MANAGEMENT FRAMEWORK

REPORT AUTHOR: Manager, WHS & Risk
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4518
FILE REFERENCE: qA94526
ATTACHMENTS: A - B

PURPOSE OF REPORT

The purpose of the report is to advise the Council of changes to the Risk Management Framework which are aimed at ensuring that the Council has an integrated approach to risk management to assist in setting appropriate strategies, achieving objectives and making informed decisions, in the best interests of the community.

BACKGROUND

In July 2022, a new Risk Management Procedure was introduced which outlines the requirements and processes which support the Council's [Risk Management Policy](#) in order to create and protect value by improving performance, encouraging innovation and supporting the achievement of the Council's objectives. The new Procedure (**Attachment A**) also recognises that the Council's Audit Committee plays a key role in ensuring that strategic risks are appropriately monitored and tracked.

Of note, the *Statutes Amendment (Local Government Review) Act 2021* (the Act), includes a number of changes to the operations of Audit Committees and as a consequence, the Committees *Terms of Reference* which will be considered at the Council meeting on 5 December 2022 have been revised (refer to Item 11.7 of this Agenda). This opportunity also aligns with the revised Risk Management Procedure and will allow the new 'Audit & Risk Committee' to formerly adopt a more proactive role in adopting a truly integrated approach to risk management.

RELEVANT POLICIES & STRATEGIC DIRECTIONS

The new Risk Management Procedure has been created to ensure that all foreseeable risks are identified. Assessed and managed as required by the Council's [Risk Management Policy](#).

[The Risk Management Policy was last updated in October 2020.](#)

FINANCIAL IMPLICATIONS

Nil.

SOCIAL ISSUES

Nil.

CULTURAL ISSUES

Nil.

ENVIRONMENTAL ISSUES

Nil.

RESOURCE ISSUES

Nil.

RISK MANAGEMENT

Risk management is the process of identifying, assessing and controlling threats to an organisation's capital and earnings. These risks stem from a variety of sources including financial uncertainties, legal liabilities, technology issues, strategic management errors, accidents and natural disasters. All Council Reports include a section to address any risk management considerations, however historically this section has not been fully utilised.

The new Risk Management Procedure includes expanded and explicit guidance for all staff to ensure that Council and Committee Reports place an appropriate emphasis on anticipating and understanding risks associated with matters which are considered by the Council. Accordingly, to ensure that risks are appropriately addressed and communicated, the new Procedure directs that all reports which are provided to the Council and its Committees to address, as a minimum, three integral components:

- Key Risk Description - What are the top risks related to this project / proposal / event or task?
- Impact Statement – What risk levels have been assessed? Are the risk exposures in line with Council's strategy and risk tolerances?
- Risk Controls - How can/will the risks which have been identified be managed.

It is anticipated that with robust information about risk contained within all Reports, the Council will be able to better ensure effective oversight of the Council's operations and improve the confidence of Elected Members when making informed decisions.

CONSULTATION

- **Elected Members**
Not Applicable.
- **Community**
Not Applicable.
- **Staff**
- Chief Executive Officer, and
General Manager, Governance & Civic Affairs.
- **Other Agencies**
Not Applicable.

DISCUSSION

The Council manages risk in its operating environment to achieve better outcomes for our citizens and the community. Risk management facilitates continuous improvement by linking risk to organisational planning and performance reporting. The risk management process is not an isolated function and can be applied to any activity, including decision making, at all levels. Effective identification, analysis, evaluation and treatment of defined risks are critical to the Council achieving the objectives contained in its strategic management plan *City Plan 2030: Shaping our Future* and meeting overall community expectations.

Traditionally, the Council's approach has been focused primarily on managing safety and financial risks, however in recent years the complexity of risk has changed, new risks have emerged and both the Elected Members and staff require an enhanced awareness of enterprise risk management. The Council's new Risk Management Procedure addresses the evolution of enterprise risk management and the need for the Council to improve its approach to managing risk to meet the demands of an evolving risk environment. At the same time, this new risk framework provides an ideal opportunity to reframe the Council's Audit & Risk Committee.

The evolution of Council's Audit & Risk Committee

The principal objective of the Audit Committee is to add value to and improve, the Councils operations, by assisting the Council to meet its legislative and probity requirements as required by the *Local Government Act 1999* and other relevant Legislation, Standards and Codes. While the existing Terms of Reference for the Committee drafted to assist the Council in the effective conduct of its responsibilities in respect to financial reporting, management of risk, maintaining a reliable system of internal controls that facilitates the organisation's ethical development, historically the focus of the Committee has placed generally an emphasis on the oversight of Council's financial governance framework.

At the same time, the *Statutes Amendment (Local Government Review) Act 2021* (the Act), includes a number of changes to the operations of Audit Committees and as a consequence the *Terms of Reference* for *all* Audit & Risk Committees will need to be upgraded to reflect this change. The new provisions are due to come into effect by November 2023 and this would seem to align with Council's new approach to risk management and the need to revise the 'Audit Committee' following the recent 2022 Local Government Election. As part of this reframing, the Chief Executive Officer has proposed that the Audit Committee be re-titled the *Audit & Risk Committee* to reflect its enhanced focus on financial reporting, management of risk and maintaining a reliable system of internal controls that facilitates the organisation's ethical development (Refer to Item 11.7 of this Agenda).

Implementation Plan

In order to ensure that the new Risk Management Procedure is fully integrated into the Councils operations, an Implementation Plan was developed to outline how the organisation will put into operation the necessary procedures, systems and tools to embed risk management into all levels of decision making throughout the Council.

The Plan details an implementation schedule to ensure that Council adopts a systematic approach which includes staff training, risk workshops and the adaptation of a new Risk Register. A copy of the Plan is contained within **Attachment B**.

Risk Register

The purpose of the Council's Risk Register is to serve as a consolidated database for strategic, operational and key project risks. The Risk Register enables decision makers within the Council, to capture all possible or potential risks, identify and outline important components of these risks as well as identify and evaluate the controls assigned to mitigate these risks. The Councils existing corporate risk register was developed 2019 and is effectively a non-dynamic document which lists the Council's strategic and operational risks.

As part of the Implementation Plan, the Executive Leadership Team have endorsed Council utilising *SkyTrust* to create a more dynamic Risk Register. Since 2016, Council has been utilising an e-platform – *SkyTrust* – to manage its Work Health & Safety (WHS) compliance needs. *SkyTrust* is a cloud-based organisational management system which enables improved performance and provides dashboard based situational awareness. The platform has recently been upgraded to include a risk register capability which can be used for multiple types of risk. Use of the *SkyTrust* platform will enable better transparency and assignment/monitoring of responsibilities and risk controls.

OPTIONS

Not Applicable.

CONCLUSION

The effective management of risk is a fundamental component of good management and a key element of effective corporate governance. Through the adoption of a structured and systematic approach improving how risk is managed, the Council seeks to improve its decision-making performance, transparency and accountability by effectively managing both potential opportunities and adverse effects in daily activities and operations.

COMMENTS

Nil.

RECOMMENDATION

The report be received and noted and the proposed approach to risk management as set out in this report be endorsed.

Attachments – Item 11.8

Attachment A

Changes to Council's Risk Management Framework

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

Telephone 8366 4555
Facsimile 8332 6338
Email townhall@npsp.sa.gov.au
Website www.npsp.sa.gov.au



City of
**Norwood
Payneham
& St Peters**



City of
Norwood
Payneham
& St Peters

Risk Management Procedure

A practical guide to help identify, assess and manage risks within the City of Norwood Payneham & St Peters

Version 1.0

Sponsor:

Mario Barone, PSM
Chief Executive Officer

Developer and producer:

Sean Faulkner
Manager, WHS & Risk
175 The Parade
Norwood SA 5067

The purpose of this Procedure is to outline Council endorsed processes, techniques and guidance notes, to effectively and efficiently manage both potential opportunities and adverse risks

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Risk Management Procedure

1. Introduction

The City of Norwood Payneham & St Peters is committed to an integrated approach to risk management to assist in setting appropriate strategies, achieving objectives and making informed decisions, in the best interests of the community. The Council recognises that managing risk is part of governance and leadership, is fundamental to how the organisation is managed at all levels and will contribute to continuous improvement of management systems and processes.

The Council's Vision, as outlined within its Strategic Management Plan *CityPlan 2030: Shaping Our Future*, is as follows:

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.

The risk management process is not an isolated function and can be applied to any activity, including decision making, at all levels. Effective identification, analysis, evaluation and treatment of defined risks are critical to the Council achieving its Vision and meeting overall community expectations.

2. Purpose

The Risk Management Procedure outlines the requirements and processes which support the Council's [Risk Management Policy](#) in order to create and protect value by improving performance, encouraging innovation and supporting the achievement of the Council's objectives.

This Procedure will:

- align with the objectives of the [Risk Management Policy](#);
- establish a standardised, formal and structured process for assessment, treatment and monitoring of identified risks;
- encourage innovation and continuous improvement by integrating risk management into the strategic and operational processes across all departments of the Council;
- ensure that the Council maximises its opportunities, whilst minimising any negative impacts identified during the risk management process;
- ensure that all risks outside the defined risk tolerances are escalated to the relevant manager and additional treatment options implemented; and
- ensure that (standard) reporting protocols are established for information dissemination across all the Council departments.

3. Risk Management within Local Government

From the perspective of the Local Government sector in South Australia, certain insurable risks have been transferred to a number of self-managed Schemes managed by Local Government Risk Services (LGRS) via payment of an annual contribution by Councils. The Schemes are the:

- **Local Government Association Mutual Liability Scheme (LGAMLS)** for the purposes of Civil Liability coverage & claims management;
- **Local Government Association Workers Compensation Scheme (LGAWCS)** for the purposes of workers compensation coverage & claims management; and
- **Local Government Asset Mutual Fund (LGAMF)** for the purposes of asset and fleet coverage and claims management.

As a Member of all the aforementioned Schemes and Fund, the Council must ensure that WHS, asset and risk management protocols are developed, endorsed and implemented across the organisation.

4. Risk Management Principles

The international standard for *Risk Management - Guidelines* (ISO 31000:2018) describes risk as:

“...the effect of uncertainty (either positive, negative or both) on objectives...”

The goal is not to eliminate all risks, but rather to manage risks associated with the Council's functions and services and to create and protect value for our stakeholders and community. For risk management to be effective, the Council recognises that it must comply with the principles outlined in International Standard ISO31000:2018 – *Risk Management Guidelines*, however Council has expanded upon these basic principles so that the Council's risk management framework – detailed in this procedure - is underpinned by the principles shown in the Councils [Risk Management Policy](#).

5. Framework Overview

For the purpose of this Procedure and to align with the relevant Standards, the Council's Risk Management Framework uses set definitions to ensure that when risk is discussed at any level, the same meaning is applied. Common definitions used throughout the Council's Risk Management Framework are listed at [Annex A](#).

The purpose of the risk management framework is to assist the Council in integrating risk management into significant activities and functions. The effectiveness of risk management will depend on its integration into the governance of the Council, including decision making. This requires support from all stakeholders – particular senior management.

[Diagram 1](#) illustrates the components of the Council's framework.



Diagram 1 – The Council's Risk Management Framework

5.1 Leadership and commitment

The Council and its Executive Leadership Team (ELT) will demonstrate leadership and commitment to ensure that risk management is integrated into all organisational activities by:

- developing and implementing risk management policy, procedure and supporting tools and processes;
- allocating appropriate resources for risk management; and
- assigning roles, authorities, responsibilities and accountabilities with respect to risk management and communicating these at all levels of the organisation.

5.2 Integration

This Procedure provides the methods and processes which the Council uses to manage risks and identify opportunities in every part of the organisation.

Governance guides the direction of the organisation and provides the rules, processes and practices necessary for the Council to achieve its objectives. Management structures that define risk management accountability and oversight roles across the organisation, are critical to achieving the strategy and objectives required for the Council to achieve sustainable performance and long-term viability.

Risk Management is not just about the risk assessment process nor is it a stand-alone function. In order to maximise risk management benefits and opportunities, it requires integration through the Council's entire operations, as shown below in [Diagram 2](#):

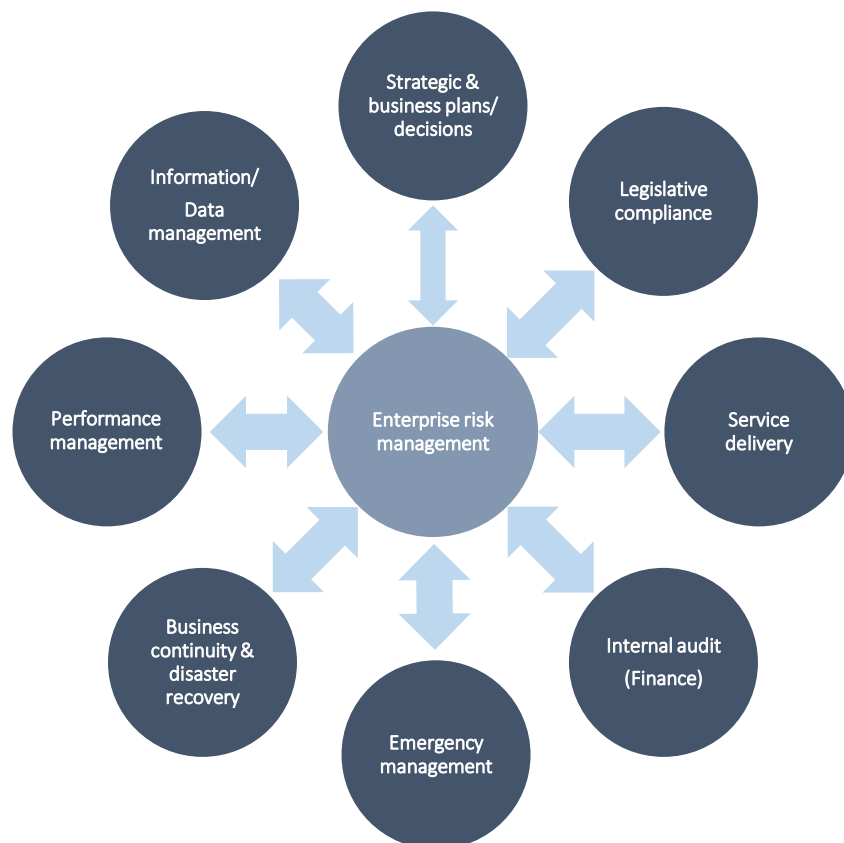


Diagram 2 – Enterprise Risk Management interaction with other aspects of Council

Enterprise Risk Management

Enterprise risk management encompasses Strategic and Operational Risk Management.

Strategic Risks are identified by reference to both the external environment and the Council's Strategic Plan objectives. Strategic risks are monitored by the Executive and Elected Member body, with all risk assessments being captured in the Risk Register and recorded within the Council's Record Management System.

Operational Risks arise from the Council's day-to-day functions and operations to deliver essential services. Operational risks are monitored by Council's Executive and/or relevant staff across the organisation.

Strategic & Business Planning/Decision Making

Strategic and Business Planning, (which includes long-term financial planning and annual budgeting,) must adequately consider the risks facing the Council in setting and pursuing its objectives and the effectiveness of systems that are in place to manage and communicate those risks.

Risk Management will be integrated into the Council's governance structures, including decision making. Risk assessment and management processes will be incorporated into the reports which are presented to the Council and its Committees, where there is a potential impact on achievement of the Council's objectives or on the wider community.

Elected Members and staff are expected to:

- give adequate consideration to risks when setting the Council's objectives;
- understand the risks facing the Council in pursuit of its objectives;
- oversee the effectiveness of systems implemented by the organisation to manage risk;
- accept only those risks that are appropriate in the context of Council's objectives; and
- consider information about such risks and make sure they are properly communicated to the appropriate stakeholder or governing body.

Legislative Compliance

The *Local Government Act (SA) 1999*, applies to the functions of Local Government in South Australia, however, due to the diversity of functions and services provided by the Council, a range of other Acts, Regulations and Codes of Practice and Standards also apply.

The Council has implemented a Work Health and Safety (WHS) system to manage health and safety risks to all staff and members of the public, in accordance with the *WHS Act (SA) 2012*. WHS is a critical component of the Council's risk management system and addresses risks facing staff conducting their specified duties.

Service Delivery

The Council's risk exposures vary according to the functions, facilities and services it provides and these will inevitably change over time. The Council's planning processes will address both the risks associated with provision of functions, facilities and services, (such as capacity and resources,) and risks arising from their delivery, (such as public safety and community reaction).

Internal Audit

Internal audit is an independent, objective assurance and consulting activity designed to add value and improve the organisation's operations. It helps the Council to accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes. The process of internal audit may result in the identification of new risks or more effective treatments for existing risks.

Emergency Management

The Council plans for, and undertakes, prevention, preparedness, response and recovery activities to support its community in the event of emergencies and natural disasters. This process includes alignment and co-operation with lead agencies and other Councils in the region as well as providing information and training for workers to protect them from harm whilst responding to emergencies and natural disasters.

Business Continuity Plan / Information Technology Disaster Recovery Plan

The Council is obliged to ensure that critical business functions continue to be provided after a business interruption. Council has developed the following plans, taking into consideration reasonably foreseeable risks and their potential impact on achievement of Council's objectives:

- The Business Continuity Plan (BCP), which is designed to manage risk by limiting or reducing the impact of a disruption, (such as severe weather event or loss of key personnel), and enable the resumption of critical business functions/services of the Council following a disruption.
- The Information Technology Disaster Recovery Plan (DRP), which is intended to protect and recover the Council's Information Technology infrastructure and data in the case of a disruptive event, (such as cyberattack or loss of infrastructure,) by defining actions to be taken before, during and after an event.

Performance Management

Both risk management and performance management start with the establishment and communication of corporate goals and objectives and development of strategies which are then cascaded throughout the organisation. Appropriate measures and reporting structures will be put in place to monitor the effectiveness of the Council's risk management processes (at an individual and organisational level) which will in turn assist in identifying gaps or emerging risks. These measures are to be determined, and reviewed annually, by the Executive Leadership Team.

Information/Data Management

Not only is it critical to the achievement of the Council's objectives that it retains data and corporate knowledge, there are regulatory requirements to do so - Council must comply with the *State Records Act 1997*, *Commonwealth Privacy Act 1988* and *Freedom of Information Act 1991*.

The Council's records may be vulnerable to cyberattack, malicious intent or unauthorised release, should appropriate risk mitigation strategies not be in place.

5.3 Design

Understanding the organisation and its context

Establishing the context involves those involved in the risk management process understanding factors internal and external to the organisation that may influence the Council's ability to achieve its objectives.

Local Government is a complex, multi business enterprise that has constant conflicts in allocating limited resources to build/maintain infrastructure and deliver community programs. In many instances, the community expectations may be higher than what can be delivered. As such, the Council's Risk Management framework should be used to help manage these conflicts and assist in making consistent decisions in a strategic, operational and project context.

Both internal and external factors will be considered as they may influence the way in which realistic objectives are set and priorities are determined. [Diagram 3](#) (shown on next page) best illustrates the components of the Councils' risk environment.

External Context. The City of Norwood Payneham & St Peters is well known for its significant number of small to medium businesses (over 6,900), which are generally concentrated in a number of precincts and main streets throughout the City. The City also features professional, manufacturing and light industry business precincts and contains a significant number of home-based businesses, all important contributors to both the state and local economy. The Councils Risk Management Framework must therefore be consistent with the objectives set out in *City Plan 2030* and reflect the expectations of our external environment. All community and external projects must examine all relevant risks to the Councils overall vision for the long term future of the Council.

Internal Context. The Council has had an established risk management system in place since 2012. Regular review of the system is undertaken to identify learning and development opportunities. [Diagram 3](#) also shows how Councils internal context applies to the various types of risk.

Roles and responsibilities

Roles and responsibilities to ensure a transparent approach to managing risk are detailed within the [Council's Risk Management Policy](#).

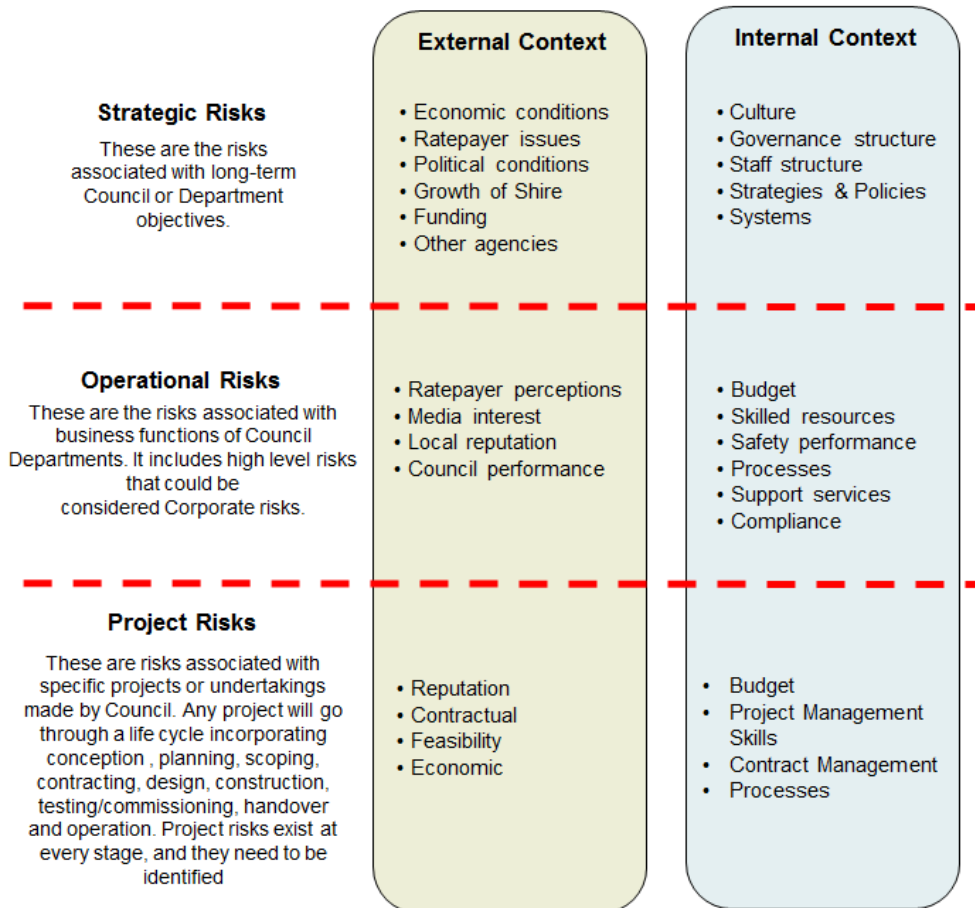


Diagram 3 – Components of Councils Risk Environment

5.4 Implementation

The Council's risk management framework is supported by an implementation plan that includes timeframes and resource requirements and processes for engagement with, and provision of information to, stakeholders.

5.5 Evaluation

The Council will undertake periodic reviews of its risk management framework and implementation plan to measure its effectiveness and to determine whether it remains suitable in supporting the achievement of its strategic and operational objectives.

5.6 Improvement

To maintain and improve the value of risk management to the organisation, the Council will monitor and adapt its risk management framework, with a view to continually improve the suitability, adequacy and effectiveness of the risk management process.

6. Risk Management Process

Having good risk management practices ensures that the Council can undertake activities knowing that measures are in place to maximise the benefits and minimise the negative effect of uncertainties. Risk management involves both the management of potentially adverse effects as well as the fulfilment of potential opportunities. The risk management process is an integral part of management and decision-making and is integrated into the Council's structure, operations and processes.

The dynamic and variable nature of human behaviour and culture should be considered throughout the risk management process.

Although the risk management process (shown below in [Diagram 4](#)) is often presented as sequential, in practice it is iterative.

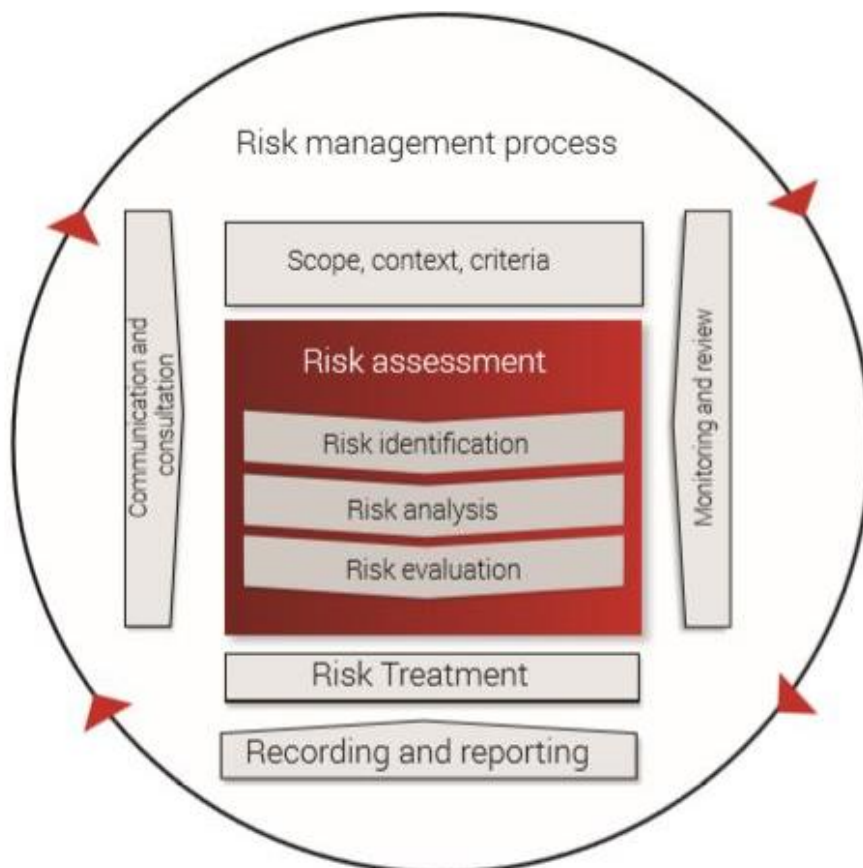


Diagram 4 - Risk Management Process

6.1 Communication and Consultation

Establishing a communication and consultation plan with internal and external stakeholders is critical to the success of the risk management process. Effective communication and consultation throughout the process is essential to ensure that those responsible for implementing risk management, and those with a vested interest, understand the basis on which risk management decisions are made and why particular actions are required.

Effective consultation ensures that any different perceptions of the risk are considered, and can be understood and addressed. Similarly, it provides two-way communication to identify opportunities towards business improvement.

Risk owners have a responsibility to ensure that all relevant stakeholders are identified and consulted as part of the risk management process. When dealing with safety assessments, consultation is a regulatory requirement.

Risk owners are to engage with stakeholders throughout the risk management process to:

- correctly identify risks and understand context;
- gain a better understanding of the views and interests of stakeholders and how their expectations may be managed;
- capitalise on the diversity of knowledge, opinions and experience to enhance identification and management of risks and opportunities; and
- build a sense of inclusiveness and ownership amongst stakeholders.

6.2 Scope, context and criteria

Defining the scope

Because the risk management process is applied at different levels throughout the organisation, it is important to define the scope and it's alignment with the Council's objectives; this should include consideration of:

- goals and objectives of risk management activities;
- proposed outcomes and timing;
- responsibilities and accountabilities for the risk management process;
- risk management methodologies;
- processes, activities and projects and how they may interact with other processes, activities and projects of the Council;
- how effectiveness and/or value will be measured and monitored; and
- availability of resources to managed risk.

Establishing the Context

Risk Management must be considered in the context of an organisation's external and internal environment, its objectives and stakeholder relationships (see [Diagram 3](#)). This enables efficient identification of risks to achieve overall business objectives.

The complexity of the risk assessment will be dependent upon the:

- nature of the task being assessed;
- requirements of any supporting policy requirements or guidelines specific to the activity; and
- amount of time available for planning.

Risk is not limited to one category or factor. Risk exposure can be varied and come from a number of sources and have multiple impacts.

To assist with understanding the context and quantifying possible risks, the Council identifies, assesses and treats risk in the following three groups (risk types) shown in [Table 1](#)

Table 1 – Risk Types

Risk Level	Description
Strategic	Risks associated with high level strategic goals that align to the Councils Strategic, Annual and Business Plans. Strategic risks may affect the achievement of the Council's corporate objectives. They are key issues for the management and impinge on the whole business rather than a business unit. These risks can be triggered from within the business or externally. In other words they may prevent the organisation from achieving its strategic goals.
Operational	Risks associated with departmental functions and daily operations to deliver essential services. Often the risks are cost overruns, supply chain/logistic issues, employee issues, fraud, WHS, non-compliance to policies and procedures.
Project	Risks associated with Project Management that will affect milestones connected to delivering a specific project.

6.3 Risk Assessment

Risk Identification

The aim of risk identification is to develop an inclusive list of events that may occur which - if they do - are likely to have an impact on the achievement of the Council's objectives (as stated in its Strategic Management Plans), operations/tasks or Project outcomes.

Risk identification naturally flows on from the context discussion and is a process of formally documenting the effects of uncertainty on objectives. An effective approach is to engage as many stakeholders as possible in a structured identification process.

The aim is to generate a list of risks based on those impacts or events. During the identification process, there are a number of questions that need to be asked to capture the information required:

- What might happen/ what could go wrong?
- What is the cause?
- How does this affect the objective?

After a risk is identified it may be categorised and captured in the Risk Register in accordance with the impact categories shown in [Table 2](#) (shown on next page).

The process of risk identification must be comprehensive as risks not identified are by nature excluded from further analysis. Care must be taken to identify and define risks, rather than causes or consequences. Based on the risks faced by the organisation, there may be other categories.

Each Department should regularly identify/review sources of risk, areas of impacts, events (including changes in circumstances) causes and their potential consequences. In addition, at the start of any task, project or event risk owners are to identify all factors which might create, enhance, prevent, degrade, accelerate or delay the achievement of objectives.

It is necessary to consider possible causes and scenarios that show what consequences can occur. All significant causes and consequences should be considered, however depending upon the amount of time and resources available it may not be feasible to assess all identified risks. Under such circumstances, the risk owner should prioritise the identified risks based upon their own experience and expertise.

Table 2 – Risk Impact Categories

Category	Description
People	Risks relating to personal safety, morale and workforce management. Includes payroll issues.
Financial	Risks associated with budgetary requirements, allocation and costs associated with maintenance / repair of plant, infrastructure and equipment
Services / Programs	Risks linked to the Council's ability to successfully deliver essential services and/or achieve objectives
Reputation	Risks associated with the delivery of State/Local Government legislation and meeting the Council's overall strategic goals
Environment	The risks arising from the management of the environment when applying the Council services and functions
Regulatory	Risks relating to compliance with legislative and policy framework

Relevant and up-to-date information is important in identifying risks. This should include appropriate background and historical information where possible and the requirements of any supporting policy requirements or guidelines specific to the activity.

The Manager, WHS & Risk is always available to assist in the risk identification process.

Risk Analysis

Risk analysis involves developing an understanding of a risk. It provides an input to risk evaluation and to decisions on whether risks need to be treated, and the most appropriate risk treatment strategies and methods.

In broad terms, risk is analysed by combining estimates of likelihood and consequence in the context of existing control measures to arrive at the level of risk.

The quality of the analysis is dependent on how accurately the likelihood and consequences are determined. Factors to consider when determining the likelihood and consequences include:

- what is known about the source and cause of the risk;
- any historical precedence (within the Council or the broader community);
- awareness that some risks may have multiple consequences;
- the effectiveness of any existing controls; and
- availability and quality of information or data used.

Likelihood. [Table 3](#) (below) gives a detailed description of likelihood criteria that has been developed for use within Council.

Table 3 – Councils Likelihood Descriptors

Level	Probability	Description
Almost Certain	1 in 10	Is expected to occur in most circumstances. Frequent or regular occurrence
Likely	1 in 100	Will probably occur in most circumstances. Has occurred several times before
Possible	1 in 1000	Could occur at some time. Is sporadic but not uncommon
Unlikely	1 in 10,000	Not likely to occur during the event. Would require a combination of circumstances for it to occur
Very Unlikely	1 in 100,000	Would only occur in exceptional circumstances

Consequence / Impact Descriptors. [Table 4](#) (below) gives a detailed description of the consequence criteria that has been developed for use within the Council.

Table 4 – The Councils Impact / Consequence Descriptors

Impact Category	Consequence (Impact) Level				
	Catastrophic	Major	Moderate	Minor	Insignificant
People	Incident resulting in death, permanent disability or Multiple Serious Personal Injury (SPI). High staff turnover and/or loss of multiple senior staff members	Incident resulting in SPI and long-term disability (>30 days) Wide-spread morale issues Multiple staff vacancies throughout Team or loss of senior staff member	Incident resulting in SPI requiring immediate admission to hospital for treatment or short term disability (<30 days) Staff vacancies from one area	Incident resulting in injury requiring follow-up medical treatment Localised poor moral Key staff absence >2 days	Incident resulting in MPI requiring First Aid Treatment only Short term drop in morale Short term staffing vacancy
Financial	Over \$1 Million or >35% of project budget	\$500k - \$1 Million or 25-35% of project budget	\$250k - \$500k or 15-24% of project budget	\$5k - \$250k or 5-14% of project budget	<\$5,000 or <5% project budget
Services / Programs	>90% service disruption Multiple community impacts	51-90% service disruption (between 1-2 days) Significant staff effort to resolve	11-50% service disruption Specific management effort / focus (< 1 day),	< 10% service disruption Management effort required to coordinate resolution	Minor disruption to service delivery (< 4 hours) Local Supervisor to control remediation
Reputation	Potential National Media attention. Major public outcry Irreparable damage to reputation	Regional or State wide media / political attention Wide spread public interest Significant complaints (11+)	Significant local media / political attention Local Community interest 5-10 complaints	Moderate local media attention. Community Concern – little adverse effect 3-5 complaints	Some local media interest 1-2 complaints
Environment	Major environmental impact Irrecoverable environmental damage	Environmental damage affecting portion of the City Long term issue	Environmental damage restricted to localised area Medium term issue	Minor environmental damage restricted to immediate area requiring coordinated response	Minor short-term environmental impact Response coordinated by local business units
Regulatory	Non-compliance results in exposing Council to severe penalties and litigation.	Non-compliance results in penalties being applied.	Medium term non-compliance Regulator involved, findings / penalties are possible	Some temporary minor non-compliance that can be rectified within 48 hours No penalties	Very minor regulatory or statutory breaches which can be quickly resolved internally

A “risk rating” – sometimes known as the risk level - is obtained by using the Likelihood and Consequence Tables and applying the descriptor levels to the Risk Matrix shown at [Table 5](#) (below).

Table 5 – Councils Risk Matrix

	Catastrophic	Major	Moderate	Minor	Insignificant
Almost Certain	Extreme 1	Extreme 4	High 8	High 10	Substantial 15
Likely	Extreme 2	Extreme 5	High 9	Substantial 14	Medium 20
Possible	Extreme 3	High 7	Substantial 13	Medium 19	Low 23
Unlikely	High 6	Substantial 12	Medium 17	Low 21	Low 24
Very Unlikely	Substantial 11	Medium 16	Medium 18	Low 22	Low 25

When recording the risk level, the ‘risk index number’ is to be included. For example, for a risk with an assessed likelihood of ‘LIKELY’ and an outcome of ‘MAJOR’, rather than simply state that the risk has been assessed as being HIGH, the risk should be listed as HIGH-9. By including the risk index the assessed likelihood and consequence are communicated and documented.

The first rating obtained is known as the inherent risk rating (i.e. the level of risk at time of risk assessment with no controls). Once the initial risk rating has been determined, staff are to make an assessment as to what follow-up action is to be implemented. In determining what follow-up action is required the first question which must be addressed is whether the risk is considered tolerable.

Risk tolerance

Not all risk types for the Council are the same in terms of their acceptability. Once a risk has been analysed, it needs to be compared to the Councils tolerance levels. Tolerance can be described as the organisation’s readiness to bear each of the risks after implementation of controls in order to achieve its objectives.

If the assessed risk level is above the tolerable level for that category of risk then treatment may be required. If it is equal to, or below, the tolerable level for that category of risk then the risk can be tolerated.

Risk Tolerance Thresholds. In order to ensure that decisions on risk are made at the appropriate level, the Council will apply risk tolerance thresholds as shown in [Table 6](#) (shown on next page).

Table 6 – Councils Risk Tolerance Levels

Level	Endorsing Authority	Tolerance
Extreme	CEO / Elected Members	Intolerable – Exposure to the risk would normally be immediately discontinued except in extreme circumstances. The decision to tolerate residual risk at this level must be made by the CEO and/or the elected members.
High	General Managers	Intolerable without treatment – The decision to tolerate residual risk at this level must be made by the relevant General Manager. Risk controls must be applied as part of a documented risk management plan that is continuously monitored and reviewed.
Substantial	Managers	Tolerable with continual review – Unnecessary exposure to the risk must be discontinued as soon as is reasonably practicable and long-term exposure would only be considered in exceptional circumstances. The decision to tolerate residual risk at this level must be made by the relevant Manager / Event Organiser
Medium	Supervisor / Team Leader	Tolerable with periodic review – Exposure to the risk may continue provided it has been appropriately assessed, controlled and is subject to periodic review to ensure the risk does not increase. The decision to tolerate residual risk at this level must be made by relevant Supervisor and/or Team Leader.
Low	Worker	Acceptable with Periodic Review – Exposure to the threat is acceptable for Team Members / Workers without additional risk controls but is subject to periodic review to ensure the risk does not increase.

6.4 Risk Evaluation

Once the initial risk rating has been determined, staff are required to evaluate the risk level and make an assessment as to what follow-up action is to be implemented or if the risk level can be tolerated.

Risk evaluation is the process used to assist in making decisions, based on the outcomes of risk analysis, about which risks need treatment and the priority for treatment implementation. Decisions should take account of the wider context of the risk and include consideration of the tolerance of the risks borne by parties other than the organisation that benefit from the risk.

There may also be circumstances whereby, despite the risk level, risks cannot be tolerated and as such some form of treatment / mitigation is required.

6.5 Risk Treatment

Risk treatment involves identifying the range of options for controlling risk, evaluating those options, selecting the preferred treatment plans and implementing them. Treatment will be based on a thorough understanding of the risk and the affect the treatment may have, as unintended consequences may result in further risks being created.

Risk treatment can be conducted using a variety of methods. When looking at risks, treatments are aimed at reducing or removing the potential for consequences occurring. However when looking at opportunities, treatments look at ensuring that consequences are realised.

Treatment options may include:

- eliminating or avoiding the risk event;
- taking the risk to pursue an opportunity;
- removing the source of the risk;
- implementing controls to change the likelihood of the situation; and
- implementing controls to reduce the consequence of the situation.

Justifications for risk treatment is broader than solely economic considerations and should take into account all of the Council's obligations, voluntary commitments and stakeholder views. Appropriate risk treatment options should have regard to the Council's objectives, risk criteria and available resources.

The Council will tolerate a level of risk, in accordance with the risk tolerances set out in [Table 6](#). Any risk that is rated at or below a tolerable level of risk should be discussed with the relevant department to have a treatment plan in place.

Risk treatment options are not necessarily mutually exclusive or appropriate in all circumstances. As such, it may be appropriate that both likelihood controls and impact controls are required.

Control characteristics

Risk treatments need to be designed in a manner to ensure they are sufficient to mitigate that risk, and have some of the following characteristics if they are to become an adequate control:

- documented (e.g. Policies, procedures, task lists, checklists);
- systems-oriented (e.g. integrated and/or automated);
- preventative (e.g. system controls) or detective;
- consistent and regular (including during staff absence);
- performed by competent and trained individuals;
- clear responsibility and accountability;
- create value (i.e. benefits outweigh costs);
- achievable for the organisation (based on available resources);
- evidenced; and/or
- confirmed independently.

Preparing and implementing risk treatment plans

Risk treatment plans specify how the risk treatment options will be implemented, so that those involved understand what arrangements are in place and to allow progress against the plan to be monitored. Risk treatment plans may be integrated into the Council's existing processes, (e.g. project management plans, risk registers,) and wherever possible provide the following information:

- rationale for selection of treatment options;
- responsibilities and accountability for approving and implementing the plan;
- proposed actions and timeframes;
- resourcing requirements;
- constraints and contingencies; and
- required reporting and monitoring.

Once further and additional controls are added to reduce the consequence and/or likelihood, the risk is rated again to determine the residual risk (i.e. the level of risk remaining after risk treatment).

6.6 Monitoring and Review

Review of risks and controls

Monitoring and review must be a formal part of the risk management process and involves regular checking or surveillance of the effectiveness and efficiency of the risk management processes implemented.

A monitoring and review process will:

- ensure that implemented controls are effective and adequate;
- provide further information to improve risk assessment and treatment plans;
- allow for the identification of emerging risks; and
- identify any (new) activities that may influence established strategies to mitigate risks.

It is essential to monitor all activities and processes in order to capture any new or emerging risks arising from the changing environment, (both internal and external) and the activities undertaken by the Council.

Monitoring and review guidelines and timeframes are captured in the following section (*Section 7. Recording and Reporting*).

Project risks

Due to the dynamic nature of most projects, a risk may change over the lifecycle of the project, triggering the need for reassessment. The monitor and scheduled review process allows for validation of risks to ensure that they remain relevant and adaptation of project plans as necessary. Any changes in risks throughout the project and after its completion should be recorded and used for future project planning.

Review of Risk Management Framework

The review of the Council's risk management framework and processes will be scheduled for completion within five (5) years from endorsement.

7. Recording and Reporting

7.1 General

The risk management process and its outcomes should be documented and reported, in order to:

- communicate risk management activities and outcomes;
- provide information for decision making;
- continuous improvement; and
- assist interaction with stakeholders, including those with responsibility and accountability for risk management activities.

Records will be managed and retained in accordance with *State Records General Disposal Schedule 20 for Local Government*.

7.2 Risk register

The Risk Register enables the Council to document, manage, monitor and review strategic, project and operational risk information in order to build a risk profile and provide direction on how to improve risk management processes. The Risk Register can be used to monitor whether, using the approach outlined in this procedure, the risk management process for opportunities is resulting in an increasing trend towards potential for success and less risk with negative consequences.

Strategic Risks

The Council will identify and record Strategic Risks on the central Risk Register. Strategic level risks are identified by the Management Team and the Council, as part of an annual review at a minimum. Any risks identified at the Strategic level may be reflected in other corporate documents e.g. Strategic Plan, Annual Business Plan, and Asset Management Plans and mitigated through action details in these documents; however these should be collated in the Risk Register for ease of monitoring and review.

Recording and reporting of Strategic level risks is the responsibility of the Manager, WHS & Risk via Executive Leadership Team and Audit & Risk Committee.

Operational Risks

The Council will record and maintain Operational risks on the central Risk Register, which is reviewed at least annually by Departmental Managers. The Risk Register will incorporate departmental risks and proposed mitigation techniques, as determined by the evaluation process. Recording operational level risks in the register and reporting of implementation and effectiveness of controls is the responsibility of Department Managers and workers.

Project / Activity Risks

Project level risks can be identified by anyone at any time prior to, and during, specified projects and are recorded within the Risk Register. Project level risks must be identified during the Planning process, however can be added as and when necessary. Recording and reporting of Project or Activity level risks rest with the identified Project Owner.

7.3 Risk reporting

Risk based reports are to draw data from the Risk Register and provide monitoring and profile information to Council, the Audit & Risk Committee and the Executive Leadership Team in order to:

- understand the risk exposure of the Council;
- identify risks that require increased attention and action;
- provide risk information to the Council (especially anything effecting the Strategic Management Plan);
- provide information to all workers at all levels to make risk informed decisions; and
- improve the Risk Management awareness and culture at the Council.

Risk reporting will include:

- all Council and Committee reports to include discussion of potential risks, based on completed risk assessment and treatments;
- an annual review and update of the Risk Register by Departmental Managers, (or as otherwise required, e.g. organisational structure change/ process change/ new project);
- quarterly review of Extreme/ High Operational Risks by Executive Leadership Team provided to the Audit & Risk Committee;
- annual review of Strategic Risks by Executive Leadership Team;
- all new and emerging Strategic Risks reviewed by Executive Leadership Team as required;
- any actions that are overdue by management for HIGH and EXTREME risks; and
- any risks rated as HIGH or EXTREME after the consideration or implementation of treatment options are reported to Council's Audit & Risk Committee.

Inclusion of risk statements within Council Reports

Risk reporting is the vehicle for communicating the value that the risk management processes bring to the Council. It allows for proactive risk management as the Council identifies and escalates issues either as they arise, or before they are realised to take a proactive approach to managing risks. Effective risk reporting should focus on how risk activities impact individual business units and enterprise risk profiles.

To ensure that risks are appropriately addressed and communicated, all reports which are provided to the Council and its Committees shall address, as a minimum, three integral components

- Key Risk Description - What are the top risks related to this project / proposal / event or task?
- Impact Statement – What risk levels have been assessed? Are the risk exposures in line with Councils strategy and risk tolerances?
- Risk Controls - How can/will the risks which have been identified be managed.

Without robust information about risk, the Council cannot offer effective oversight. Therefore, management should carefully evaluate the format and purpose of Council reports to ensure that risk communication with consideration to risk governance responsibilities, risk tolerance thresholds, and the intersection between risk and strategy are fully outlined. This process also ensures that the risk information is of value to the management team as well and not simply “paperwork.”

8. Training

8.1 Workers

The Council's Training Needs Analysis (TNA) is a tool which is used to:

- capture legislative training and/or licencing requirements; and
- identify individual tasks within specific jobs and the core competencies required for the safe performance of those jobs.

Risk Management awareness training is captured on the Councils TNA, to ensure the effective implementation of this Procedure.

Risk Management should be viewed as an umbrella that is overarching across all the Council functions, not as a specialist skill that is owned by a designated risk management position and, as such, the Council considers it to be a skill and necessity that workers need to perform their day to day activities.

Risk Management awareness training will be provided by the Council to relevant staff and will take into consideration the role of the staff member within the Risk Management Framework and the level of past risk management experience and knowledge.

8.2 Elected Members

Elected Members are key strategic decision makers and it is therefore imperative that they have an understanding of the Council's Risk Management Policy and Procedure and their role in informed decision making based on sound risk management principles.

Risk Management awareness training will be scheduled within three (3) months of Council elections.

8.3 Audit & Risk Committee

Audit & Risk Committee members should, at a minimum, have an understanding of their roles and responsibilities as outlined in the Council's Risk Management Policy and this Procedure, including the monitoring and review of risk management reports and outcomes from management and external auditors.

9. Information

This Procedure should be read in conjunction with the Council's Risk Management Policy.

This Procedure and supporting policies and tools will be made available to all workers through the *One NPSP* (Council intranet - <http://onenpsp/council/risk>)

Annex:

- A. Glossary - Risk Management Terminology

Glossary

Consequence

A consequence is the outcome of an event *affecting* objectives. A description of the consequence levels within the Council are listed in [Table 4 – Council Impact / Consequence Descriptors](#).

Corporate Governance

For the purposes of this policy, corporate governance is defined as:

“the structures and processes adopted by a Council to ensure its accountability and relationships to its residents, employees and stakeholders reflect sound principles, ethical behaviour and robust procedures requiring democratic accountability, openness and transparency, clearly assigned roles and responsibilities and a responsive framework for community participation.”

Event

In RM terms, an ‘event’ is an occurrence of a particular set of circumstances. A risk event must therefore have sufficient detail to allow it to be appropriately assessed / analysed.

External Context

The external context refers to the environment in which the organisation seeks to achieve its objectives.

Impact

Refer to [consequence](#).

Inherent Risk

The inherent risk is the amount of risk before any risk treatment / controls are applied.

Internal Context

The internal context is the environment in which the organisation seeks to achieve its objectives.

Likelihood

The likelihood is the chance of something happening. A description of the various likelihood levels within the Council are listed in [Table 3 – Council Likelihood Descriptors](#).

Risk

AS/NZS ISO 31000:2009 defines risk as *“the effect of uncertainty on objectives”*

In this context, risk is the “degree of uncertainty” that exists, whether potential for gain or exposure to loss.

Risk Analysis

Risk Analysis is a systematic process used to understand the nature of, and to determine the level of, risk.

Risk Appetite

The amount of risk an organisation can take on in order to pursue its objectives is commonly known as its risk appetite.

Risk Assessment

The overall process of risk identification, risk analysis and risk evaluation is known as risk assessment.

Risk Control

Risk controls are the activities implemented to mitigate risks. They may be likelihood controls which are designed to prevent an incident/risk from occurring or they may be impact controls which are designed to minimise the impacts / reduce the losses associated with an activity.

Risk Identification

Determining, what, where, when, why and how something could happen.

Risk Management

Risk Management (RM) is essentially a structured approach to the identification, evaluation and management of risks. It is also a proactive approach which Local Government can use to address threats and lost opportunities in respect to its interests.

The AS/NZS ISO 31000 2009, defines risk management as:

“Co-ordinated activities to direct and control an organisation in regard to risk.”

Risk Management Framework

A Risk Management Framework is a set of components that provide the foundations and organisational arrangements for designing, implementing, monitoring, reviewing and continually improving risk management.

Risk Owner

A Risk owner is the assigned staff member with the accountability and authority to manage a risk

Risk Profile

A risk profile, usually developed in the course of undertaking a risk analysis, examines the nature, likelihood and consequences of adverse effects occurring, prioritising identified risks and determines the level of risk that the organisation is prepared to tolerate.

Risk Rating

A Risk rating is the risk score based on consequence and likelihood assessments. A risk rating is determined by using the Risk Matrix (shown at [Table 5 – Councils Risk Matrix](#)).

Risk Register

The Risk Register is a document which lists all identified risks, their consequences, likelihood, rating and treatments.

Residual Risk

Residual risk is the amount of risk (risk rating) after the implementation of risk treatments/controls.

Risk Treatment.

Risk treatment is the process of selecting and implementing mitigation (or control measures) to minimise risk.

Attachment B

Changes to Council's Risk Management Framework

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City of
**Norwood
Payneham
& St Peters**



City of
Norwood
Payneham
& St Peters

Risk Management Implementation Plan

A systematic approach to embed a new risk management framework within City of Norwood Payneham & St Peters

Version: 2.0

Issue Date: 18 August 2022

The purpose of this Plan is to outline the necessary steps, processes and timings to successfully implement the revised risk management framework within Council

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Document History Revision Record

Version Date	Version Number	Authorised Officer	Description of Revision
11 February 2022	0.1	Manager, WHS & Risk	Initial concept draft
10 May 2022	0.2	Manager, WHS & Risk	Consultation Draft
06 June 2022	1.0	Chief Executive Officer	Original Version
18 August 2022	2.0	Manager, WHS & Risk	Amend schedule to align with new appointments following LG Elections



City of
Norwood
Payneham
& St Peters

Risk Management Implementation Plan

Introduction

1.1 Purpose

The purpose of this plan is to outline how the City of Norwood Payneham & St Peters will implement the necessary procedures, systems and tools to embed risk management into all levels of decision making throughout the Council.

1.2 Approach

The development of this risk management implementation plan has taken into consideration:

- Councils' extant risk management policy;
- *draft* risk management procedure;
- available in-house resources; and
- urgency, quick wins and sustainability.

1.3 System Overview

The City of Norwood Payneham & St Peters is committed to an integrated approach to risk management to assist in setting appropriate strategies, achieving objectives and making informed decisions, in the best interests of the community. To this end, the Council has developed a Risk Management Procedure which outlines the requirements and processes supporting the Council's revised [Risk Management Policy](#). The new Procedure sets out how the Council will manage risks, and opportunities, as well as describing the risk environment in which Council must operate.

Management Overview

2.1 Description of Implementation

For the Council to effectively embed its new Risk Management Framework into its operations, the following phased approach will be adopted:

- endorsement of Council's new Risk Register;
- populate Risk Register with current risk profile;
- review / Update organisational risk profile / risks;
- development of Staff training and development;

- production of risk management Documents and Materials;
- conduct of internal communication plan; and
- adaptation of risk monitoring and reporting.

Implementation of the above stages will occur over the next 12 months with detail of each component outlined in the following paragraphs below.

2.2 Major Tasks

2.2.1 Endorsement of Risk Register. The purpose of the Council's Risk Register is to serve as a consolidated database for strategic, operational and key project risks. The Risk Register enables decision makers within the Council, to capture all possible or potential risks, identify and outline important components of these risks as well as identify and evaluate the controls assigned to mitigate these risks.

Since 2016, Council has been utilising an e-platform – *SkyTrust* – to manage its Work Health & Safety (WHS) compliance needs. *SkyTrust* is a cloud-based organisational management system which enables improved performance and provides dashboard based situational awareness. The platform has recently been upgraded to include a risk register capability which can be used for multiple types of risk. Use of the *SkyTrust* platform will enable better transparency and assignment of responsibilities and risk controls.

The Manager, WHS & Risk will brief the Executive Leadership Team (ELT) on the capabilities, limitations and functions of the *SkyTrust* Risk Register, in order to gain formal approval for use of *SkyTrust* to house Council's corporate risk register. If the use of *SkyTrust* is not supported, an alternate platform for capturing the Council's risks will need to be identified prior to subsequent stages progressing.

2.2.2 Population of Risk Data. Once the ELT have activated the use of *SkyTrust* for the Council's Risk Register, the next step will be the population of the platform with all known strategic, operational and project risks. In 2019, *Bentleys* was engaged to develop summary of the key risks for Council. This report identified eight (8) strategic risks and a further eleven (11) operational risks which have been regularly monitored by the Council's Audit & Risk Committee. If approved, these risks are to be transferred into Council's new as accurately as possible, with modifications only being applied to align with the input fields contained within *SkyTrust*.

2.2.3 Review of organisational Risk Profile. Once the initial risk data has been entered into *SkyTrust*, Council is to review, validate and ratify Council's risk data. For this to occur, a series of workshops will be conducted during which – in addition to scoping any new risks – each known risk will be fully mapped so that:

- risk events are verified (including confirmation of the context, interrelationships and consequences of each risk event);
- risk owners are assigned;
- risk levels (both inherent and residual) are confirmed;
- risk controls are documented and prioritised ; and
- risk controls and any required actions are appropriately assigned in *SkyTrust* (thereby enabling oversight and accountability).

In order for these workshops to be effective, it will also be necessary for each session to commence with an education session to ensure that workshop participants are familiar with the Council's new Risk Management Framework. Upon completion, the new Risk Register will 'go live' with 'risk owners' subsequently responsible for updating and tracking risk controls (as required).

2.2.4 Staff training and development. For the Council's Risk Management Framework to be fully implemented, it is crucial that risk management is embedded within the organisation's corporate training program. Ongoing training is important because it is likely that Council will face a constantly changing operating environment, both internally and externally. To that end, risk management is to be added into Council's list of corporate training requirements so that it will be included within induction and considered as part of Organisational Development & Performance annual training needs analysis.

The following stakeholder groups will require ongoing / periodic training as listed in Table 1 (below).

Training	Target Audience	Frequency
Induction / Awareness	All staff members	During onboarding
Awareness / Refresher		During roll-out & every five years
Technical	Executive Leadership Team	During roll-out & Biennially
	Managers	
	Project Leaders	
	Contract Superintendents	

Table 1 – Risk Management Training

Training frequencies will need to be reassessed if/when the Council's Risk Management Policy and/or procedure are amended. Training will be developed and delivered in-house by the Manager, WHS & Risk.

2.2.6 Communication Plan. In order to ensure that there is a transparent understanding of how the Council will be approaching and implementing risk management, the following key communication measures are to be undertaken:

- memorandums from the Chief Executive Officer to all staff announcing commencement of new Risk Management framework;
- distribute posters for training events;
- distribute Training announcements / booking requests;
- articles within internal staff e-communication platforms (*OneNPSP* and *People Matters*);
- update new hire induction / education materials;
- elected Member briefing; and
- create internal emails periodically leading up to the conduct of training sessions.

2.2.5 Monitoring and Review. To monitor the conduct and effectiveness of training sessions, informal oral surveys will be conducted at the conclusion of each session to determine staff knowledge and comprehension. Any issues which are identified are to be reviewed by Manager, WHS & Risk and Manager, Organisational Development to tailor the training package as required.

As the Council's Risk Register will be embedded within *SkyTrust* or an approved alternative any assigned actions - and responsibility for oversight of specific risk events – will be tracked via *SkyTrust* or an approved alternative. *SkyTrust* (or an approved alternative) will also enable automated email reminders of all risk event review cycles, assigned corrective actions and close-out of tasks. The e-platform will also allow the Manager, WHS & Risk to have oversight of all outstanding tasks. Where 'risk owners' do not meet any assigned timelines, the Manager, WHS & Risk will advise the Executive Leadership Team whenever a target closure date is exceeded by greater than twenty (20) days.

The Council's Audit & Risk Committee will review the Risk Register every six (6) months and should include within its annual report to the Council, a summary of all strategic risks which have been monitored throughout the year. The Audit & Risk Committee's Terms of Reference will be updated to ensure that this activity is reflected within its core functions.

Six months post implementation of the Risk Management Framework into the operations of the organisation, the Manager, WHS & Risk will conduct an internal staff survey to assess how well the changes have been integrated.

2.3 Implementation Schedule

To ensure that Risk Management is delivered promptly, the key timings are to be achieved:

	Actions	Critical	Responsibility	Timing
Processes	Revised RM Policy (2020) available on Objective	Yes	GM, Governance Community Affairs	Complete
	Update DRAFT RM Procedure (<i>to include feedback from original DRAFT – Version 1</i>)	No	Manager, WHS & Risk	Complete
	Distribute DRAFT (Version 2) RM Procedure for consultation with key stakeholders	No	Manager, WHS & Risk	Complete
	Incorporate Feedback from stakeholders	No	Manager, WHS & Risk	Complete
	Staff final DRAFT for ELT consideration / approval	Yes	Manager, WHS & Risk	Complete
	ELT Approve RM Procedure and Implementation Plan	Yes	ELT	Complete
	ELT consider / approve use of SkyTrust for Council Risk Register	Yes	ELT	Complete
	Conduct Risk Workshop(s)	Yes	Manager, WHS & Risk	Feb-Mar 2023
	Update Risk Register	Yes	Manager, WHS & Risk	Mar-Apr 2023
	Develop Training Schedule	Yes	Manager, Org. Development	Complete
	Technology	Finalise Objective File structure for RM documents.	No	Coordinator Corp. Records
Design Webpage for <i>OneNPSP</i>		No	Manager, WHS & Risk	Complete
Configure data fields within <i>SkyTrust</i>		Yes	Manager, WHS & Risk	Complete
Knowledge or materials	Publish finalised RM Policy on Objective	Yes	GM, Governance Community Affairs	Complete
	Publish finalised RM Procedure on Objective	Yes	GM, Governance Community Affairs	Complete
	Develop / Publish Updated Risk Assessment Templates	Yes	Manager, WHS & Risk	01 Sep 22
	Develop / Publish Updated RM Aide Memoire	No	Manager, WHS & Risk	18 Sep 22
People	Deliver RM Awareness Training to all staff	No	Manager, WHS & Risk	Feb 2023
	RM Training for Managers / Supervisors	Yes	Manager, WHS & Risk	10 Dec 22
	Elected Member briefing	No	Manager, WHS & Risk	Dec 22 – Feb 23
Stakeholder engagement	CEO Memo announcing new Risk Management Framework	Yes	Manager, WHS & Risk	01 Dec 22
	Create webpage article for One NPSP	No	Manager, WHS & Risk	15 Sep 22

Table 2 – Implementation Schedule

Implementation Support

3.1 Information technology

If approved for use, the *SkyTrust* platform is already funded by the Local Government Association Workers Compensation Scheme (LGAWCS) and as such, there will be no additional cost to the Council. If *SkyTrust* is not endorsed as the Corporate Risk Register, alternate options may require additional funds to be identified / sourced.

In support of the implementation, an internal webpage will also be created on the organisations intranet, *OneNPSP*, which will be designed as a hub to assist staff identify, assess and manage risks within the City of Norwood Payneham & St Peters. The intranet page is located at:

<http://onenpsp/council/risk>

The following Objective folder has been created for all risk management framework documentation:

<https://objective.in.npsp.sa.gov.au/documents/qA94526/details>

3.2 Documentation

In support of the implementation of training throughout the Council, the Manager WHS & Risk will develop a suite of training materials to ensure that Elected Members and all staff have access to relevant supporting documentation and resources. These supporting training materials will include, but are not limited to the development of:

- updated Risk Assessment templates;
- *Training Guide for Managers* – A practical summary of how to identify, manage and report operational risk; and
- *Risk Management Aide Memoire* – Providing a summary of key terminology and methodology.

3.3 Training support

The Manager, Organisational Development & Performance will incorporate the training needs identified at paragraph 2.2.4 of this document into the Council's annual training program.

11.9 EXECUTION OF COUNCIL SEAL - FUNDING DEED UNDER 2022-2023 STATE BICYCLE FUND

REPORT AUTHOR: Manager, Traffic & Integrated Transport
GENERAL MANAGER: General Manager, Urban Planning & Environment
CONTACT NUMBER: 8366 4542
FILE REFERENCE: qA12
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to seek the Council's approval to sign and seal a funding deed (*the Deed*), between the Council and the Minister for Infrastructure and Transport.

The Deed facilitates the Council's receipt of funding (\$200,000, GST inclusive) from the *2022-2023 State Bicycle Fund*. The funding has been awarded for the design and construction of safety improvements at five intersections along the William Street Bikeway, Norwood as set out below:

- upgrade the roundabouts along William Street at the intersections of Charles Street, Sydenham Road, Edward Street and Queen Street;
- upgrade the cyclist and pedestrian crossings of the Osmond Terrace median island at William Street; and
- install cyclist wayfinding signs along the William Street Bikeway.

A copy of the *2022-2023 State Bicycle Fund Deed* is contained in **Attachment A**.

BACKGROUND

William Street is an important bicycle route, acting similarly to Beulah Road as a parallel, low-traffic alternative to The Parade. Its popularity was confirmed in the 2022 'Super-Tuesday' Bicycle and Pedestrian Survey which counted 152 cyclists and 143 pedestrians in the two-hour morning commuter period (at the intersection of William Street and Osmond Terrace).

The Grant funding will contribute to the 2022-2023 Capital Works Program that already includes roundabout renewal and road resealing along William Street from Fullarton Road to Portrush Road.

The Department of Infrastructure and Transport and (DIT) has recently advised that the Council has been successful in receiving the Grant, and has requested that the *the Deed* be signed and sealed by the Council.

FINANCIAL AND BUDGET IMPLICATIONS

The \$200,000 allocated in this *2022-2023 State Bicycle Fund* will reduce the overall contribution required from the Council for the construction of the William Street bikeway that is planned for the 2022-2023 financial year.

This funding is in addition to the *2021-2022 Black Spot Funding* of \$253,000, for the upgrade of the roundabouts along William Street, at the intersections of George Street and Elizabeth Street. Therefore, the Council will receive a total of \$453,000 toward all six (6) roundabouts that are planned for renewal.

EXTERNAL ECONOMIC IMPLICATIONS

Nil.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Improving the safety and convenience of bicycle routes across the City will hopefully encourage more citizens to use active modes of transport and in turn reduce reliance on motor vehicles.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

No significant risks have been identified with this proposal as it relates to the execution of a funding deed.

COVID-19 IMPLICATIONS

Not Applicable.

CONSULTATION

Not Applicable.

DISCUSSION

The proposed works will modify the geometry of the roundabouts from a tangential design to a radial design, to meet the current best-practice Australian Standards and Guidelines, with the aim to improve safety by reducing traffic speed and improving the positioning of vehicles and cyclists on the road.

The proposed works at Osmond Terrace will include the construction of separate pedestrian and cyclist paths across the median island, noting that currently there are no crossing facilities for pedestrians.

In addition, the works will incorporate stormwater improvements and new landscaping, improving the overall safety and amenity for all road users.

The funding period is from 1 July 2022 to 30 June 2023.

OPTIONS

The Council can either agree to or decline the funding deeds. If the Council does not accept the funding, the project will still proceed. Given that the work is currently planned and budgeted, there is no logical reason not to accept the Grant.

CONCLUSION

Nil.

COMMENTS

Nil.

RECOMMENDATION

That the Mayor and Chief Executive Officer be and are hereby authorised to sign and seal the Funding Deed under the *2022-2023 State Bicycle Fund*, for:

- upgrade of four roundabouts along William Street at the intersections of Charles Street, Sydenham Road, Edward Street and Queen Street; and
- improve the median crossing for cyclists and pedestrians at Osmond Terrace; and
- install cyclist wayfinding signs along the William Street Bikeway.

Attachments – Item 11.9

Attachment A

Execution of Council Seal Funding Deed under 2022-2023 State Bicycle Fund

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

Telephone 8366 4555
Facsimile 8332 6338
Email townhall@npsp.sa.gov.au
Website www.npsp.sa.gov.au



City of
**Norwood
Payneham
& St Peters**



Government of South Australia

Department for Infrastructure
and Transport

Knet: #19313494
Enquiries to: Joy Yu
T: 08 7133 1215
E: joy.yu@sa.gov.au

Ms Gayle Buckby
Manager, Traffic & Integrated Transport
City of Norwood Payneham & St Peters
E: gbuckby@npsp.sa.gov.au

**TRANSPORT
PLANNING AND
PROGRAM
DEVELOPMENT**

77 Grenfell Street
Adelaide SA 5000

GPO Box 1533
Adelaide SA 5001

ABN 92 366 288 135

STATE BICYCLE FUND APPLICATION 2022-2023

Dear Ms Buckby,

I refer to the City of Norwood, Payneham & St Peters (Council)'s application to fund cycling initiatives through the 2022-23 State Bicycle Fund and, I am pleased to advise that your application has been successful for the following project:

Project Description	Total Cost	Approved Funding
Upgrade four roundabouts along William Street at the intersections of Charles Street, Sydenham Road, Edward Street and Queen Street (tangential to radial), improve median crossing on Osmond Terrace, install wayfinding signs.	\$500,000	\$200,000

This funding continues to develop the strong partnership of State and Local Government working together to encourage cycling in our community.

To secure funding Council is required to enter into a formal Funding Deed. Please advise the appropriate Council officer to contact Joy Yu at the Department for Infrastructure and Transport regarding the Funding Deed. Joy can be contacted on 7133 1215, or via email at joy.yu@sa.gov.au

I look forward to the successful completion of your projects and continuing the collaboration with Council to improve the conditions for cyclists in South Australia.

Yours sincerely,

Tim McEvoy
Planning Lead

6/10/22

FUNDING DEED under **STATE BICYCLE FUND**

Upgrade four roundabouts along William Street at the intersections of Charles Street, Sydenham Road, Edward Street and Queen Street, improve median crossing on Osmond Terrace and install wayfinding signs.

\$200,000

Between

MINISTER FOR INFRASTRUCTURE AND TRANSPORT
(Minister)

And

THE COUNCIL NAMED IN THE SCHEDULE
(Council)

DEED dated the day of

PARTIES:

MINISTER FOR INFRASTRUCTURE AND TRANSPORT, a body corporate pursuant to the *Administrative Arrangements Act 1994*.....(**Minister**)

And

THE COUNCIL NAMED IN THE SCHEDULE a body corporate under the *Local Government Act 1999*.....(**Council**)

It is agreed:

1. FUNDING

- 1.1 Subject to this deed, the Minister will pay the Council up to the amount of money specified in the Schedule (**Funding**).
- 1.2 The Council must only use the Funding for the **Purpose** set out in clause 3 of the Schedule.
- 1.3 For the purposes of this deed, the **Funding Period** is the period commencing on the Start Date and, subject to funding being available, will continue until the End Date. The **Start Date** and **End Date** are set out in the Schedule.
- 1.4 The Funding is payable by way of a lump sum in accordance with the Schedule. During the Funding Period, the Council is entitled in accordance with the conditions set out in the Schedule to invoice the Minister for the payment of the Funding.
- 1.5 At the end of the Funding Period the Council must provide a report on the level of any unexpended Funding.
- 1.6 The Council must repay any part of the Funding which is unexpended at the end of the Funding Period to the Minister unless the Minister gives written approval for the Council to retain the money.
- 1.7 The Council must pay at least fifty per cent of the total cost of the works undertaken for the Purpose.

Unless otherwise agreed in writing with the Minister, if by the end of the Funding Period, the total cost of the works for the Purpose is less than double the amount of the grant (GST Exclusive) then in addition to repaying any unexpended Funding, the Council must repay to the Minister the difference between the amount of the Funding and a half of the actual cost of the works.

2. GST

- 2.1 In addition to any amounts payable by the Grantor as part of the Funding (**Base Payment**), the grantor must, if in relation to a Taxable Supply for which the grantor has received a Tax Invoice, pay to the Council an additional amount (**GST Payment**) calculated by multiplying the Base Payment by the rate at which GST is levied at the time of this deed.
- 2.2 The GST Payment is payable at the same time and subject to the same conditions as the Base Payment. "*Taxable supply*", "*GST*" and "*Tax Invoice*" have the meaning attributed under the *A New Tax System (Goods and Services Tax) Act 1999*.

3. ADMINISTRATION OF DEED

- 3.1 Any power or discretion exercisable by the Minister under this deed may be exercised by the person (**Minister's Representative**) for the time being in the position within the Department for Infrastructure and Transport (**Department**) set out in the Schedule.
- 3.2 Any power or discretion exercisable by the Council under this deed may be exercised by the person (**Council's Representative**) for the time being in the position within the Council set out in the Schedule.

4. PROVISION OF FINANCIAL INFORMATION

- 4.1 The Council must provide the Minister with appropriate and regular information, records and reports as the Minister may request from time to time about:
- 4.1.1 the administration and financial affairs of the Council;
 - 4.1.2 the progress of and any change to the authorised scope of the Purpose;
 - 4.1.3 any significant changes to the nature and scope of the activities conducted by the Council;
 - 4.1.4 any other matter relevant to the granting of assistance;
 - 4.1.5 any other funding or financial assistance promised or received from any source other than the Minister;
 - 4.1.6 the Council's management of the Funding, including, but not limited to, the economic and efficient use of resources to achieve the outcomes of the Purpose; and
 - 4.1.7 the performance of the Council's undertakings and obligations under this deed.
- 4.2 The information provided by the Council must be sufficient for the Minister to make an informed judgement about:
- 4.2.1 the Council's ongoing financial position and its resources and expertise in relation to the Purpose;
 - 4.2.2 the Council's performance in managing public moneys, acquiring, and using resources economically and efficiently and in achieving specified objectives in relation to the Purpose;
 - 4.2.3 the overall effectiveness of the Funding throughout the Funding Period;
 - 4.2.4 compliance with legislation and generally accepted accounting principles; and
 - 4.2.5 compliance with the Council's constitution and the conditions of this deed.
- 4.3 The Council must permit any officer authorised by the Minister:
- 4.3.1 to enter the Council's premises and to have access to all accounting records, equipment, documents, and information in possession of the Council; and
 - 4.3.2 to interview employees of the Council on matters pertaining to the operations of the Council.

5. OBLIGATIONS OF THE COUNCIL

The Council must:

- 5.1 ensure that any works undertaken towards the Purpose are undertaken in accordance with (and to the standard required by) any applicable Standards published by Austroads and Standards Australia Limited;
(all bicycle facilities constructed must be planned, designed, and constructed in accordance with Austroads guidelines and AS 1742.9 – Manual of uniform Traffic Control Devices Part 9: Bicycle Facilities);
- 5.2 maintain accounting records of the Funding in accordance with generally accepted accounting principles;
- 5.3 ensure that any activity carried out by the Council in connection with the Council's use of the Funding complies with the laws from time to time in force in South Australia;
- 5.4 comply with its constitution;
- 5.5 comply with the reporting requirements set out in the Schedule;
- 5.6 prepare financial statements in accordance with Australian Accounting Standards at the end of the Funding Period and submit the financial statements, signed by a senior office holder of the Council, to the Minister no later than one calendar month after the expiry of the Funding Period; and
- 5.7 where requested by the Minister, provide to the Department management accounts, annual reports, financial statements and any other information or documents relevant to the Council's operations.

6. TERMINATION

- 6.1 If the Council fails to comply with this deed, the Minister may:
 - 6.1.1 require the Council to repay either the whole or a portion of the Funding (whether expended or not);
 - 6.1.2 withhold all future funding from the Council;
 - 6.1.3 pursue any legal rights or remedies which may be available to the Minister; and
 - 6.1.4 terminate or curtail any program or project conducted by the Minister of which the Purpose conducted by the Council is part.
- 6.2 The Minister may review any decision made pursuant to this clause if the Council is able to satisfy the Minister within a period of 30 days from the decision that the Council has complied with the conditions of this deed.
- 6.3 Nothing in this deed is to be taken to limit the Minister's discretion to determine whether and how any program or project of the Minister is to be conducted, except if and to the extent that the Minister gives an express undertaking in that regard.

7. **INSURANCE**

The Council warrants that it is a member of the Local Government Association Mutual Liability Scheme (**Scheme**) and is bound by the Scheme pursuant to section 142 and Schedule 1, Part 2 of the *Local Government Act 1999* (SA) (**Act**) and in the event that the Council ceases to be a member of the Scheme it will forthwith, pursuant to Section 142(1) of the Act and the regulations under that Act, take out and maintain insurance to cover its civil liabilities at a minimum level of cover of AUD \$50 million.

8. **ACKNOWLEDGEMENTS**

The Council acknowledges that the Funding represents a one-off contribution by the Minister towards the Purpose, and the Council agrees that any request for subsequent funding will require a new application to the Minister.

The Minister is under no obligation to agree to pay any subsequent funding to the Council.

The Council further acknowledges and agrees that the Minister will not be liable to reimburse the Council for any losses (or cost over runs) that may result from the operation of this Agreement or the carrying out of the Purpose or a Project.

9. **INDEMNITY**

The Council acknowledges and agrees that it remains at all times solely responsible for the conduct of the Purpose and any Project and it releases and indemnifies the Minister, the Commissioner of Highways and the Crown in right of the State of South Australia together with their employees, contractors and agents (**those indemnified**) from and against any loss or liability incurred or suffered by any of those indemnified as a result of any claim, suit, demand, action or proceeding brought by any person against any of those indemnified in respect of the works to carry out the Purpose and/or a Project or otherwise caused by any breach or default of the Council under this Agreement.

10. **AUDIT**

The Minister may direct the Council to arrange for the financial accounts relating to the Funding to be audited at the Council's expense. The Minister may specify the minimum qualifications to be held by a person appointed to conduct the audit.

11. **ASSIGNMENT**

The Council must not assign, novate, or encumber any of its rights or obligations under this deed.

12. **PUBLICITY**

The Council must not make or permit a public announcement or media release to be made about any aspect of this deed without first obtaining the Minister's consent.

13. **CONSENT**

If the Council requires the Minister's consent under this deed, the Minister may, in its absolute discretion, give or withhold its consent and if giving consent, the Minister may impose any condition on that consent that it considers appropriate. The Minister's consent will not be effective unless it is in writing and signed.

14. ENTIRE DEED

This deed incorporates any attached schedules and annexures. This deed contains the entire agreement between the parties with respect to its subject matter and supersedes any prior agreement, understanding or representation of the parties on the subject matter.

15. PROPER LAW

The laws in force in South Australia apply to this deed.

16. JURISDICTION OF COURTS

The courts of South Australia have non-exclusive jurisdiction to determine any proceeding in relation to this deed. Any proceeding brought in a Federal Court must be instituted in (and remain with) the Adelaide Registry of that Federal Court.

17. COMPLIANCE WITH LAWS

The Council must comply with the laws in force in South Australia in the course of performing its obligations under this deed.

18. NOTICES

A notice is properly given or served if the party delivers it by hand, posts it or transmits it by electronic mail or facsimile, to the address of the Representative of the other party. A notice is taken to be received:

- 18.1 if sent by post, at the time it would have been delivered in the ordinary course of the post to the address to which it was sent;
- 18.2 if sent by electronic mail, only in the event that the sender receives confirmation that the e-mail has been successfully transmitted to the correct e-mail address; or
- 18.3 if delivered by hand, the party who sent the notice holds a receipt for the notice signed by a person employed at the physical address for service.

19. PERFORMANCE AND FUTURE PROPOSALS

The satisfactory completion of the works for the Purpose and on-going compliance with reporting obligations, may be taken into account as a factor in assessing any future applications by the Council for funding under the State Bicycle Fund.

20. WAIVER

Any waiver of any provision of this deed is ineffective unless it is in writing and signed by the party waiving its rights. A waiver by either party in respect of a breach of a provision of this deed by the other party is not a waiver in respect of any other breach of that or any other provision. The failure of either party to enforce any of the provisions of this deed at any time must not be interpreted as a waiver of that provision.

21. VARIATION

Any variation of this deed must be in writing and signed by each party (or its Representative).

Any request by the Council for agreement to vary the Funding or the Purpose must be accompanied by sufficient details explaining the reasons for the requested variation to enable the Minister to have regard to its merits.

22. READING DOWN AND SEVERANCE

In the event that any provision (or portion of any provision) of this deed is held to be unenforceable or invalid by a Court of competent jurisdiction, the validity and enforceability of the remaining provisions (or portions of such provisions) of this deed shall not be adversely affected.

The offending provision or part of a provision shall be read down to the extent necessary to give it legal effect or shall be severed if it cannot be read down, and the remaining part and provisions of this deed shall remain in full force and effect.

23. AUDITOR GENERAL

Nothing in this deed derogates from the powers of the Auditor-General under the *Public Finance and Audit Act 1987* (South Australia). Without limiting this clause, the Council acknowledges the Auditor General's obligations and powers under sections 32 and 34 of the *Public Finance and Audit Act 1987* (South Australia).

24. PUBLIC DISCLOSURE

The Minister may disclose this deed and/or information relating to this deed in both printed or electronic form and either generally to the public or to a particular person as a result of a specific request. Nothing in this clause derogates from the Council's obligations under any provision of this deed or the provisions of the *Freedom of Information Act, 1991*.

25. ADDITIONAL CONDITIONS

The additional conditions set out in the Schedule (if any) form part of this deed.

SCHEDULE
1. THE COUNCIL

Legal Name: City of Norwood Payneham & St Peters
 Trading Name: City of Norwood Payneham & St Peters
 Site Address: 175 The Parade, NORWOOD SA 5067
 Postal Address: 175 The Parade, NORWOOD SA 5067
 ABN: 11 390 194 824

2. REPRESENTATIVES**Minister's Representative**

Name: Ms Gemma Kernich
Position: Manager, Programme Development
 Address: Level 7, 77 Grenfell Street, ADELAIDE SA 5000
 Telephone: 7109 7104
 E-mail: gemma.kernich@sa.gov.au

Council's Representative

Name: Ms Gayle Buckby
Position: Manager Traffic & Integrated Transport
 Address: 175 The Parade, NORWOOD SA 5067
 Telephone: 8366 4542
 E-mail: gbuckby@npsp.sa.gov.au

3. PURPOSE

The Funding is provided for the Purpose of the Council undertaking (within the Funding Period) the **Project** described below (and in the proposal and plans attached to this deed) in accordance with (and to the standard required by) any applicable Standards published by Austroads and Standards Australia Limited.

Description of Project

Upgrade four roundabouts along William Street at the intersections of Charles Street, Sydenham Road, Edward Street and Queen Street, improve median crossing on Osmond Terrace and install wayfinding signs.

4. FUNDING PERIOD

Start Date: 01 July 2022
End Date: 30 June 2023

5. FUNDING

Amount (AUD): \$200,000 (GST exclusive)

6. MANNER & CONDITIONS OF PAYMENTLimit on payments

The Funding of \$200,000 (GST exclusive) is the maximum total amount the Minister may be liable to pay the Council under this deed.

Invoice

The Minister is **not** obligated to pay an invoice unless properly rendered. An invoice is properly rendered if it:

- (a) is issued in respect of a payment for which the Council is entitled to invoice for under this deed;
- (b) quotes the relevant purchase order number allocated by the Minister;
- (c) reflects the correct amount for payment under this deed; and
- (d) is a valid Tax Invoice in accordance with GST Law.

Payment Term

Provided that the total amount of the Funding has not been (or will be) exceeded, the Minister must pay the amount of a properly rendered invoice for the Funding within 30 days of receiving the Council's invoice.

7. **ADDITIONAL REPORTING REQUIREMENTS**

Report (Title)	Frequency (By when)	Requirements (Information and applicable standard)
Project Report	31 December 2022 and 31 March 2023 or 7 days from request.	<ul style="list-style-type: none"> • The progress of the Project and scheduling of works. • Updated Expenditure forecasts during the term of the funding period • The management of the Funding (i.e., break down of expenditure of the Funding). • Any changes to the authorised scope of the Project. • Any significant changes to the nature and scope of the activities conducted by the Council. • Any operational matters requested from time to time by the Minister for inclusion in the Project Report.
Financial Statements (As referred to in clause 5)	Within 30 days from the expiry of the Funding Period.	Financial Statements prepared in accordance with Australian Accounting Standards setting out in detail the Council's expenditure of the Funding (with invoices attached from any contractors engaged for the Purpose) and signed by a senior office holder of the Council.

8. **SPECIAL CONDITIONS****Alteration to DIT Roads or other Assets**

If the Project requires any traffic management, alteration to (or effect on) a road or other asset that is under the care, control, and management of (or is otherwise the responsibility of) the Commissioner of Highways or is the responsibility of the Department for Infrastructure and Transport (**DIT**), the Council must seek the written approval of the appropriate DIT Regional Manager prior to commencing any work.

Traffic Control Devices

The installation of Traffic Control Devices must comply with the requirements outlined in the Manual of Legal Responsibilities and Technical Requirements for Traffic Control devices – Part 2 – Code of Technical Requirement – February 2012.

11.10 REVIEW OF E-SCOOTER PERMITS

REPORT AUTHOR: Manager, Urban Planning & Sustainability
GENERAL MANAGER: General Manager, Urban Planning & Environment
CONTACT NUMBER: 8366 4632
FILE REFERENCE: qA1770
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to consider an extension to the permit for the operation of e-scooters in the City by a further six (6) months until 30 June 2023.

BACKGROUND

The City of Norwood Payneham & St Peters has been operating an e-scooter trial since 14 May 2021 and the current permits to two commercial operators will expire on 18 December 2022. Based on data provided by the operator, during the extended trial period over the months of May 2022 to October 2022, over 17,000 e-scooter trips were undertaken, covering over 32,305 kilometres, and averaging 92.6 trips per day.

For an e-scooter trial to legally operate within a Local Government Area in South Australia, two layers of approval are required, Ministerial approval and Council approval.

To facilitate an e-scooter trial, two layers of approval are required, including:

1. **Minister approval.** E-scooters are currently not legally permitted to operate on public roads in South Australia and Ministerial approval is required to operate an e-scooter trial through a gazettal notice. The gazettal notice under section 161A of the *Road Traffic Act 1961* only permits e-scooters to operate under trial conditions, within a defined area (as agreed with the Council as part of its Use Case submission) and must comply with e-scooter trial laws and road rules: <https://mylicence.sa.gov.au/road-rules/escooter-trial>.
2. **Council approval.** The only e-scooters allowed to be used in the approved trial area defined by the Minister's gazettal notice are those operating subject to an e-scooter permit issued by Council.

The Minister has recently issued an extension of the trials via the Gazettal notice *Road Traffic (Electric Personal Transporters) Notice No 3 of 2022*, which is included as **Attachment A**. This enables the operation of e-scooters until 30 June 2023 in accordance with a Council permit under the *Road Traffic Act 1961*.

A *Select Committee on Public Transport and Active Travel* is currently in progress and the Legislative Council is currently undertaking an inquiry into Public Transport and Active Travel which includes the use of e-scooters.

At its meeting held on 2 May 2022, the Council resolved:

1. *That the Council notes the outcomes from the extended e-scooter trials and supports the continued operation of the e-scooter permits for a further seven (7) months, contingent on the Minister for Infrastructure and Transport, authorising ongoing authorisation of e-scooters under the Road Traffic Act 1961.*
2. *That the Council maintains the continued permit condition of a deployment cap of 75 devices per operator, unless the average daily usage rate can be demonstrated to exceed 1 trip per day per device, whereby a maximum of 100 shared mobility devices will apply.*
3. *That the Chief Executive Officer be authorised to write to the Minister for Infrastructure and Transport, advising of the outcomes of this review and seeking an update of the Minister's consideration of the inclusion of e-scooters in the South Australian Road Rules.*

4. *That staff continue to work with the e-scooters operators to implement measures which address complaints about footpath obstruction, trip hazards and public safety including through the designation of virtual docking stations, no parking areas and no ride zones.*
5. *The Council notes that a report will be presented to the Council at the conclusion of the extended Permits.*

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The relevant Outcomes and Objectives contained in the Council's Strategic Plan, *CityPlan 2030*, are set out below:

Outcome 1 Social Equity

An inclusive, connected, accessible and friendly community

Objective:

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

Outcome 3 Economic Prosperity

A dynamic and thriving centre for business and services

Objective:

3.1: A diverse range of businesses and services.

Outcome 4: Environmental Sustainability

A leader in environmental sustainability

Objective:

4.4. Mitigating and adapting to the impacts of a changing climate.

The introduction of shared mobility devices into the Council area assists to meet the State Government's *30-Year Plan for Greater Adelaide* target to increase the share of work trips made by active transport modes by 30% by 2045.

FINANCIAL AND BUDGET IMPLICATIONS

The Permits issued to operators incorporate a fee which generates a combined income to the Council of \$5250 per annum which is applied towards administrative costs.

EXTERNAL ECONOMIC IMPLICATIONS

The transport and parking convenience offered by shared mobility devices, combined with the City's close proximity to the Adelaide CBD, means the City of Norwood Payneham & St Peters is attractive for shared mobility device users.

Shared mobility devices have the potential to attract more visitors to the City and this is supported by the information collected through the e-scooter user surveys, previously conducted by operators. The surveys found 28% of users were from the City of Norwood Payneham & St Peters; 66% of users were from another Local Government Area in South Australia and 3% from another location (e.g. interstate).

Increased local accessibility through micromobility devices can also increase the level of patronage and expenditure for local businesses and events in the Council area. A previous user survey showed that over 60% of users made a purchase shortly before or after their trip, demonstrating patronage of local businesses via these modes of transport.

SOCIAL ISSUES

Shared mobility device schemes offer a convenient and affordable mode of transport to people who may not have the capacity or desire to travel by private car, ride share, take a taxi or public transport. This in turn can contribute to a healthier, more connected and more active community.

The flexibility offered by the shared mobility economy may, over time, lead to a reduction in car ownership patterns, with some households having a reduced reliance on car ownership, due to a combination of accessible and convenient transport alternatives.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

One of the benefits of shared mobility device schemes is the ability to link passengers to public transport, by offering a faster option of travelling to and from the public transport stop. User data shows that in the City of Norwood Payneham & St Peters, most shared mobility device trips are quite short; approximately 50% of trips are just 5-15 minutes in duration and approximately 87% of trips are under twenty-five minutes. This supports the notion that people are using shared mobility devices to link into fixed public transport infrastructure or replace short car trips. Over time this in turn could also decrease the demand for car-parking in the City, albeit relatively marginally.

Any vehicle emissions as part of the rebalancing of e-scooters by the operators is carbon-neutral through the consumption of fully renewable energy.

RESOURCE ISSUES

The introduction of e-scooters within the City of Norwood Payneham & St Peters has diverted resources in the Sustainability Unit to oversee this system and respond to community feedback. Which consumes, on average approximately 3-4 hours per week.

RISK MANAGEMENT

The Council responds to areas of possible risk by adjusting the operational requirements through Permit conditions and requests to the operators. For example, some narrow streets or locations with no footpaths or laneways and car parking areas have been designated 'No Parking Zones' as users were leaving the devices in dangerous locations (either blocking traffic, car parks or pedestrian access). Response times for notification of dangerously located devices has generally been adhered to by operators through the Permit terms.

COVID-19 IMPLICATIONS

COVID-19 has impacted shared mobility schemes in South Australia through reduced community mobility which has impacted on take-up rates of devices.

CONSULTATION

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

DISCUSSION

Shared mobility schemes offer a low-emission mobility option and a more diverse, convenient and accessible transportation network and may assist to reduce congestion and car-parking issues in the City.

An evaluation of e-scooters over the last six (6) month operating period has considered:

- Usage information including number of e-scooter trips per month/day, number of users, average distance travelled, average trip time as well as identification of popular routes and connections.
- Community feedback including type, frequency, and number.
- Recorded operator incidents including type, frequency, and severity.
- Parking evaluation including any feedback about key parking 'hubs'/areas, and No Parking Zones.
- Pedestrian safety
- A user survey has not been conducted for this period.

Usage Information

E-scooters usage data was provided by the two operators (Beam and Neuron) on a monthly basis. A summary of the monthly data is summarised in Table 1.

TABLE 1: CITY OF NPSP RIDER INFORMATION BY MONTH

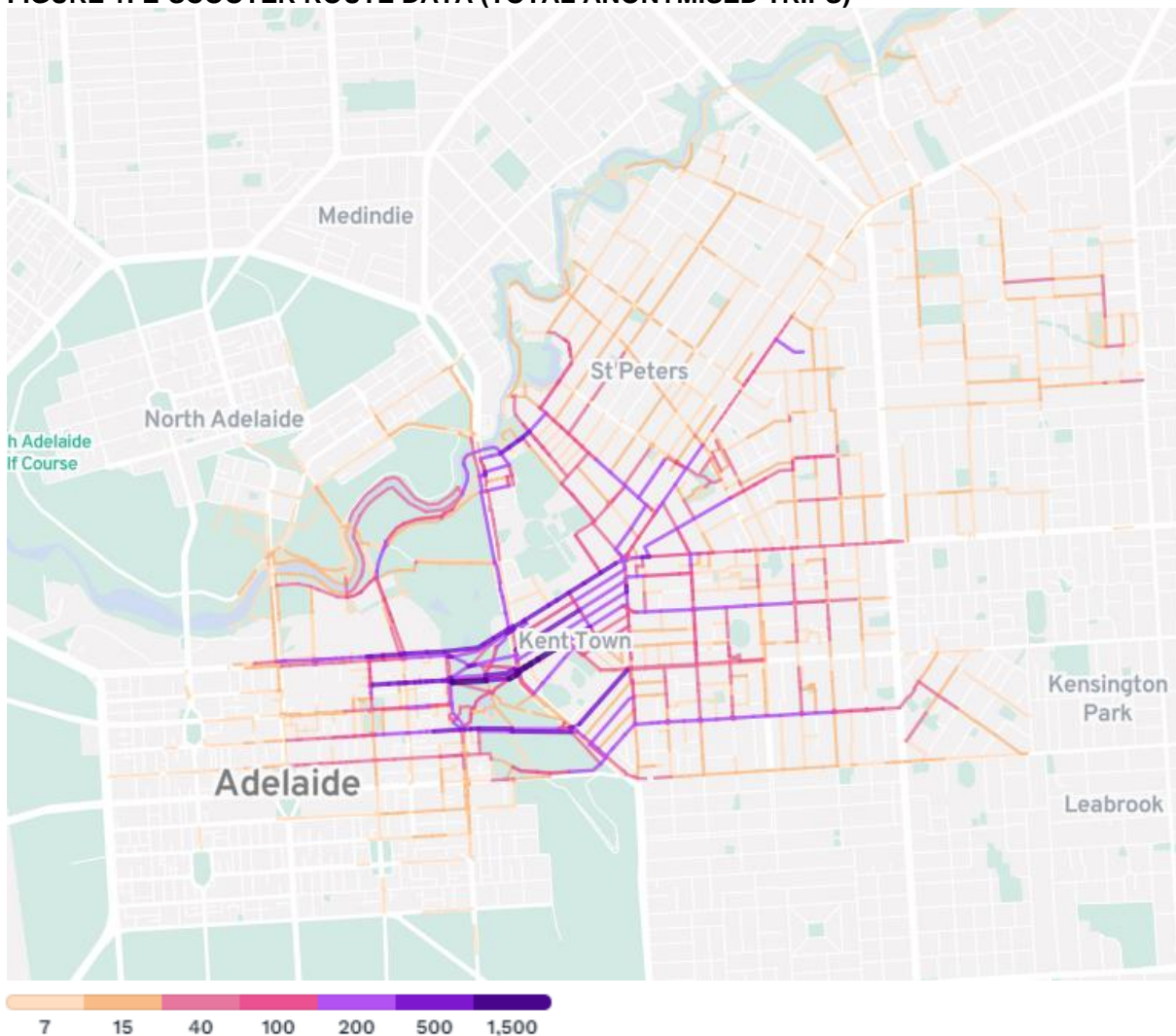
Month	Total Trips taken	Average No of devices deployed (daily)	Average trip per device	Total kms travelled	Average length of trip (kms)	Average length of trip (time)	Number of Unique Users
Beam							
May	1943	103	0.61	3451	1.78	11.8	816
June	1685	98	0.57	2945	1.75	12.2	690
July	1787	90	0.65	3065	1.72	12.2	796
August	1565	74	0.67	2708	1.73	12.0	709
September	1606	67	0.77	3045	1.90	13.1	657
October	1886	71	0.87	3736	1.98	14.8	758
Neuron							
May	1382	59	0.76	2782	2.01	14.59	686
June	1004	49	0.68	1888	1.88	14.08	497
July	1390	53	0.85	2627	1.89	14.04	660
August	1056	50	0.68	2093	1.98	14.39	516
September	750	26	0.94	1673	2.23	15.72	401
October	995	33	0.97	2292	2.3	16.09	518
Total/Average	17049	64	0.75	32305	1.93	13.8	642

The key highlights from the data are summarised as follows:

- Over 17,000 e-scooter trips, travelling over 32,305 kilometres and averaging 92.6 trips per day has taken place in City of Norwood Payneham & St Peters
- On average, 64 e-scooters are deployed in the city on a daily basis.
- The average e-scooter trips per device per day is 0.75. The Permits support increasing the number of e-scooters to over 75 devices deployed, only once a minimum of 1.0 trip per device or greater is achieved.
- The average length of an e-scooter trip is 1.93 kilometres, and the average duration of trip is 14 minutes, which indicates that people are using e-scooters for varied reasons including leisure and commuter purposes.
- On average, over 642 unique users each month have used e-scooters in the City.
- The busiest month for e-scooter use was in May 2022
- e-scooter usage has reduced during the winter months compared to previous seasons.

In addition to the data from the operators, the Council has also partnered with the Cities of Adelaide and Unley on funding a shared mobility management platform named Ride Report. The Ride Report platform has been linked with the Beam and Neuron data feeds, providing real time fleet management and consolidated data on e-scooter start and end trips, and the routes users travel. A heatmap of where e-scooter users have travelled for the period between 15 May 2022 and 31 October 2022 is presented in **Figure 1**.

FIGURE 1: E-SCOOTER ROUTE DATA (TOTAL ANONYMISED TRIPS)



Council staff meet monthly with representatives of the City of Adelaide, City of Unley, the Department for Infrastructure and Transport (DIT) and SAPOL, to share information regarding the e-scooter trials and to discuss lessons learnt and improvement opportunities.

The operators also provided information on e-scooter start and end trips. **Table 2** below provides a summary of the data including, trips from NPSP to NPSP, trips from NPSP to the CBD and trips from the CBD to NPSP.

TABLE 2: E-SCOOTER START AND END TRIP DATA

Month	Trips from NPSP to NPSP	Trips from NPSP to City	Trips from City to NPSP
Beam			
May	1274	663	1025
June	1126	541	875
July	1190	584	1069
August	999	560	995
September	1004	589	900
October	1238	639	1011
Neuron			
May	547	316	519
June	356	245	403
July	493	328	569
August	394	231	431
September	218	175	357
October	269	238	488
Average	759	426	720

The data indicates that there has been reasonable usage of e-scooters wholly within the City of Norwood Payneham & St Peters. This analysis shows that e-scooter use to/from the CBD is popular, with more trips travelling out of the CBD than into the CBD on an e-scooter. This may be a result of more e-scooters located in the CBD and therefore easier to access and a preference for an end of the day journey on an e-scooter rather than start of day journey.

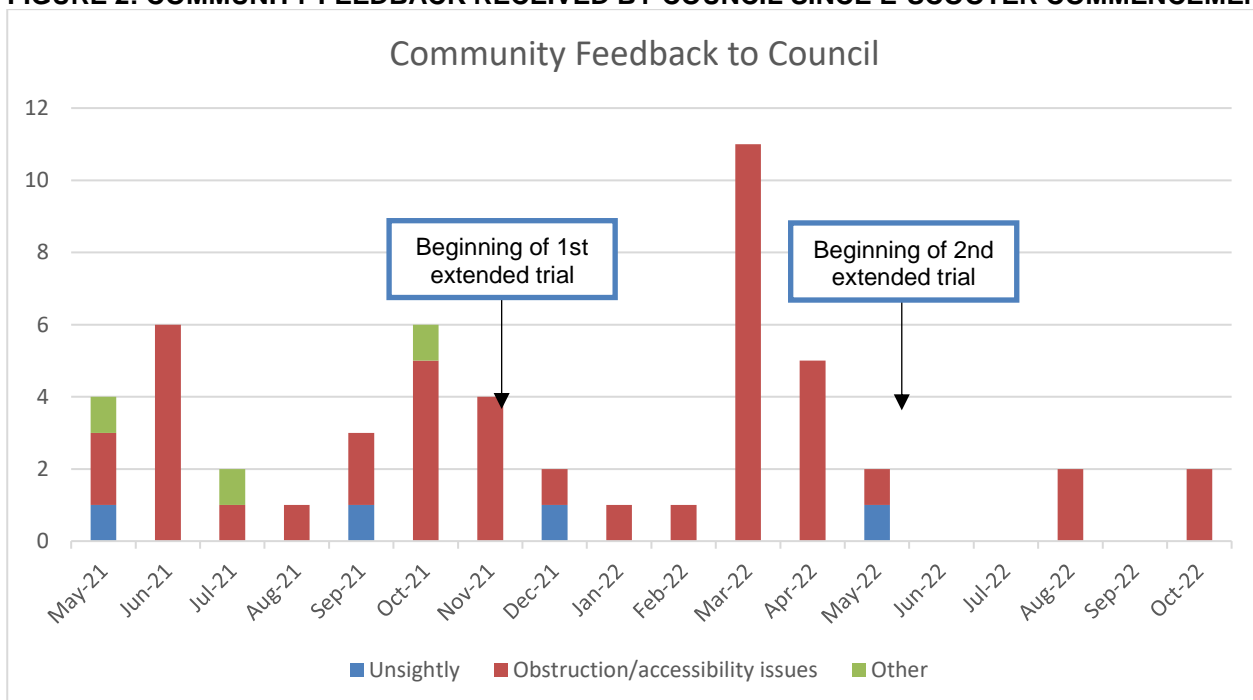
Analysis shows that the most popular locations for starting a journey are in the east end of the City of Adelaide, Kent Town, Norwood, Stepney and the Adelaide Caravan Park in Hackney.

Community Feedback

The Council has received five complaints from the community during the extended e-scooter trial period from 15 May 2022 until present, or an average of one complaint per month. These were passed onto the operators to action in accordance with the timeframes set out in the Permit.

Figure 2 below shows the number of enquiries and complaints received by the Council regarding e-scooters.

FIGURE 2: COMMUNITY FEEDBACK RECEIVED BY COUNCIL SINCE E-SCOOTER COMMENCEMENT



As with previous reporting periods, inconsiderate parking of e-scooters and e-scooters blocking the footpath were the most commonly raised issues. This compares favourably with previous periods and indicates a downward trend in complaints.

The complaints regarding obstruction and inappropriately parked e-scooters, are matters that are passed on directly to the operators for immediate resolution. Where repeated problems are being experienced, staff are in ongoing discussions with the operators to investigate and implement longer term mitigation measures.

The operators have generally found to be responsive and prompt in addressing issues relating to devices and in compliance with the conditions of the Permit. In response to customer comments, the operators have implemented additional parking restrictions, through No Parking Zones in a number of locations.

Recorded Operator Incidents

TABLE 3: OPERATOR RECORDED INCIDENTS

Incident	Total	Permit Response Time	Recorded response times
Theft or vandalism	47	n/a	<2hours from alert
Path obstructed/ misparked	35	3 hours	Met response times
Damaged e-scooter	7	24 hours	Picked up <24hrs
Noise or Rider Behaviour	35	n/a	35 warnings issued to users for bad riding and parking
3 rd party property damage	1	n/a	0
3 rd party injury	1	n/a	0
Rider Injury (no hospitalisation)	0	n/a	0
Rider hospitalisation	0	n/a	0
Other	2	n/a	-
Total	128	-	-

A key parameter for a successful e-scooter trial is public and rider safety. During the extended permit period, there has been one report of third party injury, which involved a third party tripping over a parked scooter on George Street, Norwood. The injury consisted of some minor grazing and minor personal property damage which the operator compensated the claimant for. There were two additional incidents that have been listed as “other”. Both of these incidents involved a rider fall from the e-scooter, without injury. There has been one recorded incident of third party property damage (involving a vehicle). The operator has tried to respond to this event, however the third party did not respond and as such no insurance claim has been made.

Parking Evaluation

Staff are continuing to liaise with the operators about improvements to incentivise users to end their trip in locations that have spacious, safer areas such as street corners and wider footpaths. These “virtual” docking stations have been partly investigated and are already implemented for some locations, however more work could be done to further introduce these in problematic locations.

Pedestrian Safety

There has been one recorded incident of pedestrian injury during the trial period May to October 2022. Council staff continue to monitor this risk. The general community concern regarding e-scooters in South Australia only being permitted to ride on footpaths and shared paths (unless otherwise prohibited) is acknowledged. DIT has taken a conservative approach to facilitating shared e-scooter schemes in South Australia, compared to other states, whereby it only allows e-scooters to operate with a maximum weight of 25kg and an operational speed of 15km/h. On busier arterial roads, e-scooter speeds have been restricted to 10km/h.

In terms of liability, the commercial operators of e-scooter schemes have three types of insurance in place – public liability, third party property damage and personal accident insurance issued to the rider.

OPTIONS

Option 1: Extend E-scooter Trial Permits

Enabling the e-scooters to continue operation for a further six (6) months to coincide with the Minister for Transport and Infrastructure's gazettal notice, will enable a more comprehensive understanding of usage and potential issues within the City of Norwood Payneham & St Peters.

This period will allow e-scooter operations to continue in the City of Norwood Payneham & St Peters whilst the State Government review is undertaken.

This is the recommended option.

Option 2: Discontinue Further E-scooter Operations

Alternatively, the Council could choose not to extend e-scooter or e-bike shared mobility schemes due to the comments the Council has received about poorly parked devices and their perception as a public nuisance and hazardous item in the public realm.

CONCLUSION

Overall, the trials of the shared mobility schemes are to date considered to be successful, due to:

- positive trends towards mode shift (replacing car trips with an e-scooter ride to connect to public transport or to access to shopping precincts and services);
- no serious reported accidents or incidents throughout the trial period;
- usage per device is within the preferred levels; and
- continued work is occurring with the operators to respond to community feedback including through mitigation measures such as new "no go" zones and preferred parking areas.

The extended trial period of an e-scooter scheme from 15 May to date has seen 17,049 trips taken, covering 32,305 kilometres, with an average of 92.6 e-scooter trips per day. This new, flexible travel mode option is clearly being well utilised, supports community mobility and economic development and has demonstrated benefits in cross-City accessibility.

The trials have also demonstrated a trend towards mode shift (replaced car trips with an e-bike or e-scooter, increased connection to the public transport network or access to shopping precincts and services).

The e-scooters have also generated community feedback, where citizens are reporting issues associated with poorly parked scooters, obstruction of footpaths and access areas and trip hazards. As with any form of moving transport, there have been a small number of incidents of personal accidents and relatively minor property damage. The Council is unaware of any serious incidents or injuries that have occurred.

The e-scooter trial has been in operation for almost eighteen months, spanning all seasons, with an increase in usage experienced over the summer months. The usage patterns will have been affected by Covid-19, with a general reduction in social activities and entertainment over much of this time as well as expected seasonal variations in usage.

The next six (6) months is recommended for an extended trial period, to coincide with understanding the position of the Minister for Transport and Infrastructure as to the ongoing framework for e-scooters in South Australia.

Staff will continue to work with the e-scooter operators for operational improvements.

COMMENTS

Nil

RECOMMENDATION

1. That the Council supports the continued operation of the e-scooter permits for a further six (6) months until 30 June 2023 whilst the State Government review is undertaken.
2. That the Council notes that staff will continue to review and amend the permit conditions as necessary to improve safety and efficiency of the e-scooter operations.
3. That the Council maintains the continued permit condition of a deployment cap of 75 devices per operator, unless the average daily usage rate can be demonstrated to exceed 1 trip per day per device, whereby a maximum of 100 shared mobility devices will apply.

Attachments – Item 11.10

Attachment A

Review of E-Scooter Permits



City of
Norwood
Payneham
& St Peters

ROAD TRAFFIC ACT 1961

South Australia

Road Traffic (Electric Personal Transporters) Notice No 3 of 2022

under section 161A of the *Road Traffic Act 1961*

1 Short title

This Notice may be cited as the Road Traffic (NPSP Scooter Trial) Notice 2022.

2 Operation

This Notice comes into operation on the day on which it is made and will cease operation on 30 June 2023. This Notice revokes the Road Traffic (NPSP Scooter Trial) Notice 2021 of 29 April 2021.

3 Interpretation

In this Notice—

Act means the *Road Traffic Act 1961*;

Council means the Corporation of the City of Norwood Payneham & St Peters ABN 11 390 194 824;

electric personal transporter has the same meaning as in the Road Traffic (Miscellaneous) Regulations 2014;

Minister means the Minister to whom the administration of the Act is committed;

path means a bicycle path, footpath, separated footpath or shared path.

4 Approval

In accordance with the power under section 161A of the Act, I hereby APPROVE an electric personal transporter to be driven on or over a road.

5 Conditions

An electric personal transporter may only be driven:

1. within the Council area designated in the Schedule to this Notice;
2. on roads and paths not prohibited for use by Council;
3. if supplied by an operator permitted by Council, or otherwise authorised or accredited;
4. by a driver aged 18 years old or older;
5. if the electric personal transporter meets the criteria in paragraphs (a) to (d) of the definition of *scooter* in rule 244A(1) of the Australian Road Rules;
6. if the maximum speed of the electric personal transporter cannot exceed 15km/h;
7. if the maximum speed of the electric personal transporter cannot exceed 10km/h on roads under the care, control and management of the Commissioner of Highways;
8. if the unladen mass of the electric personal transporter does not exceed 25kg.

6 Revocation

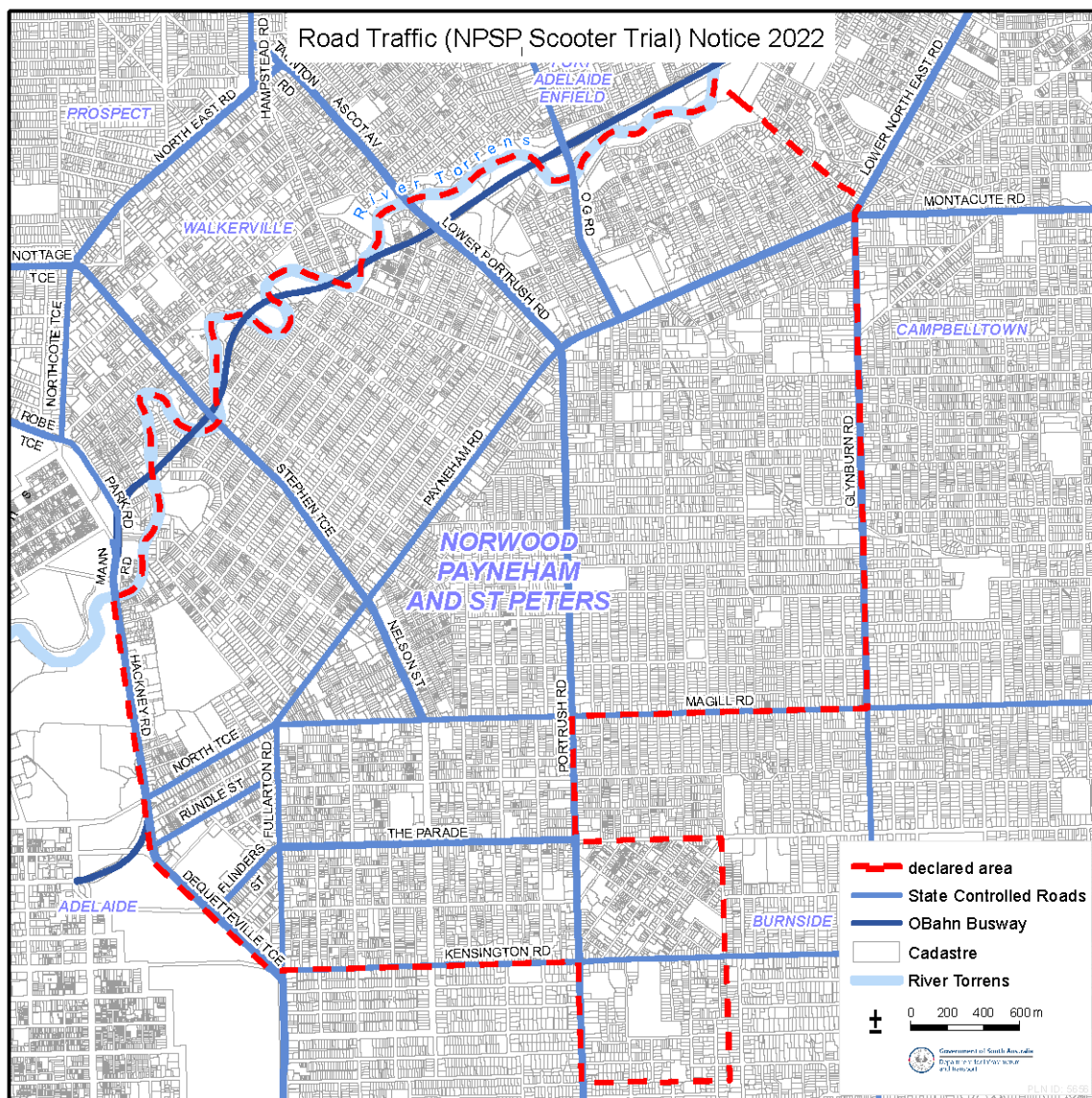
This Notice may be revoked by the Minister or his delegate at any time.

7 Execution

Dated: 28 October 2022

HON TOM KOUTSANTONIS MP
Minister for Infrastructure and Transport

SCHEDULE



11.11 DELEGATION OF AUTHORITY (FINANCIAL) TO THE CHIEF EXECUTIVE OFFICER

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

PURPOSE OF REPORT

The purpose of the report is to present a recommendation to the Council which has been made by the Council's former Audit Committee to increase the Chief Executive Officer's Delegation of Authority (Financial) for the Council's consideration.

DISCUSSION

Section 44 (1) of the *Local Government Act 1999*, provides that the Council may delegate a power or function vested or conferred under this or another Act and Section 44(2) sets out that *a delegation may be made:*

- (a) *to a council committee; or*
- (b) *to a subsidiary of the council; or*
- (ba) *to a joint planning board established under a planning agreement to which the council is a party; or*
- (c) *to an employee of the council; or*
- (d) *to the employee of the council for the time being occupying a particular office or position; or*
- (e) *to an authorised person.*

In respect to expenditure and approval of expenditure, the Council has adopted a policy to clearly define the financial delegations to the Council's Chief Executive Officer and staff.

The Council's *Expenditure Policy* (the Policy), sets out the framework in respect to the expenditure of funds and associated financial delegations. As such, the delegations are limited to the expenditure of money on works, services and operations which are contained in the Council's Annual Budget Plan as adopted by the Council. Expenditure in excess of the approved budget, is to be authorised in accordance with the Council's Budget Review Policy and Guidelines.

Following a review of the Policy, an amended draft Policy was presented to the Council's former Audit Committee at its meeting held on 24 October 2022, for consideration. The amendments to the Policy were of a minor nature only and included updated position titles to reflect the new Organisation Structure and a review of the financial delegations to reflect operational and budget responsibilities.

Following consideration of the matter, the former Audit Committee resolved the following:

That the Audit Committee notes that the following policies have been reviewed and notes that amendments are recommended:

- *Expenditure Policy (Attachment A), with the inclusion of an amendment to increase the Chief Executive Officer's delegation from \$250,000 to \$1,000,000*

As the former Audit Committee did not enjoy the delegation of any powers, functions and duties of the Council, all decisions of the Committee therefore, constituted recommendations only to the Council.

Subsequently, at its meeting held on 7 November 2022, the Minutes of the Audit Committee were presented to the Council for adoption.

Following consideration of the matter, the Council resolved to adopt the recommendations of the Audit Committee which were made at the meeting of the Audit Committee held on 24 October 2022 with the exception of the following:

Item 6.7

2. *That the Audit Committee notes that the following policies have been reviewed and notes that amendments are recommended:*

- *Expenditure Policy (Attachment A), with the inclusion of an amendment to increase the Chief Executive Officer's delegation from \$250,000 to \$1,000,000;*

which will be presented to the Council for consideration at its meeting to be held on 5 December 2022, following the conclusion of the Local Government Caretaker Period.

This means that whilst the Council has adopted the *Expenditure Policy* as recommended by the Audit Committee, the Council has not determined its position in respect to the recommendation to increase the financial delegation to the Chief Executive Officer.

Therefore, the Council must now determine if it endorses the recommendation of the former Audit Committee and adopts the recommendation to increase the financial delegation to the Chief Executive Officer.

The increase to the financial delegation will provide for a more contemporary and efficient process in terms of managing the day-to-day operations of the Council and in particular expenditure in relation to major projects. Notwithstanding this, the financial delegation to the Chief Executive Officer will be subject to the limitations as set out in the *Expenditure Policy*, (ie limited to the expenditure of money on works, services and operations which are contained in the Council's Annual Budget Plan as adopted by the Council).

It is for these reasons that it is recommended that the Council adopts the recommendation of the former Audit Committee and increases the financial delegation of the Chief Executive Officer to \$1,000,000.

RELEVANT POLICIES & STRATEGIC DIRECTIONS

Not Applicable.

RECOMMENDATION

1. That the Chief Executive Officer's financial delegation be increased from \$250,000 to \$1,000,000, in accordance with the Council's *Expenditure Policy*.
2. That the Council's *Expenditure Policy* be updated to reflect the new Delegation of Authority to the Chief Executive Officer.

12. ADOPTION OF COMMITTEE MINUTES
Nil

13. OTHER BUSINESS
(Of an urgent nature only)

14. CONFIDENTIAL REPORTS

14.1 2023 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:

- (o) information relating to a proposed award recipient before the presentation of the award;

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 2023.

**14.2 TENDER SELECTION REPORT FOR THE CONSTRUCTION OF THE DUNSTAN ADVENTURE
PLAYGROUND REDEVELOPMENT**

RECOMMENDATION 1

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

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

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

RECOMMENDATION 2

Under Section 91(7) and (9) of the *Local Government Act 1999*, the Council orders that the report 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.

14.3 COUNCIL RELATED MATTER

RECOMMENDATION 1

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

- (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which—
 - (i) could reasonably be expected to confer a commercial advantage on a third party; and
 - (ii) would, on balance, be contrary to the public interest;

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

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.

14.4 THE LIONS CLUB OF GLENSIDE INC

RECOMMENDATION 1

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

- (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which –
 - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information; and
 - (ii) would, on balance, be contrary to the public interest;

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

RECOMMENDATION 2

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

14.5 SERVICE REVIEW PROJECT

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 the commencement of the Service Review Project.

14.6 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:

- (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 for a period not exceeding 12 months, after which time the order will be reviewed.

15. CLOSURE